Ministry of Internal Affairs of Ukraine

DNIPROPETROVSK STATE UNIVERSITY
OF INTERNAL AFFAIRS

PHILOSOPHY, ECONOMICS AND LAW REVIEW

Scientific journal

2023
Volume 3, no. 1

Recommended for printing and distribution
via the Internet by the Academic Board
of the Dnipropetrovsk State University of Internal Affairs
(protocol No. 8 of 27.04.2023)

Dnipro
2023

UDC 1+33+34+35
DOI :10.31733/2786-491X.

Scientific journal **"Philosophy, Economics and Law Review".**
Volume 3, no. 1, 2023. 296 p.

Founder and publisher: Dnipropetrovsk State University of Internal Affairs. **The journal is registered** with the Ministry of Justice of Ukraine. Certificate of state registration of printed mass media KV 24527-14467R, of June 12, 2020.
Address of the editorial board: 26 Gagarina avenue, Dnipro, 49005, Ukraine.

E-mail of the editorial board: rvv_vonr@dduvs.in.ua **Journal URL:** phelr.dduvs.in.ua.

The Journal is a collection of scientific articles, dealing with issues of philosophy, economics and law. There are also publications covering matters of higher education in humanities. The Journal contains reviews on scientific editions. It may be used by scholars, professors and postgraduates. The Journal is issued twice a year.

The Journal is enlisted into category "B" of scientific professional editions of Ukraine in which researchers may publish the results of their dissertation papers for scientific degrees of doctor and candidate of sciences (philosophical, economic and legal sciences) (Annex 2 to the Order of the Ministry of Education and Science of Ukraine of 10.10.2022 № 894)

Indexation: CrossRef (USA), Google Scholar (USA), Index Copernicus International (Poland), ResearchBib (Japan), Scientific Journal Impact Factor (SJIF) (USA), Dimensions (USA), WorldCat (USA), Directory of Research Journals Indexing (India), Polska Bibliografia Naukowa (Poland), HeinOnline (USA), ERIX Plus (Norway), EuroPub (UK), Volodymyr Vernadskyi National Library of Ukraine (Ukraine), National Repository of Academic Texts (UkrNTI) (Ukraine), Open Ukrainian Citation Index (OUCI) (Ukraine).

E D I T O R I A L B O A R D

ISSN 2786-491X (Print)

TABLE OF CONTENTS

PHILOSOPHY

ECONOMICS

LAW

PHILOSOPHY

UDC 298.9 (477)
DOI 10.31733/2786-491X-2023-1-7-17

Iuryi KHODANYCH©
Ph.D. (Philosophy),
Associate Professor
(Uzhhorod National University),
Ukraine

"RELIGION" IN THE PHILOSOPHY OF I. KANT

Abstract. The purpose of the study is to clarify the main issues of Kant's doctrine of the phenomenon of religion through the prism of analyzing its aspects such as: the essence of religion; the relationship between religion and morality; the place of God in religion; types of religions; the relationship between religion and faith; the impact of religion on human development. The scientific novelty of the study lies in the implementation of a comprehensive, albeit brief outlining the fundamental components of the phenomenon of religion as interpreted by I. Kant.

The author comes to the conclusion that «religion» in Kant's interpretation means the fulfillment of one's obligations by a person, which, due to his connection with God, acquires the status of divine commandments. This sphere is deprived of irrational, sensual components and strengthens the moral law in man. The goal of religion is to realize perfection, a perfect state of moral action through connection with the divine essence. Kant seeks to formulate certain "criteria" of true religiosity, in particular: imbued with a rational component; finding and following moral duties as divine commandments; the absence of collective forms of service and ritualism. As well as religion, faith in Kant's interpretation is also of a moral nature. True moral faith, on the one hand, implies belief in the existence of God as a holy lawgiver, guardian of the human race and a righteous judge, and on the other hand, it is a belief in the possibility of becoming pleasing to God by leading a good life. One of the tasks of religion is the moral improvement of a person who leads to a position of pleasing God, a person's dignity before Him. The idea of such improvement is inherent in the mind itself and is achieved through internal moral compulsion (fulfillment of duties as divine commandments). Perfection is not God's assistance, but the result of merit, of human actions in the fulfillment of the moral law.

Keywords*: morality, faith, God, moral law, human improvement, reason.*

Introduction. The phenomenon of religion, despite the long history of humanity's religiosity (in its various manifestations, interpretations, and on the example of different peoples and civilizations) never ceases to attract the attention of philosophers and scientists. The reason for this may be the very specificity of religion, which seeks to combine transcendent and immanent meanings. The peculiarity of the interpretation of religion in the philosophy of

ORCID iD: https://orcid.org/0000-0001-5113-3901
yurahodanych@gmail.com

I. Kant is that the latter loses any transcendental character, becoming a phenomenon completely immanent, present in man. In addition, religion acquires its quite specific, practical significance, becoming, like morality, the goal of human activity.

From our point of view, such a view of religion carries with it a twofold perspective: on the one hand, in modern conditions it can gain its dominant position, which is facilitated by all the scientific and technological progress of mankind and the devaluation of spirituality; on the other hand, in such a paradigm, religion may lose its fundamental meaning – to connect the earthly world with the heavenly world, divine, eternal world, which, in turn, will potentially lead to its decline.

Analysis of recent research and publications. It is noteworthy, first of all, the considerable attention to the issues under consideration, expressed in a number of works and studies on the philosophy of religion by I. Kant.

One of the most famous commentators of Kant today, S. Palmquist has a number of works that appeal to Kant's philosophical and religious studies. For example, in his work *Comprehensive Commentary on Kant's Religion within the Bounds of Bare Reason*, the scholar offers a detailed commentary on *Religion within the Boundaries of Mere Reason*, including a glossary of key terms, presented in Kant's treatise (Palmquist, 2016).

In turn, the monograph *Kant and Religion* by A. Wood examines a number of aspects of Kant's philosophy of religion, including: the problem of religion in its relation to reason, the question of moral faith in God, the problem of evil and the change of the human heart, the question of salvation and freedom of conscience, as well as the problem of forming an ethical community and the Church (Wood, 2020).

The work of T.F. Godlove *Kant and the Meaning of Religion* attracts our attention as well. The researcher analyzes, in particular: Kant's theory of the formation of concepts (the so-called "spatial theory of concepts"); Kant's interpretation of the function of reason, which is completely superimposed on the phenomenon of religion; the role of experience in human cognition. T. Godlove tries to prove that theological language becomes part of Kant's overall program of humanization (Godlove, 2014).

A significant contribution to the doctrinal plane of knowledge and understanding Kant's philosophy of religion is represented by the collection of essays *Kant and the Question of Theology*. For example, in the study by D. Bradshaw's essay *Kant and the Experience of God* proves that, even when a person "met" God in his experience, according to Kant, this cannot be an argument for building theoretical knowledge. In turn, L. Pasternack's essay appeals to the problem of the relationship between faith and knowledge in Kant. The researcher identifies four ways of correlating historical faith with moral faith (Firestone, Jacobs & Joiner, 2017).

At the dissertation level, the phenomenon of religion in Kant was studied by I. Horokholinska. The author, among other things, concludes that Kant's idea of God is a moral self-reflection of man, potentiating the ideal image of human dignity. Kant's philosophy of religion, which is anthropological, axiological and soteriological in nature, in general set the "coordinate system" for the philosophical understanding of religion, revealed its human-creating core and humanistic potential (Horokholinska, 2012).

In turn, V. Tytarenko's dissertation research focuses around the problem of the relationship between morality and religion in the teachings of Kant and Hegel. With regard to the first of these thinkers, the researcher comes to the conclusion that in Kant, this correlation between the two phenomena can be observed in two contexts: first, in the concept of faith as one of the highest faculties of the soul; secondly, unlike morality, religion, addressed to the human being as a whole, is able to serve as a mediator between pure morality and the empirical world (Tytarenko, 2010).

The purpose of the article is to clarify the main issues of I. Kant's doctrine of the phenomenon of religion through the prism of analyzing such aspects as: the essence of religion; the relationship between religion and morality; the place of God in religion; types of religions; the relationship between religion and faith; the influence of religion on human development.

Formulation of the main material. *The essence of religion.* Kant's main work on the analysis of the phenomenon of religion is entitled *Religion within the Boundaries of Mere Reason*. The title already tells us a lot about the contours of this phenomenon. Religion is "sifted" by rationalism, and therefore, fully corresponds to Kant's three main works of the critical period. At the same time, as researchers emphasize, despite the criticism of religion, in general, Kant's philosophy of religion does not have a completely negative connotation in relation to it. It opposes both dogmatism and skepticism. Kant's view is opposed to both religious fanaticism and atheism. At the same time, Kant should not be considered a pure believer (Shamshiri et al., 2018, p. 212). In his consideration of religion, he wants a strict rational definition, but due to it, religion loses its original nature – to be a bridge between man and God in all the various manifestations of their relationship. Religion is deprived of any irrational element, any sensuality. Kant practically does not mention any religious experiences or feelings.

From a subjective point of view, religion, as Kant defines it, is "the cognition of all our duties as divine commandments" (Kant, 1994, p. 164). This means seeing them as connected (through the moral law within us) to a higher Power outside of us, otherwise it would be impossible to achieve their fulfillment. Such fulfillment, according to Kant, is the heart and hope of true religion (Palmquist, 1992, p. 139).

Thus, true religion is reduced to fulfillment of human duties, which, due to their connection with God, acquire the status of divine commandments. It therefore contains the following factors strengthening the role of the moral law, which in Kant gets its emotionless perfection and complexity of the practical realization of its requirements.

Religion and morality. In the preface to the work *Religion within the Boundaries of Mere Reason* the author outlines the position of morality, which "does not need religion". Kant says that "morality necessarily leads to religion, whereby it expands to the idea of a moral lawgiver with power outside of man, whose will as its ultimate goal (of the universe) is what can and should be the ultimate end of man" (Kant, 1994, pp. 8-9). So, on the one hand, morality does not need religion, and on the other hand – it receives its perfect completeness through it. Hence, religion becomes extended morality to the limits of the divine.

The necessity and usefulness of religion (in relation to morality) arises from morality itself, from the ultimate goal of pure practical reason

(Myasnikov, 2007, p. 8). For Kant, religion and morality have the same source – they are based on a priori notion of reason (Pechurchik, 2009, p. 114).

The relationship between religion and morality is that, on the one hand, religion without moral grounds meets only its external side (in relation to cult activities), and on the other hand, morality without religious postulates cannot give a person hope for moral completeness (Petrescu, 2014, p. 202).

For Kant, religion is not something self-sufficient. Its reasonableness and usefulness is determined by the fact that it serves as a way of justifying and authorizing the moral law. The value of religion is to be a moral teaching and a means of moral improvement of a person through the development of a sense of duty (Pivovarov, 2014, p. 85-86). Kant does not reject the educational value of religion, but only its independent status in the formation of a moral subject. Religion should be primarily moral consciousness, while everything else in its content is only a consequence of the latter (Oizerman, 1993, p. 9).

Kant assumes that everyone should know what they should do, because he is able to find an unconditional moral law in his mind. If a person chooses freely to follow the moral law, he asserts own moral freedom and selflessly believes in a moral creator of the world and a just judge. Only a person who does everything in his or her power to become better, can hope for divine assistance (Myasnikov, 2007, p. 9).

Kant's work *Religion within the Boundaries of Mere Reason*, on the one hand, is engaged in philosophical reflection on religion, and on the other hand, does not recognize the very possibility of religious experiences and puts it "outside the brackets" when considering various aspects of positive religion. A. Sudakov calls this fact a tragicomic philosophical paradox or scandal. Indeed, religion for Kant is detached from sensuality and the transrational, it lacks miracles, sacraments, grace, the Church as such, even God is replaced by the idea of God, sufficient in the moral sense for the finite mind (Sudakov, 2009, p. 39). The main expression of a pure religion of reason is practical, in which the moral way of thinking is transformed into a moral way of life (Ishmakova, 2012, p. 133).

At the same time, religion for Kant is significant not only for the sphere of morality, but also further for the sphere of politics. Thus, M. Pera, analyzing the relationship between Kant's views on religion and politics, concludes that religion is necessary for morality, and morality is necessary for civil society. The latter, being morally responsible for the development of an ethical community in the form of the church, is necessary for a liberal state. Without God, religion, and the church, the state would either become a collection of people fighting among themselves, or an illiberal, police community (Pera, 2012, p. 569).

The aspects of Kant's philosophy of religion that we have noted indicate that Kant is not ready to recognize religion as a self-sufficient sphere of individual and social existence. De facto, only one aspect of religion is significant: the indication of the existence of the divine. However, the latter serves only for the perfect fulfillment of the moral law and the formation of an ethical community in the state.

The place of God in religion. For Kant, God, who belongs to the realm of the practical, is not the spiritual founder of the world, but a moral lawgiver. Therefore, the only way to cognize him is to transfer from rational theology to

moral theology. The essence of God can only be understood as the basis of moral law and order, the primary source of morality and the goal of moral self-improvement (Kitaeva, 2005, p. 13). The moral argument for the existence of God, according to Kant, is the true reason for honest, sincere internal consent to His existence, based on practical considerations (Wood, 2020, p. 30).

Such an interpretation of the concept of "God" as a moral symbol that can be realized through the activities of humanity, focused on practical reason, according to S. Lugovoi, shows that Kant's views are very close to atheism (Lugovoi, 2003, p. 17). We will allow ourselves to disagree with this position, since Kant does not deny the existence of God, but gives him other "functions" and interprets him differently. And even the admission of the idea of God eventually leads to the realization of the existence of God as a separate person.

Any religion, in Kant's view, consists in looking at God as the lawgiver of all our duties, worthy of universal worship. Hence, the question arises: in what way is God pleased with our worship, and what He expects from man's obedience. Kant notes that the divine legislative will is realized either through statutory or purely moral laws. As for the latter, everyone is able to cognize the divine will through his or her own reason as the will that underlies his or her religion. Moreover, the concept of deity arises only from the realization of these laws and the need of the mind to recognize the power that can most fully achieve the result that corresponds to the ultimate moral goal.

Kant is convinced that man can make himself worthy of being accepted by God through the right relationship between good works and grace. Doing good deeds or trying to live a good life is a rational basis to consider oneself as having received God's grace. We open ourselves up for the possibility that our immoral actions will be hidden by God (Palmquist, 1992, p. 143).

Kant says that a minimum of knowledge is enough to fulfill the duty of each person – perhaps there is a God. In addition, it is emphasized that religion does not contain any special duties towards God, because God "cannot accept anything from us, and we cannot act for him or influence him". If we are talking about the phenomenon of reverence, then, in Kant's view, it is not some kind of religious rite, but a religious way of thinking in our actions that are in line with duty (Kant, 1994, p. 164).

Thus, the concentration of Kant's attention and efforts on the sphere of morality and its practical realization also subdues the idea of God, which is reduced to his recognition as a moral lawgiver and the primary source of morality. The sphere of knowledge, the sphere of cognition of God, the sphere of relations between God (as a Creator) and man (as a creation) become completely absent. The sphere of faith, which is capable of showing the path of man's ascent to God, becomes absent as well. For Kant, the idea of God de facto loses its transcendent status.

Kant "hides" behind the position that it is impossible to know God. On this basis, there is no need for spiritual struggle, the struggle for the eternal, for entering the Kingdom of God. The struggle takes place only at the level of a person who seeks to meet a moral "standard" and thus, if he or she realizes the moral law in himself, he becomes worthy of God. Moral anthropocentrism essentially displaces, on the one hand, theocentrism, and on the other hand, the idea of salvation as a result of God's Mercy rather than human merit.

Types of religions. Kant divides all religions into two groups:

1) Religions of favor (cult) – here a person flatters himself with the idea that, for example, God is able to make him happy without him having to become better for this or that God can make you better without you having to do anything more than ask for it, i.e., no more than wish, without the need for action;

2) Moral religion (Christianity) – here its main postulate is centered on the fact that everyone should do everything in their power to become better, i.e. to use their natural inclinations for goodness for this purpose; this is connected with this premise: "It is not essential, and therefore it is not necessarily to know what God is doing or has done for his bliss, but it is necessary to know what man himself must do to become worthy of this assistance" (Kant, 1994, pp. 54-55). Moral religion is based on the desire of the heart to fulfill all human duties as divine commandments (Kant, 1994, p. 89).

The concept of divine will, which is determined by purely moral laws, allows us to think of only one God, and, accordingly, one religion as purely moral. If we are talking about statutory, not purely moral laws, then religion is cognized not through reason but through revelation (secretly or explicitly, through Scripture or tradition). It will be a historical faith, not a faith of pure reason (Kant, 1994, p. 109-110). It has no moral value (Kant, 1994, p. 118).

Kant is convinced that true religion is formed by moral legislation, through which the will of God is primarily reflected in the human heart. Whereas the statutory laws are only a means to encourage and spread true religion (Kant, 1994, p. 110). Based on these considerations, Kant concludes that God is only pleased with what is done through the moral law of God's will. Statutory legislation is accidental, it is not binding on man. In turn, moral legislation is based on the good behavior of man in life, that is, the fulfillment of the will of God (Kant, 1994, p. 110).

Kant divides religion in the usual way into revelatory and natural religion. The revelatory one is the one in which a person must know what is a divine commandment in order to recognize it as a duty. In turn, in natural religion, a person must first know what a duty is before recognizing it as a divine commandment (Kant, 1994, p. 165). At the same time, natural religion can be revelatory if it is organized in such a way that people, through the simple application of reason can and should come to it by themselves, regardless of time and scope (Kant, 1994, p. 166). At the same time, revelation can be communed to religion only through reason (Kant, 1994, p. 167). Natural religion is de facto reduced by Kant to morality. It is based on moral duty, the idea of which is present in every person. Due to "universality", "universal unanimity", the requirement of the "true church" can be realized (Kant, 1994, p. 168).

Religion and faith. Kant contrasts two forms of faith – the faith of a worshipful religion and moral faith. He calls the first of them coercive and slavish; it makes a person pleasing to God by means of cultic rituals that have no moral value. Moral faith (soul-saving) is a freedom based on the sincere conviction of faith. As a prerequisite, it requires a morally good way of thinking. Kant is convinced that there are two conditions for salvation in soul-saving faith. The first is faith in redemption, i.e, payment for guilt, liberation, and reconciliation with God, and the second is faith in the possibility of becoming pleasing to God through a good way of life (Kant, 1994, p. 123).

The first condition, i.e. cleansing from sins, is theoretical in nature, and the

second is practical, purely moral. The latter involves attaching human efforts in the direction of fulfilling duties. Historical faith (church-based) is only a vehicle for pure religious faith. Based on similar considerations, Kant derives two maxims – activity (practical) and knowledge (theoretical). The second of them serves to establish and implement the first maxim (Kant, 1994, p. 126).

Kant contrasts two positions: 1) One must believe that once upon a time a man who, by his holiness and his services to himself and to others, has done enough to enable us to hope, even if we lead a good life to be saved by virtue of this faith alone; 2) We should strive, with all the strength of a holy way of thinking and a way of life pleasing to God, to be able to believe that God's love for humanity, as it turns its capacities to follow His will, may well, given an honest way of thinking make up for the lack of deeds, however they may be done (Kant, 1994, p. 128).

This opposition is a well-known dispute between Christian churches about the way in which a person is saved – in the first case, through faith, in the second, through works. Due to the fact that Kant's religion and morality are built on the realization of the moral law, he, quite understandably, cannot accept only the aspect of faith in God that leads to salvation. At the same time, the factor of faith according to Kant, whose position is based on the need to lead a life pleasing to God, is "lost" in the latter's mainstream. In the face of action, faith is "silenced" and forbidden to speak. Whereas, without denying the importance of leading a life pleasing to God, it should be emphasized that the Christian religion began with the fact that Jesus Christ set an example of faith in the Heavenly Father.

Kant calls faith the recognition of the tenets of religion. He notes that the universal true religious faith is faith in God: first, as the omnipotent creator of heaven and earth, that is, in the moral sense as a holy legislator; and as the guardian of the human race, i.e. a good ruler and moral guardian; third, as the keeper of his own sacred law, i.e. a righteous judge. Such faith, Kant emphasizes, does not contain any mystery, because it expresses exclusively the moral attitude of God toward the human race. It "suggests itself to the mind of every man" (Kant, 1994, p. 152).

Kant has special hopes for the Christian faith. It is, on the one hand, a pure faith of reason, because it is accepted by everyone freely, and on the other hand, it is the faith of revelation, since it is commanded. In addition, Kant considers the Christian faith as a scientific faith (faith of scholars), because the existing dogmas must be communicated to all people for future times as a sacred heritage. As a scientific faith, the Christian faith is based on history, and science is its foundation (Kant, 1994, pp. 175-176). With Jesus Christ as its primary teacher, the Christian religion (as opposed to the Jewish religion) is formed as a moral religion, not a statutory one, thus entering into the closest relationship with reason (Kant, 1994, p. 180).

Faith, according to Kant, like religion, is subordinated to the realization of the moral law in man, given by the moral lawgiver (God). In other words, by its very nature, it does not imply any collective forms of service. Hence, Kant distinguishes several types of illusory beliefs possible for a person to go beyond the limits of reason in relation to the supernatural:

1) Belief in a miracle, i.e., in the knowledge through experience of something that, according to objective laws of experience, should be

recognized as impossible;

2) Belief in a mystery, i.e., something about which we cannot form no concept in our minds, yet we are obliged to include it in the sphere of its concepts as something necessary for the moral good;

3) Belief in the means of obtaining grace, i.e., the use of natural means can produce a result that is a mystery to us, namely God's influence on our morality (Kant, 1994, pp. 212-213).

In line with the latter type of illusory beliefs, Kant defines: prayer, worship, baptism, and the mystery of Communion. Thus, Kant is skeptical towards the external forms of faith. He perceives them as "superfluous", concentrating on the question of fulfilling the moral law. The idea that these "illusory beliefs" can contribute to the strengthening of faith, is also rejected.

Religion and the Problem of Human Perfection. Kant's focus on the perception of religion as morality that has received its perfect and complete fulfillment (through the admission of the figure of God as a moral legislator), inevitably leads to the question of its relation to human improvement.

According to Kant, the necessary basis for the latter is a change of mind. It is this change that will allow a person to become pleasing to God. This is a kind of a way out of evil and an entry into the realm of good, the casting off the old man and putting on the new man. It is a holistic act, which in its essence is a kind of sacrifice (Ishmakova, 2012, p. 131).

Kant says that the only thing that can make the world the object of divine will and the purpose of creation is humanity, that is, the world of rational beings generally, in its full moral perfection, "of which, as the highest condition, bliss is the direct consequence in the will of the supreme being". The model of such perfection was embodied in Jesus Christ as the Son of God. In this regard Kant adds that only through practical faith in the Son of God a person can hope to be pleasing to God and, therefore, blessed. This is a person who has realized the moral course of thoughts in himself, believes and relies on himself fully, and in trials and sufferings remains faithful to the original image of humanity. Such a person is worthy of God's favor (Kant, 1994, pp. 61-62). Kant emphasizes that the idea of a person who is morally pleasing to God is embedded in reason (Kant, 1994, p. 63).

In the aspect of human improvement, therefore, several significant aspects should be emphasized:

– First, the goal of such perfection is to make man morally pleasing to God;

– Second, the idea of such perfection is inherent in the mind, i.e., it permeates every person, and, therefore, all of humanity;

Third, the attainment of perfection by man is the result of his merit, not God's assistance; moreover, only by virtue of endeavoring and practicing a good way of life, a person can receive "approval" from God and hope for His help.

Kant puts forward the following rule: "whatever a man can do beyond the good way of life in order to become pleasing to God, is only religious delusion and false service to God" (Kant, 1994, p. 184). After all, the virtuous way of life, according to Kant, implies something real, which in itself is pleasing to God and contributes to the improvement of the world (Kant, 1994, p. 187). The desire to perceive the influence of heaven in oneself Kant calls madness, self-

deception which is harmful to religion (Kant, 1994, p. 188). In turn, religious superstition is the belief that by performing a religious rite, one can achieve something in matters of justification before God (Kant, 1994, p. 188-189). Serving God in the church primarily pursues purely moral worship of God in accordance with the laws which are prescribed for humanity as a whole (Kant, 1994, p. 198).

It is worth noting, however, that Kant takes a very narrow approach to the essence and role of Christianity in terms of human improvement. According to Christianity, if man is perfected through love for God, in Kant's religion, perfection occurs through internal mental compulsion (Matyash, 2016, p. 92). A person becomes a "slave" to following moral perfection in order to receive God's "approval". Awareness of one's weakness and limitations, as well as the right to "error" (sin) is de facto rejected by Kant.

Conclusions. Thus, "religion" in Kant's interpretation means the fulfillment by man of his duties, which, due to his connection with God, acquire the status of divine commandments. This sphere is deprived of irrational, sensual components and strengthens the moral law in man.

Kant does not recognize religion as having an independent status, and therefore it becomes necessarily connected with morality. Both morality and religion are strictly rational nature and are intended to fulfill the moral law that a person is able to find in himself. Morality and religion, therefore, are parts of the same moral consciousness. Specifically, the goal of religion is to realize completion, the perfect state of moral action through connection with the divine essence. The place of God in Kant's religion is determined exclusively by the ethical sphere of relations. He is the moral lawgiver and the primary source of morality. To find God in oneself means to find an understanding of one's own duties as the basis and moral goal of life.

Kant divides religions into natural and revelatory religions, as well as into moral and cultic religions. In fact, Kant seeks to formulate certain "criteria" of true religiosity, in particular: imbued with a rational component; finding and following moral duties as divine commandments; the absence of collective forms of service and ritualism.

Like religion, faith in Kant's interpretation is also of moral nature. True moral faith, on the one hand, implies belief in the existence of God as a holy lawgiver, guardian of the human race and righteous judge, and on the other hand, it is a belief in the possibility of becoming pleasing to God through the pursuit of a good life. One of the tasks of religion is the moral improvement of man, which leads to a position of pleasing God, a person's dignity before Him. The idea of such improvement is inherent in the mind itself and is achieved through internal moral compulsion (fulfillment of duties as divine commandments). Improvement is not God's favor, but the result of merit, of human actions in line with the fulfillment of the moral law.

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

References

Firestone, C., Jacobs, N., & Joiner, J. (eds.). (2017). *Kant and the Question of Theology*. Cambridge: Cambridge University Press, 260 p.

Godlove, T. (2014). Kant and the Meaning of Religion. New York: Columbia Univ. Press, 245 p.

Horokholinska, I. (2012). Fenomen relihii v systemi aksiolohichnykh idei Kanta: lohika

stanovlennia ta shliakhy istorychnykh retseptsii [The phenomenon of religion in the system of axiological ideas of Kant: the logic of establishment and ways of historical reception]: avtoref. of Doctor's thesis. Chernivtsi, 20 p. [in russ.].

Ishmakova, A. (2012). Problema istinnoi religii v uchenii Immanuila Kanta [The problem of true religion in the teachings of Immanuel Kant]. *Culture. Spirituality. Society, 1*, pp. 124-137. [in russ.].

Kant, I. (1994). Religiya v predelakh tolko razuma [Religion within the mind] / Writings in 8 vol. V. 6. pp. 5-223. [in russ.].

Kitaeva, L. (2005). Filosofiya religii Germana Kogena [Herman Cohen's philosophy of religion]: avtoref. of Doctor's thesis, 17 p. [in russ.].

Lugovoi, S. (2003). Interpretatsiya Biblii v prakticheskoi filosofii I. Kanta [Interpretation of the Bible in the practical philosophy of I. Kant]: avtoref. of Doctor's thesis, 18 p. [in russ.].

Matyash, T. (2016). Moralnaya filosofiya I. Kanta i khristianstvo [Moral philosophy of I. Kant and Christianity]. *Humanitarian of the South*, *1*, pp. 86-97. [in russ.].

Myasnikov, A. (2007). Kant i revolyutsiya v religii [Kant and the revolution in religion]. *Proceedings of Humanities*, *4*, pp. 7-11. [in russ.].

Oizerman, T. (1993). Nravstvennoe soznanie i religiya v sisteme I. Kanta [Moral consciousness and religion in the system of I. Kant]. *Kantian collection*, *17*, pp. 3-11. [in russ.].

Palmquist, S. (2016). Comprehensive Commentary on Kant's Religion within the Bounds of Bare Reason. John Wiley & Sons, Inc., 640 p.

Palmquist, S. (1992). Does Kant reduce religion to morality? *Kant-Studien*, *83*, pp. 129-148.

Pechurchik, Yu. (2009). Filosofiya Kanta i religiya otkroveniya [Kant's philosophy and the religion of revelation]. *Bulletin of the Christian Humanitarian Academy*, *2*, pp. 106-115. [in russ.].

Pera, M. (2012). Kant on politics, religion, and secularism. *Universal Rights in a World of Diversity. The Case of Religious Freedom, Pontifical Academy of Social Sciences, Acta, 17*, pp. 546-577.

Petrescu, A. (2014). The idea of God in Kantian philosophy. *Procedia – Social and Behavioral Sciences*, *163*, pp. 199-203.

Pivovarov, D. (2014). Immanuil Kant: gnoseologiya i filosofiya religii [Immanuel Kant: epistemology and the philosophy of religion]. *Bulletin of the Institute of Economics, Management and Law, 1*, pp. 76-88. [in russ.].

Shamshiri, B., Karimi, M., Shahsani, S. & Naghibi, S. (2018). Reviewing Kant's view of God's existence and status in religion. *Revista Publicando*, *15*, pp. 199-215.

Sudakov, A. (2009). Mezhdu veroi serdtsa i blagochestiem razuma: kak Kant ne stal filosofom otkroveniya [Between the faith of the heart and the piety of the mind: how Kant did not become a philosopher of revelation]. *Kantian collection*, *1*, pp. 39-53. [in russ.].

Tytarenko, V. (2010). Spivvidnoshennia morali i relihii u filosofskykh vchenniach I. Kanta ta G.V.F. Hegelia [The relationship of morality and religion in the philosophical teachings of I. Kant and G.V.F. Hegel]: avtoref. of Doctor's thesis. Kyiv, 20 p. [in Ukr.].

Wood, A. (2020). Kant and religion. Cambridge: Cambridge University Press, 250 p.

Юрій ХОДАНИЧ

"РЕЛІГІЯ" В ФІЛОСОФІЇ І. КАНТА

Анотація. Метою дослідження є з'ясувати основну проблематику вчення І. Канта про феномен релігії крізь призму аналізу таких його аспектів як: сутність релігії; співвідношення релігії і моралі; місце Бога в релігії; різновиди релігії; співвідношення релігії та віри; вплив релігії на вдосконалення людини.

Наукова новизна дослідження полягає в здійсненні комплексного, хоча й стислого окреслення фундаментальних компонентів феномену релігії в їх інтерпретації І. Кантом.

Автор приходить до висновку, що "релігія" в інтерпретації Канта позначає виконання людиною своїх обов'язків, які, завдяки пов'язаності з Богом, отримують статус божественних заповідей. Ця сфера позбавляється ірраціональних, чуттєвих компонентів і підсилює моральний закон в людині. Ціль релігії полягає в тому, аби здійснити довершення, досконалий стан морального діяння через зв'язок із божественною сутністю. Мислитель прагне сформулювати певні "критерії" справжньої

релігійності, зокрема: пронзаність раціональним компонентом; віднаходження і слідування моральним обов'язкам як божественним заповідям; відсутність колективних форм служіння й обрядовості. Як і релігія, віра в трактуванні Канта так само носить моральний характер. Справжня моральна віра, з одного боку, передбачає віру в існування Бога як святого законодавця, охоронця людського роду і праведного суддю, а з іншого – є вірою в можливість стати угодним Богу завдяки провадженню благого життя. Одним із завдань релігії постає моральне вдосконалення людини, що провадить до становища угодності Богу, достойності людини перед ним. Ідея подібного вдосконалення закладена в самому розумі й досягається в спосіб внутрішнього морального самопримусу (виконання обов'язків як божественних заповідей). Вдосконалення не є Божим сприянням, але результатом заслуг, діянь людини в руслі сповнення морального закону.

Ключові слова: *мораль, віра, Бог, моральний закон, вдосконалення людини, розум.*

Submitted: 01.02.2023
Revised: 14.03.2023
Accepted: 02.04.2023

UDC 14 : 091
DOI 10.31733/2786-491X-2023-1-17-24

Vitalii MUDRAKOV ©
Ph.D. (Philosophy),
Associate Professor, Visiting Scholar
(Cluster of Excellence "Religion and Politics", University of Munster),
Germany

METHODOLOGICAL AND THEMATIC OUTLINE OF THE RESEARCH PERSPECTIVES OF NIETZSCHE'S METAPHOR

Abstract. The article is devoted to the study of Nietzsche's philosophy, namely the specifics of its metaphorical translation. The study unfolds as a systematization of Nietzsche's metaphors. The systematization of metaphors arises from the philosopher's main interest – the religious sphere, or rather Christianity. The principle of systematization is based on the main actors of the Christian religion: God, man, and the church. The methodological basis of the article is continued by the approach of functional typology of metaphors. This allowed us to formulate a research scheme of metaphors as a productive mechanism of classification: "analysis-criticism-vision". The author emphasizes the importance of contextual (strategic and tactical) interpretation of Nietzsche's metaphors as a means of avoiding speculation on his philosophy. A special feature of the article is the rather extensive material of the advisory literature as a certain methodological guideline for the development of the research project on metaphors. The author is preparing material (themes and methodological formulas) to substantiate the thesis of metaphor and writing style in general as a form and method of religious criticism.

The proposed material reflects the theoretical construct of the study, which is being implemented as a research project *"NIETZSCHES METAPHERN. Ein philosophischer Leseversuch"*.

Keywords: *Nietzsche's philosophy, methodology, theme, metaphor, perspective, new.*

ORCID iD: https://orcid.org/0000-0002-5788-1289
vitaly.mudrakov@gmail.com

Introduction. A radically new interpretation of the world in a radically new way of interpreting the world: this combination makes Nietzsche's philosophy one of the most interesting and therefore one of the most studied. He develops new, or rather unconventional, perspectives and "since Nietzsche multiplies perspectives, he deliberately diversifies styles so that the reader is not captured by one style, a "style in itself"" (Kofman, 2014, p. 12). But "the play of the mode of writing remains in Nietzsche subordinated to a new way of interpreting the world, communicating a new perspective" (Kofman, 2014, p. 13). It "beckons" to the topics – the religious sphere – that these perspectives explain and about which the philosopher spoke most eloquently, in order to reach "new secret paths" and "dance places" (GT, KSA 1, 14) and to comprehend the hiddenness of their metaphorical hints.

Thus, Nietzsche's writing style is a way of speaking in a new way. In this sense, metaphors become a tool for cognition of the old and the new that spew out their own metaphysics of "floating meaning" (Kebuladze & Lyuty, 2016, p. 144). After all, Nietzsche himself says about this in different formulations in his work On Truth and Lies in the Non-Moral Sense (NS (WL), KSA 1, 880-881). Therefore, the main question of the article is how to research Nietzsche's metaphors? Therefore, based on all of the above, the purpose of the study is formulated in the following tasks: 1) to form thematic groups of research literature that would best reveal the research perspective of the problem; 2) to describe the foundations of the research perspectives of Nietzschean metaphor as theoretical and methodological guidelines; 3) pointing to the functionality of metaphors, to systematize them according to the thematic groups "God", "man", "church" as a holistic conceptual interpretation; 4) to formulate a methodological construct that would be productive for the study of these metaphorical systems.

Analysis of recent research and publications. Nietzsche's radically new interpretation of the world in a radically new way of interpreting the world has shaped very different approaches and directions of interpretation and has a great resonance to this day. Thus, the specificity of Nietzsche's philosophy allows us to use its interpretive potential and thematic scope in a wide range of ways: from the problems of nature in modern research projects and environmental movements1 to the value and worldview transformation of Ukrainians, which became the preconditions for the current war (Mudrakov & Stephan, 2022). So, if there is an opportunity, it is implemented. This rule is also confirmed within the framework of the proposed problematic: a fairly large number of studies exist on linguistic and philosophical features, style in general and Nietzsche's metaphor in particular. However, the analysis of this set of works is not just a basis and a platform for new research and discussion, but a systematization by thematic and methodological grouping for the research efficiency of various aspects of the stated topic. Thus, for a productive analysis of Nietzsche's metaphor, I propose thematic blocks that reveal the peculiarities of Nietzsche's thinking (Jensen, 2015) and life experience (Kaulhausen, 1977); outlines the philosopher's thought as a "rhizomatic labyrinth" (Brock, 2012);

[1] Nietzsches Naturen / Nietzsche's natures 32. Internationaler Nietzsche-Kongress / 20. bis 23.10.2022 in Naumburg (Saale): Nietzsches Naturen / Nietzsche's natures | The Nietzsche News Center (nietzsche-news.org).

interpret his disguises both through collective research, which, echoing across generations, focuses on individual works of the philosopher (Gasser, 1993), (Ates, 2014), and individual doctoral projects that reveal "how he thinks with and in masks" (Schubert, 2021) and how individual positions-works are formed (Brücker, 2019).

The next thematic unit covers guidelines for reading Nietzsche (Montinari, 1982) and his metaphor itself in its various dimensions (Tebartz-van Elst, 1994; Kofman, 2014; Georg, 2018; Stegmaier, 2018). A particularly important block for the research perspectives of Nietzsche's metaphors are special studies that, based on an understanding of linguistic and stylistic features of the philosopher's language, focus on the analysis of the specifics of the criticism of religion (Kämpfert, 1971; Henke, 1981), as they can become key reference points for substantiating the thesis of language, or rather style and specifically metaphor as a mode or type of religious criticism. In this case, a general orientation framework for interpretation will be important, for which I propose the works of such authors as W. Müller-Lauter (Müller-Lauter, 1971), G. Abel (Abel, 1998) and T. Lyuty (Lyuty, 2017). The last block can be supplemented by a large number of works to a greater extent than the others. However, this set of works is based on a certain experience of understanding how to maintain the objectivity of the general orientation framework.

The purpose of the article is the research of Nietzsche's metaphor and it's methodological and thematic outline.

Formulation of the main material.

I. Foundations of research perspectives of Nietzsche's metaphor.

I.I. Prerequisites: The starting point in the research perspectives of Nietzsche's metaphor should be, first, an understanding of the diagnostic and cognitive potential of his philosophy in general and, second, its projective and creative potential, that is, as an attempt to build something completely new. Diagnostics and prognostication are deployed by stating the changing conditions of the context, the manifestation of which is described as processes of secularisation (Heit, 2014), i.e. i.e. new perspectives have long been here (Mudrakov, 2018), in which the "Übermensch" project appears as a form and method of secularised ethics (Mudrakov, 2018a) – New benchmarks in new conditions. Therefore, Nietzsche demands the cultivation of new, post-nihilistic, life-affirming values in order to affirm the active potentialities in man against decadence: "Die Philosophen als Typender decadence / Die Religion als Ausdruck der decadence / Die Moral als Ausdruck derdecadence. […] Der Wille zur Macht: Bewußtwerden des Willens zum Leben […]" (N 1888, KSA 13, 418). Therefore, for the conceptual development of the problem, I propose here the following thematisation: Nietzsche's overcoming of the project of metaphysics (Heidemann, 1962) and the theological reception of the destruction (or renewal) of old conditions (Biser, 2002), (Jung, 2013), and therefore the introduction of a new way of life (Brock, Gödde, & Jörg, 2022).

I.II. Instruments: Since we are talking about the explanation and interpretation of metaphors as a philosophical tool, we will emphasize the need for a philosophical understanding of the concept of "metaphor", that is, in a very broad, so to speak Aristotelian sense. In fact, Aristotle's metaphor is almost indistinguishable from hyperbole (exaggeration), from synecdoche, from simple comparison or personification and assimilation. In all cases, there

is a transfer of meaning from one word to another (Aristoteles, 2008).

Another important point in the study of metaphors as tools is their typology according to the functions they perform. By "functionality" I mean what connotations of a new medium, another image or sphere of transfer are brought to the old object that is being metaphorised. That is, whether these connotations enrich the positive meaning, negate it, or can be considered neutral. From this, it is worth conceptualising their tactical and strategic tasks: the role of metaphors in a particular aphorism and the role in building something completely new. That is, it is necessary to apply the method of contextual analysis (Stegmaier, 2007), therefore, it is important not to lose the general orientation framework, i.e., to look at the works that are classified as hermeneutical Nietzsche-Forschung (Müller-Lauter, 1971), (Abel, 1998). And the completely new transmitted through the "Grosser Stil" (GD, KSA 6, 119) requires clarification for "orientation" (Stegmaier, 2010), (Stegmaier, 2015) – and this is the most difficult point to study in terms of interpretive unambiguity.

II. Philosophical interpretation in the system of metaphor classification.

II.I. God: it refers to the various objectifications of the transcendent in the system of the Christian worldview. Nietzsche's understanding of this theme is illustrated by a series of metaphors. In his analyses of the absolute guarantee in Christianity, he calls it the Crucified One who "himself became spider" (AC, KSA 6, 184); philosopher formulates the thesis of the "death of God" (FW, KSA 3, 481), which as a metaphor denotes the result of the metaphysical guarantees of Christianity; he warns and understands the extent of the change and the duration of the transition, metaphorically referring to them as "shadows of God" (FW, KSA 3, 467). With comparative metaphors such as "Jesus as an idiot" or "Jesus as Buddha", he refers to the psychological cross-section of characteristics that are presented in society as prerequisites and conditions for a type to follow (AC, KSA 6, 200-203). Such an assessment seems to open the way for a new idea of imitation, another guarantee. In this sense, "Dionysus" or "Dionysian as alternative" also appears in the analysis as a metaphor that points to the intention of opposing the old with the new: "– Have they understood me? – Dionysus against the crucified [...]" (EH, KSA 6, 374).

II.II. Man: it refers to the various characteristics of a Christian as a bearer of the Christian worldview and its changes. To understand this, Nietzsche draws on, for example, the "principle of faith" (GD, KSA, 61-62) and "humility" (GD, KSA, 64) and defines them respectively as the inability to put one's will into things and change them with meaning, i.e. to believe that they already have a will, and the unwillingness/inability to change what is given. The philosopher metaphorises these and other qualities with the state of "sickness": "not healthy insight" or "sick", and finally he denies man his consciousness and reason – "animal" – as the end of this logic. Instead, health and true "freedom" are associated with "solitude" (N, KSA 9, 670) – these metaphorical hints set the conditions for the new. Man must endure his loneliness because of the murder of God as "the great man": "We have killed him, – you and I! We are all his murderers!" (FW, KSA 3, 481). Now she alone must accept life (amor fati) and affirm it. The formulation "the great man" opens up the space to discover the "free spirit" and finally to attain "health" (N, KSA 11, 658) through ways of "wandering", "becoming" i "dancing". These

metaphors convey the qualities of searching for and creating something new: "inventors" of new values. Therefore, the new perspective as the discovery of a new potential draws attention to the superhuman as a complex multi-component metaphor ("camel", "lion" and "child").

II.III. Church: it refers to the various characteristics of the forms and systematic means of the collective organisation of Christians, as well as to the impulses for their transformation. Nietzsche equates the way of life promoted by Christian values with "herd" and "herd animal" because they supposedly reinforce the sense of vital weakness in man that directs him towards "herd organisation" (GM, KSA 5, 384). The idea of achieving a "better being", guided by Christian "truth" "into the belief in untrustworthy things, into the ceremonial of prayer, worship, feast, etc. [...]" (N, KSA 13, 104), becomes a system of ways to tame this crowd. "Ascetic priest" is thus an image for the embodied functionality of this system, which the philosopher uses to represent, among other things, the instrumentalisation of asceticism as a means of power (N, KSA 12, 271), realised through Paul (AC, KSA 6, 215-217), and ecclesiastically sanctioned through life in the state (N, KSA 13, 104).

Nietzsche refers to new points of orientation with the metaphors "the great noon" and "the new horizon" or "new morning" and describes the state as a journey through the "sea" – a difficult path into the future, full of courage, ruthlessness, dedication, firmness and sincerity. The dangers of the "sea" as a path to true knowledge are complemented by images of the dangers of the "high mountains", i.e. "one must be practised to live on mountains" (AC, KSA 6, 167). The metaphor of the "ship" (FW 289, KSA 3, 529) is a means of traversing this sea, which is also meant to imply an understanding of some collectivity or refuge for the "free in spirit", as he refers to those present on the "ship" with the plural "we".

Conclusions. Thus, Nietzsche's metaphors are a complex interweaving of images and meanings that constitute a very specific and new way of philosophizing and reflect the complexity of the philosopher's thought. This complexity and the methodological guidelines for its study are discussed in the following paragraphs in accordance with the tasks set:

– The proposed thematic groups of research literature are based, in particular, on the principle of "peculiarities of thinking – specificity of expression". Therefore, certain groups of literature seem to represent the study of Nietzsche's thought processes, their ciphers and riddles, and thus this should provide a qualitative perspective for the study of metaphors. The philosophical and philological studies on Nietzsche's critique of religion are a fundamental addition to the research perspectives of metaphor, which are intended to help substantiate the thesis of metaphor as a special type of religious criticism. The proposed literature is a guarantee of an impetus for discussion and the creation of a high-quality starting point for research and the avoidance of radically speculative interpretations;

– The complexity of Nietzsche's philosophy, and most importantly, its openness to various interpretations, require a rather thorough explanatory background. We conclude that the philosopher's orientation to overcome the old forms of organization, structuring, and containment and to describe the new ones is unconditional and key here. To a large extent, therefore, we are talking about perspectivism: man as a creator of values and a dimension of new life.

The established boundaries of the research understanding of the concept of "metaphor" allow not only to increase the set of metaphors on the topics of the main actors of Christianity, but also to understand much more deeply the functionality of individual metaphors in different contexts and as an expression of the sign system for orientation;

– Metaphors were selected and systematized by the thematic groups "God", "man", and "church", which create short, holistic descriptions and reflect Nietzsche's main theses on analyzing the old and planning for the completely new. These blocks create a lace of metaphors, subsystems of a metaphorical system that aims to analyze, rethink, and propose. That is, their functions are established by different modes of analysis, and the Christian thematization emphasizes a systemic critique of the ways and means of organizing human reality and its social dimensions. Therefore, there is a methodological and theoretical basis for substantiating the thesis that Nietzsche's metaphor is a way and means of religious criticism and outlining visions of new perspectives, the new;

– It is reasonable to say that the above-mentioned modules of Nietzschean analytics in the above metaphors – to analyze, rethink, propose – are methodologically justified to be studied according to the "analysis-criticism-vision" scheme. Thus, the modes of metaphor functionality acquire a corresponding typology: analytical, critical, and visionary. While the first two types are tools for cognition of the given, the third type is projective. Accordingly, projection requires a description of the parameters of new conditions, which cannot be done without a philosophy of orientation. The methodology of classification by functionality should be supplemented by the method of contextual analysis of metaphors, which will allow us to check a metaphor for belonging to a certain type (analytical, critical, visionary) through its role in a specific place: in an aphorism, in a book, or in the strategic tasks of philosophy. Thus, a comparative analysis of the role of metaphors in different contexts is an additional criterion for their classification.

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

References

Abel, G. (1998). Nietzsche. Die Dynamik der Willen zur Macht und die ewige Wiederkehr. Berlin, New York: Walter de Gruyter.

Aristoteles. (2008). Poetik. (A. Schmitt, Trans.) Darmstadt: Oldenbourg Akademieverlag.

Ates, M. (2014). Auslegung einer Philosophie der Masken. In M. Ates (Ed.), Nietzsche Zarathustra Auslegen. Thesen, Posotionen und Entfaltungen "Also sprach Zarathustra" von Friedrich Wilhelm Nietzsche. Marburg : Tectum, pp. 9-12.

Biser, E. (2002). Nietzsche – Zerstörer oder Erneuerer des Christentums? Darmstadt: Wiss. Buchges.

Brücker, T. (2019). Auf dem Weg zur Philosophie. Friedrich Nietzsche schreibt "Der Wanderer und sein Schatten". Zürich : Wilhelm Fink.

Brock, E. (2012). In Nietzsches Labyrinth. Von labyrinthischem Denken und Forschen. *Nietzscheforschung,* 19 (1), pp. 289-296. Doi : https://doi.org/10.1524/nifo.2012.0019.

Brock, E., Gödde, G., & Jörg, Z. (2022). Das Leuchten der Morgenröthe. Friedrich Nietzsche und die Kunst zu leben. In E. Brock, G. Gödde, & Z. Jörg (Eds.), Schriften zur Kritischen Lebenskunst. J. B. Metzler.

Gasser, P. (1993). Rhetorische Philosophie: Leseversuche zum metaphorischen Diskurs in Nietzsches "Also sprach Zarathustra". Bern : Lang.

Georg, J. (2018). "Hat man mich verstanden?" Nietzsche: Philosophieren in Metaphern.

Stuttgart: J. B. Metzler.
Heidemann, I. (1962). Nietzsches Kritik der Metaphysik. *Kant-Studien*, 53 (1-4), pp. 507-543. Doi : https://doi.org/10.1515/kant.1962.53.1-4.507.
Heit, H. (2014). "Ende der Säkularisierung?: Nietzsche und die große Erzählung vom Tod Gottes". In D. Steffen, & T. Claudia (Eds.), Nietzsches Perspektiven: Denken und Dichten in der Moderne. Berlin, Boston : De Gruyter, pp. 68-84. Doi : https://doi.org/10.1515/ 9783110366556.68
Henke, D. (1981). Gott und Grammatik: Nietzsches Kritik der Religion. Tübingen: Neske.
Jensen, A. (2015). Was heisst denken? Orientierung und Perspektive. *Nietzscheforschung*, 22 (1), pp. 29-42. Doi : https://doi.org/10.1515/nifo-2015-0105.
Jung, C. (2013). Die Sprache im Werk Friedrich Nietzsches: Eine Studie zu ihrer Bedeutung für eine Theologie jenseits von Theologie. Tübingen: Mohr Siebeck.
Kämpfert, M. (1971). Säkularisation und die neue heiligkeit. Religion und religionsbezogene Sprache bei Friedrich Nietzsche. Berlin: Erich Schmidt Verlag.
Kaulhausen, M.-H. (1977). Nietzsches Sprachstil: gedeutet aus seinem Lebensgefühl und Weltverhältnis. München, Oldenbourg : R. Oldenburg Verlag GmbH.
Kebuladze, V., & Lyuty, T. (2016). Okremi kontsepty filosofuvannia Nietzsche [Some concepts of Friedrich Nietzsche's philosophy]. *Filosofska dumka*, no. 6, pp. 143-144. URL : http://journal.philosophy.ua/node/6196. [in Ukr.].
Kofman, S. (2014). Nietzsche und die Metapher. Berlin: Wolff Verlag.
Lyuty, T. (2017). Nietzsche. Samopereversheennia [Nietzsche. Self-excellence]. Kyiv: Tempora. [in Ukr.].
Müller, E. (2020). Nietzsche-Lexikon. Paderborn: Wilhelm Fink.
Müller-Lauter, W. (1971). Nietzsche: Seine Philosophie der Gegensätze und die Gegensätze seiner Philosophie. Berlin: de Gruyter.
Montinari, M. (1982). Nietzsche lesen. Berlin, Boston : De Gruyter. Doi : https://doi.org/10.1515/9783110841268.
Mudrakov, V. (2018). Sekuliaryzatsiia yak vtilennia futurolohichnykh idei Nietzsche [Secularisation as an embodiment of Friedrich Nietzsche's futuristic ideas]. *Ukrainske Relihiieznavstvo*, no. 84, pp. 43-50. Doi : https://doi.org/10.32420/2017.84.790.
Mudrakov, V. (2018a). Proekt 'Nadliudyna'Nietzsche yak forma i sposib sekuliaryzovanoi etyky [The project "Übermensch" by Nietzsche as a form and method of secularised ethics]. *Ukrainske Relihiieznavstvo*, no. 84, pp. 50-58. Doi : https://doi.org/10.32420/ 2017.84.791.
Mudrakov, V., & Stephan, P. (2022). Eine Revolution der Selbstüberwindung: Friedrich Nietzsche und die ukrainische Transformation. *Nietzscheforschung*, 29 (1), pp. 291-302. Doi : https://doi.org/10.1515/NIFO-2022-017.
Nietzsche, F. (1999). Sämtliche Werke Kritische Studienausgabe (KSA) in 15 Einzelbänden. (G. Colli, & M. Montinari, Eds.) München, Berlin, New York : Deutscher Taschenbuch Verlag GmbH & Co. KG, Walter de Gruyter.
Schubert, C. (2021). Masken denken – in Masken denken. Figur und Fiktion bei Friedrich Nietzsche. Bielefeld: transcript.
Stegmaier, W. (2007). Nach Montinari. Zur Nietzsche-Philologie. *Nietzsche-Studien*, 36 (1), pp. 93-107. Doi : https://doi.org/10.1515/9783110192827.0.93.
Stegmaier, W. (2010). Die Freisetzung einer Philosophie der Orientierung durch Friedrich Nietzsche. In J. Bromand, & G. Kreis (Eds.), Was sich nicht sagen lässt. Das Nicht-Begriffliche in Wissenschaft, Kunst und Religion, Berlin, pp. 355-367.
Stegmaier, W. (2012). Nietzsches Befreiung der Philosophie: Kontextuelle Interpretation des V. Buchs der "Fröhlichen Wissenschaft". Berlin, Boston: De Gruyter.
Stegmaier, W. (2015). Die Wirklichkeit der Orientierung. Perspektivität und Realität nach Nietzsche und Luhmann. *Nietzscheforschung*, 22 (1), pp. 93-112. Doi : https://doi.org/10.1515/nifo-2015-0109.
Stegmaier, W. (2018). Der See des Menschen, das Meer des Übermenschen und der Brunnen des Geistes. Fluss und Fassung einer Metapher Friedrich Nietzsches. In C. A. Bertino (Ed.), Europa im Geisterkrieg. Studien zu Nietzsche. Cambridge: Open Book Publishers.
Tebartz-van Elst, A. (1994). Ästhetik der Metapher: zum Streit zwieschen Philosophie und Rhetorik bei Friedrich Nietzsche. Freiburg; München: Karl Albert.

Віталій МУДРАКОВ

МЕТОДОЛОГІЧНЕ ТА ТЕМАТИЧНЕ ОКРЕСЛЕННЯ ДОСЛІДНИЦЬКИХ ПЕРСПЕКТИВ МЕТАФОР НІЦШЕ

Анотація. Стаття присвячена дослідженню філософії Ніцше, а саме специфіці її метафоричної трансляції. Дослідження розгортається як систематизація метафор Ніцше. Систематизація метафор постає із головного інтересу філософа – релігійної сфери, а точніше християнства. Принципом систематизації слугують основні актори християнської релігії: Бог, людина, церква. Продовжує методологічну основу статті підхід функціональної типології метафор. Це дозволило сформулювати дослідницьку схему метафор як продуктивний механізм класифікації: «аналіз-критика-візія». Наголошується на важливості контекстуальної (стратегічної та тактичної) інтерпретації метафор Ніцше як на засобі уникнення спекуляцій на його філософії. Особливістю статті є доволі обширний матеріал дорадчої літератури як певна методологічна настанова для розвитку дослідницького проєкту метафор. Автор готує матеріал (тематизації та методологічні формули) для обґрунтування тези про метафорику й стиль письма загалом як форму й спосіб релігійної критики. Запропонований матеріал відображає теоретичний конструкт дослідження, яке реалізується як науковий проєкт *«NIETZSCHES METAPHERN. Ein philosophischer Leseversuch»*.

Ключові слова: *філософія Ніцше, методологія, тематика, метафора, перспектива, нове.*

Submitted: 02.01.2023
Revised: 15.03.2023
Accepted: 22.03.2023

UDC 94(477) (092) : 314.151.3-054.72
DOI 10.31733/2786-491X-2023-1-24-30

Artem KOKOSH©
Ph.D. (Philosophy),
Associate Professor
(Lviv Polytechnic National University),
Ukraine

UKRAINIAN EXILE STUDIES OF MYKHAILO HRUSHEVSKY

Abstract. The article is an attempt to describe Ukrainian exile studies about M. Hrushevsky. Based on chronological principle, the article shows the historian's scientific work, political steps and formation of Ukrainian Academy of Science. The purpose of the article is to explain the main ideas of the historian in works of the scientists. This is an attempt to study the objective researchers of Hrushevsky by his contemporaries.

The works of scientists about M. Hrushevsky are considered as a part of exile historiography and constitute an important group of sources for study. The research period specified in the topic is represented by works of Dmytro Doroshenko, Borys Krupnytsky, Vadym Shcherbakivsky, Natalia Polonska-Vasylenko, Oleksandr Dombrovsky and Oleksandr Ogloblin. Lack of publications about M. Hrushevsky from the first part of 20th century is explained by several reasons. First of all, Ukrainian scientists realized lack of funds for publishing. In addition, Hrushevsky was a contemporary historian of persons, who have

© Kokosh A., 2023
ORCID iD: https://orcid.org/0000-0003-4785-2190
akokosh22@gmail.com

collaborated with him within the framework of the Ukrainian Academy of Sciences and wrote about his scientific and political work during his lifetime, when his contribution to the development of science or politics was not yet sufficiently noticed. In the end, the historian was written about only in the context of 20th century in Ukrainian history. Study of life of the historian in the society of Ukrainian scholars abroad began in the post-war period. Then the scholars began to write scientific papers and chapters in monographs.

Today only a few works of the 1920s and 1960s are known as written abroad, mainly in Prague and Munich. Dedicated to the scientific work of M. Hrushevsky, they enlightened the archeographic activity of the historian, his views on the ancient history of Ukraine, organizational work in the National Academy of Sciences and his historical works. At the very beginning of the scholars'activity in Prague, professors took participation in the celebration of the historian's anniversaries in the form of greetings. Particular works about M. Hrushevsky were not written that time. This is explained by problems with the publishing house, which due to lack of funds was concentrated on thorough scientific monographs.

Keywords: *M. Hrushevsky, historical works, views, Prague, Munich.*

Introduction. The student of Volodymyr Antonovych, graduate of Kyiv University of St. Volodymyr, representative of the Narodnik school of historians M. Hrushevsky is a famous historian, writer, literary critic, publicist and statesman. There are many ideas about his scientific and political activity, as well as about his personality. He is the author of many historical papers, such as History of Ukraine-Rus in ten volumes (1898-1937), History of Ukrainian Literature (1923-1927), Essay on the History of the Ukrainian People (1906), Illustrated History of Ukraine (1913). In addition, M. Hrushevsky is the author of many literary and socio-political works. Archaeological work in Kyiv and later in Lviv, the development of the Scientific Society of Shevchenko, publishing, leading the Central Council, contribution to development of the Ukrainian Academy of Sciences is one of those stages of the historian which are often mentioned by scientists.

Today, the historian's contribution to organizational formation and development of Ukrainian educational centers abroad is not studied enough. M. Hrushevsky is one of the ideologues of the creation of the university for Ukrainians in exile. Being among the scientist in exile, Hrushevsky was described in works by his contemporeries.

Lack of studying the ideas of Ukrainian historians abroad in 20th century makes us take into consideration the papers that contrast the Soviet ideology and proved Ukrainian state life and history. Studying the ideas of Hrushevsky's contemporaries one can realise his attempts to prove Ukrainian nation and state experience in scientific and political work. The novelty of the paper **is** in the field of objective explanation of the historian's place in science and politics.

Analysis of recent research and publications. The purpose of the study is based on the sources of contemporary historiography of M. Hrushevsky from the scientific groups of scholars in émigré. In general, the historiography about M. Hrushevsky can be divided into several periods, highlighting its characteristic features. The first block of historiography covers the first third of 20th century and is represented by reviews of his works by contemporaries or some articles about life and scientific as well as political work. Soviet historiography is represented ideologically by works about the historian in light of Soviet science. Other was the Ukrainian *émigré historiography* of the 20th century. It is represented by dozens of articles and monographs that revealed the historical and sociological studies of the scholar, his policy as the head of the Central Council. The next period, the newest

Ukrainian historiogy, began with the end of Soviet ideology and censorship in the late 1980s.

The research of Hrushevsky in Prague and Munich. First works about Hrushevsky in Prague were written not only by contemporaries but by those who personally knew the historian as a scientist and a politic.

The first work beginning the study of scientific development and contribution of M. Hrushevsky into Ukrainian science was a work of professor D. Doroshenko *Overview of Ukrainian Historiography* (1923). Studying Ukrainian issues of historiography, D. Doroshenko took into consideration the general essay of M. Hrushevsky *Development of Ukrainian Studies*, which he wrote in the first volume of the encyclopedia *Ukrainian People* (1914) (Doroshenko, 1923). The author agreed with historical theories of Hrushevsky and emphasized his study of Ukrainian history as a long process of the Ukrainian people on the territories Ukraine appeared as a state. Having proved the state history of Ukrainians and finding different state periods in the history Hrushevsky was the first who could separate the Ukrainian nation and state in history.

Doroshenko supported the historical conception of Hrushevsky and moreover his political ideas. He considered them to be a unique introduction to the Ukrainian state. The issue of M. Hrushevsky's political course was reflected in the work of professor D. Doroshenko, dedicated to Ukrainian struggle of 1917-1923. The professor was personally acquainted with Hrushevsky. In 1913, being invited, D. Doroshenko became the secretary of the Ukrainian Scientific Society, and in March, 1917 he was elected as a member of the Central Council. D. Doroshenko appreciated him as the politician, seeing the "recognized leader of the Ukrainian movement": in 1906, the future head of the Central Council came to St. Petersburg, where immediately took control of the political life of Ukrainians (Doroshenko, 1998). The political course, his ideology and steps as the head of the Central Council were considered by the professor in his work *History of Ukraine* (1930).

With the figure of the head of the Central Council, the historian compared the situation in Ukraine at the beginning of 20th century. Hence, the arrest of M. Hrushevsky on charges of "Mazepinstvo" and his exile to Simbirsk in November, 1914 were explained by D. Doroshenko by the persecution of Ukrainians, and his return to Kyiv on March 27, 1917 – by the development of the Ukrainian political movement. The head of the Central Council was supposed by Doroshenko a "national leader", and no one could match either in authority or experience with Hrushevsky.

However, the course of M. Hrushevsky on the autonomy of Ukraine and his calls to "keep hands on the pulse of the people's life and follow the rhythm of its beating" did not quite impress D. Doroshenko: that's why he condemned M. Hrushevsky's next policy. In his view, Hrushevsky did not take into account, as a historian, destructive elements; and the further he went along the political path, the more often he emphasized the idea of "subordinating oneself to the "people's" aspirations" (Doroshenko, 2002).

Analyzing the political progress of the Central Council, D. Doroshenko made the conclusion that the idea of an autonomous structure of Ukraine was not enough. And really, Ukrainian politicians, led by M. Hrushevsky, managed to lay out the main ideas of autonomy in the constitution "Statute of the Higher

Administration of Ukraine", however their mistake was short-sightedness. D. Doroshenko criticized voluntary rapprochement with russia, which "oppressed Ukraine for 250 years and suffocated Ukrainian national movement". In his opinion, M. Hrushevsky, as the political leader of the state, could not develop the idea of self-reliance and only focused on the russian federation with the autonomous status of Ukraine. In such a political course the Central Council wasted "national enthusiasm": the appeal of M. Hrushevsky's "let's save the russian federation" led to the fact that the proclaimed third universal about the Ukrainian People's Republic was not met of great interest among the Ukrainian people (Doroshenko, 2002).

Personality of Hrushevsky was also mentioned in an article by professor Borys Krupnytsky. *Die Archäographische Tätigkeit M. Hruševśkyjs* is dedicated to the anniversary of the death of M. Hrushevsky in the yearbook of Wroclaw "Jahrbücher für Kultur und Geschichte der Slaven" in 1935. Supporting historical studies of M. Hrushevsky, B. Krupnytsky summarized the historian work in the field of archeography. As D. Doroshenko, B. Krupnytsky distinguished the scientific work of the historian in Lviv, considering it the main period of his archeographic activity. In particular, the professor paid attention to M. Hrushevsky's comprehensive approach to work, by grouping young scientists. First of all, under the leadership of the historian, active archeographic research was organized, young students were involved, and the reorganization and revival of the Scientific Society of Shevchenko and the foundation of the Archaeological Commission as part of the Historical philosophical section were provided.

Unlike Doroshenko, who considered the political work of Hrushevsky, B. Krupnytsky found his main achievement in publishing of historical sources. In particular, for collection and publication of *Materials for the History of Socio-Political and Economic Relations of Western Ukraine* (1905), the historian used materials from Lviv, Kyiv, Warsaw and moscow archives. Active work of M. Hrushevsky led to the organization of scientific school, which published a number of authoritative studies, for example – Vatican Materials for History of Ukraine by Stepan Tomashivsky (Krupnytsky, 1935).

Another well-known work about M. Hrushevsky was the article of the professor V. Shcherbakivsky – Hrushevsky's Concept of Ukrainian Origins in the Light of Paleontology (1940). Despite the fact V. Scherbakivsky had the other views on the ancient history of Ukrainians and in historical studies supported the ideas of V. Antonovych, a representative of the Narodnik school, he never argued the role of Hrushevsky in Ukrainian history. In his article, V. Scherbakivsky analyzed the ideas of the historian in a prism of linguistic, ethnological, archaeological and historical components. Reviewing *History of Ukrainian Literature* and *Genetic Sociology* of M. Hrushevsky, the professor reduced them to the main ideas about Ukrainians, such as representatives of the "Indo-European white-skinned race" (Shcherbakivsky, 1940).

The first known post-war work on M. Hrushevsky was O. Ogloblin's article published in Ukrainian Tribune. Written in an attempt of synthesis of the historian's life and work, the article *Mykhailo Hrushevskyi* was the beginning of the Munich studies about him. The greatest historian of the Ukrainian folk, as O. Ogloblin called him, also mentioned as a historian of Ukrainian literature, ethnographer, folklorist, archaeologist, sociologist, publicist and political activist.

Having proved two main ideas of the historian's activity, the national and federal, O. Ogloblin supposed M. Hrushevsky's contribution to development of Ukrainian science and state. The scientist took into consideraiton political opinion of the Head of the Central Council and supported his socio-political ideology. Advantage of social interests but not national ones were the principles of his political program. The main problem for M. Hrushevsky was described by O. Ogloblin to be the contradiction of his ideas with Soviet reality (Ogloblin, 1947).

The purpose of the article is to investigate Ukrainian exile studies about M. Hrushevsky.

Formulation of the main material. Articles about M. Hrushevsky in newspapers in the second part of 20th century were written for the date of the historian's life or work. Their common feature was the characteristic of M. Hrushevsky as "the real father of our history": this definition was first proposed by Volodymyr Doroshenko. That is why a lot of articles and scientific papers considered the scientific achievements of Hrushevsky as a step to Ukrainian state.

"Perhaps the biggest event in the history of Ukrainian Academy of Sciences" considered N. Polonska-Vasylenko the return of M. Hrushevsky to Kyiv. Since 1924, she worked at the Ukrainian Academy of Sciences, so she knew Hrushevsky personally. In her work *Ukrainian Academy of Sciences* she studied the influence of the historian on the course of development of a scientific institution and his position in the Soviet environment. The initially good position of the historian in the Academy, in 1923-1926, the author explained by friendly relations with some political figures, such as – Commissar of Education Oleksandr Shumsky, or Secretary of the Central Committee Opanas Butsenko. A certain political support of the historian allowed him to begin institutional development of the Academy: in 1927 in its newly created commissions there were 50 full-time and 100 part-time employees. The advantage of scientists, who worked in the sections of the historian was printing in the State Publishing House of Ukraine, which paid a fee for each work.

Studying the position of Hrushevsky, the historian proved M. Hrushevsky did not take into account the Soviet reality: considering himself an authority for Soviet politicians, he traveled to Kharkiv and moscow, maintained contact with People's Commissar of Justice Vasyl Porayk, People's Commissar of Foreign Affairs Oleksandr Shlichter and a representative of the Central Committee of the USSR Grigory Petrovsky. Despite this, N. Polonska-Vasylenko noted his independence (Polonska-Vasylenko, 1955).

According to N. Polonska-Vasylenko, M. Hrushevsky became "the greatest victim of criticism and harassment" in 1930s. The historian was criticized everywhere: on pages of magazines and journals, at scientific meetings of commissions. At the beginning of 1931 M. Hrushevsky was ordered to leave for moscow, where he settled in a building belonging to Ukrainian Academy of Sciences, on Pogodynska street. And although the historian could work in moscow libraries and archives, the persecution continued, and scientific institutions in Kyiv were being closed (Polonska-Vasylenko, 1958).

In general, N. Polonska-Vasylenko highly appreciated the contribution of Hrushevsky to Ukrainian historical science. A representative of the state school, Polonska-Vasylenko always called him a great historian who proved

that the Kyiv-Rus state is a "creation of the Ukrainian people" and an achievemnet of the Ukrainian historian considered his elevation of "higher than the usual "national study", which works, especially "History of Ukraine-Rus", provide "huge material for a historian-statesman" (Polonska-Vasylenko, 1964).

The last work that described Hrushevsky was an article by O. Dombrovsky Breicherung der Forschungen über die Frühgeschichte der Ukraine durch Mychajlo Serhijovyć Hruśevs'kyj published in 1959. The main focus of the work is devoted to early history of Ukraine in the study of M. Hrushevsky, his historical concept and confrontation with russian historiography. Pursuing the idea M. Hrushevsky about the identity of the Ukrainian people in the historical European context, O. Dombrovsky revealed his main thoughts on influence of Iranian and Germanic tribes on the course of historical development. He considered M. Hrushevsky to be the founder of study of ancient history of Ukraine, and his scientific studies are the basis for the development of historical science.

In general, the study of of M. Hrushevsky represented by scientific papers in Prague and Munich shows the main aspects of state theory of the historian in ideas of his contemporaries. Scientists wrote works about his scientific studies, of course emphasizing the importance concepts of the history of Ukraine, political ideology and influence of M. Hrushevsky on scientific development of the Ukrainian Academy of Sciences.

Conclusions. Study of the life and activities of M. Hrushevsky in a scientific centres passed several stages of development. First, mentioning of him in monographs, or articles, scientists studied separate aspects of his scientific activity. Except D. Doroshenko, political steps of M. Hrushevsky were not studied. A new stage of studying the figure of M. Hrushevsky began already in Munich after the end of World War II. Due to problems the scientific studies did not take place until the 1950s.

The earliest known work in Munich was printed article by O. Ogloblyn. Written in an attempt to synthesize life and activity of historian, article Mykhailo Hrushevsky (on the occasion of the 50th anniversary of the History of Ukraine-Rus) was the beginning of the Munich studies about him. Articles about the historian was written in the newspapers in the second part of the 20th century under the banner of his life or scientific work. Their common feature was a characteristic of "the real father of our history", and the figure of the historian was more meaningful than in the works of the first part of the 20th century. Scientists studied not only certain aspects of the historian's scientific activity, they revealed his organizational abilities in the development of scientific institutions and political ideology.

Particular topic for the research of scientists in Munich was a contribution of M. Hrushevsky to the development of historical studies in Soviet Ukraine. Calling M. Hrushevsky the "leader" of Kyiv school, and his return to Kyiv "perhaps the biggest event in the history of the Ukrainian Academy of Sciences", they highly appreciated his contribution to the development of Ukrainian studies, grouping Ukrainian scientists and publishing activities of the Ukrainian Academy of Sciences.

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

References

Dombrovsky, O. (1959). Berecherung der Forschungen über die Frühgeschichte der Ukraine durch Mychajlo Serhijovyć Hruśevs'kyj. In: Scientific Notes. Munich, part 3.

Doroshenko, D. (1923). Overview of Ukrainian historiography. Prague.

Doroshenko, D. (1998). From my meetings with Mykhailo Hrushevsky. *Ukrainian historian*, no. 1-4. New York-Toronto-Kyiv-Lviv-Munich.

Doroshenko, D. (2002). History of Ukraine: in II vols., vol. I. Kyiv.

Krupnyćkyj, B. (1935). Die Archäographische Tätigkeit M. Hruševśkyjs. In: Jahrbücher für Kultur und Geschichte der Slaven. XI, 3-4. Breslaw.

Ogloblin, O. (1948). Mykhailo Hrushevsky (On the occasion of the 50th anniversary of the History of Ukraine-russians). In: Ukrainian Tribune. Munich, part 21.

Polonska-Vasylenko, N. (1955). Ukrainian Academy of Sciences (history outline): in 2 parts, part I. Munich.

Polonska-Vasylenko, N. (1958). Ukrainian Academy of Sciences (history outline): in 2 parts, part II. Munich.

Polonska-Vasylenko, N. (1964). Two concepts of the history of Ukraine and russia. Munich.

Shcherbakivsky, V. (1940). Hrushevsky's concept of origin of Ukrainian people in the light of paleontology. In: Works of Ukrainian Historical and Philological Society in Prague, vol. 3.

Артем КОКОШ

УКРАЇНСЬКІ ЕМІГРАЦІЙНІ СТУДІЇ ПРО МИХАЙЛА ГРУШЕВСЬКОГО

Анотація. Стаття представляє основну історіографію про Михайла Грушевського у першій половині XX століття з оглядом ідей українських науковців про внесок історика. Написана за хронологічним принципом, праця є спробою охарактеризувати ідеї сучасників за проблемним підходом і вивчити історичні праці дослідника, його політичну діяльність і внесок у формування ВУАН. Для написання праці було використано дослідження українських істориків з середовища еміграції в Чехословачинні і Баварії. Сьогодні відомо всього кілька праць 1920-1960-х років з середовища української еміграції про спадщину Грушевського. Присвячені науковій і політичній праці М. Грушевського, вони проливають світло на археографічну діяльність історика, його погляди щодо давньої історії України, організаційну роботу в НТШ та його політичні ідеї.

Згадані дослідження належать авторству Дмитра Дорошенка, Бориса Крупницького, Вадима Щербаківського, Наталії Полонської-Василенко, Олександра Домбровського та Олександра Оглоблина. Наукові статті та монографії українських науковців друкувалися як у періодичних виданнях, так і в іноземній періодиці. Вивчення життя і творчості історика в середовищі емігрантів розвинулося у повоєнний час. Тоді про М. Грушевського почали писати у газетах, наукових виданнях та окремі розділи в монографіях. Новизна статті полягає у спробі обєктивного вивчення внеску Грушевського до наукового життя українців, що представленні в оцінці українських науковців в еміграції.

Ключові слова: *Михайло Грушевський, історичні праці, погляди, Прага, Мюнхен.*

Submitted: 27.01.2023
Revised: 14.02.2023
Accepted: 01.03.2023

UDC 124.5:364
DOI 10.31733/2786-491X-2023-1-31-39

Vasyl POPOVYCH©
D.Sc. in Philosophy, Professor

Yana POPOVYCH©
Ph.D. (Philosophy), Associate Professor

(National University "Zaporizhzhia Polytechnic"), Ukraine

PHILOSOPHY OF SOCIAL MANAGEMENT IN PUBLIC MANAGEMENT' MODELS OF THE SYSTEM OF SOCIAL WORK

Abstract. The article defines a comparative analysis of the features of social management practices in various models of public administration in the system of social work. It has been determined that public administration in the system of social work is a management activity that is reproduced in the form of social management practices formed as a result of the interaction of social management subjects in the provision of social services. The cognitive-interpretative, value-motivational, procedural-organizational, communicative and activity-organizational dimensions of the structural-functional space of social and managerial practices in the public administration of the social work system are singled out. The criteria for the specifics of social management practices in the main models of public administration of the social work system are determined: centralization and decentralization of management; the level of involvement of society in the management of social work and social institutions; incorporation into the management system of market mechanisms for stimulating and controlling the activities of social workers; the share of the private sector in the provision of social services; focus on interpersonal interaction between a social worker and a client. The main models of social management practices in social work management are identified: administrative model; a model focused on the development of social work in society; model of partnership interaction between subjects of social work management

Keywords: *social work, public administration, social services, social practices, social management practices, new public management, effective governance.*

Introduction. At the present stage of reforming and modernizing the system of social protection of the population, there is an urgent need to develop a social work management system to provide assistance to various categories of social service clients at the national, regional and local levels. Social work management is carried out in the subjective plane and in the dimension of public administration, which is expressed in the specifics of social practices of interaction in the management of the sphere of social work at all levels. Therefore, the category that makes it possible to study the features of social work management is social and managerial practices, which manifest themselves as an integral structural and functional space.

© Popovych V., 2023
ORCID ID: https://orcid.org/0000-0001-7509-0459
popovic.vasil@gmail.com

© Popovych Ya., 2023
ORCID ID: https://orcid.org/0000-0002-9288-3765
popovych.jana@gmail.com

Analysis of recent research and publications. Modern problems of social work as an object of public administration are devoted to the works of such scientists as: Ya. Belevtsova, V. Bekh, R. Greba, K. Dubich, L. Kolbina, O. Pesotskaya, Ya. Troshinsky, M. Tulenkov, T. Semygina, G. Slozanskaya and others. Comparative analysis and prospects for the implementation of various models of public administration in the system of social and public administration (including in the field of social work) were carried out in the works of such domestic scientists as: E. Bolotina, M. Gordon, I. Kolesnik, I. Kravets, G. Kukhareva, B. Melnichenko, A. Nikitenko, V. Nikolaeva, A. Olentsevich, D. Spasibov, M. Semich, V. Yakobchuk. However, in the specialized literature, insufficient attention is paid to the study of the features of social management practices in different models of public administration in the system of social work.

The purpose of the article is to carry out a comparative analysis of the features of social management practices in different models of public administration in the system of social work.

Formulation of the main material. Public administration acts as a modern concept of managing social and state systems, especially in the field of social work and the provision of social services, reflecting the trend towards the creation of a management paradigm, the basis of which is state-public partnership.

In the scientific literature, there are many interpretive approaches to the concept of "public administration", which highlight specific features and definition criteria. Some authors define it as the basis of public control over the activities of government bodies (Chernov, Hayduchenko, 2014); others consider public administration in the functional aspect as the activity of governing bodies (state and non-state entities) and in the organizational aspect as their interaction (social partnership) (Petrova, Ruda, 2017); others determine the value bases of public administration (democratic affairs, the rule of law, social justice) (Kuybida, Bilyns'ka, Petroye, 2018). In the activity and organizational aspect, the definition of E. Bolotina is successful: "Public management is an activity that ensures the effective functioning of the system of state authorities, regional government, local government, public (non-governmental) organizations, individuals and other sub-civil society in order to implement state policy in various spheres of public life" (Bolotina, Nikitenko, 2017).

The analysis of the above definitions of public administration makes it possible to highlight its essential features in the system of social work: firstly, it is the practical management activity of social subjects of management of the social work system (state bodies, local governments, institutions of social work and social services, territorial societies, socially responsible businesses – structures), and is implemented on the basis of social partnership (Nykolayeva, 2019); secondly, it is implemented at the level of the entire system of social work in the state, at the level of institutions and organizations of social work, at the level of recipients of social services; thirdly, it includes the process of planning, motivation, implementation and control of managerial decisions. So, public administration in the system of social work is primarily a management activity that is reproduced in the form of social practices.

As our analysis of interpretative approaches to understanding social management practices shows, they are based on the social interaction of

subjects and objects of management, and in the case of the social sphere, subject- subjective interaction as a system of management relationships. Thus, social interaction reflects the relationship between individuals and social groups, between social groups and organizations of different levels of its functioning as a system, and therefore underlies the management system carried out through the social and managerial practices of managing subjects, respectively, socially acceptable value-normative and status – role models of behavior in society in a certain space and time.

Thus, social management practices in the field of public management of the social work system can be defined as ways to implement social management actions, formed as a result of interactions between social management subjects in the provision of social services (state and non-state social service providers), which ensures the well-established functioning of social sphere institutions; determined by social-statutory and normative-value regulators; function as general schemes for typing and interpreting social behavior and interaction in the system of managerial relations.

Considering social management practices as a practical activity aspect of public administration in the system of social work, it becomes necessary to determine their structural organization both in static and dynamic contexts. We are interested not so much in the structure of the process of implementing social management practices in the management of social work, but in measuring the functioning of such practices that form the space in which social management practices are formed and reproduced, due to which managerial functions are implemented in the social work system. An analysis of various sociological approaches to the interpretation of "social practice" made it possible to single out at least five such dimensions: cognitive-interpretative, value-motivational, procedural-organizational, communicative and activity-organizational, which act as an integral structural and functional space social work.

The formation and reproduction of social management practices in certain dimensions should take into account the following context: 1) the basis of the structural and functional dimension is the so-called "generating principle", due to which the formation, reproduction and well-established implementation of social management practices in the system of public administration of social work; 2) social management practice acts as interaction and social action (activity) of social subjects of management in the system of social work; 3) social management practice is carried out by social actors at different levels of public administration.

The cognitive-interpretative dimension of social management practices is associated with the category of habitus (Lizardo, 2004) as a mental and cognitive structure (generating principle/cognitive scheme for interpreting management situations), which is internalized in the interaction of public administration subjects by the social work system. The main mechanism for the formation of social management practices in the value-motivational dimension is the process of internalization of the values of the social community. Procedural and organizational dimension of social and managerial practices reflects the process of making managerial decisions at different levels of management in the system of social work. Communicative dimension of social management practices connected with the system of communications in public administration at its various levels.

The activity-organizational dimension of social management practices acts as the inclusion in practice of modern innovative and adaptive approaches to management in the system of social work and the provision of social services (Leshchyns'kyy, 2021), influencing the formation of effective practice-oriented models of social work in the context of decentralization and sustainable (balanced) development. Among modern management approaches, in our opinion, the most promising practices are: the practice of social partnership in the management of the social work system, the practice of the cluster model of social work and the practice of project-oriented management in social work.

Let us analyze the features of social management practices in the field of social work management in the context of the main models of public administration.

In Western scientific literature, there are three main conceptual models of public administration, presented as the evolution of the conceptual ideas of public administration in accordance with the development of a democratic type of social administration and the formation and self-organization of civil society: 1) the management model of M. Weber and V. Wilson, built on the principles of scientific management and bureaucratic management system ("Old Public Management"); 2) the "New Public Management" model; 3) a model of good governance (management) ("Effective Governance").

"Old Public Management" is a classical (bureaucratic) model of public administration, initiated by the theoretical provisions of M. Weber about "an ideal type of rational form of government based on the principle of lawmaking, which is characterized by a high level of predictability both for politics in general and for citizens" (S'omych, 2019). This model dominated in Western democratic states until the 1970^{s}, and in some countries to this day, although it is this model that has become the basis for the formation of more effective and adaptive models of social change, and therefore its elements are present in modern concepts of public management in the system of social work.

The Old Public Management model in social work is characterized by a high level of bureaucracy, hierarchical and centralized management, the social work management system is a bureaucracy, a clear and hierarchical management system, and the activities of a social worker are regulated primarily by instructions, orders and formal procedures. The features of social management practices in the classical model of public administration are: 1) the governing functions of social actors consist in administration and document management in the design of social assistance; 2) the main function of a social worker is social protection and social security within the framework of the social and legal field; 3) standardization of the behavior and response of a social worker in certain situations on the basis of formal procedures that form the impersonal nature of the relationship between a social worker and a citizen; 4) low level of involvement in the management of the sphere of social work and social service institutions of society; 5) the leading role of the state and state authorities in the field of social and social services.

Social changes in the 70^{s} of the twentieth century, the transformation of management ideas, the emergence of market management methods that have proven their effectiveness in business, the strengthening of the role of civil society, the formation of a consumer society contributed to the need to reform

the public administration system. Therefore, there was a need for a radical reform of the public administration model based on a managerial approach. This was also facilitated by the transformation of the well-established by that time model of the welfare state, which needed large budget expenditures in the social sphere and the growth of the bureaucracy to perform a large number of social functions of the state. This led to a rethinking of the classical model of public administration and the emergence of a new model – a new public administration (management) (New Public Management).

The theoretical basis for the emergence of a new public management model is the idea of introducing a management style in business structures and organizations (which is called managerism) into public administration, and the managerial approach in public administration was conceptualized by D. Osborne and T. Gebler, working in the work "Restructuring the Government" ("Reinventing Government") analyzed the traditional bureaucratic management model (classical "Old Public Management") and, based on the results, identified the trends of changes that need to be implemented in social and public administration through the introduction of market management mechanisms, as well as K. Hood, determined the basic principles and system elements of the new public administration (Hordon, Olentsevych & Kolisnyk, 2018; Kravets', Yakobchuk & Dovzhenko, 2021).

Summarizing the provisions of the new public management of well-known scientists, the essential features of the concept of New Public Manager in the management of social work are: 1) the transfer of some public functions to private organizations on a contract (contractual) basis in order to optimize the provision of social services; 2) decentralization of management, which consists in the reorganization of the social protection system from the approach of social assistance to the provision of social services; 3) citizens as recipients and consumers of state social services (client-centered approach); 4) modernization of the system of social services; 5) involvement of the public in the management of the system of social work institutions; 6) standardization of social services and minimization of costs by attracting extrabudgetary funds and paid services.

In this model of public administration, the specifics of social management practices in the social work management system are as follows: firstly, the main function of social work is the provision of social services; secondly, social work is carried out in the plane of "social work institution, social worker – client, recipient of social services"; thirdly, the incorporation of market incentives and control mechanisms in the social work management system (managementism); fourthly, the creation of conditions for the development and implementation of social projects and social partnership in the organization of social work at different levels of government; fifthly, the involvement of civil society institutions in making managerial decisions in the development of social work at the regional and local levels. The New Public Management concept was challenged in the late 1990^{s}. XX century, when new models of public administration began to be developed, but even today the public administration system and civil service are based on the principles of the New Public Management concept, although the new trend in public administration today is due (quality) management ("Effective Governance").

Most researchers tend to believe that in the modern world there are no

objective standards of Effective Governance, a number of sources still contain a universal set of components, features of this model of public administration (Bolotina, Nikitenko, 2017): role in decision-making, transparency, responsibility, efficiency, accountability to society, equality, rule of law, human rights, partnerships between state and civil society. So, N. Gordon, N. Olentsevich, I. Kolesnik note that "within the framework of the concept of Effective Governance, the institutional mechanism of public administration is changing, since the transition from patron-client relations between authorities and citizens to forms of partnership between the main actors of civil society is ensured prerequisites are being created for the broad involvement of the population in management" (Hordon, Olentsevych, Kolisnyk, 2018). It is important to note that Effective Governance does not replace previous management models, but embraces them in a new context of equal partnership between the state and civil society in the implementation of the goals and objectives of public administration (S'omych, 2019).

Features of social management practices in the good governance model are determined by the following features: 1) decentralization of social work management – increasing the powers of institutions for the provision of social services at the level of a territorial society; 2) a high level of public participation in the management of the social work system; 3) transparency and openness of information and communication interaction in the social work management system; 4) focus on interpersonal interaction between the social worker and the client; on the professional and personal qualities of a social worker; 5) wide application of tools and mechanisms of intersectoral social partnership and project management in the management of social work at the level of territorial communities. Table 1 summarizes the results of a comparative analysis of the features of social management practices in different models of public management of social work.

Table 1

Comparative analysis of social management practices in public administration models in the social work system

Model of public administration	Characteristics and principles of the model of public management	Specificity of social management practices
Old public management (rational-bureaucratic management system) "Old Public Management"	High level of bureaucracy Hierarchy and centralization of the state management system of the social work system. The leading role of the state and state management bodies in the field of social work and social services.	Management functions consist in administration and document flow in the registration of social assistance within the framework of the social and legal field. Standardization of the behavior and response of the social worker in certain situations based on formal procedures, which forms the impersonal nature of the relationship between the social worker and the client. Low level of involvement in the management of social work and community social service institutions.

Model of public administration	Characteristics and principles of the model of public management	Specificity of social management practices
New public management (public management) "New Public Management"	Introduction of market management mechanisms. Partial privatization of the state sector of social work on a contractual (contractual) basis in order to optimize the provision of social services. Strengthening control over the activities of state management bodies by communities. Decentralization of management. Cost minimization.	The main function of social work is the provision of social services. Social work is carried out at the level of "social work institution, social worker – client, recipient of social services". Incorporation of market mechanisms of stimulation and control in the social work management system ("managerialism"). Creation of conditions for the development and implementation of social projects and social partnership in the organization of social work at different levels of management.
Proper (quality) governance "Effective Governance"	Participation in state decision-making. Transparency Responsibility Efficiency Accountability to society Equality, Rule of law. Human Rights. Partnership relations of state power and civil society in making management decisions.	Decentralization of social work management – increasing the authority of institutions to provide social services at the level of the territorial community. High level of community participation in the management of the social work system. Transparency and openness of information and communication interaction in the social work management system. Orientation on the interpersonal interaction of the social worker and the client; on the professional and personal qualities of a social worker. Wide application of tools and mechanisms of interdisciplinary social partnership and project management.

Conclusions. The presented theoretical analysis made it possible to generalize the following conclusions:

– Firstly, public administration in the system of social work is a management activity that is reproduced in the form of social practices that are conceptualized in the study as social management practices – ways of implementing social management actions, formed as a result of the interaction of social subjects management in the field provision of social services (state and non-state providers of social services), ensuring the well-established functioning of social institutions; determined by social-statutory and normative-value regulators;

– Secondly, the integral structural and functional space of social and managerial practices in the public administration of the social work system is presented in five dimensions: cognitive-interpretative, value-motivational, procedural-organizational, communicative and activity-organizational;

– Thirdly, the specifics of social management practices in the main models of public management of the social work system (classical model ("Old Public Management"); model of "New Public Management" ("New Public Management"); model of effective governance ("Effective Governance") is based on the following criteria: 1) centralized and decentralized management; 2) the level of involvement of society in the management of social work and social institutions; 3) incorporation into the management system of market mechanisms for stimulating and controlling the activities of social workers; 4) the share of the private sector in the provision of social services; 5) focus on interpersonal interaction between a social worker and a client;

– Fourthly, there are three main models of social management practices in the management of social work: 1) an administrative model based on administration, rational bureaucracy and centralized management relations; 2) a model focused on the development of social work in society, based on decentralized management and broad participation of society in the development of social work; 3) a model of partnership interaction based on the principles of social partnership in the management of social work and the involvement of project management tools in the development of a system for the provision of social services at the regional and local levels.

A promising direction for further research is to identify regional features of social management practices in the social work management system.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Bolotina, Ye. & Nikitenko, A. (2017). Suchasni zakhidni kontseptsiyi upravlinnya ta modeli publichnoho administruvannya [Modern Western concepts of management and models of public administration]. *Economic Herald of Donbass,* 1 (47), pp 96-100. [in Ukr.].

Hordon, M., Olentsevych, N. & Kolisnyk I. (2018). Modeli publichnoho upravlinnya: porivnyal'nyy analiz ta propozytsiyi dlya Ukrayiny. Derzhavne upravlinnya: udoskonalennya ta rozvytok. [Models of public administration: comparative analysis and proposals for Ukraine]. *Public administration: improvement and development,* no. 3. URL : http:// dy.nayka.com.ua/ [in Ukr.].

Kravets', I., Yakobchuk, V. & Dovzhenko, V. (2021). Suchasni teoriyi publichnoho upravlinnya: kontseptsiyi "menedzheryzm" ta "neomenedzheryzm". Investytsiyi: praktyka ta dosvid [Modern theories of public management: the concepts of "managerialism" and "neo-managerialism"]. *Investments: practice and experience*, no. 4, pp. 103-108. [in Ukr.].

Leshchyns'kyy, O. (2021). Metodolohiya menedzhmentu sotsial'noyi roboty. Innovatsiynyy potentsial sotsial'noyi roboty v suchasnomu sviti: na mezhi nauky ta praktyky : materialy I Mizhnarodnoyi naukovo-praktychnoyi konferentsiyi. Chernihiv : NU "Chernihivs'ka politekhnika" [Social work management methodology. Innovative potential of social work in the modern world: on the border of science and practice]: *materials of the 1st International Scientific and Practical Conference*. Chernihiv : Chernihiv Polytechnic University, pp. 21-22. [in Ukr.].

Mel'nychenko, B. (2021). Suchasna paradyhma publichnoho upravlinnya: praktychnyy vymir dlya Ukrayiny. Visnyk Natsional'noho universytetu "L'vivs'ka politekhnika". Seriya : Yurydychni nauky [Modern paradigm of public management: practical dimension for Ukraine]. *Bulletin of the Lviv Polytechnic National University, Series : Legal Sciences*,

1 (29), pp. 104-109. [in Ukr.].
Nykolayeva, V. (2019). Suchasni kontseptsiyi ta teoriyi derzhavnoho upravlinnya sotsial'noyu robotoyu. Vcheni zapysky TNU imeni V. I. Vernads'koho. Seriya : Derzhavne upravlinnya [Modern concepts and theories of state management of social work]. *Academic notes of TNU named after V.I. Vernadskyi. Series : Public administration*, 1 (30-69), pp. 91-96. [in Ukr.].
Petrova, I. & Ruda, O. (2017). Publichne upravlinnya yak faktor i stymulyator modernizatsiyi administratyvnoho prava. Pidpryyemnytstvo, hospodarstvo i pravo [Public administration as a factor and stimulator of modernization of administrative law]. *Entrepreneurship, economy and law*, no. 6, pp. 131-135. [in Ukr.].
Kuybida, V., Bilyns'ka M. & Petroye O. (2018). *Publichne upravlinnya: terminol. slov.* [Public administration: terminal. Words]. Kyiv : NASU, 2018. 224 p.
S'omych, M. (2019). Osoblyvosti suchasnykh modeley publichnoho upravlinnya. Aspekty publichnoho upravlinnya. [Peculiarities of modern models of public administration]. *Aspects of public administration*, 7 (4), pp. 44-52. [in Ukr.].
Chernov, S. & Hayduchenko, S. (2014). Tekst lektsiy z dystsypliny "Publichne administruvannya" [*Text of lectures on the discipline "Public Administration*"]. Kh. : XNUMG, 97 p. [in Ukr.].
Lizardo, O. (2004) The Cognitive Origins of Bourdieu's Habitus. *Journal for the Theory of Social Behaviour*, 34 (4), pp. 375–401.

Василь ПОПОВИЧ, Яна ПОПОВИЧ

ФІЛОСОФІЯ СОЦІАЛЬНОГО УПРАВЛІННЯ В МОДЕЛЯХ ПУБЛІЧНОГО УПРАВЛІННЯ В СИСТЕМІ СОЦІАЛЬНОЇ РОБОТИ

Анотація. У статті проведено порівняльний аналіз особливостей практик соціального управління в різних моделях державного управління в системі соціальної роботи. Визначено, що державне управління в системі соціальної роботи – це управлінська діяльність, яка відтворюється у формі практик соціального управління, сформованих у результаті взаємодії суб'єктів соціального управління при наданні соціальних послуг. Виокремлено когнітивно-інтерпретаційний, ціннісно-мотиваційний, процесуально-організаційний, комунікативний та діяльнісно-організаційний виміри структурно-функціонального простору соціально-управлінських практик у публічному управлінні системою соціальної роботи.

Визначено критерії специфіки практик соціального управління в основних моделях державного управління системою соціальної роботи: централізація та децентралізація управління; рівень залучення суспільства до управління соціальною роботою та соціальними інститутами; включення в систему управління ринкових механізмів стимулювання та контролю діяльності соціальних працівників; частка приватного сектора в наданні соціальних послуг; орієнтація на міжособистісну взаємодію соціального працівника та клієнта.

Визначено основні моделі практик соціального менеджменту в управлінні соціальною роботою: адміністративну модель; модель, орієнтована на розвиток соціальної роботи в суспільстві; модель партнерської взаємодії суб'єктів управління соціальною роботою

Ключові слова: *соціальна робота, державне управління, соціальні послуги, соціальні практики, практики соціального управління, нове публічне управління, ефективне управління.*

Submitted: 24.12.2022
Revised: 23.01.2023
Accepted: 02.02.2023

UDC 330+316.7
DOI 10.31733/2786-491X-2023-1-40-47

Alla ZALUZHNA©
D.Sc. in Philosophy,
Professor

Antonii ZALUZHNYI©
Ph.D. (Economics)

Tamara SHADIUK©
Ph.D. (Philosophy),
Associate Professor

(National University of Water and Environmental Engineering), Ukraine

INFORMATION CULTURE IN THE CONTEXT OF MANAGING CONSUMER NEEDS

Abstract. The article is devoted to the study of the content features of the conceptualization the interaction between economic and socio-cultural needs. It was found that the management of consumption needs is determined by economic, socio-cultural, informational and communication factors. In the course of the study, it was established that the conceptual sphere of consumer needs is considered by modern researchers as a system of structuring types of needs based on the consumers'wishes and preferences, establishing a level hierarchy of needs, determining the types of economic behavior and the nature of the interaction between economic and socio-cultural needs.

It is noted that one of the defining features of the socio-cultural development of the post-industrial age is the dominance of the mass and its orientation towards comfort and spectacle, which leads to the preference of a specific type of consumption, the characteristic features of which are stereotyping, demonstrativeness, homogeneity, uniformity and fetishization of material needs. This type of consumption is called demonstrative, it is compatible with irrational forms of consumer behavior, which is characterized by symbolic values of consumption as manifestations of prestige, status, well-being, ownership, following fashion or trend, as well as simulativeness as a shift of emphasis from the object of consumer interest to its perception. On the contrary to this type of consumption, rational economic behavior is justified, which is traditionally defined by such features as taking into account the maximization of benefits and the minimization of costs and risks.

Attention is drawn to the fact that the complexity of consumer behavior is explained by the large amounts of information spreading in modern economic space, which is an important need of a person, as well as a construct of the information-network economy and, therefore, is on the top of strategic importance. Besides, it was noted that freedom of accessing information not only increases the possibilities of consumer choice, but also contains potential risks of misinforming and unconscious choices due to manipulative psychological influence.

Keywords: *needs, consumption, consumer, management, information culture, socio-cultural sphere, symbols, simulation, simulacra.*

© Zaluzhna A., 2023
ORCID iD: https://orcid.org/0000-0002-5012-7419
a.ie.zaluzhna@nuwm.edu.ua

© Zaluzhnyi A., 2023
ORCID iD: https://orcid.org/0000-0003-2755-1040
zaluzhnuy1992@gmail.com

© Shadiuk T., 2023
ORCID iD: https://orcid.org/0000-0002-2376-0112
t.a.shadiuk@nuwm.edu.ua

Introduction. Information culture, infrastructurally providing the economy as a sphere of human activity, becomes an important factor in the formation, regulation and satisfaction of consumer needs. Its role is especially strengthened in the conditions of an informatized, globalized and networked socio-cultural space through the context of defining such concepts as status, fashion, brand, and image. As far as the problematic field of information and network transformations is concerned, there is a transition from the priority of the producer to the priorities of the human consumer and his needs. Apart from, under the influence of information technologies, the system of consumer preferences is changing. In particular, a new model of the consumer is being formed with characteristic guidelines for meeting the needs of the intangible dimension, which is complicated in the context of a multivariate choice. Nevertheless, the management of needs system by ICT can acquire in the cultural dimension threatening forms of manipulation of the consumers'desires, interests and goals through advertising, marketing operations, fashion, mass media, branding, etc.

Analysis of recent research and publications. The cogitation of the phenomenon of consumption in the conditions of information culture as the main subject of research and a separate scientific problem in economic and socio-cultural aspects is getting proper coverage. In particular, considerable attention in the sociological discourse is paid to the problem of needs interpretation. One of the most common interpretations is the understanding of needs as formed under the influence of social relations, the laws of social development and social conditions, regardless of the psychophysical characteristics of the individual (Chatriot, Chessel, 2017). This point of view is supplemented by V. Moskalenko, E. Hlukhachev, who affirm a dichotomy in the problem of consumer needs, which is constituted due to a contradiction that arises "between a social subject (a person, a social group, class, society as a whole) and the objective conditions of his life activity" (Moskalenko, 2013, Hlukhachev, 2005). That is, there is a combination of social determinants of needs with subjective factors determined by the individual's psychophysical characteristics. These definitely reasonable trends in the study of this issue must be the basis of our research, in which the main thesis is that a person is the only and unique being who not only has needs, but is also able to realize and shape them and not only satisfy them, but also critically rethink and limit himself.

In light of, it is important to investigate not the relevant institutions or society as a whole, but individual factors, which become the main in the formation of consumer needs. Therefore, it should be assumed that individual goals and preferences are the driving force of socio-cultural development.

The purpose of the article is to find out the content features of the concepts of the interaction between consumer economic needs and the socio-cultural, socio-economic and psychological conditions of managing consumer choice, as well as to establish markers of consumer behavior in conditions of spreading information in the economic space and probable reasons for manipulating their behavior.

Formulation of the main material. The need, as something necessary for human life, initially provide in its foundations needs of a higher level, namely, the personal formation and self-realization of an individual. As you know, in the hierarchy of needs proposed by A. Maslow, primary physiological requests are replaced by a set of material needs, which are reduced to the needs

for safety and security (Maslow, 2013).

In fact, needs can appear as desires, intentions, aspirations, urges, but the functioning of the "economic man" requires, first of all, the satisfaction of the primary physiological needs of strengthening health and the necessary preliminary material conditions that will ensure the existence and activity of the subject of consumption. Instead, economic needs, in turn, give way to an even higher level of needs: creative self-realization. Their satisfaction guarantees the establishment of social needs of love, friendship, self-esteem, etc. It should be noted that focusing only on rational economic interests and the logic of capital limit the individual's freedom of choice and justify the morally dubious market. This is a strong incentive to conceptualize the ideas of the interaction of economic needs with social, cultural, and religious needs, which not only form consumer behavior models, but also determine the directions of his activity in general.

In particular, D. Hodgson as a representative of institutionalism (Hodgson, 2004; Hodgson, 2001) speaks of the need to distinguish in the plane of economic analysis the concept of "needs" as objective requests of a general nature, related to the conditions of human existence, and subjective requests ("wants") as desires, whims and passions. It is about social conditions for meeting individual needs such as needs of goods production and their distribution in the economic system, in the system of education and upbringing, in the developed network of communications, political power, etc. The main goal of such activity is the establishment of "healthy and educated individuals" who, taking care of themselves and each other, are able to "maximize their creative potential in an honest way" (Hodgson, 2004).

In actual fact, institutionalism emphasizes social needs and according to it, certain changes in the structure of needs determine the development of institutions (family, state, industrial enterprises, etc.), and in this manner stimulate the emergence of new needs. So the concept of rational consumer, which is focused only on material needs, is a subject to critical rethinking. Moreover, D. Hodgson offers a dynamic concept that argues for transformational changes, "presupposing the flexibility of institutions that determine needs and give them an assessment and sensitivity to individual requests and public debates" (Hodgson, 2004, p. 358), reducing the subjective nature of all needs to a "deceptive thesis". In this connection, the relativism and subjectivity of A. Maslow's needs (the hierarchical model of needs) and the theory of economic individualism are subjected to special criticism. The pyramid of needs proposed by A. Maslow as a necessary condition for the physical and psychological state of any individual is replaced by a complex web of social needs in the context of the sociocultural dimension of existence.

Furthermore, in accordance with H. Marcuse, E. Fromm the dominance of the mass and its orientation towards comfort and spectacle become the main characteristic of modern society (Marcuse, 2013; Fromm, 2003) and become one of the defining features of the socio-cultural development of the post-industrial age (Baudrillard, 2010; Consumer society 2016, 2008; Foucault & Fontana, 2005). Consumption is identified with omnivorousness, standardization of "lifestyles", which M. Weber considers as "a criterion of social stratification, a factor that unites a certain social group and at the same time prevents the transition of a person from one group to another" (Weber,

2019), stereotyping of opinions regarding the formation of ideas about consumer goods, demonstrativeness, homogeneity, uniformity, etc. The fetishization of the role of material needs as objects of consumption leads to the replacement of interpersonal relations with relations between things, objects, which, in agreement with J. Baudrillard, causes a "deep mutation" in social development.

A peculiar phenomenon of replacing the true purpose of a thing and its value, is observed, and the satisfaction of needs is replaced by the irrational consumers'desires related to prestige, power, fashion, possession, which are quite easy to be manipulated (Murphy, 2016; Sassatelli, 2007). All in all, the outlined additional symbolic meanings supersede the quality of goods, their primary purpose and function, and therefore set the rhythm of a person's life, that is determined by his or her dependence on the things of the surrounding world. It must also be acknowledged that shopping is regarded a highest value, its connection with the mythologizing of achieving a welfare through the purchase of goods, services, and experiences is obvious. In the socio-cultural environment, the absolutization of the modern human consumer, who falls under the power of external manipulative influences, is noticed.

However, the consumer's willingness to pay is subjected to various ways of managing and manipulating by consumer's desires and needs and making him or her impossible to control personal preferences. For instance, P. Heine in his work "Economic Way of Thinking" demonstrates on the basis of examples how marketing adjustment of market prices affects the willingness of consumers to purchase the certain product. This can be a discount on several packages of yogurt when purchasing a large volume, the introduction of a tax on a certain type of product, a reduction of tax on another type of product, and other marketing actions that affect demand.

Quite often, the irrational desire to obtain immediately something cheap and unnecessary as well as overestimate things that are more expensive but actually have no value are triggered. Meanwhile, wise and meaningful decisions referring to attempts of rational assessment, calculation for the sake of making a choice are changed by the realities of specific situations in life itself. Indeed the rationality of the "economic man" is replaced by irrational principles, since in specific situations people are guided by irrational principles of behavior, irrational manifestations, which can be reduced to certain models, and therefore, consumers become completely predictable.

In this context, it is worth paying attention to the research of D. Kahneman, who in his interview reveals the forces that influence the multiplicity of variations of irrational behavior, preventing their attribution to a single theoretical model. The author reduces the peculiarities of behavior to two main aspects of the irrational:

– "a person does not understand himself, and therefore loses the opportunity to make the right decision";

– "it is naturally for humans to simultaneously have disproportionate desires or strive for conflicting goals" (Dyson, 2011).

And that is why the consumer goes beyond the scope of the "logically thinking automaton" and makes the final decision not due to the taking into account the maximization of benefits and the minimization of costs and risks, but rather on account of a whole series of factors that go beyond the bounds of rationality.

It is also worth noting the complexity of consumer behavior and providing the choice of needs process in the conditions of spreading information in the economic space. For example, information can be understood in the context of the fundamental property of reality as a degree of the open systems organization. The main properties of information are: dimensionlessness in space and time; the ability of new connections through the possibility of embeddedness in old ones (additivity); indifference of information to physical carriers; emergence of new qualities under the condition of its quantitative accumulation (emergency); entropy of information as a measure of randomness, its uncertainty, probability and unpredictability (Soni & Goodman, 2017).

We emphasize that information at all stages of economic development played a significant role in the socio-cultural space, however, in the network economics, it reaches the level of strategic value. After all, information and time are declared to be the primary and determining condition for the formation of a new economic system. Information is used in various spheres of human existence, and therefore, it is an extremely important need. The participants of economic relations are involved in the society information resources due to the information and communication technologies.

It is significant that at the initial stages of the World Meeting at the highest level devoted to the issues of society informatization, held in Geneva (2003), Tunisia (2005), a lot of questions were raised about the reduction of digital inequality and the need for the information and communication infrastructure at the national and regional levels. Some of the issues related to the human rights providing and free access to information based on the maximum using of ICT in the discussion and decision-making projects.

However, in marketing activities, information involves the prompt arrival of data that ensure the successful operation of the enterprise and communication links between entrepreneurs and consumers (Cohen, 2017). It is mainly focused on consumers, their needs, preferences, features of economic behavior. In addition, marketing information is aimed at ensuring adaptation to changes in the market environment, sales stimulation, demand formation, organization of an advertising company, improvement of commercial activity results.

At the same time, the motives and preferences of consumers are not explained only by the phenomenon of a rational subject. The psychological foundations of consumers'economic behavior also matter. Typically, managing the consumer choice, which is concerned to meeting needs, presupposes, first of all, the implementation of intelligent procedures for comparing requests with one's ability to pay.

However, the presence of neuronal systems of the brain influence the behavior of individuals, acting as essential decision-making mechanisms (Demchenko, 2022) and reactions. That is why a number of psychological and neurobiological studies related to the study of consumer behavior substantiate the essential role of psychological and emotional factors in their ability to inhibit the requirements of common sense for making a rational and effective decision (for instance, owning credit cards leads to the phenomenon of loss of self-control in impulsive, unconscious processes of spending credit funds, etc.).

What is more, the needs associated with utility and those associated with the experience of pleasure activate different neural areas. That is why the neurophysiological methodology makes it possible to exert a targeted influence

on the consciousness of the subject, to stimulate the purchase of the appropriate product or service, manipulating the economic behavior of consumers. We have to admit the effectiveness of such sources of obtaining information by the consumer as advertising, trademark, marketing services.

It is clear that there are an increase of potential opportunities for consumer choice due to free access to the world's global computer networks, diversification of offers and expansion of the assortment – on the one hand, and the risks of misinformation, unconscious choice, when the emotional criterion largely determines the behavior of consumers and reduction of incomes of the population of Ukraine, etc., – on the other hand.

The activity of humans economic behavior and the desires of consumers are largely determined by advertising and marketing strategies, and the egocentric focus on consumption becomes habitual, prominent characteristic of a person in a "consumer society" (Baudrillard, 2010; Baudrillard, 2016; Consumer society, 2016, 2008). On that basis, Z. Bauman analyzes a society in which an individual experiences doubts about the correctness of the choice, "willless towards objects of desire, which quickly lose their attractiveness and changes in appearance in accordance with the requirements of fashion" (Bauman, 2013).

As a consequence, the new industrial society of the second generation, which is established as post-industrial, makes some adjustments to the traditional understanding of demonstrative consumption. In the semantic space of demonstrative consumption, the struggle for status in society and attachment to symbols that contribute to obtaining a higher status position in society are tracked. After all, the sign-symbolic understanding of the consumption process (Bourdieu, 1992; Baudrillard, 1994; Baudrillard, 2016; Consumer society, 2016) takes the consumer beyond the traditional boundaries of the problem of human needs and ways of satisfying them. In this case, the emphasis is shifted to the consumer's attitude toward other people, things, and nature. The problem of the symbolism of goods and ways of manipulating them becomes especially important, since the goods are not reduced to an object of consumption, but a sign that has a much higher price than the one aimed at covering the cost price and making a profit.

Things consumed by subjects become expressions of status and prestige. That is why consumption acquires a symbolic expression, and the consumer is considered not so much from the standpoint of meeting the necessary needs of life, but as an "object of design, marketing, merchandising" (Baudrillard, 2016). Symbolic exchange is based on the understanding and possession of symbolic codes and the awareness of the comprehensive role of design, which penetrates into all spheres of human living space – from living spaces, things and spectacles to the most intimate depths of human existence.

Actually, the defining role in the information society is played by symbolism (a sign that carries certain information) both in production and consumption, and simulativeness (shifting the emphasis from the object to the peculiarity of its perception). As a matter of fact, the creation of a computerized, cybernetic and informational mass media space often leads to the loss of personal identity and immersion in virtual reality, fragmentary clip culture with the establishment of a game principle.

According to J. Baudrillard and G. Deleuze, reality is transformed into an image, a sign, a simulacrum, leading to the elimination of the ability to distinguish the real world of human existence from the simulative and imaginary. In

particular, J. Baudrillard speaks of the displacement of reality by the pseudo-reality of the simulacrum as a pseudo-thing and a pseudo-image, and G. Deleuze defines a simulacrum as "an image devoid of similarity" (Deleuze, 1990).

In this case, the need to create and transmit information in order to reflect the real state of affairs is being modernized to include it in the process of creating simulacra and building a new hyperreality. The truth of the matter is that human dissolves in the flow of information and a comprehensive visualization of the world due to the penetration of advertising images into the human consciousness, which distance a person from reality. As a result, the symbolic environment crowds out a human beyond any factuality boundaries.

Conclusions. To summarise, information culture is the sphere where communicative processes of human life take place, a market of needs is formed, among which the needs of status and prestige become the most prioritized in the life of society. Viewed in this way, the phenomenon of satisfying human needs is considered not from the standpoint of vital consumption, but from the perspective of prestige, image, and demonstrability. This would mean that there is a clear desire to show one's status, well-being or create the appearance of its existence through the demonstrative consumption of both material goods (things) and immaterial goods (the sphere of services, the spiritual sphere, the educational sphere).

Information culture appears as the sphere of simulacra production and simulations, symbols mainly act as mediators of interactions in both the socio-cultural and economic spheres. It is the usefulness and functionality of consumption that is complemented by its symbolic meaning, giving goods and services socio-cultural measurements. The possession of symbolic objects of status, power and prestige determines human role and place in society, its hierarchy and structure. This also contributes to the explanation of consumers differentiation on the basis of unequal opportunities to acquire material and immaterial goods as well as the social tension of social inequality, and an orientation towards consumption as a dominant value.

There are some factors of information culture that influence consumer needs such as advertising, fashion, and branding. They can regulate the psychological, hedonistic, and image-based economic behavior of consumers to some extent, reflecting those transformations that take place in the information network and social cultural space. Therefore the main consumer orientation is not on needs, but on symbols, among which there are symbols of social position, status, lifestyle and the dominance of intangible emotional needs.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

Bauman, Z. (2013). Consuming Life. Polity Press. 168 p.

Baudrillard, J. (2010). America. Verso Books. 160 p.

Baudrillard, J. (2008). Fatal Strategies. MIT Press. 232 p.

Baudrillard, J. (2016). Myths and structures. SAGE Publications. 240 p.

Baudrillard, J. (1994). Simulacra and simulation. University of Michigan Press. 164 p.

Baudrillard, J. (2016). Symbolic exchange and death. SAGE Publications. 280 p.

Bourdieu, P. (1992). The Logic of Practice. Polity Press. 333 p.

Chatriot, A. & Chessel, M. (2017). *The Expert Consumer.* Associations and Professionals in Consumer Society. Taylor & Francis. 220 p.

Cohen, M. (2017). The Future of Consumer Society. Prospects for Sustainability in the New Economy. Oxford University Press. 214 p.

Deleuze, G. (1990). The logic of sense. Columbia University Press. 393 p.
Demchenko, M. (2022). Neuromarketing as a modern technology of marketing communication: analysis of primary sources. *Communications and Communicative Technologies,* is. 22, pp. 61-70. [in Ukr.].
Dyson, F. (2011). Thinking, Fast and Slow. Kahneman. Reviewed by Freeman Dyson in New York Review of Books. Farrar, Straus and Giroux, pp. 40-44.
Foucault, M. & Fontana, A. (2005). The Hermeneutics of the Subject. Lectures at the College de France 1981-1982. Pan Macmillan. 608 p.
Fromm, E. (2003). Man for Himself. An Inquiry Into the Psychology of Ethics. Routledge. 198 p.
Hodgson, G. (2004). The Evolution of Institutional Economics. Agency, Structure, and Darwinism in American Institutionalism. Routledge. 534 p.
Hodgson, G. (2001). How Economics Forgot History. The Problem of Historical Specificity in Social Science. Taylor & Francis. 448 p.
Marcuse, H. (2013). One-Dimensional Man. Studies in the Ideology of Advanced Industrial Society. Taylor & Francis. 336 p.
Maslow, A. (2013). A Theory of Human Motivation. Start Publishing LLC, 34 p.
Murphy, W. (2016). Consumer Culture and Society. SAGE Publications, 272 p.
Sassatelli, R. (2007). Consumer Culture. SAGE Publications, 237 p.
Soni, J. & Goodman, R. (2017). A Mind at Play. How Claude Shannon Invented the Information Age. Simon & Schuster, 366 p.
Weber, M. (2019). Economy and Society. A New Translation by Keith Tribe. Harvard University Press, 504 p.

Алла ЗАЛУЖНА, Антон ЗАЛУЖНИЙ, Тамара ШАДЮК

ІНФОРМАЦІЙНА КУЛЬТУРА У КОНТЕКСТІ УПРАВЛІННЯ ПОТРЕБАМИ СПОЖИВАЧІВ

Анотація. Стаття присвячена вивченню змістових особливостей концептуалізації ідей взаємодії економічних потреб із соціокультурними. З'ясовано, що управління потребами споживання зумовлене економічними, соціокультурними та інформаційно-комунікаційними факторами.

В ході дослідження встановлено, що концептосфера потреб споживача бачиться сучасними дослідниками як система структурування видів потреб на основі бажань, уподобань і преференцій споживача, встановлення рівневої ієрархії потреб, визначення типів економічної поведінки та характеру взаємодії економічних потреб із соціокультурними. Відмічається, що однією із визначальних особливостей соціокультурного розвитку постіндустріальної доби є домінування людини маси та її зорієнтованість на комфорт та видовища, що зумовлює перевагу специфічного типу споживання, характерними рисами якого є стереотипність, демонстративність, однорідність, уніфікованість та фетишизація матеріальних потреб.

Даний тип споживання називається демонстративний, він сумісний з ірраціональними формами поведінки споживача, для якої властиві символічні значення споживання як прояви престижу, статусності, матеріального добробуту, володіння, слідування моді чи тренду, а також симулятивність як зміщення акцентів з об'єкта споживчого інтересу на особливість його сприйняття. На противагу даному типу споживання обґрунтовується раціональна економічна поведінка, яку традиційно визначають такі риси як урахування максималізації вигоди та мінімізації витрат та ризиків.

Звертається увага на те, що складність поведінки споживачів пояснюється насиченістю сучасного економічного простору інформацією, що є важливою потребою особи, а також конструктом інформаційно-мережевої економіки й, відтак, набуває рівня домінуючого стратегічного значення. Водночас, зауважено, що вільний доступ до інформації не лише збільшує можливості споживчого вибору, але й містить потенційні ризики дезінформування споживачів, схиляння до неусвідомленому вибору через маніпулятивний психологічний вплив.

Ключові слова: *потреби, споживання, споживач, управління, інформаційна культура, соціокультурна сфера, символи, симуляція, симулякри.*

Submitted: 04.02.2023
Revised: 10.03.2023
Accepted: 25.03.2023

UDC 14 : 316.32
DOI 10.31733/2786-491X-2023-1-48-54

Olga GOLD©
Ph.D. (Philosophy),
Researcher
(Aix–Marseille University),
France

PROCESSES OF GLOBALIZATION AND SECULARIZATION: ASPECTS OF HYBRID INFLUENCE ON MODERN SOCIETY

Abstract. The article deals with the "processes of globalization and secularization: aspects of hybrid influence on modern society", which is relevant for science. This is a social phenomenon that has historical origins and has deepened over the years. The methods used and adopted as a basis are socio-philosophical and philosophy of history: Thomas H. Eriksen aspects of the globalization of society; Kevin H. O'Rourke, Jeffrey D. Williamson's Globalization of History.

The processes of globalization and secularization under the conditions of multiculturalism, war and hybrid attacks are analyzed, which otherwise arouses interest in world science and takes on a new meaning. Investigating the issue of the phenomenon of the formation and development of polyconfessionalism, we try to discover modern aspects of society. The processes of globalization and secularization have already been discussed with the philosophical community, but in today's conditions, new methods and approaches to examining the world are emerging. The concept of "globalization", "hybridity", "secularization" was considered, which made it possible to reach a conclusion.

Today, the processes of globalization and secularization as aspects of hybrid influence on modern society are an important topic for various fields of scientific activity. The russian invasion of a sovereign state gave the world the opportunity to feel the impact of hybrid attacks from the media, which became another real "front". The hybridization of some aspects of society as a form of influence in the russian war is a challenge to unification with the "Slavic world". Globalization, and sometimes, secularization processes oppose the localization of culture and anti-globalization. Global phenomena are observed in secularized countries rather than anti-globalization processes. Consideration of these social processes deserves the attention of world scientists.

Keywords: *globalization, hybridization, processes of multi-confessionalism, secularization, transformation of society.*

Introduction. In modern society, understanding "processes of globalization and secularization: aspects of hybrid influence on modern society" is relevant for science. This is a social phenomenon that has historical origins and has deepened over the years. These questions are considered from the point of view of the conceptual foundations of philosophical knowledge, which is relevant for the academic circle.

The research was based on socio-philosophical and philosophy of history principles and methods:

1) Thomas H. Eriksen aspects of the globalization of society;

ORCID iD: https://orcid.org/0000-0003-1689-227X
olgoldios@gmail.com

2) Kevin H. O'Rourke, Jeffrey D. Williamson's Globalization of History.

Based on the approaches to the research of the topic, the processes of globalization and secularization, as a process of modernity, we consider in the context of hybrid influence from the point of view of socialization and the transition of society from convergence to separation in conditions of war, resistance to changes in the world order and the clash of cultures and barbarism, macro-historical and local processes. Consider the concepts of "globalization", "hybridity" and "secularization".

Analysis of recent research and publications. Scientific literature is already devoted to the analysis of the formation and development of polyconfessionalism. Thus, research studies of polyconfessionalism in the context of constructivism, globalization processes and multiculturalism were carried out by such foreign authors as M. Bernardot, M. Weber, D. Galbraith, D. Diakowska, T. Eriksen, H. O'Rourke, W. Rostow, H. Spencer, D. Williamson, T. Friedman and others.

Changes in the religious sphere caused by geopolitical changes of the 20th-21st centuries were analyzed in the works of Ukrainian scientists O. Sagan, A. Boyko and others. The impact of polyconfessionalism on the processes of society and the cultural progress of Ukraine is considered in the works of: M. Baimuratov, M. Kozlovets, A. Kolodny, P. Lobazny, E. Martynyuk, O. Predko, V. Tytarenko, L. Filipovych, E. Kharkivshchenko, P. Yarotsky and others. However, many issues of polyconfessionalism from the point of view of socio-philosophical analysis have not yet been sufficiently revealed in scientific research.

The purpose of the article. The processes of globalization and secularization under the conditions of multiculturalism, war and hybrid attacks, which otherwise arouses interest in world science, take on a new meaning. Investigating the issue of the phenomenon of the formation and development of polyconfessionalism, we try to discover modern aspects of society. The processes of globalization and secularization have already been discussed with the philosophical community, but in today's conditions, new methods and approaches to examining the world are emerging.

Today, it is important to resolve issues of convergence and divergence, formation and development of secular and globalization processes in a hybridized society. Scientists today have not yet reached a public understanding of these processes.

Formulation of the main material. We have already addressed the topic of global and multi-faith societies as a modern phenomenon in a poly-faith society, where we noted that: the religious landscape of the planet still preserves historical-geographical segmentation and some countries look quite homogeneous in terms of the religious affiliation of their citizens, however, the events of the beginning of the third millennium, taking place in the world and in Ukraine, testify to the growth of the multicultural and globalization factor... Sharp discussions also unfold around values and identities, the foundations of which are based on religious ideas and feelings. Moreover, multi-confessionalism in an interdependent, globalized space carries the threat of escalation of world confrontations (Gold & Kozlovets, 2021, p. 42).

The first decade of the XXI century in the world was manifested by the deepening of crisis phenomena in society, the transformation of the

destabilization of social life into the permanence of life. The processes are characterized by the instability and uncertainty of political and philosophical ideas, the crisis of the main social and cultural directions, economic and social problems. In the period of such diverse processes, a crisis of personality and society arises. Therefore, it is relevant to consider the concepts of globalization, confession, multiculturalism, secularization, according to the conditions of modernity. For a detailed analysis of these problems, we will turn to scientists and authors who raise such questions in a socio-philosophical aspect.

The concept of "globalization" arose in the 90^{s} of the 20th century, when the collapse of the socialist economy took place and capitalism in the sense of a universal system came, which described in the work of Robert Robertson, Kathleen White "Globalization" (Robertson & White, 2007).

According to the concept of "convergent processes" (already referred to in other works), it is one of such processes that leads to the spread of values beyond the boundaries and borders of one country. Globalization processes in various aspects of manifestation define a new stage of human development. Their consequences are sometimes associated with the COVID pandemic, as well as with a full-scale invasion of Ukraine. Information globalization both connects and separates societies, overcoming the concept of "state".

We will also turn to the topic of globalization from the point of view of European sociology, which outlines research approaches: "from a semantic and semiological point of view, the difficulties are numerous, since, in addition to the diversity of their use, these terms describe both states and processes (mobilization, hybridization, liquidation, for example, what is the common meaning of potential self-generation).

Moreover, their meanings are dynamic and very often fractured, in metaphors, between antagonistic poles, and in tension – including ordinary meanings and basic meanings that appear, at least at first sight, impossible or difficult to reconcile in pairs, such as speed and stopping, adaptation and maladaptation, clarity and inaccuracy, purity and impurity, fertility and corruption, etc. These different characteristics do not come together at the same time, and they do not all have the same valence. Depending on the quality of the components, their quantity and speed of transformation, the personality of the actors who wear them, their effects change" (Bernardot).

Today, the processes of multicultural synthesis/globalization/the so-called "Melting pot" play a powerful role in the formation of society, the formation of values, and the philosophical analysis of the history of the emergence of nations and states, which was already mentioned in previous works. Culture in general, as a concept of globalization, becomes a measure of the value of traditionally – historical heritage of mankind, a social and religious indicator of relations in states.

The topic is often related to migration and anti-migration processes in Europe. It is here that the question of the consequences of the arrival of peoples belonging to different cultures is often asked. In Europe, not all states have yet been able to implement models of integration into society, this remains an open problem. Therefore, scientific circles have to turn again to the questions of "pros and cons" of multiculturalism. The issue of multiculturalism is especially relevant in a multi-religious society, because religious diversification does not always provide an opportunity, even in the era of globalization, to accept other

people's values and cultural patterns. What leads to the secularization of modern society.

Globalization processes today are reduced to the spread of local phenomena of society, politics, economy, as well as a purely existential phenomenon of the individual, where the material, informational, geographical boundaries of social systems are leveled. The process of globalization leads to the unification of culture and the spread of the dominant general pattern, language patterns, monetary dimension, and information environment.

According to the American economist J. Soros, the true emergence of global capitalism, as an integral feature of globalization, occurred when the world faced an energy crisis. It is widely known that modern globalization processes take place in the so-called "neoliberal economic model".

Globalization processes in various aspects of manifestation define a new stage of human development. Their consequences are sometimes associated with the COVID pandemic, as well as with a full-scale invasion of Ukraine. Information globalization both connects and separates societies, overcoming the concept of "state" (Gold). In his writings, sociologist Fernand Braudel draws attention to the desire of cultures to go beyond traditions to create a global tradition that focuses not only on political history, but covers all spheres of life: economy, linguistics, culture, politics, etc. (Braudel).

If we touch on the issues of language, as a hybrid symbol of the people, which has a special role, because it is a phenomenon of culture, building the sovereignty of the state. Language is one of the many signs of a nation as a hybrid of modernity, as well as a code of culture/nation. And, as a symbol, it can also divide society. Mass media are also connected with language, which often convey information of a hybrid nature, which becomes a part of public demand.

Also, regarding the concept of the emergence of a nation, according to T. Eriksen, it depends on the decision of a "group of influential persons", then it is easy to call the nation a phantom, a political slogan, a means of globalization (Eriksen). Secularization as it is commonly understood, is a refusal to understand other levels of existence, as opposed to focusing on the sacred. Secularization is the process of reducing the religious weight in society, the transition from spiritual to agnostic and atheistic positions.

Secularization of society means less commitment of its members to religion. At the same time, the number of unbelieving population is increasing. This process can take a long time, almost generations replace each other. Reasons for secularization. During the early Renaissance, theocentrism was replaced by anthropocentrism and humanism. Man becomes a central figure and idea in various aspects of the philosophy of society. Culture and man no longer revolve around God. Religion is replaced by science and philosophy.

Countries with a large number of followers of Islam abandon the policy of secularization and live in a religious society. For example, Saudi Arabia shows a high level of economy today. However, there are not many non-secularized states with developed economies.

Authors V. Malakhov and D. Letnyakov note that almost all modern states are secular, and secular in their own way. Therefore, the answers to the

question of what it means for the state to be secular vary. So, in France, it is impossible to imagine a meeting of the Cabinet of Ministers, which opens with a prayer, which is traditional for the United States. In the USA, it is impossible for the federal government to fund a denomination, while in Denmark, the clergy of the Danish People's Church receive a salary, because this church has state status. In Ireland, the Constitution prohibits state support for any religion, but the Catholic Church has so much political influence that until recently it successfully blocked the adoption of a liberal law.

In Germany, the separation of state and church is enshrined in law, but at the same time, the Constitution declares that the state cooperates with the church in such areas as education and social policy. The state receives a tax for the benefit of the church, which is considered commonplace in, say, Austria and Italy, while such taxation is explicitly prohibited by law in France and the United States (Gold & Kozlovets, 2021).

Hybridization is the process of crossing modern social processes of the 20th-21st centuries. In the world, characterized by changing objective information or reality for the purpose of manipulation of influence on society. As given by Oxford learner dictionary: hybridization – the process of breeding together animals or plants of different species or varieties to produce a hybrid.

Let's turn to the opinion of sociologist Mark Bernardot, his view that "Indeed, mobility, hybridity and liquidity are increasingly used in the human and social sciences and sciences in general, but also in popular languages, expert lexicons and media and political discourse, to characterize tendencies to questioning the categories and institutions emblematic of modernity. Mobility challenges place, position, status.

Hybridity questions, transforms and supplants race, identity, the norm. Liquidity threatens the stability, permanence and very existence of known reality. As a result, they can be considered each and together, as characteristics of the current period, whether it be called postmodernity, late modernity, late capitalism, second modernity or liquid modernity… the term hybridity has become the stake of an ideological war around the cultural consequences of globalization. Its use and appreciation are extremely diverse.

For example, cultural hybridization can be condemned as one of the most harmful consequences of capitalist standardization and imperial subjugation of globalization. Z. Bauman believes that this active metaphor is promoted by a globalized hypermobile elite. But it appears, for example, in cultural studies and postcolonial studies and in anthropology more broadly, as the ultimate tool of subversion and liberation from relations of colonial rule (hybridity, mimicry, third spaces, indigenization, Brazilianization, etc.). This concept obviously affects the sociology of migration and multiculturalism" (Bernardot, Brown).

Let's give an example that concerns Ukraine, "hybrid war" is a system or complex of hostile actions that concentrate covert operations, violations of the rules of war, sabotage, cyber warfare, collaborationism, use of social networks, terrorism. Today, russian cyber networks sometimes influence the civil population both by publishing fake news and by building "bot farms" with armies of "commentators" and other participants in the virtual space. The enemy is supported by all possible influences on the population, from within

society, primarily by spreading panic and utopian attitudes.

There are known cases of detention by the Armed Forces of Ukraine of enemy cyber-criminals and collaborators during the modern war. Civilians and representatives of religious organizations in Ukraine often become collaborators. It is known that a number of foreign religious organizations operate in our country, many of which support the people morally and materially in war conditions, and some, on the contrary, try to carry out pro-russian propaganda work.

Conclusions. Today, the processes of globalization and secularization as aspects of hybrid influence on modern society are an important topic for various fields of scientific activity. The russian invasion of a sovereign state gave the world the opportunity to feel the impact of hybrid attacks from the media, which became another real "front". The hybridization of some aspects of society as a form of influence in the russian war is a challenge to unification with the "slavic world".

Globalization, and sometimes, secularization processes oppose the localization of culture and anti-globalization. Global phenomena are observed in secularized countries rather than anti-globalization processes. Population migration processes lead to the secularization of society. Western society is secularized enough compared to others. Societies followed their own paths to secularization. Globalization brings its changes to the processes of secularization of societies. Consideration of these social processes deserves the attention of world scientists.

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

References

Bernardot, M. Mobilité, hybridité, liquidité : un architexte de la globalisation? URL : https://journals.openedition.org/variations/937.

Brown, R. (1991). Clefs pour une poétique de la sociologie, Arles, Actes Sud, 1989; Passeron J.-C., Le raisonnement sociologique. L'espace non-poppérien du raisonnement naturel. Paris, Nathan.

Eriksen, T. (2020) Globalization: The Key Concepts Routledge, p. 228.

Gold, O. (2022). Hlobalizatsiŷni protsesy ta informatsiŷni rysy hibrydnykh viŷn: suchasnyŷ aspekt Ukraïns'ka entsyklopedystyka: postati, podiï, ponyattya: zbirnyk materialiv [Globalization processes and informational features of hybrid wars: a modern aspect Ukrainian encyclopedias : figures, events, concepts : a collection of materials]. General. ed. by d.i.n., prof. A. Kyridon. Kyiv : State Scientific Institution "Encyclopedic Publishing House", pp. 64-68.

Gold, O. & Kozlovets, M. (2021). Confessional pluralism as a phenomenon of modernity: world and Ukrainian context. *Visn. Zhytomyr Ivan Franko State University. Philosophical sciences: scientific journal*. Zhytomyr: Zhytomyrsk. state I. Franko University, 2 (90), pp. 40-51.

Robertson, R., & White, K. (2007). What is globalization? The Blackwell comp. to globalization. Blackwell Publ. Ltd, pp. 54-66.

Thomas, H. (2012), Vulnérabilité, fragilité, précarité, résilience, etc. De l'usage et de la traduction de notions éponges en sciences de l'homme et de la vie. Recueil Alexandries, Editions Terra-Hn. URL : http://www.reseau-terra.eu/article697.htm.

Brodel, F. (1997). Material'na tsyvilizatsiya, ekonomika i kapitalizm, XV-XVIII st. [Material civilization, economy and capitalism, XV-XVIII centuries]. Trans. from Fr. by Hryhoriy Filipchuk. Kyiv : Basics. [in Ukr.].

Ольга ГОЛД

ПРОЦЕСИ ГЛОБАЛІЗАЦІЇ ТА СЕКУЛЯРИЗАЦІЇ: АСПЕКТИ ГІБРИДНОГО ВПЛИВУ НА СУЧАСНЕ СУСПІЛЬСТВО

Анотація. У статті розглядаються актуальні для науки "процеси глобалізації та секуляризації: аспекти гібридного впливу на сучасне суспільство". Це соціальне явище, яке має історичне походження і поглиблюється з роками. Використані та прийняті за основу соціально-філософські методи та методи філософії історії: Томас Х. Еріксен аспекти глобалізації суспільства; Кевін Х. О'Рурк, Глобалізація історії Джеффрі Д. Вільямсона.

Проаналізовано процеси глобалізації та секуляризації в умовах мультикультуралізму, війни та гібридних атак, що інакше викликає інтерес у світовій науці, набуває нового значення. Досліджуючи питання феномену становлення та розвитку поліконфесійності, ми намагаємося розкрити сучасні аспекти суспільства. Процеси глобалізації та секуляризації вже обговорювалися у філософській спільноті, але в сучасних умовах з'являються нові методи та підходи до дослідження світу. Розглянуто поняття "глобалізація", "гібридність", "секуляризація", що дало змогу дійти висновку.

Сьогодні процеси глобалізації та секуляризації як аспекти гібридного впливу на сучасне суспільство є актуальною темою для різних сфер наукової діяльності. Російське вторгнення в суверенну державу дало світові можливість відчути на собі вплив гібридних атак з боку ЗМІ, які стали ще одним справжнім "фронтом". Гібридизація деяких аспектів суспільства як форма впливу на російську війну є викликом об'єднанню зі "слов'янським світом". Процеси глобалізації, а часом і секуляризації, протистоять локалізації культури та антиглобалізації. Глобальні явища спостерігаються в секуляризованих країнах, а не антиглобалістські процеси. Розгляд цих соціальних процесів заслуговує на увагу вчених світу.

Ключові слова: *глобалізація, гібридизація, процеси поліконфесійності, секуляризація, трансформація суспільства.*

Submitted: 02.03.2023
Revised: 31.03.2023
Accepted: 05.04.2023

UDC 378.014.54+001.89:330.341
DOI 10.31733/2786-491X-2023-1-55-69

Larysa LIGONENKO©
D. Sc. in Economics, Professor

Lesia HRYTSIAK©
Associate Professor

(V. Hetman Kyiv National Economic University), Ukraine

ACADEMIC ENTREPRENEURSHIP: A SYSTEMATIC REVIEW OF THE LITERATURE AND AN AGENDA FOR FURTHER RESEARCH

Abstract. The article presents the results of a bibliometric analysis of foreign literature (858 scientific papers) on academic entrepreneurship published in the SCOPUS scientometric database in 1970-2022. The dynamic and structural analysis of publications showed the growing relevance of the international scientific community to the development of academic entrepreneurship. The clustering of scientific research by means of VOSwiever.com allowed us to identify 5 clusters: 1) purpose, role, impact of academic entrepreneurship on innovation, higher education, economic development and competitiveness of the country (region); 2) academic entrepreneurs and development of the academic entrepreneurship ecosystem; 3) interaction (links) between universities and industry, organization of technology transfer; 4) patent activity of universities; 5) academic spin-offs and formation of entrepreneurial universities. The trends in scientific research are identified based on a substantive analysis of the 15 most cited scientific publications. Proposals on the appropriate directions of research on academic entrepreneurship in Ukraine are presented.

Keywords: *academic entrepreneurship, commercialization of university technologies, literature review, bibliometric analysis, WOS-viewer, research trends.*

Introduction. The issue of academic entrepreneurship is not sufficiently represented in the scientific space of Ukraine, although at all levels the opinion about the importance and feasibility of this option for the implementation of the "third mission" of universities is supported. It is generally recognized that academic entrepreneurship is an effective form of interaction between universities, business, state (government) and local (community) institutions. It is thanks to academic entrepreneurship that university researchers can accelerate and shorten the path of transformation of a scientific idea (project, development) into the results of its practical use new products, services, technologies.

Analysis of recent research and publications. On the information platform "Scientific Periodicals of Ukraine" (www.irbis-nbuv.gov.ua); we managed to find only 5 articles devoted to this issue and dated 2013-2017. Academic entrepreneurship is considered in them as a factor of socio-economic development of the country and innovative development of higher education and

© Ligonenko L., 2023
ORCID iD: https://orcid.org/0000-0001-5597-5487
larisa.ligonenko@kneu.edu.ua

© Hrytsiak L., 2023
ORCID iD: https://orcid.org/0000-0002-8847-0482
grytsiak.lesia@kneu.edu.ua

science of Ukraine, as a factor of increasing the efficiency of enterprises and formation of innovative potential of the Ukrainian economy. In these works, Ukrainian researchers use the term "academic entrepreneurship", but do not disclose its content in detail. The priority of their attention was the conceptual and methodological foundations of innovative entrepreneurial activity of higher education institutions in the world (Romanovskyi 2015); the role of universities in the innovative development of higher education and the economy as a whole (Romanovskyi, 2015), consideration of the components of the modern innovation infrastructure (technology parks and business incubators), which are identified as priority components of academic entrepreneurship in the formation of the innovative economy of Ukraine (Zhukov, 2017). The article (Gladka, 2013) describes the experience of applying one of the possible forms of academic entrepreneurship – academic business incubation.

Thus, despite the widespread use of special studies in the Ukrainian-language scientific space, there have been almost no special studies devoted to the phenomenon of academic entrepreneurship. In particular, no systematic review and reflection of the world scientific heritage on the developments on this issue, including the use of bibliometric analysis tools, has been conducted.

The purpose of the article is: 1) to conduct a systematic review of the literature on academic entrepreneurship; to determine the dynamic and structural characteristics of the available sources of scientific knowledge, clustering (allocation of research groups according to various criteria), 2) to analyze the main cited sources to form an idea of research trends, 3) to identify the most controversial issues and challenges that concern researchers in order to formulate a program for further research.

Research methodology. The information base of the study was a sample of publications published in the scientometric database SCOPUS (https://www.scopus.com) in 1970-2022. The sample was formed by searching for the query "TITLE-ABS-KEY "Academic entrepreneurship", i.e. by the presence of the term "academic entrepreneurship" in the title or keyword of the publication. As of March 25, 2022, 858 scientific papers were identified and became the object of analysis. The analytical processing of the formed sample of scientific publications was carried out using the built-in analytical block "Analysis of Publications" of the SCOPUS scientometric database (dynamic and structural analysis of publications by such criteria as (authors, universities, countries), sorting by level and analysis of citation indices), specialized software VOSviewer version 1.6.5. for building bibliometric maps and identifying clusters, EXCEL software for building analytical tables and graphs. 13 scientific articles and 2 monographs with the highest level of citations were selected to characterize the content direction, methodology, tools and research results

Formulation of the main material. The problem of academic entrepreneurship has been attracting the attention of the international scientific community for more than 50 years, and the interest in its consideration is growing (Fig. 1). This is confirmed by the annual number of publications, which increased from less than 2 units in 1970-2003, to 6.2 units in 2004-2008, 32.4 units in 2009-2013, 60.2 units in 2014-2018, 88 units in 2019-2022. That is, over the past less than 15 years (2009-2022), the total number of publications increased by more than 18.5 times compared to the 35 previous years (1970-2008 (respectively, 814 and 44 publications). The structure of

 ISSN 2786-491X (Print)

publications by type of scientific output (Fig. 2) is dominated by scientific articles – 649 publications, although more format products have been prepared: 15 books and 34 literature reviews.

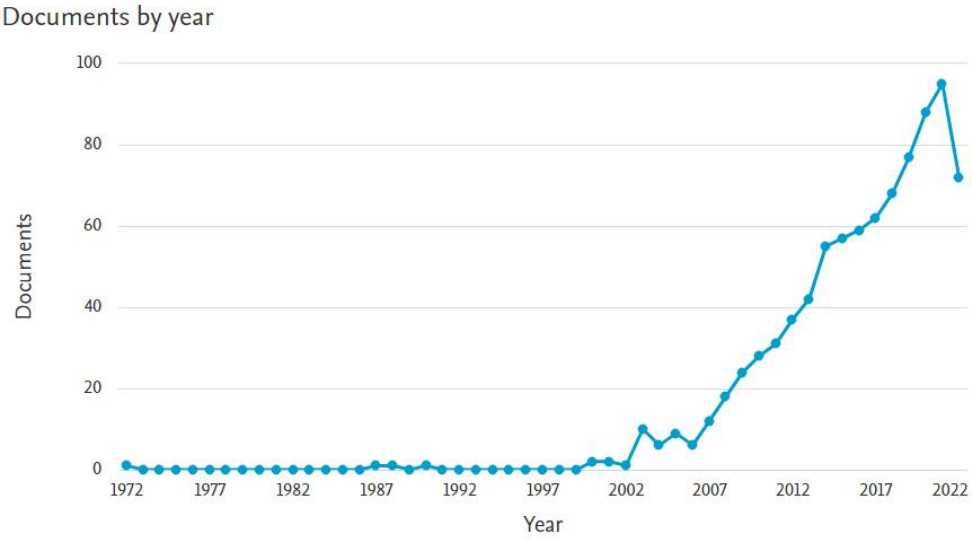


Fig. 1 – Dynamics of scientific productivity (publication activity) by the term "Academic entrepreneurship" in 1970-2022
Source: built on articles'data from scopus.com

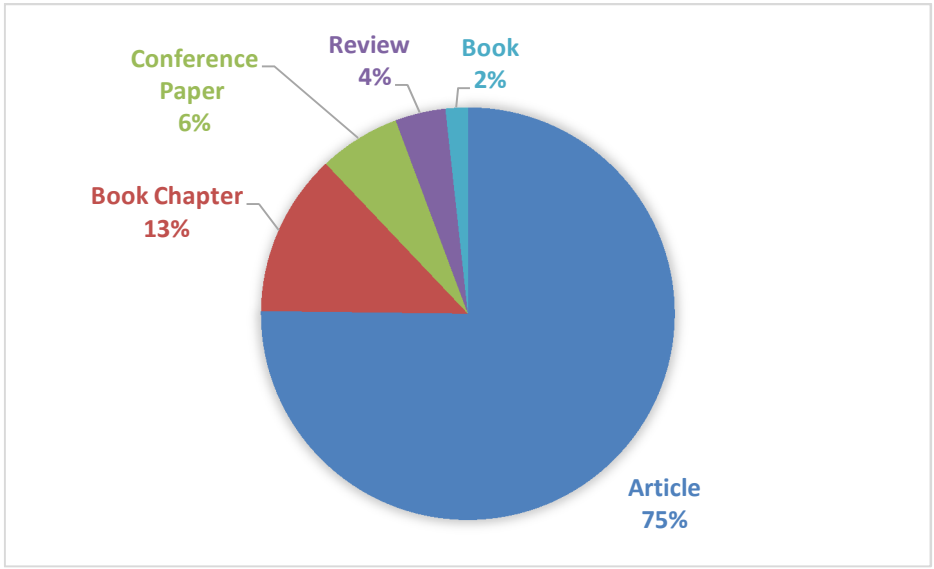


Fig. 2 – Structure of scientific publications on academic entrepreneurship in 1970-2022 by type of scientific product
Source: built on articles'data from scopus.com

The issue of academic entrepreneurship is interdisciplinary. This is confirmed by the interest in research in this area of specialists in such fields of knowledge as: Business, Management and Accounting – 651 (40.2 %, Social Sciences – 261 (161 %), Economics, Econometrics and Finance – 225 (13.9 %). Specialists in engineering, decision sciences, computer science, arts and humanities, environmental science, medicine, agricultural and biological

sciences are also interested in researching this issue, which is probably the result of the development of academic entrepreneurship in universities of this specialization.

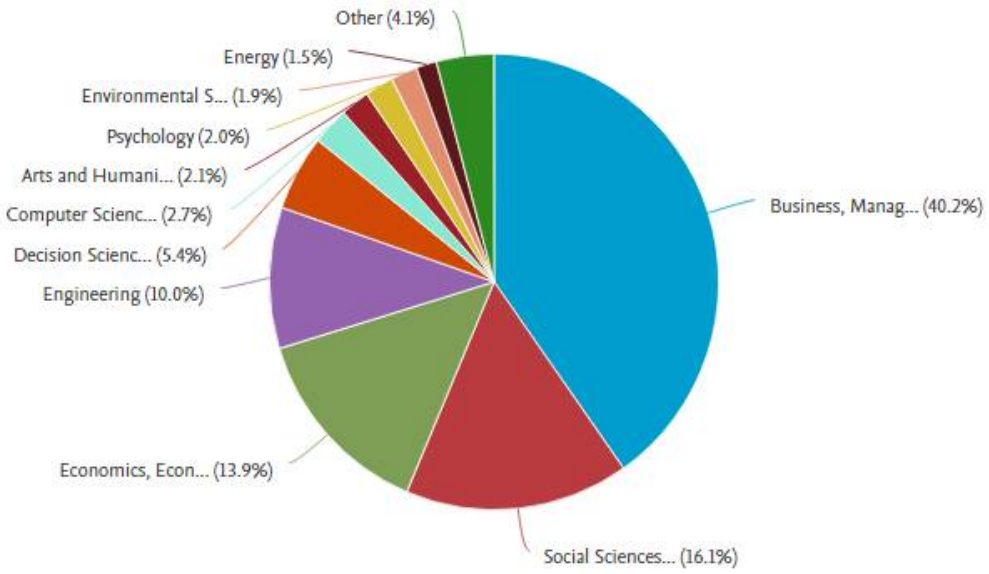


Fig. 3 – Structure of scientific publications on academic entrepreneurship in 1970-2022 by field of knowledge

Source: built on articles'data from scopus.com

Table 1 shows the leaders among countries, universities and authors in terms of the number of publications on various aspects of academic entrepreneurship. The list of countries is dominated by the developed countries of America and Europe, although younger European countries and Asian "tigers" also show significant interest. That is, the importance of development and the positive impact of academic entrepreneurship is well recognized on all continents and regardless of the level of development of the country. It is clear that developed countries popularize their own experience and present the results of global efforts, while developing countries study the global experience and present the first results of its implementation, as well as highlight national peculiarities and innovations that have been developed.

The list of universities with the largest number of publications is dominated by classical and technological universities, which were the first to realize the benefits of the concept of academic entrepreneurship after the adoption of the Bayh-Dole Act in 1980 in the United States and later similar laws in other countries. These laws created a legal framework for the commercialization of university technologies, introduced a unified patent policy and removed licensing restrictions; allowed universities to own patents obtained under federal research grants.

The leader among the researchers in terms of the number of publications is Michael Wright, Professor of Entrepreneurship at Nottingham University Business School, Nottingham, United Kingdom, one of the most famous British economists and a recognized founder of research in entrepreneurship, economics and management. A significant contribution to the development of the subject area of academic entrepreneurship was made by such scholars as

Einar Rasmussen (Small Business Economics, Norway); Fini Riccardo (Alma Mater Studiorum Università di Bologna, Bologna, Italy); Meoli Michele (Università degli Studi di Bergamo, Bergamo, Italy); Giustina Secundo (Full Professor in Management Engineering at Department of Management, Finance and Technology University LUM Giuseppe Degennaro (Bari, Italy); Henry Etzkowitz (International Triple Helix Institute, Silicon Valley, United States); Rosa Grimaldi (Alma Mater Studiorum Università di Bologna, Bologna, Italy); Silvio Vismara (Università degli Studi di Bergamo, Bergamo, Italy).

Table 1

Top 10 countries, universities and authors of publications on academic entrepreneurship

Countries	Documents	Universities	Documents	Author	Documents
United States	185	Imperial College Business School	27	Wright, M.	19
United Kingdom	129	Universiteit Gent	24	Rasmussen, E.	14
Italy	116	Alma Mater Studiorum Università di Bologna	21	Fini, R.	12
Germany	84	Nord universitet	17	Meoli, M.	12
Spain	67	Università degli Studi di Bergamo	16	Secundo, G.	11
Sweden	58	Lunds Universitet	15	Etzkowitz, H.	10
Belgium	43	KU Leuven	14	Grimaldi, R.	10
China	37	Universität Augsburg	13	Vismara, S.	10
Norway	37	Università degli Studi di Napoli Federico II	13	Cunningham, J.A.	9
France	36	Högskolan i Halmstad	13	Guerrero, M.	9
Netherlands	34	Itä-Suomen yliopisto	12	Audretsch, D.B.	8
Finland	29	Universita del Salento	11	Knockaert, M.	8
Canada	26	Universidade da Beira Interior	10	Montonen, T.	8
Portugal	24	Universitetet i Oslo	10	Siegel, D.S.	8
Brazil	22	Friedrich-Schiller-Universität Jena	10	Czarnitzki, D.	7
Poland	22	University of Cambridge	10	Eriksson, P.	7

Source: formed on data from scopus.com

The number of citations to publications in the SCOPUS scientometric database also confirms the interest in the study of academic entrepreneurship. During 2010-2022, there was a rapid increase in the number of citations of publications devoted to the issues of academic entrepreneurship (Fig. 4). Their

annual number increased from 422 (2010) to 1345 (2015) and 4012 (2022). In total, since 1970, these publications have been cited by different authors 24.2 thousand times.

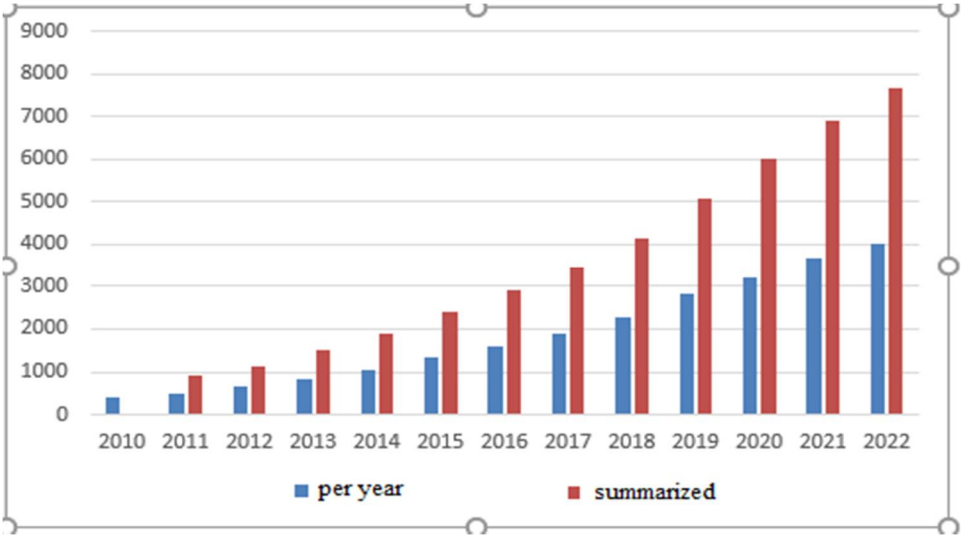


Fig. 4 – Dynamics of citations of publications on academic entrepreneurship in 2010-2022

Source: built on articles'data from scopus.com

The VOSviewer.com program was used to cluster academic entrepreneurship publications by keywords (which indirectly reflect the research topic). The program identified 2,648 keywords that were included in these publications and created a visualization of their frequency of use (Fig. 5). Given the wide variety of keywords, the selection criterion was the use of this word in at least 15 publications. The diameter of the circle in fig. 5 reflects the number of publications in which this word is used as a keyword.

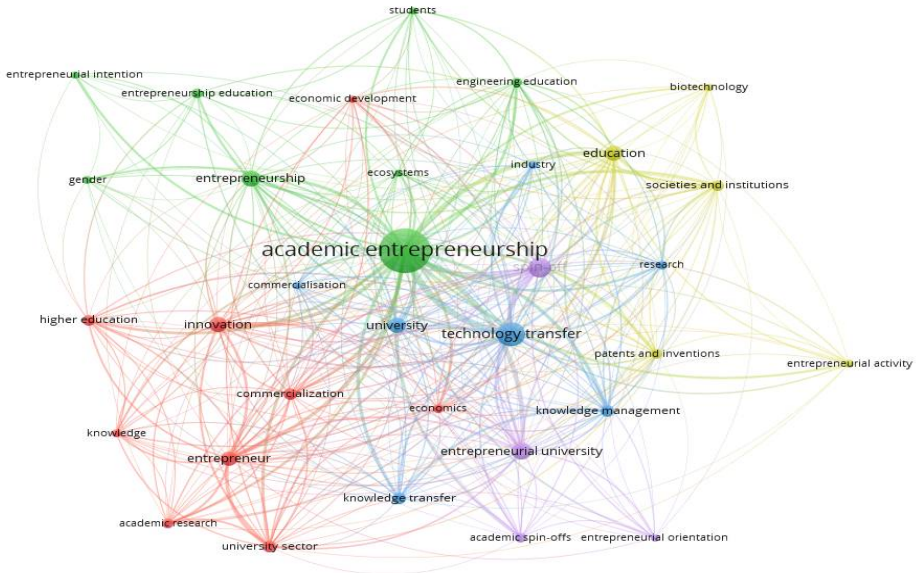


Fig. 5 – Keywords that were most often used in publications on academic entrepreneurship

Source: data from VOSviewer.com

Table 2 shows the most frequently used 33 keywords (optimized number based on the prepared thesaurus to avoid technical repetition – singular/plural, different spelling of the same words, country names, etc.), the number of times they are used, and the link strength – the number of connections found between them. The latter serves as the information basis for cluster analysis.

The clustering of keywords (keywords belonging to the defined clusters are also presented in Table 3), conducted by the VOSviewer.com program, allows us to distinguish 5 clusters of research and provide a generalized description of their content:

– Cluster 1 – purpose, role, impact of academic entrepreneurship, commercialization of knowledge and technologies for innovation, higher education, economic development and competitiveness of the country (region)

– Cluster 2 – the object of research is academic entrepreneurs (their needs and demands), the formation of students'entrepreneurial intentions and the development of entrepreneurial education, as well as the formation of an academic entrepreneurship ecosystem;

– Cluster 3 – the publications of this cluster study the interaction (connections) between universities and industry, as well as the organization of technology transfer, which is considered as a tool for knowledge transfer and a component of knowledge management;

– Cluster 4 – covers publications devoted to the patenting activities of universities (preparation and registration of patents and inventions), as well as the participation of educational institutions in business activities (obtaining passive income from intellectual property);

– Cluster 5 is devoted to the study of the preparation and conduct of entrepreneurial activities by universities through the creation of academic spin-offs; their transformation into "entrepreneurial universities".

We will provide a brief description of the most influential (cited) publications on academic entrepreneurship recognized by the international scientific community.

The monograph Shane (2004) is considered a fundamental classic. Academic entrepreneurship: University spinoffs and wealth creation. Academic entrepreneurship: University spinoffs and wealth creation, which has been cited in 1053 scientific papers. Its FWCI (average normalized citation index) is 14.43, which demonstrates that the actual level of citations exceeds the expected level based on the average for this field of knowledge). It systematically and reasonably explains the mechanism, importance and role of university technology commercialization and university capital creation in the United States and other countries; provides a retrospective of the development of university spin-offs.

It provides an in-depth analysis of four main factors that jointly influence the activities of spin-offs: the university and societal environment, the technology developed at universities, the industries in which spin-offs operate, and the people involved. It describes in detail the process of creating a spin-off, transforming spin-off technology into new products and services, market research for these new products and services, and attracting financial resources. The factors that enhance and impede the effectiveness of university spin-offs are systematized, as well as the impact they have on atherosclerotic universities.

Table 2

The most used keywords of scientific publications in the subject area of "academic entrepreneurship" in 2010-2022

Keyword	Occurrences	Total link strength	Cluster
entrepreneur	63	230	1
innovation	65	179	
commercialization	40	133	
economics	24	99	
academic research	28	95	
higher education	34	93	
knowledge	18	68	
economic development	15	61	
academic entrepreneurship	560	1020	2
entrepreneurship	80	143	
engineering education	24	99	
ecosystems	17	62	
students	16	51	
entrepreneurship education	28	49	
gender	18	34	
entrepreneurial intention	16	30	
technology transfer	173	492	3
knowledge management	42	167	
university	67	152	
knowledge transfer	43	122	
research	24	99	
industry	18	70	
commercialisation	16	59	
education	67	228	4
societies and institutions	32	141	
patents and inventions	28	95	
entrepreneurial activity	20	49	
spin-off	115	321	5
entrepreneurial university	83	220	
academic spin-offs	29	70	
entrepreneurial orientation	16	45	

Source: formed on the data from VOSviewer.com

The monograph by Wright, Clarysse, Mustar & Lockett (2007), dedicated to systematizing the experience and achievements of academic entrepreneurship in Europe, is also highly recognized by the scientific community (394 references, FWCI=4.93 It is a comprehensive study that addresses such issues as: public policies to promote academic spin-offs, types of spin-offs; institutional level processes: incubation models; firm level processes: development phases and models; entrepreneurial teams in spin-offs; financial constraints and access to finance. The monograph concludes with

conclusions and recommendations for policy makers on the necessary policy corrective measures.

Table 3 presents a systematic description of the 13 scientific articles with the highest number of citations (citation level is in the range of 301 – 1313).

Table 3

Systematic description of the most cited scientific articles on academic entrepreneurship

Author/Year / Title	**Object of research**	**Methodology used**	**Results and conclusions**	**Recognition identifiers** [2]
1. Perkmann, M., Tartari, V., McKelvey, M., (...), Salter, A., Sobrero, M. (2013) Academic engagement and comercialisation: A review of the literature on university-industry relations	university-university relations with non-academic organizations and comercialization: a comparative analysis of the preconditions and implications for the individual scientist and the university	a sample of scientific articles that publish the results of empirical research; a comparative analysis of the methodology and research results	linkages and commercialization are different objects of study that require different analytical and methodological techniques. There is a need for a reliable and comparable national and international evidence base for the formation of the legal framework and implementation of effective policies at the level of individual universities	1313 32,5 1656
2. Etzkowitz, H. (2003) Research groups as "quasi-firms": The invention of the entrepreneurial university	content and prerequisites of the first and second academic revolutions; factors of distinguishing the "third mission" of universities; formation of the model of an entrepreneurial university based on the experience of Stanford	analysis of literature sources, two interviews to test hypotheses	recognition of the university as a collective entrepreneur, a regional organizer of innovations, a natural incubator for future entrepreneurs, a testing ground for interdisciplinary research and the emergence of new industrial sectors	889 11,63 311

[2] Number of references / FWCI/ Number of views

Author/Year / Title	Object of research	Methodology used	Results and conclusions	Recognition identifiers [2]
3. Walter,A., Auer, M., Ritter, T. (2006) The impact of network capabilities and entrepreneurial orientation on university spin-off performance	the impact of network capacity (the ability to access external resources) and entrepreneurial orientation on the organizational efficiency of spin-offs.	database of 149 university spin-offs, regression analysis	predictors of the success of university spin-offs were identified; the impacts between the variables under study were evaluated; and relevant recommendations were formulated	762 10,64 430
4. Bercovitz, J., Feldman, M. (2008) Academic entrepreneurs: Organizational change at the individual level	the influence of individual and organizational factors on the perception and participation in academic entrepreneurship	survey of 1970 university professors; regression analysis	recommendations aimed at creating organizational prerequisites for engaging the largest possible share of university professors in academic entrepreneurship have been formulated	545 13,44 278
5. Grimaldi, R., Kenney, M., Siegel, D.S., Wright, M. (2011) 30 years after Bayh-Dole: Reassessing academic entrepreneurship	30 years of experience of academic entrepreneurship after the adoption of the Bayh-Dole Act in the United States; evolution of the role of universities in the comercialization of research and forms of academic entrepreneurship	review of the literature, which publishes the results of empirical research	academic entrepreneurship has changed. The existing models are not suitable for everyone. New ideas and research are needed	514 10,4 246

Author/Year / Title	Object of research	Methodology used	Results and conclusions	Recognition identifiers [2]
6. Gulbrandsen, M., Smeby, J.-C. (2005) Industry funding and university professors'research performance	consequences and impacts of academic entrepreneurship at the personal level	a survey of 1967 full-time university professors in Norway	a significant relationship between industry funding and research performance was confirmed: professors involved in academic entrepreneurship have higher publication activity and better entrepreneurial results	492 6,03 167
7. Powers, J.B., McDougall, P.P. (2005) University start-up formation and technology licensing with firms that go public: A resource-based view of academic entrepreneurship	the impact of certain sets of resources on success in technology commercialization and academic entrepreneur-ship	multi-source data on 120 universities	the success of technology commercialization and academic entrepreneurship is determined by the set of university financial, human and organizational resources	429 9,5 176
8.Jain, S., George, G., Maltarich, M.(2009) Academics or entrepreneurs ? Investigating role identity modification of university scientists involved in commerciali-zation activity	socio-psychological processes underlying the participation of research professors in commercialization activities	70 hours of interview data from a leading US public research university	Academic entrepreneurs'perception of a hybrid role identity (primary academic persona and secondary - commercial persona); use of delegation mechanisms and buffering to improve visibility in their hybrid role identity	407 7,27 182

Author/Year / Title	Object of research	Methodology used	Results and conclusions	Recognition identifiers [2]
9. Klofsten, M., Jones-Evans, D. (2000) Comparing Academic Entrepreneurship in Europe -The Case of Sweden and Ireland	the influence of gender, age, previous entrepreneurial experience, work experience and university environment on entrepreneurial academic activity	analysis of quantitative data and interviews with professors from universities in Norway and Iceland	The potential for academic entrepreneurship is high. In particular, there is a high degree of involvement in soft activities, such as consulting and contract research, and a low degree of involvement in the creation of organizations through technological spin-offs.	351 1,9 90
10. Bozeman, B., Fay, D., Slade, C.P.(2013) Research collaboration in universities and academic entrepreneurship: The-state-of-the-art	collaboration (between university researchers at the individual level and with researchers from other sectors, including industry. There are 2 types of cooperation:	a critical review of the literature on research collaboration	suggestions for improving the research: more levels of analysis and interaction between them; more rigorous impact measurement; more research on "abuses" of collaboration; increased attention to the motives for collaboration and the social psychology of collaborative teams.	333 12,32 430
11. Goldfarb, B., Henrekson, M. (2003) Bottom-up versus top-down policies towards the comercialization of university intellectual property	national policy to promote the commercialization of knowledge created by universities; prerequisites for success and results of comercialization of university technologies	comparative analysis of national policies, outcomes of university technology transfer and academic entrepreneurship in the United States and Sweden	there may be various national models that take into account the legal framework, the mentality of scientists, the adequacy of funding sources, the level of competition, the motivation for entrepreneurship, the structure of academic remuneration, the level of patent protection and other factors	329 7,75 165

Author/Year / Title	Object of research	Methodology used	Results and conclusions	Recognition identifiers [2]
12. Siegel, D.S., Wright, M. (2015) Academic Entrepreneurship: Time for a Rethink?	effectiveness and acceptability of existing models and forms of academic entrepreneurship for all types of universities;	analysis of literature and results of previous studies	It is necessary to rethink the accumulated experience and develop new formats of academic entrepreneurship, to accept the diversity of models and to place greater emphasis on the interconnections between teaching, research and entrepreneurial activity	316 14,66 163
13. Guerrero, M., Cunningham, J.A., Urbano, D. (2015). Economic impact of entrepreneurial universities'activities: An exploratory study of the United Kingdom	entrepreneurial university: characteristics, mission, impact of teaching and research activities of entrepreneurial universities, various forms of academic entrepreneurship on economic growth	multi-source data for a 3-year period for 147 UK universities, including a group of entrepreneurial universities; structural equation modeling (SEM) .	a theoretical framework for studying the impact of entrepreneurial universities on the formation of human capital, knowledge capital and entrepreneurial capital is proposed; tools for testing these impacts by means of structural equation modeling are tested	301 10,82 434

Source: developed by the authors based on the results of familiarization with the text of certain scientific publications and on the basis of information from csopus.com

The presented scientific articles are diverse in terms of the object and results of the study, which is evidence of the multidimensionality of academic entrepreneurship. They have different information support and methodology, which confirms the possibility of conducting both qualitative (literature analysis, case studies) and quantitative research (multi-source data on the development of academic entrepreneurship in individual universities and countries) using powerful tools of economic and mathematical modeling. There is a growing interest in the author's empirical research, which involves conducting their own surveys and interviews with academic entrepreneurs from the world's leading business universities.

Conclusions. The study of the problems of academic entrepreneurship is a rapidly developing sector of scientific knowledge that enjoys increased attention of the scientific community and other stakeholders; it is characterized by a variety of content (5 clusters of scientific research are distinguished),

research objects and tools; the proposals and recommendations developed in them are not only scientific but also of high practical value, as they can be used by university management, supervisory institutions (ministries) and governmental.

Ukraine urgently needs to conduct such studies, as there is currently a lack of reliable information on the involvement of university faculty, staff and students in certain forms of academic entrepreneurship; understanding the preconditions, drivers, obstacles, results achieved and impacts of its development. The best research from the international scientific community can serve as a model for designing such studies, but it is imperative to take into account numerous national peculiarities at the individual, mental, organizational and institutional levels. The conclusion that was made public almost 10 years ago – academic entrepreneurship has changed, the forms and mechanisms of its implementation need to be rethought; there may be special national and specific organizational models (due to the specifics of individual universities) – should be recognized as an axiom and be the basis for future research.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Bercovitz, J. & Feldman, M. (2008). Academic entrepreneurs: Organizational change at the individual level. *Organization Science*, 19 (1), pp. 69-89. Doi : 10.1287/orsc.1070.0295.

Bozeman, B., Fay, D. & Slade, C. (2013) Research collaboration in universities and academic entrepreneurship: The-state-of-the-art. *Journal of Technology Transfer*, 38 (1), pp. 1-67. Doi : 10.1007/s10961-012-9281-8.

Etzkowitz, H. (2003). Research groups as "quasi-firms": The invention of the entrepreneurial university. *Research Policy*, 32 (1), pp. 109-121. Doi : 10.1016/S0048-7333(02)00009-4.

Goldfarb, B. & Henrekson, M. (2003). Bottom-up versus top-down policies towards the commercialization of university intellectual property. *Research Policy*, 32 (4), pp. 639-658. Doi : 10.1016/S0048-7333(02)00034-3.

Grimaldi, R., Kenney, M., Siegel, D., & Wright, M. (2011). 30 years after bayh-dole: Reassessing academic entrepreneurship. *Research Policy*, 40 (8), pp. 1045-1057. Doi : 10.1016/j.respol.2011.04.005

Guerrero, M., Cunningham, J. & Urbano, D. (2015). Economic impact of entrepreneurial universities'activities: An exploratory study of the united kingdom. *Research Policy*, 44 (3), pp. 748-764. Doi :10.1016/j.respol.2014.10.008.

Siegel, D. & Wright, M. (2015). Academic entrepreneurship: Time for a rethink*? British Journal of Management*, 26 (4), pp. 582-595. Doi :10.1111/1467-8551.12116.

Gulbrandsen, M. & Smeby, J. (2005). Industry funding and university professors' research performance. *Research Policy*, 34 (6), pp. 932-950. Doi : 10.1016/j.respol.2005.05.004.

Hladka, O. (2013). Academic incubator of innovative entrepreneurship and local development – the way to implement innovative projects. *State administration: theory and practice*, no. 2, pp. 219-229. URL : http://nbuv.gov.ua/UJRN/Dutp_2013_2_27.

Jain, S., George, G. & Maltarich, M. (2009). Academics or entrepreneurs? Investigating role identity modification of university scientists involved in commercialization activity. *Research Policy*, 38 (6), pp. 922-935. Doi : 10.1016/j.respol.2009.02.007.

Klofsten, M. & Jones-Evans, D. (2000). Comparing academic entrepreneurship in Europe – the case of Sweden and Ireland. *Small Business Economics*, 14 (4), pp. 299-309. Doi : 10.1023/A:1008184601282.

Perkmann, M., Tartari, V., McKelvey, M., Autio, E., Broström, A., D'Este, P. & Sobrero, M. (2013). Academic engagement and commercialisation: A review of the literature on university-industry relations. *Research Policy*, 42 (2), pp. 423-442. Doi : 10.1016/j.respol. 2012.09.007.

Powers, J. & McDougall, P. (2005). University start-up formation and technology licensing

with firms that go public: A resource-based view of academic entrepreneurship. *Journal of Business Venturing*, 20 (3), pp. 291-311. Doi : 10.1016/j.jbusvent. 2003.12.008.

Romanovsky, O. (2015). Academic entrepreneurship as a factor in the socio-economic development of the country. *Economy and Management*, no. 2, pp. 5-16. URL : http://nbuv.gov.ua/UJRN/econupr_2015_2_3.

Romanovsky, O. (2015). Academic entrepreneurship as a factor in the innovative development of the sphere of higher education and science of Ukraine. *Bulletin of the Kyiv National University of Technologies and Design. Series: Economic sciences*, no. 4, pp. 37-51. URL : http://nbuv.gov.ua/UJRN/vknutden_2015_4_6.

Romanovsky, O. (2015). Development of academic entrepreneurship and entrepreneurial higher educational institutions in the conditions of globalization. *Efficient economy*, no. 11. URL : http://nbuv.gov.ua/UJRN/efek_2015_11_17.

Shane, S. (2004). Academic entrepreneurship: University spinoffs and wealth creation. Academic entrepreneurship: University spinoffs and wealth creation, pp. 1-335. Doi : 10.4337/9781843769828 URL: www.scopus.com.

Siegel, D. & Wright, M. (2015). Academic entrepreneurship: Time for a rethink? *British Journal of Management,* 26 (4), pp. 582-595. Doi : 10.1111/1467-8551.12116.

Walter, A., Auer, M., & Ritter, T. (2006). The impact of network capabilities and entrepreneurial orientation on university spin-off performance. *Journal of Business Venturing*, 21 (4), pp. 541-567. Doi : 10.1016/j.jbusvent.2005.02.005.

Wright, M., Clarysse, B., Mustar, P. & Lockett, A. (2007). Academic entrepreneurship in europe. Academic entrepreneurship in Europe. URL : www.scopus.com.

Zhukov, S. (2017). Academic entrepreneurship as a factor in increasing the efficiency of enterprises and forming the innovative potential of the economy of Ukraine. *Bulletin of the Pryazovsky State Technical University. Series: Economic sciences*, no. 33, pp. 65-74. URL : http://nbuv.gov.ua/UJRN/VPDTU_ek_2017_33_10.

Лариса ЛІГОНЕНКО, Леся ГРИЦЯК

АКАДЕМІЧНЕ ПІДПРИЄМНИЦТВО: СИСТЕМАТИЧНИЙ ОГЛЯД ЛІТЕРАТУРИ ТА НАПРЯМИ ПОДАЛЬШИХ ДОСЛІДЖЕНЬ

Анотація. Представлено результати проведеного бібліометричного аналізу іноземної літератури (858 наукових робіт), присвяченої академічному підприємництву та розміщеної у наукометричній базі SCOPUS протягом 1970-2022 рр. Проведений динамічний та структурний аналіз публікацій засвідчив зростаючу актуальність міжнародної наукової спільноти до розвитку академічного підприємництва. Проведена кластерізація наукових досліджень засобами VOSwiever.com дозволила виокремити 5 кластерів:

1) призначення, роль, вплив академічного підприємництва на впровадження інновацій, вищої освіти, економічний розвиток та конкурентоспроможність країни (регіону);

2) академічні підприємці та розвиток екосистеми академічного підприємництва;

3) взаємодія (зв'язки) між університетами та промисловістю, організація трансферу технологій;

4) патентна діяльність університетів;

5) академічні спін-оффи та становлення підприємницьких університетів. Визначені тренди наукових досліджень на основі змістовного аналізу 15-ти найбільш цитованих наукових публікацій. Викладені пропозиції щодо доцільних напрямів дослідження академічного підприємництва в Україні.

Ключові слова: *академічне підприємництво, комерціалізація університетських технологій, огляд літератури, бібліометричний аналіз, WoS, тренди наукових досліджень.*

Submitted: 10.01.2023
Revised: 15.02.2023
Accepted: 01.03.2023

UDC 811.161.2
DOI 10.31733/2786-491X-2023-1-70-80

Yuliia HALENKO ©
Lecturer
(Dnipropetrovsk State University of Internal Affairs),
Ukraine

Joris KAZLAUSKAS ©
Ph.D. (Philology),
Assistant Lecturer
(Vytautas Magnus University),
Lithuania

TEACHING A NATIVE LANGUAGE AS A FOREIGN ONE: METHODS, APPROACHES AND EXPERIENCE OF UKRAINE AND THE REPUBLIC OF LITHUNIA

Abstract. This article studies different peculiarities of teaching native languages as foreign ones while working with foreign students. The research was performed by survey among the teachers of the discipline "Ukrainian as a Foreign Language" at Dnipropetrovsk State University of Internal Affairs, studying works by Ukrainian authors in the corresponding topic and watching methods of teaching Lithuanian language applied by teachers from Vytautas Magnus University (Kaunas, Republic of Lithuania) during the intensive Lithuanian language course undergone by the article author. In terms of the research conducted the most popular and efficient methods and approaches to teaching Ukrainian as a foreign language at higher educational institutions of Ukraine were summarized and described. In his turn, my coauthor described the methods and principles of teaching Lithuanian language at the largest and oldest university of Lithuania *Vytauto Didžiojo universiteto* reflecting nationwide approach to teaching a native language working with foreign students.

Besides, the article considers development perspectives in teaching native languages as foreign ones both in Ukraine and worldwide in the upcoming decades due to the intensification of education internationalization, raise of interest towards national cultures of other countries, the tendency of preserving local culture and traditions in terms of the parallel globalization as well as actual internal and external processes.

The article suggests encountering changes in global and local tendencies of teaching national languages and transformation of the national self-awareness in countries forced to follow stranger's culture and speak the stranger's language within a particular historical period. Moreover, the statuses of national languages as well as minor languages in a number of countries are undergoing active changes, which are directly connected with choosing a language of studies and teaching at the national level. Requirements to study at a national language must be respected by international students, who choose another country to receive higher education abroad. Considering this, teachers of all disciplines without any exceptions should start introducing English language aspect in delivering specialized disciplines in parallel to teaching their subjects in Ukrainian language. Simultaneously, Ukrainian language teachers, who want to work with foreign students, shall review their personal approach to teaching with the aim of enhancing available methods and active application of efficient approaches at delivering "Ukrainian as a Foreign Language" discipline to be able to work with international students.

Keywords: *foreign language, native language, Ukrainian as a foreign language, methods of teaching, approaches to teaching, national language status.*

© Halenko Yu., 2023
ORCID iD: https://orcid.org/0000-0002-5670-4774
julia.translations.30@gmail.com

© Kazlauskas Jo., 2023
ORCID iD: https://orcid.org/0000-0002-7981-5100

Introduction. Globalization processes have changed our world with boundaries vanished, cultures interweaved and lifestyle universalized. Seems like you will hardly ever differentiate what country you are in – Poland or Lithuania, if you do not know a local language. Historical heritage being a skeleton of a culture and purely local traditions are barely visible from under a layer of a unified modern culture similar to so many countries embraced with the same vision of values and development direction.

Languages have become a firm bridge of understanding between different cultures giving a sense of self-identification with the part of the similar world to people originated from the different cultures. We speak and understand several languages feeling ourselves a part of the global world, but not forgetting our origin and historical identity not to feel alone in this big united world.

However, the last decade shows two parallel tendencies – aiming at globalization and trying to revive a national identification – followed simultaneously. This includes celebrating national holidays, following local traditions, combining the elements of traditional wear with modern clothes, supporting national representatives of art and speaking native languages.

Analysis of recent research and publications. The works of such scientists as: O. Turkevich, I. Zozulya, I. Kochan, V. Bader, K. Bruner, V. Korzhenko, L. Bey, M. Vinnyk, O. Haida and others. Scientists note that when studying the Ukrainian language as a foreign language, it is important to take into account psychological-pedagogical and socio-pedagogical factors and communicative features of the students.

The purpose of the article is studying the level of popularization native languages among foreigners as well as methods and approaches to teaching native languages to foreign students as an element of educational process. The principle attention will be paid to the Ukrainian and Lithuanian experience in terms of the topic chosen.

Formulation of the main material. *Languages with Global Impact.* According to the *Statistics and Data* the following languages are to be treated international languages in 2022.

English is the most widely spoken language in the world because of the global impact of Great Britain and the United States in the last three centuries, though it is not the mother tongue of most people using English for communication. It has just become one of the most widely used tools of communication in our globalized world.

Chinese Mandarin is the language spoken by the biggest quantity of native speakers. However, the number of people interested in learning it has increased due to the importance of China for the economic development of the world's companies.

Hindi is almost completely spoken by native speakers. It is also becoming more popular among those who want to do business with India. However, almost 450 million people are able to communicate in English in India on the contrary to China.

Spanish is spoken as the official language in 20 countries apart from Spain, but its impact goes much further because of migrations. For instance, in the United States there are already more Spanish speakers than in Spain itself.

For centuries, French was considered the language of art and culture. It has also become the first language of law. The francophone encompasses 29 countries and is spoken at the territories of former French colonies.

Bengali originated more than a thousand years ago and is part of the Eastern Indo-Aryan sub-branch. Today it is spoken in basically two places: Bangladesh and West Bengal.

Arabic is difficult to learn especially due to its specific alphabet, but it is considered beautiful by a growing number of enthusiasts initially attracted to trade with Middle Eastern countries.

Portuguese is opening the doors to the business world in Brazil, since its market is completely different from what is known even in the rest of Latin America. It is spoken in Portugal and in several African countries.

Russian is a mixture of several Slavic languages and classical Greek. Due to its invasion policy, russia has forced people from a number of countries to speak its language. But the current tendency shows strong intention of russian speakers to stop using it and completely replace it with their native languages both at domestic and national levels.

Although Urdu is the official language of Pakistan, its use in northern India has increased considerably in recent decades. Urdu is written from right to left with the same alphabet used for Arabic and Persian. But its origin is different. It was passed down by the Mongols from northern India and has been performed for centuries thanks to trade.

German is the language of one of the European Union leading member country. It is also spoken in Austria, Switzerland, Luxembourg, Liechtenstein and Belgium, as well as in multiple regions of central Europe.

Japanese is the language of another culture, which has nothing in common with the Western one, though it attracts numerous enthusiasts from the European countries.

Marathi is one more language of India. There are 22 official languages in the country according to its Constitution, although the two main ones are English and Hindi. Marathi has amazing literary tradition, which has put India several times on the map of world literature through its famous writers (https://statisticsanddata.org).

And it is impossible not to mention Turkish, which is considered to be the connection between Europe and the East. It belongs to the family of Turkic languages.

Visually the information above is legibly represented on Figure 1.

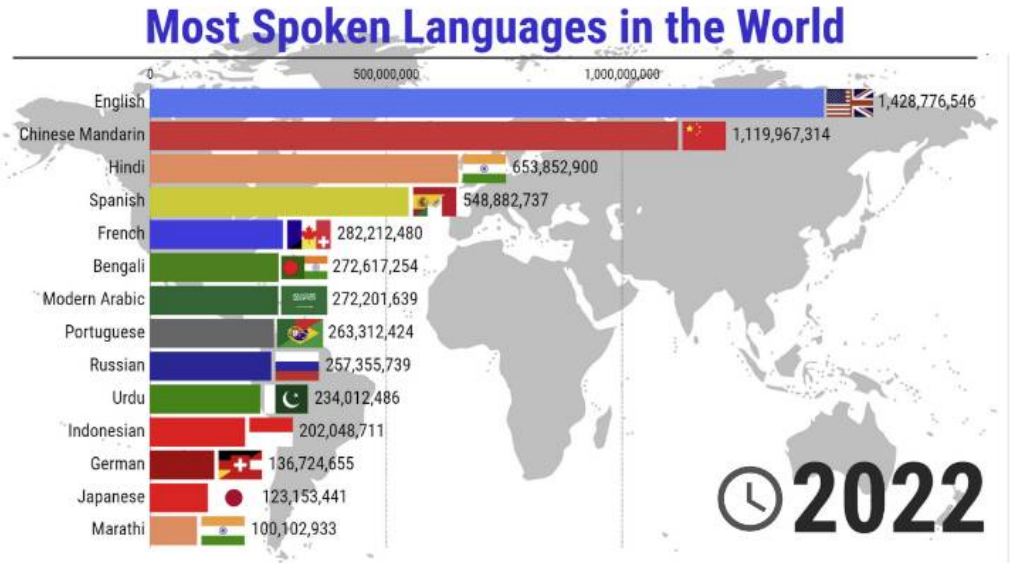


Fig. 1 – The most widely spoken languages in 2022

Source: https://statisticsanddata.org/

ISSN 2786-491X (Print)

If to compare contemporary results with data of more than 100 years (Fig. 2), we will see that every language has been replaced from the initial position due to particular reasons and now has a different rate of popularity. At the same time, some languages have completely disappeared from the chart, while others substituted them. And if to counter today's tendencies, national languages of smaller countries might become more popular and widely spoken, though we will hardly see them in the top of the world spoken languages rate. But who can predict the results for 3020ˢ?

Fig. 2 – The most widely spoken languages in 1920
Source: https://statisticsanddata.org/

Unfortunately, such national languages as Ukrainian and Lithuanian are not that widely spoken in the world, but the large-scale war in Ukraine and forced migration of dozens of thousands Ukrainians to neighbor Slavic and western countries have raised the interest to our country and its national language as an integral part of the Ukrainian culture. The same tendency can be tracked both in and outside other countries, which have realized themselves as separate nations with their own cultures and national heritage apart from being members of the European Union, for instance, with unified modern culture and respected values. National identity, including speaking the corresponding national language, has become a trend worldwide, which is perfectly visible in Lithuania as well.

Languages of the States Previously Occupied by the Soviet Union and Current Linguistic Tendencies. Russian is obviously one of the most spoken languages in the world due to its omnipresence and obligatory status in the educational process of the USSR member countries. It shall be admitted that proficiency in russian makes a great contribution in the opportunity to communicate with people who still remember this language, but cannot speak English. However, national languages tend to prevail in these countries and Russian is avoided intentionally. Many of them have even refused of the Cyrillic alphabet. And it is obvious that English has become the second language to learn and apply. Thus, the linguistic attitude of each country deserves closer attention.

In Azerbaijan, the national language spoken by the 98 % of population is Azerbaijani. The so called "Monument to the Native Language" has been even installed in Nakhichevan. Two most popular second languages are russian and English. Besides, there are several minor languages spoken by local ethnic minorities. In Armenia, the national language spoken by the 99 % of population is Armenian language with two main dialects. Moreover, it is one of the 50 most spoken languages in the world according to *Massachusetts Institute of Technology*. Both second languages freely spoken in the country are russian and English. Ethnic minorities also speak their native languages, including Ukrainian.

In Belarus, there are two national languages – belarusian and russian. At this, both languages are spoken by 98 % of the population. However, russian language prevails in many spheres of life of the state. Moreover, there are two variants of belarusian – traditional and russified. Current tendency of the opposition to the pro-Kremlin forces is to speak belarusian (even russified is considered to be better), not russian, to proclaim their identity. It is really interesting to watch how Ukrainians and Belarusians communicate – both nations understand other's language while speaking their national one.

Georgia hosts 23 languages in total. Georgian is the national language spoken by the majority of the population. Historically the elder generation speaks russian, but younger generations prefer Georgian in their daily life, though they choose English to communicate with foreigners.

Kazakhstan uses both Kazakh and russian languages in the national legislation, though Kazakh is the only national language in this country according to the Constitution, while russian has just an official status. However, russian is no longer taught at schools. The preference is given to the languages of local minorities. Besides, Kazakhstan has recently refused of Cyrillic alphabet having switched to the Latin one.

Kyrgyzstan applies both Kyrgyz and russian languages in the national legislation and everyday life, though they have different status – Kyrgyz is the national language, while russian is official. It is remarkable that starting from 2020 Kyrgyzstan has been implementing the language reform, which stipulates gradual refusal of russian at all the levels of the state's operation. However, in contrary to Kazakhstan, Kyrgyzstan has not refused of Cyrillic alphabet and uses it for writing both in russian and Kyrgyz languages.

Tajikistan is still closely connected to russian, since it is the second official language in the country and the instrument of international communication, while Tajik language has both the national and the first official language status. Both languages are spoken by the absolute majority of the population. However, there is still a certain percentage of old-timers, who have never moved from their localities and speak only Tajik language.

Turkmenistan also tends to refuse of russian language. Turkmen language has the national status. russian is still widely spoken by a large part of the population, but families encourage the younger generation to communicate in Turkmen at home. However, russian is only the third language by prevalence. The second position is occupied by Uzbek language.

From 80 to 85 % of the population of Uzbekistan speak Uzbek language and consider it to be their native one. The legislation and court proceedings are conducted in the national Uzbek language or the local languages spoken by

 ISSN 2786-491X (Print)

local citizens in a particular community. Here russian is the second widely spoken language, but it does not have any official status in the country.

Moldova is absolutely mysterious in terms of its national language. According to the Constitution, the national language in Moldova is Moldovan based on Latin script being *de jure* literary Romanian language. Moreover, the Declaration of Independence of Moldova proclaims Romanian language to be national. It cannot be said that Moldovan and Romanian are completely different languages, but they are not absolutely identical either. Anyway, russian is still popular and widely spoken by the elder population of the country, while younger generation speaks the national language (be it Moldovan or Romanian) and English, especially in terms of international business activity.

The Czech Republic and the Slovak Republic (previously Czechoslovakia) are almost twin countries in terms of language application. 96 % of the population of the Czech Republic speaks Czech language, which is the national language of the state, but Slovak, russian, Polish, Ukrainian and Vietnamese are common for ethnic minorities, though English is the second most widely used foreign language in the state. The Slovak Republic's national language is Slovak, while Hungarian has an official status due to being native for 20 % of Hungarians living in the Southern part of the country. Ukrainian and russian are easily understood by the local population, but are not widely spoken. English and German are the most popular second languages for younger generation.

Latvia is the most "russian-speaking" Baltic country due to the forced inhabitance of its territory by ethnic russians. It is the second language in the country. However, the younger generation not only does not only speak russian, but also does not understand it. The state language is Latvian, russian as Ukrainian and Belarusian or Livonian and Latgalian do not have any official status in the Republic of Latvia being considered as foreign languages like English or German. However, ethnic minorities have the right to education in their native languages. Moreover, the Latvian government has proclaimed the official refusal of russian language on TV, radio, in mass media and official communication.

Estonia hosts Estonian being the national language and a number of foreign languages, including previously more widespread German and Sweden. russian and Ukrainian languages are the second and the third the most spoken languages in the country correspondingly. Currently the Republic of Estonia treats russian differently – some regions voluntarily use russian in their daily life, while another part of the country prefers purely Estonian. The latter is quite popular in the world and is studied by a large number of people due to many reasons, one of which is an extreme uniqueness of its origin and structure.

Finland has two state languages – Finnish and Swedish. German and russian are two foreign languages spoken by the German and russian diasporas, but poorly used by the native population, which is proficient in English. Finnish people are deeply proud of their history and ethnicity, their language and culture, which has become of extreme interest not only in Scandinavian countries, but all over the world.

Lithuania is a special state. It is the last pagan country in Europe.

Lithuanian language is one of the oldest ones on the European continent. Being from the Baltic family, it has been also influenced by the Slavic languages. Lithuanian is the national language of the country. The membership in the European Union has almost vanished russian from the daily life of its population. Traditionally, only the elder generation can still speak and understand russian, while younger generation uses English, French, German or Spanish as the second language. Lithuanians have always been proud of their glorious history and traditions having preserved this omnipresent love to their culture and mother-tongue. Despite many people in the world do not know about this country or confuse it with neighbor states, the interest to the Lithuanian language, culture and traditions is rocketing.

Ukraine is a hospitable country for many languages and various ethnic minorities. The national language is Ukrainian, which has become and is still becoming more and more popular among the population of the country. It is normal for Ukrainians to speak Ukrainian and another language considering both mother-tongues. However, the large-scale invasion of russia in Ukraine has divided the notion of a "well-spoken-foreign-language" and the only and exclusive mother-tongue. Even loyal part of population of the country does not associate themselves with russian culture anymore. To be Ukrainian has become a real trend. To know and love Ukrainian traditions, to preserve Ukrainian culture and to speak Ukrainian language have become a worldwide trend. Local population, diaspora, forced migrants and people from all over the world are now following this trend.

It is obvious that absorption of other cultures and its forced substitution through imposing your own one is already in the past. Remaining one of the most widely spoken language in the world, russian is gradually losing its impact. Moreover, once great and mighty language is no longer exists. It has been intentionally simplified by the politicians up to the total degradation spoken even at the level of nonsense sounds not being literal words.

In parallel, the world follows an approach of sincere interest towards cultural elements, including languages of other states and voluntary desire to learn more about others' traditions. Thus, intercultural interest and interaction led people to the point of sharing their own culture, traditions and languages through formal and non-formal educational means.

Teaching a Native Language as a Foreign One: Methods and Approaches – Ukrainian and Lithuanian Experience. Stephen Krashen (1977) claimed that adult second language learners have two means for internalizing the target language. The first is "acquisition", a subconscious and intuitive process of constructing the system of a language. The second means is a conscious "learning" process in which learners attend to form, figure out rules, and are generally aware of their own process. According to Krashen, "fluency in second language performance is due to what we have acquired, not what we have learned" (Krashen, 1982). For Krashen, our conscious learning processes and our subconscious process are mutually exclusive: learning cannot become acquisition. This claim of no interface between acquisition and learning is used to strengthen the argument for recommending large doses of acquisition activity in the classroom with only a very minor role assigned to learning (https://ukdiss.com).

One of the categories of foreigners, who are to learn Ukrainian language

and are potentially interested in the Ukrainian culture, is foreign students studying in Ukraine. The principle task of teaching Ukrainian language as a foreign one is a consequent communicative organization of the educational process. When a teacher starts working with a student, he/she should determine what life situations and communicative forms the students will find themselves at while using the language studied. This is the point for choosing texts to discuss and to read during the classes as well as exercises to fulfill orally or in written. Communicative approach stipulates reflection of using the learning materials chosen in real life situations and not as an isolated aspect, but in a particular context. Thus, the logic suggests all the exercises to be as close to the natural communication as possible (Shelest, 2018).

Socio-cultural method of learning Ukrainian language by foreign students stipulates close interaction with the language itself and the culture of Ukraine in general. The educational process should include cultural and traditional aspects, ethno-psychological elements as well as specificity of the language. Thus, it becomes obvious that the methodology of learning Ukrainian language as a foreign one substantially differs from the methodology of learning Ukrainian as a native language, which is due to the number of linguistic, psychological and linguistic-didactical factors. At the initial stages of the learning process, a teacher shall realize that the principle aim under such conditions is mastering Ukrainian language as the means of communication. Correspondingly, real communication practices, favorable communicative surrounding and natural environment created in the class shall take the principle position in the educational process (Bakum, 2010).

Another method of teaching a native language widely used in Ukraine is immersion. There are the following stages of this method application:

1. The first of two lessons starts with an interactive lecture. A teacher speaks for 40 minutes, while interactive elements take 80 % of the lesson time.

2. After the lecture the students shall receive language support and assistance from their teacher. This stage should include exercises with the focus on lexis from the lecture to allow students fully understand the material for its further application during communication. This activity shall take not more than 20 % of the lesson.

3. Between the first and the second class in terms of one topic two hours shall be devoted to the extracurricular independent work. Students fulfill individual and/or group tasks working on the thematic materials before the seminar, including authentic Ukrainian texts provided by the teacher and materials for reading found by students themselves in the recommended Internet sources.

4. The second thematic lesson starts with the seminar of 50 minutes, during which students discuss all the topics in Ukrainian using both materials given during the lecture and found by them. Thematic presentations prepared by students shall also be practiced at the seminars (three presentations per five minutes is enough).

5. The second part of the same lesson (up to 30 minutes) shall be devoted to the practical tasks within the topic. Students can be divided in pairs or small groups for cooperation.

6. Home task for extracurricular independent work on the topic shall be the written work in Ukrainian embracing a practical task based on the material

learnt. The teacher comments on the content of the work as well as its language form for the student language support.

7. Students shall also perform projects, which results are to be reported during the final class.

The above presented model can be applied for the lessons in terms of immersion method for more efficient language learning by foreign students during the first year of studies in higher educational institutions of Ukraine (Vyselko, 2016).

However, it is impossible to explain grammar of the language studied by means of this language exclusively, especially at the primary stages of the learning process. The obligatory component at this point is a language understood by the students and which they are comparatively proficient at. The most often used foreign language is English, but it also can be French, Spanish, German or any other language well-spoken by both students and their teacher. The language commonly spoken by all the members of the educational process is the basis for mutual understanding and more free communication between students and their teacher as well as a comfortable instrument for more efficient and detailed explanations provided during studies. Without such basis the learning process will definitely get stuck very soon at the dead-end with no chances to proceed any longer.

Professional experience of Ukrainian language teachers working with foreign students at Dnipropetrovsk State University of Internal Affairs shows that communication in English as a common point of understanding between students and teachers (especially in terms of explaining grammatical rules of Ukrainian language as well as cultural and traditional elements of Ukraine) is an integral part of the educational process. The application of the well-spoken and understandable language creates more comfortable atmosphere in the class. Students experience more friendly approach from the teachers' side as they can receive clearer feedback and instructions, which they will definitely understand correctly.

Lithuanian language as a foreign teaching policy is based on the official Council of Europe document *Common European Framework of Reference for Languages: Learning, Teaching, Assessment* (CEFR, 2002) (Lithuanian translation *Bendrieji Europos kalbų mokymosi, mokymo ir vertinimo metmenys* is made by the Vilnius University and the Council of Europe (BEKM, 2008). This document relies on the communicative language teaching method. The main aim of this method is to develop both general and communicative language competences.

General competences are divided into three basic sub-competences: 1) a declarative knowledge, 2) skills and know-how, 3) an "existential" competence, and 4) an ability to learn. A declarative part includes knowledge of the world, sociocultural knowledge (information about society speaking the target language in everyday life, living conditions, interpersonal relations, values, beliefs and attitudes, body language, social conventions, ritual behavior) and intercultural awareness. Skills of know-how contain practical skills (social, living, vocational, professional, leisure skills) and intercultural skills. "Existential" competence includes learner's attitudes, motivations, values, beliefs, cognitive styles and personality factors. Ability to learn contains language and communicative awareness, general phonetic awareness,

study and heuristic skills (CEFR, 2002, pp. 101-108).

Communicative language competences are also divided into three sub-competences: 1) linguistic, 2) sociolinguistic, and 3) pragmatic. Linguistic part includes lexical, grammatical, semantic, phonological, orthographic and orthoepic competences. Sociolinguistic part contains knowledge of linguistic markers of social relations, politeness conventions, and expressions of folk wisdom, register differences, dialect, and accent. The pragmatic part includes discourse and functional competence (CEFR, 2002, pp. 108-130).

Conclusions. Both general and communicative competences are developed during various language activities. They are divided into reception, production (oral/and or written), interaction and mediation in groups (CEFR, 2002, p. 14). Listening, reading, spoken interaction, spoken production and writing are the main skills which are developed during these activities (CEFR, 2002, pp. 26-27). They are contextualized within public, personal, educational and occupational domains (CEFR, 2002, pp. 14-15).

The scale of the communicative method competences is based on the worldwide known common competence levels: A (Basic User), B (Independent User) and C (Proficient User). Each of these level is divided into two sub-levels: A into A1 (Breakthrough) and A2 (Waystage); B into B1 (Threshold) and B2 (Vantage); C into C1 (Effective Operational Proficiency) and C2 (Mastery) (CEFR 2002, p. 23).

All "Lithuanian as a foreign language" course books published after gaining Independence from the Soviet Union in 1990 are based on these common competence levels as well as on the communicative method. Main course books for level A are the following ones: *Sveiki atvykę!* (Migauskienė et. al., 2011), *Po truputį* (Džežulskienė, 2014), *Langas į lietuvių kalbą* (Petrašiūnienė et. al., 2017), *Learn and Speak Lithuanian* (Ringailienė 2020), *Nė dienos be lietuvių kalbos* (Stumbrienė, Kaškelevičienė, 2020), *Sėkmės!* (Stumbrienė, Daraškienė, Vaškevičienė 2022), *Po truputį* (Migauskienė, Ramonienė, Vilkienė 2022). Course books for level B are *Takas* (Čubajevaitė, Ruzaitė, Lemanaitė, 2014), *Nė dienos be lietuvių kalbos. Antroji knyga* (Stumbrienė, Kaškelevičienė, 2014), *Lietuvių kalba tau* (Džežulskienė, 2021). Course book for level C is *Nė dienos be lietuvių kalbos. Trečioji knyga* (Stumbrienė, Kaškelevičienė, 2021).

Communicative method as well as these course books is successfully used in Lithuanian language for foreign teaching at Lithuanian universities, colleges, private language schools, by private teachers as well as during intensive summer and winter courses (e.g., Baltic Summer University Lithuanian language and culture courses at Vytautas Magnus University) or special intensive courses (e.g., various Lithuanian science institutions have been organizing special intensive courses for Ukrainians from spring 2022; major of these courses are free of charge).

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Bakum, Z. (2010). Ukrainska mova yak inozemna: linhvodydaktychni problem [Ukrainian as a Foreign Language: Linguadidactic Problems], *Filolohichni studii: Naukovyi visnyk Kryvorizkoho derzhavnoho pedahohichnoho universytetu, 5*, pp. 226-232. [in Ukr.].

Business Bliss Consultants FZE. (2018). Native Language in Foreign Language Learning. URL : https://ukdiss.com/examples/thoughtful-way-to-use-learners-mother-tongue-in-second-language-teaching.php?vref=1.

Council of Europe. (2020). Common European Framework of Reference for Languages: Learning, teaching, assessment – Companion volume, Council of Europe Publishing, Strasbourg. URL : www.coe.int/lang-cefr.

Krashen, S. (1982). Principles and practice in second language acquisition.

Shelest, H. (2018). Vyvchennia ukrainskoi movy yak inozemnoi: problemy, novi metodyky, perspektyvy [Learning Ukrainian as a Foreign Language: Problems, New Methodologies, Perspectives], Uzhorod : Vydavnychyi dim "Helvetyka". *Zakarpatski filolohichni studii*, 1 (3), pp. 51-55. [in Ukr.].

Statistics and Data: "The Most Spoken Languages 2022". URL : https://statisticsanddata.org/data/the-most-spoken-languages-2022/.

Turkevych, O. (2012). Metodyka vykladannia ukrainskoi movy yak inozemnoi: systemna orhanizatsia terminiv [Methods of Teaching Ukrainian as a Foreign Language: Systematic Organization of Terms], *Visnyk Natsionalnoho universytetu "Lvivska politekhnika". Seriia "Problemy ukrainskoi terminolohii",* no. 733, pp. 223-226. [in Ukr.].

Vyselko, A. (2016). Vykladannia ukrainskoi movy yak inozemnoi za metodykoiu zanurennia [Teaching Ukrainian as a Foreign Language through Immersion], Materialy III mizhnarodnoi naukovo-metodychnoi konferentsii "Aktualni pytannia orhanizatsii navchannia inozemnykh studentiv v Ukraini" (18-20 travnia 2016 roku), pp . 159-163. [in Ukr.].

Юлія ГАЛЕНКО, Йоріс КАЗЛАУСКАС

НАВЧАННЯ РІДНОЇ МОВИ ЯК ІНОЗЕМНОЇ: МЕТОДИКА, ПІДХОДИ ТА ДОСВІД УКРАЇНИ ТА ЛИТОВСЬКОЇ РЕСПУБЛІКИ

Анотація. У цій статті досліджено різні аспекти особливостей викладання рідної мови як іноземної під час роботи з іноземними студентами. Дослідження проводилося методом опитування викладачів дисципліни «Українська мова як іноземна» Дніпропетровського державного університету внутрішніх справ, через вивчення праць українських авторів з відповідної теми та за допомогою спостереження за методиками викладання литовської мови іноземцям викладачами Університету Вітаутаса Великого (м. Каунас, Литва) під час проходження інтенсивного курсу вивчення литовської мови автором статті. В рамках проведеного дослідження були узагальнені та описані найпопулярніші та найдієвіші методи і підходи до викладання української мови як іноземної у вищих навчальних закладах України. В свою чергу, мій співавтор описав методики та принципи викладання литовської мови в найбільшому та найстарішому університеті Литви «Vytauto Didžiojo universiteto», що відображає загальнонаціональний підхід до викладання рідної мови іноземцям.

Крім цього, у статті розглянуто перспективи розвитку сфери викладання рідних мов як іноземних в Україні та світі в найближчі десятиліття у зв'язку з інтенсифікацією процесу інтернаціоналізації освіти, зростом зацікавленості національними культурами інших країн, тенденцією до збереження власної культури та традицій в рамках паралельної глобалізації світу, а також актуальними внутрішніми та зовнішніми процесами.

У статті запропоновано звернути увагу на зміни у глобальних та локальних тенденціях світу до вивчення національних мов та трансформації національної свідомості у країнах, в яких протягом певного історичного періоду нав'язувалася чужа культура та чужа мова. Крім цього, відбуваються активні зміни статусів національних мов та мов меншин у ряді країн, що напряму пов'язано у виборі мови навчання та викладання на національному рівні. Вимоги до навчання державною мовою прямо стосуються також і іноземців, які обирають ту чи іншу країну для отримання вищої освіти. У зв'язку з цим викладачам всіх дисциплін без виключення необхідно починати вводити англомовний аспект у викладання профільних дисциплін паралельно із викладанням свого предмету українською мовою. В цей же час викладачам української мови, які бажають працювати з іноземцями, необхідно передивитися свій особистий підхід до викладання з метою покращення наявних методик та активного використання дієвих методів роботи з іноземцями в межах дисципліни «Українська мова як іноземна».

Ключові слова: *іноземна мова, рідна мова, українська мова як іноземна, методики викладання, підходи до викладання, статус національної мови.*

Submitted: 17.01.2023
Revised: 22.02.2023
Accepted: 06.03.2023

UDC 159.9 : 14
DOI 10.31733/2786-491X-2023-1-81-90

Oleksandr KRASILSHCHIKOV ©
Ph.D. (Pedagogy), Professor
(School of Health Sciences, Universiti Sains Malaysia),
Malaysia

TALENT DEVELOPMENT: HISTORY AND PHILOSOPHY OF THE MODELS RELEVANT TO HIGH-PERFORMANCE SPORT

Abstract. The article deals with the actual issues of talent development in high-performance sport. Talent development is a complex process that involves a combination of genetics and environment. Long-Term Athlete Development Models have contributed to talent development research and generalizations, while Bloom et al.'s study of advanced talent development has laid the foundation for talent development philosophy. Ericsson's Notion of Deliberate Practice emphasizes the importance of the amount of deliberate practice as a significant determinant of expertise attained. Experts invest more hours of practice per week compared to novices and start engaging in deliberate practice at younger ages.

However, it is impossible for individuals with less accumulated practice at a given age to catch up with those who started deliberate practice earlier and maintained optimal levels of practice. Overall, talent development remains a topic of discussion for centuries and requires a combination of genetic predisposition and environmental factors to attain excellence.

Implementing Pre-Detection and Post-Detection procedures in talent development can lead to critical outcomes. Providing quality physical education and regular practice opportunities in schools can increase the number of physically advanced children, leading to more potential talent to be identified and developed by coaches.

Keywords: *talent development, high-performance sport, athlete development models, pre-detection and post-detection procedures.*

Introduction. Talent Development has been an issue of discussions, debates, and numerous options of managing for decades if not for centuries.

It has often been used interchangeably with the term Attaining Excellence, particularly when emphasising the notion that excellence must be theoretically achievable by anyone, not necessarily by someone possessing talent. Hence, philosophically speaking here comes the first controversy: agreeing with the opinion that excellence in any human activity can be achieved by anyone, statement that excellence in sports (performance in which is often measurable and always comparable) can be achieved by anyone is questionable.

Excellence in sport (particularly the international level one) requires talent and international level of excellence is typically achieved due to complex interactions between advances in both genotype and phenotype with first being determined by genetic predisposition, whereas the second depending a lot on environmental factors including coaching, facilities, nutrition, scientific support, and many more.

Sports and talent development in sports may not the primary objective of research and implementation attempts while developing Generalized Talent

ORCID iD: https://orcid.org/0000-0001-7575-1026
olek@usm.my

Development Models. Sports and Excellence in Sports research, however, gave way to the development of Long-Term Athlete Development Models, which in turn contributed back to other fields of human activities and immensely supported the efforts of scientists and practitioners in talent development research and generalizations.

The issues of talent development in sport and in pre-sport activities as well obviously have own history and philosophy, both of which are attempted to be discussed in this paper.

Analysis of recent research and publications. *Generalized talent development models and attaining excellence.* One of the most often cited and referred to as foundational to the talent development philosophy and further advances of talent development models is a study of Bloom and colleagues (1985) which was aimed at understanding of how advanced talent is developed. Researchers interviewed 120 subjects who had achieved international level success in various fields such as art, music, academics, and sports.

The study outcomes indicated that individuals who achieved excellence in various fields, had kind of similar learning and development pathways. To put it simple, author divided the entire development process into phases, such as initiation, development, and perfection.

One of the features was that the model embraced the holistic approach and described stages of development not by chronological age, but by the completion of certain tasks (Wolstencroft, 2002).

Importantly, the contents of the model described the features and actions from the roles played point of view and included the roles of performer, mentor, and parents. It also included general features, and more importantly the transitions between the phases (Figure 1).

Stage 1 **Initiation**	**Stage 2** **Development**	**Stage 3** **Perfection**
Performer	**Performer**	**Performer**
• Joyful • Playful • Excited • 'Special' • Fun/social oriented	• Hooked/committed • Potential identified • More serious • Task/achievement oriented	• Obsessed/dominates life • Personally responsible • Independent • Willingness to dedicate time and effort required for highest standards
Mentor	**Mentor**	**Mentor**
• Process centred • Kind/cheerful/caring • Notice child's 'giftedness'	• Superior technical knowledge • Strong personal interest • Respected • Strong guidance and discipline • Expected quality results	• Master coach • Feared/respected • Love/hate relationship • Successful/demanding
Parents	**Parents**	**Parents**
• Positive • Shared excitement • Supportive • Notice child's 'giftedness' • Sought mentors	• More moral and financial support (to maintain mentor relationship) • Restrict other activities • Concerned for holistic development	• Lesser role
General	**General**	**General**
• Little or no emphasis on competition	• Competition used as a yardstick for progress	• Fine tuning
Transition 1	**Transition 2**	
• Development of an athletic identity • Accelerated development • Introduction to a more technical coach • Becoming more achievement oriented • Talent identification • Competition becomes yardstick of success • Increased commitment	• Prioritisation of sport in life • Psychological rebellion • Transition characterised by turning points perhaps stimulated by a successful performance/key event • Introduction of a master coach	

Fig. 1 – Features of Bloom's model of attaining excellence
Source: (Bloom, 1985)

Another important step in the development of excellence advancements became the Ericsson's Notion of Deliberate Practice (Ericsson & Charness, 1994), which eventually put the quantity/amount of deliberate practice on top of the factors listed as influencing (or contributing to) the degree of excellence (expertise).

The study concluded that the number of hours of deliberate practice accumulated in a domain is a significant determinant of the level of expertise attained.

Researchers have also found that experts invest more hours of practice per week compared to novices and start engaging in deliberate practice at younger ages.

It was revealed that it is impossible for individuals with less accumulated practice at a given age to catch up with the best individuals who started deliberate practice earlier and maintained optimal levels of practice that did not lead to either exhaustion or burnout (Ericsson & Charness, 1994).

Not all the conclusions of the study were applicable to the sport and sport related careers. Fully supporting the conclusions that amount of accumulated practice is one of the most important factors in attainment of excellence, and that experts typically spent more time practicing that the novices, but impossibility to catch up with best even though they started practicing earlier is not that obvious in sports.

Such situation can be relevant to rhythmic gymnastics, where an eleven-year-old beginner girl has practically no chance on catching up with an advanced athlete who was recruited at the age of 7 and spent 4 years in training already. Main reason being the proximity of the age of possible top performance in gymnastics, which is about 17 to 19 and the fact that the advanced girl has already covered about 40 % of that excellence pathway, whereas the novice girl is at zero level.

In other sports, like boxing or rowing, it does not matter much. Many of the current professional boxing champions (e.g., Antony Joshua and Oleksandr Usyk) have started their careers in boxing after the age of fifteen and had comfortably achieved international amateur levels within a span of 5-7 years, catching up and often surpassing their opponents who started their careers way earlier than them in the amateur boxing. And they still reign in the professional division.

Rowing has known a number of occasions when international levels of performance have been reached within 5 to 6 years, hence talented and effectively trained novices were surpassing their much more experienced opponents in quite a short period of time.

Another popular model which brought talent development pathway to the context of sports participation (Earle, 1997) is known as Cote & Hay (2002) children involvement in sports pathway (Fig. 2).

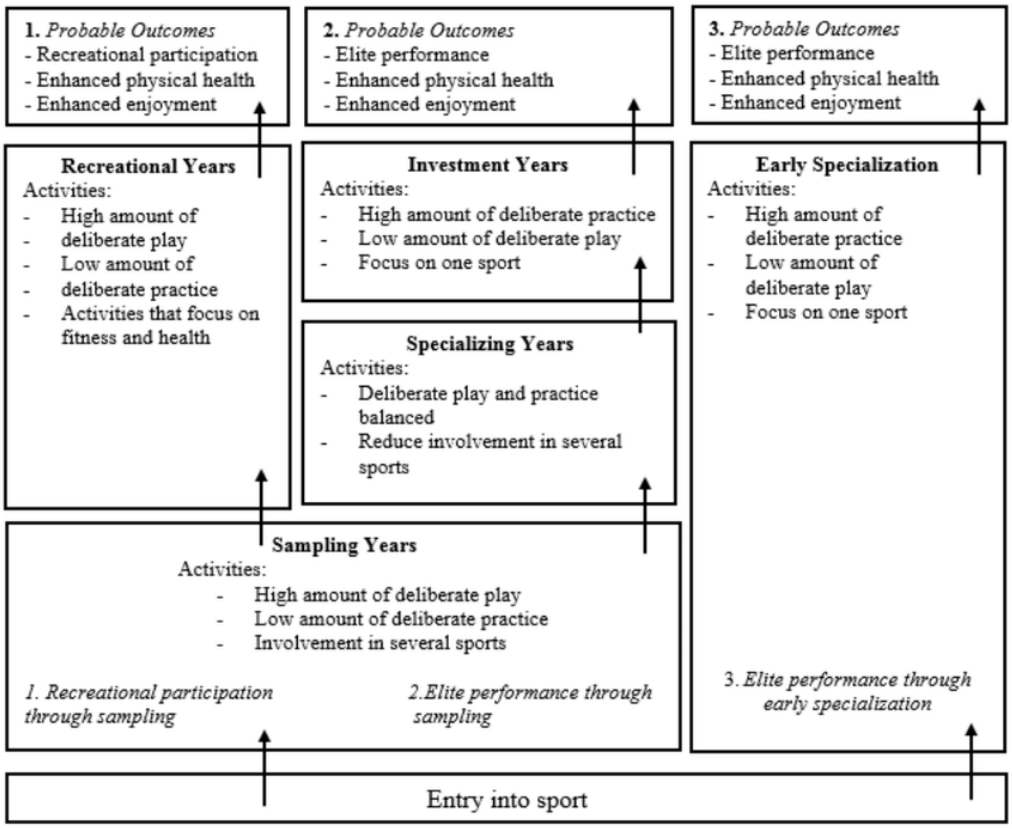


Fig. 2 – Children involvement in sports pathway
Source: (Cote & Hay, 2002)

In their structure, the sampling years consisted of a period during which children were encouraged to get engaged with different sports and games for recreational participation, rather than for attaining specific goals. Pathway towards elite performance through sampling, though is also possible.

During the specializing years, the athletes were encouraged to narrow their involvement in several sport or disciplines. The investment years were characterized by the pursuit of an elite level of performance usually in one specific sport.

With these three phases being obviously observed, participation still got a recreational pathway with no shot at high performance and also an early specialization pathway, with sort of moving ahead without sampling and investment years. That, perhaps, can be applicable to the early age specialized sports such as gymnastics (both rhythmic and artistic), diving, acrobatics and figure skating.

The purpose of the article is to investigate the features of talent development models, relevant to high-performance sport.

Formulation of the main material.

Long-term athlete development models. Interestingly, there is no chronological sequences observed in the emergence of Generalized Talent Development (GTD) models and emergence of the well-known both theoretically and practically Long-Term Athlete Development (LTAD) models. Both were emerging in their own pace and in a way were mutually contributing to both model groups advancements.

Since it is not possible to discuss every practical LTAD model designed by numerous International and National Sports Governing bodies in multiplicity of sports for their longitudinal improvement, we will focus on the basic LTAD models, offered by the known sports scientists in the recent decades.

One of the first scientifically based LTAD models was suggested by East German sports scientist Dietrich Harre (Xappe, 1971). In his views, the long-term athlete development should include phases of *Basic Training* (Foundation Training) with two sub-phases, which depending on the group of sports, were defined as:

– Technical (Artistic) Sports: Phase I: 5 to 7-9; Phase II – 10 to 15-18;

– Power Sports: Phase I: 9-12; Phase II – 13-18;

– Endurance Sports: Phase I: 11-13; Phase II – 14-18.

And the phase of *Advanced Training* (Masters' Training), which depending on the group of sports were defined as:

– Technical (Artistic) Sports: 15 to 18-20;

– Power Sports: 18 to 22-23;

– Endurance Sports: 19 to 23-24.

The obvious advantage of the model is its specific orientation on various groups of sports, depending on the traditional age for the recruitment and the average age of top performance in those groups, which for obvious reasons is different.

Another model of LTAD was suggested in the earth while USSR, where Vladimir Platonov (Platonov, 1984) worked out the 5-stage model of long-term athlete development, which included the following stages:

Initial Training: about a year or two duration for more of the introductory type of training.

Preliminary Basic Training: two to three years of training with overall physical development in mind.

Specialized Basic Training: three to four years to master highly specialized skills and obtain specific fitness of the selected sport, discipline and event.

Maximal Realization of Individual Potential: four to five years of training to reach peak fitness, skills and performance levels.

Maintenance of Acquired Performance: unspecified duration for an athlete to try maintaining peak conditions to perform at the top level for as long as it is possible.

The model didn't suggest any particular age brackets for various groups of sports, progressive development, however, was introduction of the stage of Maintenance of Acquired Performance. It proved critical, especially with increased longevity of the professional athletes and their successful participation in numerous consecutive Olympic Games and world championships.

Another interpretation of LTAD model was suggested in India by Hardayal Singh (1991). His developed sequence included the following phases:

– Basic Training (3-4 years);

– Advanced Training (4 years).

High Performance Training, which for various groups of sports was specified as follows:

– Technical (Artistic) Sports: 15 years onwards;

– Power Sports: 19/20 years onwards;

– Endurance Sports: 20 years onwards;

– Combats: 19 years onwards;

– Team Games: 19 years onwards.

That in a way was an extension of East German developed model catering for various sports depending on their age-specific recruitment and optimal age for top performance.

Canadian sport scientist T. Bompa (1994) suggested dividing the athlete long term training into generalised and specialized phases. Generalized, in turn was subdivided into two sub-phases. *Initiation* was meant for athletes of six to ten years of age with focus on overall athletic development and not sport-specific performance. *Foundation* was suggested for athletes of 11 to 14 years of age where the emphasis was still supposed to be on developing skills and motor abilities, not on performance and winning.

Specialized phase was also subdivided into the sub-phase of *Specialization*: for athletes of 15 to 18 years of age with proper foundation, performing more exercises and drills aimed specifically at high-performance development. *High performance* sub-phase was meant for athletes of 19 and above years of age to achieve high performance.

With undoubtful logic of the suggested sequence, a lot of doubts are however existing regarding the umbrella age suggested for the phases and sub-phases. In neither of the phases one can comfortably place a gymnast and a rower, for example, for the obvious reason of completely different age of recruitment and age of attaining excellence in these two sports.

Eventually, in 2005, another LTAD model was suggested by Canadian scientist I. Balyi (Canadian Sport Centres, 2005). In its modified version it is currently the most popular around the world LTAD model so far developed. Original model (2005) consisted of seven phases, five of which were directly belonging to training in sports, whereas the first and the last ones were one – pre-sport activities related, and another one – post-sport activities related. Remaining five phases by and large resembled the 5-stage Platonov's USSR model of long-term athlete development.

The consecutive phase of the suggested LTAD model were marked and successfully marketed as:

– Active Start (for children from 1 to 6 years of age);

– FUNdamentals (Boys: 6-9; Girls: 6-8);

– Learning to Train (Boys: 9-12; Girls: 8-11);

– Training to Train (Boys: 12-16; Girls: 11-15);

– Training to Compete (Males: 16-23; Females: 15-21);

– Training to Win (Males: 19 +; Females: 18 +);

– Active Life All ages.

Obvious positive attempt was made in this model to cater for gender differences in growth and development, umbrella age for various sports, however, obviously isn't a positive development.

As earlier mentioned, this original model was further developed and the latest edition (Balyi, 2006, Athletics Canada) contains a couple of extra phases, which obviously demonstrate an attempt to fit the model to the needs of the professional sport, in addition to the needs of the amateur sport as it was originally developed for.

Those nine current stages of the latest model include the following as in Table 1.

Table 1

Structure of the Long-Term Athlete Development

No.	Stage name	Chronological Age	Stage objectives
1	Active Start Stage	Males 0-6, and Females 0-6	To make play and physical activity fun and exciting and an essential component of daily routine throughout life.
2	Fundamental Stage (Fundamentals 1)	Males 6-9, and Females 6-8	To begin teaching agility, balance, Coordination, and speed (ABC's). To continue to instil the importance of daily play and physical activity.
3	Learning to Train Stage (Fundamentals 2)	Males 9-12 and Females 8-11	To continue to enhance ABC's to develop overall sports skills. To begin to integrate physical, mental, cognitive, and emotional components within a well-structured program. To develop physical literacy.
4	Training to Train Stage ("Building the Engine")	Males 12-16, and Females 11-15	To develop endurance, strength, and speed. To develop athletics-specific skills and fitness.
5	Learning to Compete ("Challenge of Competition")	Males 16-18 plus, and Females 15-17 plus	To develop event specific area physical preparation. To introduce event specific protocols to identify strengths and weaknesses. To implement event area specialization. To integrate physical, mental, cognitive and emotional development.
6	Training to Compete ("Heat of the Battle")	Males 18-21 +/-, and Females 17-21 +/-	To optimize event specific preparation for competition. To refine event area specialization. To continue with integration of physical, mental, cognitive and emotional development. To conduct event-specific testing and monitoring.
7	Learning to Win ("Consistent Performance")	Males 20-23 +/-, and Females 20-23 +/-	To maximize event specific preparation for high performance results. To introduce a formal Performance Enhancement Team. To continue with integration of physical, mental, cognitive and emotional development. To learn to compete when it counts.
8	Winning for a Living ("Performing when it Counts")	Males 23+/-; and Females 23 +/-	To maximize event specific preparation for results at the Olympic and World level. To maximize of training, competition, and recovery activities in support of a professional athletics career. To attain competitive repeatability when it counts. To work with a professional support team. To plan for retirement from athletics competition.
9	Active for Life ("Dealing with Adversity")	Males any age Females any age	To make preparations for their integration into society.

Source: based on (Balyi, 2006)

Undoubtfully, the most comprehensive model developed so far, it still has numerous questions unanswered, particularly on the age groups depending on the group of sports and on sensitive periods of various motor qualities best developed.

And, as previously mentioned, this model touches upon one of the most important issues of talent development which precedes actual talent development in and importantly through sports.

Pre-sport talent development considerations. Talent Development is traditionally (and basically by default) linked to the development of talent through sports related activities, after promising individuals get involved in regular training, the field is narrowed, and talented children are retained in sports specific environment. Such statement, however, philosophically is far from being correct.

The simple reason is that the question than remains unanswered: does talent exist and is it being developed before being identified through sport specific tests and measurements as such, during the process of Talent Identification? If it does, then how talent evolves, progresses, in what environment it does happen, and through which structures such developments are supported?

It sounds fair to say, both philosophically and logically, that Talent Development begins much earlier than talented child is detected by a scout or a coach as a potential subject for future sport-related endeavours. Hence, it is worth focusing on *Pre-Detection Talent Development* which ideally occurs within school environments through means and methods of physical education (Krasilshchikov, 2011; 2013).

Such development should be treated as Talent Activation and target to increase the number of children with unfolded movement potential through properly adjusted physical activities before they actually get exposed to Talent Detection process typically run by coaches.

Most of the Talent Identification in Sport specialists traditionally consider the term ‘Talent Development’ as grooming the ones Detected and further Identified as talent, mostly by means and methods of training in sport chosen for further specialization.

Such approach, however, doesn’t help answering the question: When in fact Talent Development begins? The answer to this question sounds simple and complicated at the same time: Talent Development perhaps begins with the conception of the new life. And if this is agreeable, then we also have to admit the fact that Talent Development from that very moment and until talent Detection as such and Talent Identification in sport in this time continuum is least researched and examined.

And yes, talent development is factually ongoing long before we try or even think of identifying talent through methodologies available with sports. And another yes – way before Talent Detection occurs.

That gives us a completely different outlook of what was suggested to term as Pre-Detection Talent Development (Krasilshchikov, 2011), which should and in fact has completely different objectives from the traditionally known Talent Development, which under the circumstances seems fare to term as *Post-Detection Talent Development* (Figure 3).

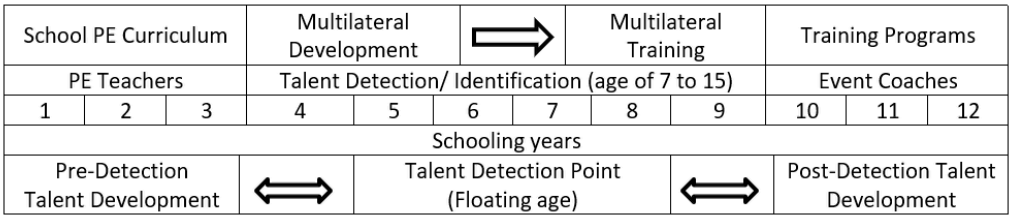


Fig. 3 – The logic and sequence of Pre- to Post-Detection Talent Development

Source: modified from (Krasilshchikov, 2013)

Visualizing such scenario applicable to pre-sport association of children, we need to investigate the role of the community and family, which both form the environment for the effective talent development before schooling comes into picture with its physical education system hence becoming the prime contributor to Pre-Detection Talent Development.

The model, which has brought to light the crucial role of Physical Education in Talent Development is known as Bailey and Morley's Model of Talent Development in Physical Education (Bailey, Tan & Morley, 2004; Bailey, Morley & Dismore, 2009).

It focused on three hypotheses, out of which two are critically important to the present discussion. Those hypotheses are:

The differentiation between potential and performance, with consequent rejection of performance as a talent selection (identification) criterion in children. The hypothesis of practice being of vital importance in the realization of talent. First hypothesis reiterates the importance of potential over the current performance (particularly in children), whereas the second one actually brings us back to the philosophy of deliberate practice (Ericsson & Charness, 1994).

Bringing your attention back to the Detection Point, which becomes the starting point to Talent Development in sport and more importantly through sport. What happens at the 'Detection point'? When the talent is detected, starts Post-Detection Talent Development But another pathway emerges if the talent isn't detected. What happens then?

Children who were not detected/identified by coaches as talented are back to schooling physical education pool and stick with Pre-Detection Talent Development program (Multilateral in its nature) which normally is school based and ideally has to be focused at unfolding a talent (if any) through the well-balanced school physical education with quality teaching and regular opportunities to practice. Children keep enjoying their physical education classes, improve their physique and fitness while waiting for the upcoming opportunities to be talent identified through other sports, in which recruitment starts later.

Conclusions. With suggested Pre-Detection and Post-Detection procedures in place and supported theoretically and practically, we can expect certain critical for Talent Development outcomes.

If quality physical education teaching and regular opportunities to practice are provided in full to the children through school physical education, we might expect significant increase the number of 'movementally' gifted and physically advanced children at any given school age.

If that goal is achieved, the number of children with 'activated' potential which are ready to be exposed to thorough Talent Detection and Talent Identification procedures may increase many folds, hence:

a) increasing the probability of a child to be identified as talent;

b) simplifying the coaches' job to recognize and identify the talent among hundreds of screened potentially talented children to further develop their talent for sport and through sport.

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

References

Bailey, R., Morley, D. & Dismore, H. (2009). Talent development in physical education: a national survey of policy and practice in England. *Physical Education and Sport Pedagogy*, 14 (1), pp. 59-72.

Bailey, R.P., B. Tan, and D. Morley. (2004). Secondary school teachers' perceptions of identifying talented pupils in physical education. *Physical Education and Sport Pedagogy*, 9 (3), pp. 133-48.

Balyi, I. (2005). Canadian Sport Centres. Long-Term Athlete Development – Canadian Sport for Life. Vancouver, 2005.

Balyi, I. (2006). Athletics Canada. Long Term Athlete Development, 2006.

Bloom, B. S. (1985). Developing talent in young people. Ballantine.

Bompa, T. O. (1994). Theory and Methodology of Training (3_{rd} ed.). Iowa: Kendall/Hunt.

Cote, J., & Hay, J. (2002). Children's involvement in sport: A developmental perspective. In Psychological Foundations of Sport (Edited by J.M. Silva and D. Stevens), Boston: Merrill,.pp. 484-502.

Earle, C. A. (1997). Framework for the Development of Gifted and Talented Sportspeople in Schools. FHS, 1997.

Ericsson, K.A., & Charness, N. (1994). Expert performance: Its structure and acquisition. *American Psychologist,* 49, pp. 725-47.

Harre, D., (1971). The Doctrine of Training. M., Physical Culture & Sport Publishers, 1971. [in russ.].

Krasilshchikov, O. (2011). Talent Recognition and Development: Elaborating on a Principle Model. *International Journal of Developmental Sport Management*, 1 (1), pp. 1-11.

Krasilshchikov, O. (2013). Talent Identification and Development: Reassessing the Principle Model. Acta Facultatis Educationis. *Physicae Universitatis Comenianae,* 51 (1), pp. 25-32.

Platonov, V., (1984). Theory and Methodology of Sport Training. Kiev, Higher Education Publishers, 1984. [in russ.].

Singh, Hardayal, (1991). Science of Sports Training, DVS Publ., New Delhi, 1991.

Wolstencroft, E., (Ed.), (2002). Talent Identification and Development: An Academic Review. A report for *Sport Scotland* by The University of Edinburgh.

Олександр КРАСІЛЬЩІКОВ

РОЗВИТОК ТАЛАНТІВ: ІСТОРІЯ ТА ФІЛІСОФІЯ МОДЕЛЕЙ ЩОДО СПОРТУ ВИСОКИХ РЕЗУЛЬТАТІВ

Анотація. У статті розглядаються актуальні питання розвитку таланту у спорті високих досягнень. Розвиток таланту – це складний процес, який включає поєднання генетики та середовища. Довгострокові моделі розвитку спортсменів сприяли дослідженням та узагальненням розвитку талантів, тоді як дослідження Блума та ін. про прогресивний розвиток талантів заклали основу для філософії розвитку талантів. Поняття продуманого тренування від Еріксона наголошує на важливості обсягу навмисної тренування як важливого визначального фактора отриманого досвіду. Фахівці витрачають більше годин практики на тиждень порівняно з новачками та починають свідому практику в молодшому віці.

Однак людям із меншою кількістю досвіду в певному віці неможливо наздогнати тих, хто почав свідому практику раніше та підтримував оптимальний рівень практики. Загалом розвиток талантів залишається темою дискусій протягом століть і вимагає поєднання генетичної схильності та факторів навколишнього середовища для досягнення досконалості.

Впровадження процедур пре-детекції та пост-детекції в розвитку талантів може призвести до критичних результатів. Забезпечення якісної фізичної освіти та можливості для регулярних тренувань у школах може збільшити кількість фізично розвинених дітей, що призведе до того, що тренери виявлятимуть і розвиватимуть більше потенційних талантів.

Ключові слова: *розвиток таланту, спорт високих досягнень, моделі розвитку спортсмена, процедури пре-детекції та пост-детекції.*

Submitted: 24.11.2022
Revised: 29.12.2022
Accepted: 09.01.2023

ECONOMICS

UDC 004:005:339.1
DOI 10.31733/2786-491X-2023-1-91-102

Oleksii HUTSALIUK ©
D.Sc. in Economics, Associate Professor, Vice-Rector *(Rauf Ablyazov East European University),* Ukraine

Iuliia BONDAR©
Ph.D. (Economics), Associate Professor *(Flight Academy of the National Aviation University),* Ukraine

Natalia REMZINA©
Ph.D. (Economics), *(Odessa National Marine University),* Ukraine

Rafal LIZUT ©
Ph.D. (Economics), Ph.D. (Philosophy), *(John Paul II Catholic University of Lublin),* Poland

MODIFICATIONS OF DIGITAL TECHNOLOGIES BY CLIENT-ORIENTED SERVICE OF LOGISTICS ACTIVITIES IN THE MANAGEMENT SYSTEM OF THE ENTERPRISE

Abstract. The study examines the peculiarities of the use of information systems and digital technologies, digitization of the organization of logistics processes, increasing the volume of e-commerce, personalization of logistics services, as well as management of relationships with consumers of enterprises of various types of economic activity. These questions are especially relevant in the conditions of rapid development of the digital economy. The expediency of a comprehensive approach to the transformation of customer service in enterprise logistics management systems in digital conditions has been demonstrated. A statistical analysis of the indicators characterizing the level of use of information and communication technologies in the organization of the logistics activities of the enterprise was carried out. The main barriers to the digital transformation of customer service are formulated, conditionally grouped into marketing, information and organizational barriers. It was

© Hutsaiuk O., 2023
ORCID ID: https://orcid.org/0000-0002-6541-49121
alex-g.88@ukr.net

© Bondar Iu., 2023
ORCID ID: http://orcid.org/0000-0003-2269-6208
cooperjulia@ukr.net

© Remzina N., 2023
ORCID ID: http://orcid.org/0000-0002-0838-5166
nremzina@ukr.net

© Lizut R., 2023
ORCID ID: https://orcid.org/0000-0002-6067-1469
rafal.lizut@kul.pl

determined that in order to eliminate the barriers listed above, it is advisable to implement effective tools for the transformation of customer service, one of which is the information system for managing relations with consumers (CRM, Customer Relationship Management). The expediency of using the information system and digital technologies for the complex transformation of customer service in the logistics management system of the enterprise has been determined. It has been proven that in modern business conditions, it is profitable to formulate and implement digital strategies that manage partnerships with consumers, networks and stakeholders, in accordance with the institutional theory and evolutionary paradigm of the information economy, the concept and theory of interactive marketing. The issue of the need to develop and implement a digital strategy that manages partnership relations with consumers, the implementation of which will promote synergy, including economic, social and environmental, is outlined.

Keywords**:** *enterprise, logistics activity, customer service, information and communication technologies, CRM-system, digital economy.*

Introduction. Over the last ten years, the paradigm of logistics management of enterprises has changed towards a system of managing relationships with consumers. This is due to the rapid development of the digital economy, the use of a client-oriented approach, the transition to the concept of relationship marketing, which is based on the implementation of a partnership model, the support and strengthening of cooperation with various groups of stakeholders, consumer loyalty and satisfaction with the quality of logistics and customer service.

This is confirmed by the research results of various international consulting agencies and analytical centers. Together with experts from the British Institute of Economic Research, Oxford Economics, PwC demonstrated that investments in digital transformation mainly help to improve the quality of customer service (40 % of respondents). IT managers of 100 large companies in the financial, telecommunications, oil and gas, and other sectors of economic activity named the main goal of digitalization primarily to increase customer satisfaction (58 % of respondents).

According to a report compiled by IDG Communications, Inc. based on information from 700 senior executives, digitalization is a means of improving customer service (46 percent of respondents). According to a survey of 528 managers and experts in the strategic management of digital transformation conducted by the consulting company Altimeter-Prophet, the main efforts are aimed at improving the system of contact with consumers (54 % of experts). According to Simpler Media, 79 % of 325 CIOs consider DCX (Digital Customer Experience) to be an extremely important tool for their business.

According to Gartner estimates, most companies today compete mainly on the indicator "Quality of logistics customer service". According to a survey conducted by Accenture Digital, approximately 89 % of companies consider customer service to be a key competitive advantage. Experts have calculated that keeping an existing client costs 2 times less than attracting a new one.

According to Forbes, 84 % of companies that work to improve customer service and logistics services see an increase in profits. According to experts, a customer-oriented business is 60 % more profitable than other businesses.

The conclusions of Ukrainian scientists show that for every 5 % increase in the number of consumers loyal to the company, the profit increases from 25 % to 85 %, depending on the type of economic activity (Hutsaliuk et al., 2015). According to some other colleagues, with the growth of loyalty, the propensity of consumers to perceive the behavior of competitors decreases

(Vasylychev, 2017; Hutsaliuk et al., 2022; Melnychenko et al., 2013).

According to calculations by the European Society of Marketing Research Professionals, one loyal customer is 11 times more profitable than 11 random customers. At the same time, it has been proven that attracting a new customer is eight times more expensive than encouraging an existing one to make a repeat purchase. At the same time, it is worth noting that more than 80 % of company managers are confident that their customer service is at a high level. But only 18 % of customers agree with this statement.

In view of this, the problems of transformation of customer service as a key component of logistics management of enterprises in the context of the digital environment remain relevant and require further research.

Analysis of recent research and publications. The issue of using the possibilities of the Internet in the activities of enterprises is covered in a number of works by Ukrainian and foreign theoreticians and practitioners, among whom are S. Melnychenko, K. Sheenkova etc. (Melnychenko et al., 2013).

The theoretical and practical foundations of the development of electronic business and electronic commerce as its component are considered in the works of scientists D. Vasylychev (Vasylychev, 2017), K.Velichko, L. Nosach, O. Pechenka and others (Velichko et al., 2017). The issue of the implementation of certain types of Internet technologies was examined in the studies of N. Savytska (Savytska, 2014), O. Shchedrina, M. Agutin (Shchedrina et al., 2019) and others. The study of the features of the CRM system and its differences from other information systems H. Sandiuk, Yu. Lushpiienko, N. Trushkina, I. Tkachenko, E. Kurganskaya (Sandiuk et al., 2019).

I. Klimova studied the issue of logistics management and the analysis of the components of logistics management, as well as the analysis of the essence and components of logistics strategies at enterprises. From her point of view, this is the implementation of the main logistics processes, that is, the coordination of activities with the operational calendar plan for the supply of raw materials; activities with a physical distribution plan during production; economic activity with a marketing plan during product sales, demand forecasting, service, operational calendar planning, processing customer orders, warehouse and transport work (Klimova, 2016).

The basis of the company's customer orientation is a deep understanding of the consumer's interests, since the defining emphasis is on focusing on his needs and methods of satisfying them. Thus, K. Cochran characterizes customer orientation as one of the main values of a business that strives for survival and prosperity (Cochran, 2009), and according to B. Ryzhkovskyi, customer orientation is a tool for managing relationships with the client aimed at obtaining stable profits in the long term (Ryzhkovskyi, 2005).

I. Patlakh sees customer orientation as a tool that allows the company to get loyal customers and is aimed at obtaining sustainable profits in the long term (Patlakh, 2011). Applied aspects of the application of digital technologies in the activities of enterprises (including for improving the system of managing relationships with consumers) and substantiation of scientific and methodological approaches to evaluating the effect of their implementation N. Trushkina, H. Dzwigol, O. Serhieieva, Yu. (Trushkina, 2020).

However, the issue of the use of Internet technologies in various spheres of society's functioning is currently the most researched, which is determined

by the rapid pace of development of electronic business in the global environment.

The rapid pace of development of the digital economy, the growing level of its penetration into all spheres of social life require further research in order to study its most modern trends in the context of managing relationships with consumers and implementing them into the practical activities of enterprises.

The purpose of our article is to justify the feasibility of applying a comprehensive approach to the transformation of customer service in the logistics management system of enterprises in the conditions of the digital economy.

Formulation of the main material. The Ubiquitous Internet is a network that connects people, processes, information and goods. The more likely it is, the more objects are associated with it. The emergence of the World Wide Web was made possible by a combination of technological changes such as the Internet, increased mobility, the advent of cloud computing, and the growing role of big data.

A statistical analysis was carried out and it was established that the problems of using digital (information and communication) technologies for the transformation of the management system of relationships with consumers are relevant at Ukrainian enterprises in the last decade (Table 1). Thus, according to the State Statistics Service of Ukraine, the number of enterprises that had access to the Internet increased by 10.6 % in 2019-2021. The number of enterprises that used the Internet to obtain information about goods and services increased by 12.7 %, and to send or receive messages by e-mail – by 11.2 % (Fig. 1).

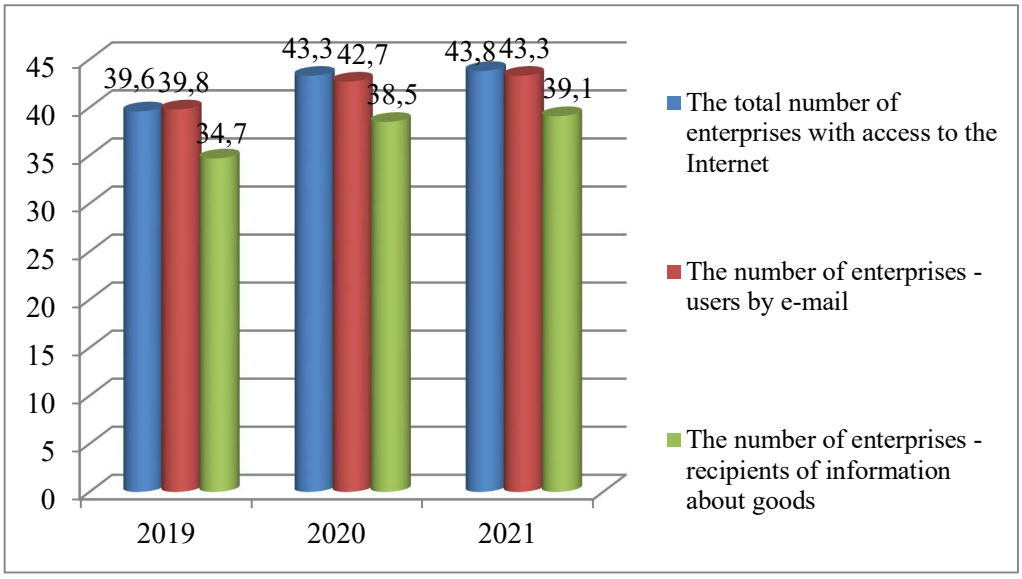


Fig. 1 – Directions for using the Internet in the enterprise management system (thousands)

Source: compiled on the basis of statistical and informational materials of the State Statistics Service of Ukraine, 2020, 2021, 2022

During the researched period, the number of enterprises that used the website to organize their logistics activities increased by 10 %. This happened due to the increase in the number of enterprises in which the website provided the following opportunities: forming an order for goods online – by 16 %;

ISSN 2786-491X (Print)

personalized information content of the website for regular customers – by 15.7 %; customer service – by 13.8%; monitoring the status of placed orders – by 13.7 %; supply of products online – by 11.8 % (Table 1).

Table 1

Website capabilities when using the Internet at enterprises (thousands)

Indexes	Years		
	2019	2020	2021
Total number of enterprises	16,23	17,5	17,8
Including for: customer service	7,5	8,3	8,5
delivery of products online	2,8	3,1	3,1
forming an order for goods online	4,5	5,1	5,2
monitoring the status of placed orders	4,1	4,5	4,6
personalized information content of the website for regular customers	4,0	4,6	4,7

Source: compiled on the basis of statistical and informational materials of the State Statistics Service of Ukraine, 2020, 2021, 2022

For 2019-2021, the number of enterprises that used social media to receive consumer feedback or provide answers to their orders increased by 27.7 %; involvement of clients in development or innovative activities – by 25.6 %; cooperation with various groups of stakeholders – by 20.9 % (Fig. 2).

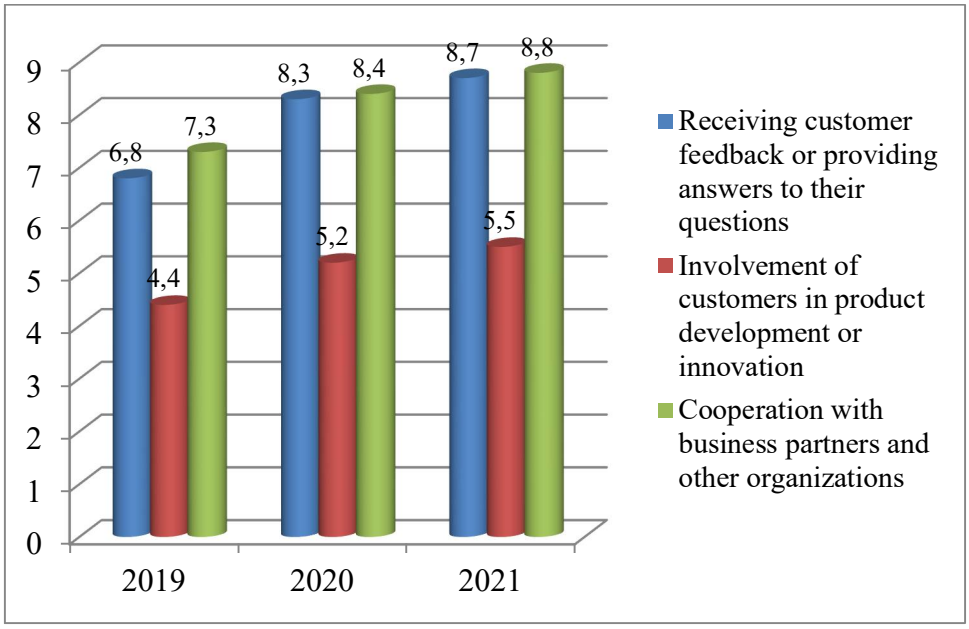


Fig. 2 – The main purposes of using social media at enterprises (thousands)

Source: compiled on the basis of statistical and informational materials of the State Statistics Service of Ukraine, 2020, 2021, 2022

During this period, the number of enterprises that purchased customer relationship management software increased by 38.4 %. And their specific weight in the total number of this group of enterprises that bought cloud computing services increased by 2.5 percentage points (Fig. 3).

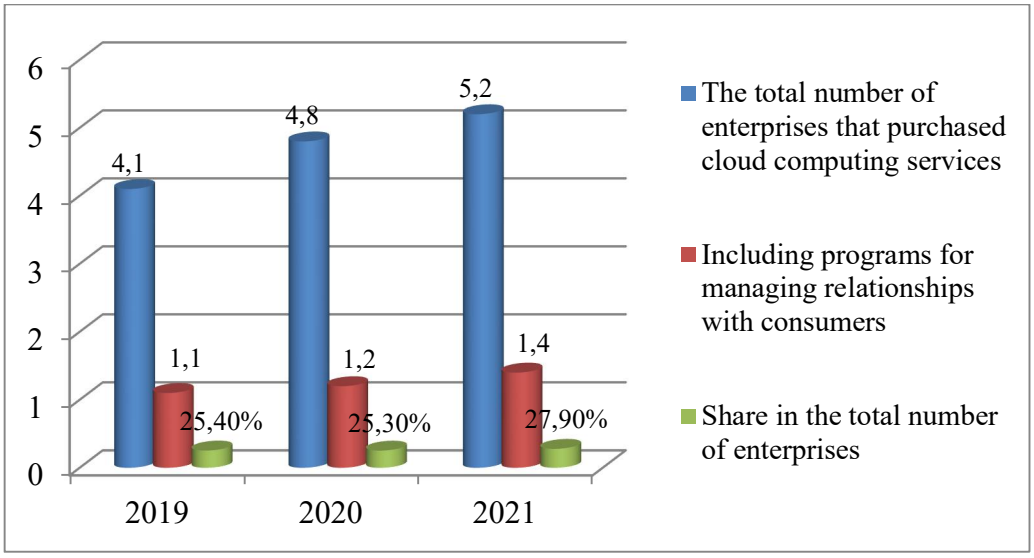


Fig. 3 – Use of cloud computing services

Source: compiled on the basis of statistical and informational materials of the State Statistics Service of Ukraine, 2020, 2021, 2022

The number of enterprises that carried out electronic trade increased in 2021 by 0.7 % compared to 2021. The number of enterprises purchasing goods via the Internet increased by 24.5 %. The number of enterprises that received orders through the Internet for the sale of products decreased by 6 %. The specific weight of the volume of products sold, obtained thanks to electronic trade, increased by 1.5 percentage points, or from 3.5 to 5 % of the total volume of products sold by enterprises (Table 2).

Table 2

Electronic commerce via the Internet

Indexes	Years		
	2019	**2020**	**2021**
The number of enterprises that carried out electronic trade (thousands)	2,4	2,4	2,5
in % to the total number of enterprises	5,0	4,8	4,9
The number of enterprises that received orders via the Internet for the sale of products or services (thousands)	2,5	2,6	2,7
The number of enterprises that purchased goods or services via the Internet (thousands)	8,2	9,6	10,1
The volume of sold products (goods, services) obtained from electronic trade, UAH billion.	228,0	292,7	364,6
in % to the total volume of sold products (goods, services) of enterprises	3,5	4,5	5,0

Source: compiled on the basis of statistical and informational materials of the State Statistics Service of Ukraine, 2020, 2021, 2022

Thus, as the analysis of statistical data shows, modern information and communication technologies and systems are actively used at domestic enterprises of various spheres of economic activity. This, in turn, will affect the organization of logistics processes in the era of transformational changes and digital transformations.

However, despite the positive trends of increasing the number of Ukrainian enterprises that implement information technologies in the organization of logistics processes, as a result of their own research (Trushkina et al., 2020) it has been proven that the effective transformation of customer service is held back by a number of barriers, which can be conventionally classified into the following groups:

– market: constant fluctuations in sales market conditions; instability of consumer demand for finished products;

– marketing: insufficient consideration of service features of different categories of consumers depending on the specifics of the enterprise's activity; imperfection of the contractual activity of enterprises; ineffective use of marketing communication tools; lack of a generally accepted approach to the terms "logistics service", "logistics service", "customer orientation", "customer service", "loyalty", "customer experience"; insufficient application of a client-oriented approach to customer service and logistics service;

– organizational: lack of a clearly defined digital transformation strategy, vision of the company's digital future, and leadership deficiencies; inability to manage organizational and transformational changes; lack of a digital strategy for managing relationships with consumers; low level of employee involvement; lack of qualified and competent personnel that would meet the modern requirements of digitalization of the economy;

– informational: lack of a unified approach to the definition of a categorical and conceptual apparatus (for example, "digital economy", "digital transformation", "digital transformation of business processes", "digital transformation of customer service", etc.; insufficient knowledge and skills in the digital economy; insufficient use of digital technologies and electronic platforms to manage relationships with consumers.

To eliminate the barriers listed above, it is advisable to implement effective tools for the transformation of customer service, one of which is the information system for managing relations with consumers (CRM, Customer Relationship Management). The essence of this technology is to increase the efficiency of managing relationships with consumers, i.e. using a client-oriented approach, turning neutral buyers into loyal customers, forming business partners from regular consumers, attracting new and retaining existing customers (Fig. 4) (CRM, 2017).

The goal of Social CRM is to create a public ecosystem to better understand what customers want and how they interact with a company's various touch points, such as sales and customer service. Thanks to this, we build closer relationships with our customers and connect them to our company.

CRM systems on the Ukrainian market have been developing rapidly in recent years. One of the main principles of modern business is customer orientation, therefore, depending on your industry and goals, numerous CRM solutions available on the domestic market will allow you to achieve maximum efficiency in managing customer relationships (What is a CRM system, 2022).

The essence of managing relationships with consumers	Tool
	Method
	Technology
	Strategy
	A special approach to doing business
The key goal of implementing a CRM-strategy	Creation of sales networks, models and logistics systems with the attraction of new customers and the maintenance and development of existing ones
Types of basic CRM-systems and tools	Formation of various digital-channels
	Creation of a digital profile of customers, which is managed in the company's Customer Data Platform
	Creation of a single low-code platform for sales, marketing and customer service
	Formation of an environment with the integration of all digital channels, retail points and back-office into a single digital space

Fig. 4 – The essence and tools of digital technologies of client-oriented service in the enterprise management system

Source: (CRM, 2017)

The CRM system provides tools for the interaction of managers and customers to increase sales, identify the most profitable groups of consumers, monitor and analyze employees and their work efficiency, automate business processes and improve productivity in all departments. The ability to develop the company's existing potential, create a unified communication space for employees, and quickly respond to changing consumer and market needs.

In order to digitally transform customer service in the logistics management system of enterprises, it is advisable to use a comprehensive approach, which consists in the integration and symbiosis of systemic, process, functional and situational approaches to managing relationships with consumers in the context of partnership marketing (Fig. 5).

ISSN 2786-491X (Print)

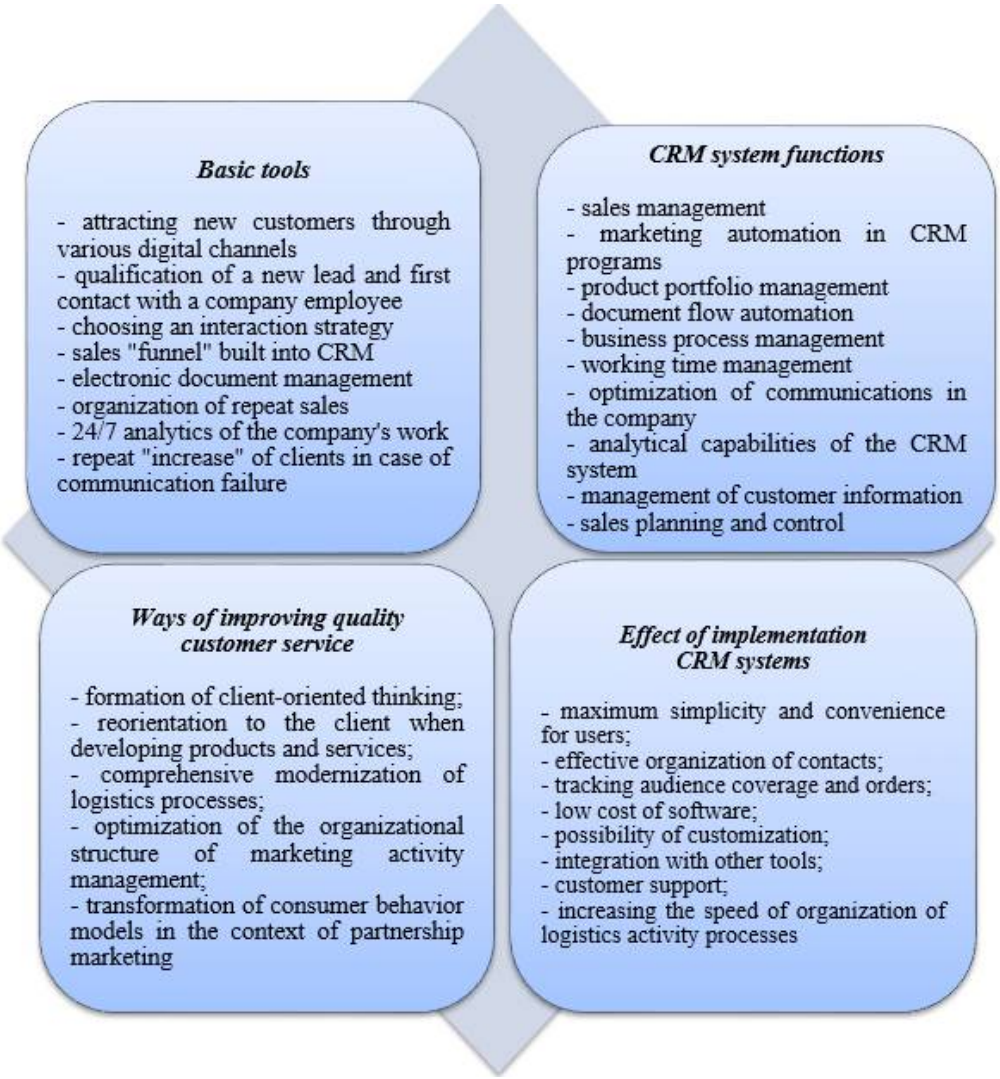


Figure 5 – A comprehensive approach to the transformation of the client-oriented service of logistics activities in the management system of enterprises in the conditions of digitalization

Source: based on (CRM, 2017)

The transformation of customer service in the era of digital transformation will contribute to obtaining a synergistic effect determined by the formula 1 (Vasylychev, 2017; Melnychenko et al., 2013):

$$E = \sum_{ij=1}^{n} E_1(y_{11}, y_{12}, y_{13}, y_{14}, y_{15}) + E_2(y_{21}, y_{22}, y_{23}) + E_3(y_{31}, y_{32}, y_{33}) \rightarrow max \quad (1)$$

Where:

E_1 – economic effect:

y_{11} – increase in average profitability from the organization of logistics activities by 15-20 %;

y_{12} – increase in consumer retention rate by 5 %;

y_{13} – reduction of time for performing current operations by 25-30 %;

y_{14} – increasing the accuracy of forecasting the volume of product shipment to 99 %;

y_{15} – reducing sales, marketing and customer support costs by 10-15 %;

E_2 – social effect:

y_{21} – optimization of the work of the company's employees;

y_{22} – increasing the speed of processing consumer orders and the level of information security;

y_{23} – reduction of time spent on organizing information exchange between the enterprise and various categories of stakeholders;

E_3 – ecological effect – reduction of negative impact on the environment as a result of:

y_{31} – improvement of conditions of transportation and storage of products;

y_{32} – application of the concept of industrial waste management in the context of circular economy;

y_{33} – implementation of «green» technologies in production.

The use of the Internet has a significant impact on the performance of enterprises. However, not all enterprises of Ukraine use such advantages to the full extent.

Conclusions. Based on the above, it can be assumed that the intensity of the use of information systems and digital technologies, the digitalization of the organization of logistics processes, the increase in the volume of electronic commerce, the personalization of logistics services. The integration of new users into the Internet requires a fundamental search for new approaches, the transformation of customer service into a logistics management system.

The results of the study show that in modern business conditions it is beneficial to formulate and implement digital strategies that manage partnerships with consumers, networks and stakeholders, in accordance with the institutional theory and the evolutionary paradigm of the information economy, the concept, the theory of interactive marketing, which should include the following elements use of information tools and digital channels (types of CRM systems, electronic platforms, software products, various options of digital channels); formation of a qualitatively new culture of marketing communications (integration of CRM systems into the IT architecture of companies; integration of digital channels of marketing communication into a single system); analysis of the situation and development of the general concept of digital transformation; directions for improving the quality of customer service (forming the mindset of customer-oriented service; refocusing on the customer in the development of products and services; comprehensive modernization of business processes; digitalization, machine learning and robotics to increase the speed and efficiency of the organization of logistics activity processes; optimization of the organizational structure of marketing campaign management; changes in customer behavior models;

creation of digital customer profiles managed on customer data platforms; creation of «smart» chatbots based on artificial intelligence; Optimization of retargeting; Integrated channels, retail points and back offices into a single information space, that is, communication is used as a key tool of a client-oriented model of partnership with consumers.

Undoubtedly, some aspects of customer-oriented logistics activities, digital service technologies in the considered enterprise management system do not fully solve all problems. Therefore, the prospects for further research involve the analysis of this problematic situation in the context of corporate marketing strategies in the conditions of the digital economy.

Conflict of Interest and other Ethics Statements.
The authors declare no conflict of interest

References

Bondar, Iu. & Lehinkova, N. (2021). Tools of activation of innovative development of enterprises of Ukraine. Economy digitalization in a pandemic conditions: processes, strategies, technologies**:** International scientific conference, January 22-23, 2021. Kielce, Poland. pp. 91-95.

Cochran, K. (2009). There are many of us – one consumer. trans. with English A. B. Boldin. RIA "Standards and Quality", 168 p.

CRM and its types, types, purposes. URL : https://worksection.com/ua/blog/crm-theory.html

Hutsaliuk, O. & Cherevatenko, V. (2015). Development of international business in the context of international management. *State and regions. Series: Economy and entrepreneurship*, 6 (87), pp. 8-13. [in Ukr.].

Hutsaliuk, O., Bondar, Iu., & Lozova, T. (2022). Digital mechanisms of formation of cooperative logistics chains of commodity markets of Ukraine in the conditions of international trade cooperation. Commercialization of innovations: protection of intellectual capital, marketing and communications: monograph. Sumy: Sumy State University, pp. 283-295. URI: https://essuir.sumdu.edu.ua/handle/123456789/88684. [in Ukr.].

Klimova, I. (2016). Problems and prerequisites for the use of logistics in Ukraine. *State and regions,* no. 3. pp. 143-147. [in Ukr.].

Melnychenko, S.. & Sheenkova, K. (2013). Management of business processes in tourism*:* monograph. Kyiv: KNTEU, 105 p. [in Ukr.].

Patlakh, I. (2011). Customer orientation as a business philosophy. *Your business*, no. 10, pp. 24-26.

Ryzhkovskyi, B. (2005). When does a client vote with money? *Enterprise management,* no. 7. URL : http://www.advertology.ru/article27313.htm.

Sandiuk, H., Lushpiienko, Yu., Trushkina, N., Tkachenko, I. & Kurganskaya, E. (2019). Special Procedures for Electronic Public Procurement. *Journal of Legal, Ethical and Regulatory*, special issue 2 (22). Business laws and legal rights: research and practice, pp. 1-6. URL : https://www.abacademies.org/articles/special-procedures-for-electronic-public-procurement-1544-0044-22-SI-2-351.pdf.

Savytska, N. (2014). Drivers and barriers to the development of online retail: theoretical and methodological aspects. *Business Inform,* no. 10. pp. 236-241. [in Ukr.].

Shchedrina, O. & Agutin, M. (2012). Internet - technologies in business: a study guide. Kyiv : KNEU, 303 p. [in Ukr.].

Trushkina, N., Dzwigol, H., Serhieieva, O. & Shkrygun, Yu. (2020). Development of the Logistics 4.0 Concept in the Digital Economy. *Economic Herald of the Donbas,* 4 (62), pp. 85-96. [in Ukr.].

Use of information and communication technologies at enterprises of Ukraine in 2019: statistical bulletin. Kyiv: State Statistics Service of Ukraine, 2020, 34 p. [in Ukr.].

Use of information and communication technologies at enterprises of Ukraine in 2020: statistical bulletin. Kyiv: State Statistics Service of Ukraine, 2021, 32 p. [in Ukr.].

Use of information and communication technologies at enterprises of Ukraine for 2021: statistical bulletin. Kyiv: State Statistics Service of Ukraine, 2022l 30 p. [in Ukr.].

Vasylychev, D. (2017). Methodical approaches to planning business processes in electronic commerce. *Scientific works of the Kirovohrad National Technical University*, no. 32, pp. 287-292. [in Ukr.].

Velichko, K., Nosach, L. & Pechenka, O. (2017). Modern trends and prospects for the development of the Internet trade market: international experience and national practice. *Economic strategy and prospects for the development of trade and services,* 1 (25), pp. 184-196.

What is a CRM system: purpose, possibilities and specifics of choice. URL : https://kamala-soft.com/uk/blog/chto-takoe-crm-sistema/.

Олексій ГУЦАЛЮК, Юлія БОНДАР,
Наталія РЕМЗІНА, Рафал ЛІЗУТ

ВИДОЗМІНИ ЦИФРОВИХ ТЕХНОЛОГІЙ КЛІЄНТООРІЄНТОВАНОГО СЕРВІСУ ЛОГІСТИЧНОЇ ДІЯЛЬНОСТІ В СИСТЕМІ МЕНЕДЖМЕНТУ ПІДПРИЄМСТВА

Анотація. У дослідженні розглянуто особливості використання інформаційних систем та цифрових технологій, цифровізація організації логістичних процесів, збільшення обсягів електронної комерції, персоналізація логістичних послуг, а також управління взаємовідносинами зі споживачами підприємств різних видів економічної діяльності. Ці питання особливо актуальні в умовах стрімкого розвитку цифрової економіки.

Продемонстровано доцільність комплексного підходу до трансформації обслуговування клієнтів у системах управління логістикою підприємства в цифрових умовах. Проведено статистичний аналіз показників, що характеризують рівень використання інформаційно-комунікаційних технологій в організації логістичної діяльності підприємства.

Сформульовано основні бар'єри цифрової трансформації обслуговування клієнтів, умовно згруповані на маркетингові, інформаційні та організаційні. Визначено, що для усунення вище перелічених бар'єрів доцільно впроваджувати дієвий інструментарій трансформації клієнтського сервісу, одним із яких є інформаційна система управління взаємовідносинами зі споживачами (CRM, Customer Relationship Management).

Визначено доцільність використання інформаційної системи та цифрових технологій для комплексної трансформації обслуговування клієнтів в системі управління логістикою підприємства. Доведено, що в сучасних умовах ведення бізнесу вигідно формулювати та впроваджувати цифрові стратегії, які керують партнерством із споживачами, мережами та зацікавленими сторонами, відповідно до інституційної теорії та еволюційної парадигми інформаційної економіки, концепції, теорії інтерактивного маркетингу.

Окреслено питання необхідності розробки та впровадження цифрової стратегії, яка керує партнерськими відносинами зі споживачами, реалізація якої сприятиме синергії, включаючи економічну, соціальну та екологічну.

Ключові слова: *підприємство, логістична діяльність, клієнтський сервіс, інформаційно-комунікаційні технології, CRM-система, цифрова економіка.*

Submitted: 07.02.2023
Revised: 02.03.2023
Accepted: 22.03.2023

UDC 35:330.1
DOI 10.31733/2786-491X-2023-1-103-115

Svitlana KHAMINICH ©
D. Sc.in Economics, Professor
(Dnipropetrovsk State University of Internal Affairs),
Ukraine

Krystyna HETI ©
Ph.D., Associate Professor,
(Industrial Engineering and Management Research School),
Sweden

THE KNOWLEDGE ECONOMY AS A FACTOR FOR ENTERPRISE DEVELOPMENT IN MANAGEMENT SYSTEM

Abstract. The article describes the basic concepts of the economy of knowledge, its importance and features. A discussion is made about the role of the economy of knowledge in the management system and recommendations for the use of knowledge in the management of the enterprise. An analysis of the part of knowledge in the management of the enterprise has been carried out, including the main approaches to the management of knowledge and methods of its development. In the concluding part of the article, the study's results are presented, including an inventory of the methodology, which is helpful in analyzing the data and interpreting the results. The main hypothesis, translated into this article, is that the effective use of knowledge in the management of enterprises is a key factor in achieving competitive advantages and success in the modern economy.

The article is relevant regarding the development of technologies and the ability to compete in the market. To support and provide a foundation for recommendations for enhancing knowledge management procedures in businesses, a study has been conducted to better understand the role of the knowledge economy in enterprise management, which is the key factor affecting the efficacy of the use of knowledge. The results of this research can be used as a basis for the business of enterprises, as well as for the beneficiaries of the effective use of knowledge in their activities, as well as for the researchers, who deal with the topic of the economy of knowledge and their role in the modern economy, and also for the faculties in the field of knowledge management, as well as for the development of strategies for managing knowledge in companies.

Keywords: *economy of knowledge, enterprise, company*, *management*, *competitive transport, business environment.*

Introduction. In the context of the modern economy, characterized by rapid technological advancements and high levels of competition, companies must rapidly adapt to new conditions, adopt new technologies, and utilize their experience and knowledge to achieve competitive advantages. The efficient utilization of intangible components, some of which are unique in nature, such as knowledge and worker knowledge, professional qualifications, and education, leads to markets and enterprise management. The capacity to

© Khaminich S., 2023
ORCID iD: https://orcid.org/0000-0002-2221-5550
svetala1704@i.ua

© Heti K., 2023
ORCID iD: https://orcid.org/0000-0001-9208-5600
heti@kth.se

effectively use knowledge and information in their activities is one of the major factors that enable businesses to prosper in highly competitive situations.

The concept of a knowledge-based economy, which assumes that knowledge has become the primary resource of the economy, is gaining increasing prevalence in the modern world. The knowledge-based economy posits that companies that can create, disseminate, and utilize knowledge more effectively have higher levels of competitiveness and are better adapted to changes in the business environment.

The knowledge-based economy's basic tenet is that knowledge is a vital resource that can be utilized to forge competitive advantages and boost organizational effectiveness in the modern economy. The knowledge-based economy also considers the processes used for knowledge creation, transfer, archiving, and utilization within businesses.

Analysis of recent research and publications. The theoretical basis for the study of the knowledge economy from different points of view was the works of domestic and foreign scientists, such as V. Heyets, P. Drucker, O. Dyakiv, M. Zgurovsky, A. Zharinova, A. Kolot, F. Makhloup, L. Melnyk, V. Poshelyuzhnyi, V. Svitlychna, I. Stoyanenko, E. Toffler, L. Fedulova, A. Chukhno, D. Shushpanov and many others. According to the Organization for Economic Co-operation and Development (OECD) definition, the knowledge economy is an economy that is directly based on the creation, distribution and use of knowledge and information.

O. Dyakiv, D. Shushpanov, V. Poshelyuzhny interprets the knowledge economy as the newest model of development of the economic system, in which most of the gross domestic product is provided through the production, processing, storage, dissemination and use of knowledge, information and the latest technologies.

M. Zgurovsky emphasises that the knowledge economy is new knowledge generated by science, the preparation of high-quality human capital based on quality education, and the creation of additional wealth in the manufacturing sector and business, integral components of a modern society built on knowledge. A. Zharinova, under the knowledge economy, understands the sphere of production of goods and services as a sphere of practical realization of human intelligence, where the dominant and priority resource is knowledge, which becomes a new actual basis for the competitive activity of economic entities in the modern global economy.

A. Kolot emphasises that the knowledge economy is based on highly productive, competitive jobs occupied by highly skilled, innovation-oriented workers; information, communication and other modern advanced technologies are introduced, and high-tech, science-intensive and competitive products are manufactured. L. Melnyk defines the economics of knowledge as a post-industrial economy in which the driving force for further development is the accumulation and use of information and knowledge concentrated in human capital. F. Makhloup included the sphere of education, research and development, communications, information engineering and information activities in this concept.

V. Svitlychna, I. Stoyanenko researched the development of the knowledge economy. L. Fedulova emphasises the importance of the knowledge economy as one that creates, disseminates and uses knowledge to ensure its

growth and competitiveness.

Despite the sizeable number and variety of this issue, the issues of a systematic approach to comprehending the essence of the knowledge economy as an integrated category in today's competitive business environment, identifying the levels of its development, evaluating the effectiveness of factors influencing the knowledge economy on the management process of companies, taking into account the conditions of the business environment, remain understudied and unresearched.

Analysis and generalization of publications on this issue led to the conclusion that the existing methodology for managing companies based on the knowledge economy is not sufficiently developed both in theoretical and practical aspects, which indicates the lack of substantiation of common conceptual foundations of the knowledge economy as a factor in the development of a business entity in the management system. The discrepancy between the achievements of the theory and the requirements of the practice of managing companies based on the knowledge economy in today's rapidly changing conditions necessitated this scientific research.

The purpose of the article is to study the role of the knowledge economy as a factor in developing an enterprise in the management system**.** The article will consider the basic concepts of the knowledge economy and evaluate the role of knowledge in enterprise management. The research findings based on a literature review and interviews with businesses that use the knowledge economy in their operations will be presented.

Formulation of the main material. The modern economy is increasingly based on knowledge and innovation – intellectual capital, as they have become the main drivers of company development. Specifically, intellectual capital has become the primary factor determining a country's position in the modern economy during globalization. In the global economy's crane leaders, there was a steady tendency to replace inventories with information and fixed assets with knowledge. The rapid increase in the influence of this factor on economic development led to the emergence of the concepts of "intellectual economy" and "information society". Intellectual capital determines the possibilities of using financial and material wealth. It is safe to conclude that the development of the intelligent economy is now fundamentally and actively driven by intellectual capital (Khaminich, 2006).

A. Chukhno, exploring current economic and social development trends as a key factor in forming the information society, highlights creative intellectual work. Emphasizing that "not every mental work is creative", he notes: "Creative work, creative activity of man is one of the defining features of the new society" (Chukhno, 2004). Profound changes in all of its sectors that impact the management system are a defining trait of the current economic development stage. A helpful resource that may be exploited to provide value for the business, its clients, and the socioeconomic system at large is the knowledge-based economy.

Heyets emphasises that the knowledge economy is an economy in which both specialized and everyday knowledge is a source of growth. In the knowledge economy. Decisive is the intellectual potential of society, on which it is based and which is a set of everyday (mundane) and specialized (scientific) knowledge that is accumulated in the minds of people and

materialized in technological methods of production (Heiets, 2004).

The knowledge-based economy, as a separate scientific discipline, was developed in the 1990[s] and has been actively evolving. It is defined as an economic discipline that studies the creation, distribution, and utilization of knowledge and its impact on economic and social processes in society.

Knowledge economics is an economic system that relies on the use and dissemination of knowledge across all industries and management sectors, as well as the creation of knowledge to foster intellectual development and the use of highly intellectual human capital to boost national competitiveness and lay the groundwork for new and innovative economic growth. The knowledge economy not only makes use of already existing information and knowledge but also contributes to its growth and the generation of new knowledge with an eye towards its future productive application. The establishment of the knowledge economy as a development strategy for Ukraine will serve as the cornerstone for ensuring economic growth and forging competitive advantages on the global market, given the current economic climate (Maslak et al., 2020).

Making wise management decisions for the effective functioning of the economic entity helps incorporate the knowledge economy's key concepts into the corporate management system (see Fig. 1). Their extensive (and not alternative) execution is a critically essential point. For this reason, the relationship is depicted as a closed loop in Fig. 1.

The notion that knowledge can be viewed as a separate resource, comparable to traditional production resources like labour, money, and land, is one of the fundamental ideas of the knowledge economy. This means that information may be applied to produce new goods and services, boost productivity, and make businesses more competitive.

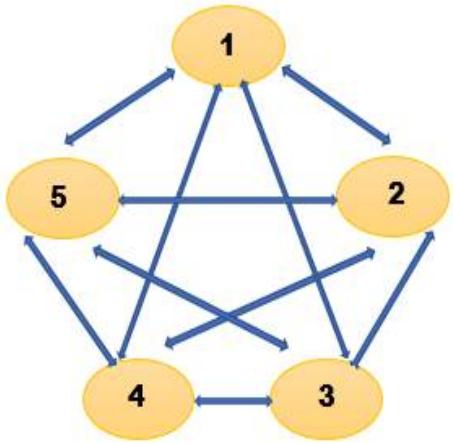


Fig. 1. – The main components of the knowledge economy in the enterprise management system

Where:

1. Goals and directions of implementing knowledge economy into an enterprise management system;
2. Knowledge as a separate resource of the enterprise;
3. Knowledge is one of the central values of the enterprise;
4. Knowledge as diverse components of activity of different structures of the enterprise;
5. Making informed management decisions for the effective development of the enterprise.

Source: based on (Maslak et al., 2020)

The idea that knowledge may be shared and used without losing its value is another crucial one in the knowledge economy. For instance, a business can train its staff in new skills and knowledge that they can use in their work without the knowledge itself losing its worth and being unusable repeatedly.

The idea that knowledge can be exchanged within various organisational levels to increase access to knowledge and boost company efficiency is another fundamental tenet of the knowledge economy. To speed up the development and improvement of the business, a corporation can, for instance, create a knowledge base where employees can share their knowledge and access the ability of other employees.

Taking into account the concepts above of the knowledge economy, several vital roles can be identified that it plays in enterprise management, namely:

– creating competitive advantages: knowledge economy enables companies to use knowledge to develop new products and services, improve productivity and enhance competitiveness; for example, a company can create new technologies based on the understanding of its employees, which helps it to take a leading position in the market;

– knowledge management: knowledge economy helps companies to effectively manage their knowledge, create knowledge transfer systems between employees, and preserve knowledge for future use; this enables companies to adapt more quickly to changing market conditions and improve their efficiency;

– employee development: knowledge economy motivates companies to develop their employees by providing access to new knowledge and skills and training them in new technologies and methodologies; this helps companies retain their employees and improve their qualifications;

– efficiency improvement: knowledge economy stimulates companies to improve their efficiency by using knowledge to improve productivity and optimize business processes; for example, a company can create a knowledge base where employees can quickly find answers to their questions and avoid duplication of work.

The knowledge economy plays a vital role in enterprise management, enabling companies to use knowledge to create competitive advantages, manage knowledge, develop employees, and improve efficiency. Developing and implementing knowledge management systems is one of the critical aspects that help companies achieve these goals.

Enterprises can use numerous knowledge management methods for gathering, storing, processing, and transferring knowledge. Proper application of these methods is essential for the successful development of a company and determining a sustainable place among competitors in the business environment.

Knowledge – awareness of something; availability of information about someone, something; a set of data from any field acquired in the process of training, research, etc.; knowledge of reality in its individual manifestations and in general (Velykyi tlumachnyi slovnyk suchasnoi ukrainskoi movy, 2009, p. 469). One of the critical methods of knowledge management is the creation of a knowledge base.

Knowledge bases are structured data sets containing information about the company's products, production processes, customers, suppliers, and other operations. They are an electronic resource that contains information and

knowledge necessary for performing specific tasks and solving problems.

Knowledge management systems are software that helps companies collect, store, process, and transmit knowledge. They can store knowledge obtained during research, development, and other activities. Documents, instructions, methodologies, and additional information useful to employees can be stored in knowledge bases. Knowledge bases allow for quick access to the necessary information and knowledge-sharing among employees through the active use of knowledge management systems. They may include features such as knowledge search, classification and analysis, and the ability to create and exchange knowledge among employees.

Another method of knowledge management is employee training. The human factor plays a vital role in knowledge-based management systems. Human capital is a key factor in the development of companies and society as a whole (Khovrak, 2011). Training and development of employees is an important aspect of knowledge management. Training can be provided both within and outside the company. For example, a company can organize seminars, trainings, and courses where employees can gain new knowledge and experience within the company; seminars for employees that help improve their professional skills.

In addition, a company can send its employees to external courses and conferences where they can exchange knowledge with representatives of other companies and use social networks. Social networks are platforms that allow users to exchange information and knowledge. Companies can use social networks to create internal communities where employees can share knowledge and experience. This can also help improve communication and collaboration between different departments and groups of employees. It is also necessary to use modern technologies for knowledge exchange, such as corporate blogs, internal chats, and forums.

Another effective method of knowledge management is the creation of teams that bring together employees with different knowledge and skills. Teams can work on specific projects and tasks, exchanging knowledge and experience using mentoring. Mentoring is a process in which a more experienced employee helps a less experienced one to develop professionally. Mentors can help new employees adapt to the company more quickly, improve their professional skills, and gain additional knowledge (Velykyi tlumachnyi slovnyk suchasnoi ukrainskoi movy, 2009, p. 659). This helps to increase work efficiency and create a more innovative environment by implementing modern business processes.

Business processes are sets of procedures and instructions that define how work should be performed within a company. Well-designed business processes can help improve work efficiency and reduce the number of errors. In addition, they may include templates that help employees perform their work more effectively.

The application of knowledge management methods in enterprise management allows for achieving the following objectives:

– establishing a system for knowledge transfer among employees, enabling them to quickly access the necessary information and acquire knowledge from their colleagues;

– enhancing employee qualifications through training, which helps elevate their skills and competencies, thereby improving work efficiency and

product quality;

– fostering innovation by creating teams and facilitating knowledge exchange among employees, which cultivates an innovative environment, stimulates the emergence of new ideas and problem-solving approaches, leading to the creation of new products and services and enhancing the company's competitiveness in the market;

– increasing productivity by implementing knowledge management methods, reducing errors and redundancies in work, expediting decision-making processes and task execution, thus promoting enhanced productivity and cost reduction;

– improving communication by organizing groups and providing employee training, which aids in enhancing communication among individuals, reducing conflicts, and increasing the effectiveness of collaborative work.

Table 1

Factors contributing to the development of the enterprise on the basis of the knowledge economy

№	Factor	Impact characteristics
1	Anticrisis stabilization factor	The influence of this factor contributes to the stabilization of sociocultural and socio-economic conditions of the development of society and the formation of their new quality at a specific moment in time.
2	Human factor	This factor integrates a system of knowledge, abilities, skills and beliefs and establishes an invariant informational dependence on scientific, general cultural, ecological, social, economic, technological and political trends in the development of socio-economic relations.
3	System-intellectual factor	This factor contributes to the creation of conditions for innovative human activity on Earth and the formation of planetary systemic multi-sphere thinking with the aim of developing new methods of stable and most harmonious interaction of human-organizational and natural systems.
4	Intellectual human capital	This factor determines the level of system organization and functioning of resources as the efficiency of professional production structures (including world structures).
5	The educational potential of workers	This factor helps to increase the competitiveness of the economic entity due to the adoption of effective management decisions.
6	Fulfilment of the economic mission of the entity	This factor acts as a mandatory element of the successful development of the company with the aim of competent management of resource flows in the system of the education economy and specific innovative products of educational technology.

Source: (Khaminich, 2019)

The utilization of the knowledge economy in enterprise management offers numerous advantages, including:

– increased work efficiency: companies employing a knowledge economy can better organize their work and enhance efficiency by optimizing business processes, providing employee training, and utilizing knowledge bases and knowledge management systems;

– enhanced competitiveness: economic entities that rely on a knowledge economy have access to a broader range of information, knowledge, and experience; this enables them to understand better the market and competitors, as well as adapt more quickly and effectively to market changes;

– improved innovation activity: knowledge economy stimulates innovation within companies by facilitating knowledge and idea exchange; companies can leverage knowledge bases, knowledge management systems, and social networks to foster innovation and enhance employee creativity.

During the implementation of the knowledge economy, it is essential to consider the components that arise from scientific knowledge and the utilization of research methods.

Indeed, the knowledge economy plays an important role in the development of enterprises and the management system. The application of knowledge management techniques improves the quality of work, increases productivity and efficiency, and creates a more innovative environment. The effective application of knowledge management methods in actual companies confirms the need to introduce the knowledge economy into the company's activities. For example, companies such as Google, Siemens, Procter & Gamble, and Toyota are prime examples of successful companies that are actively introducing elements of the knowledge economy into the management system.

Google is one of the leaders in knowledge management. She created a unique toolkit called "Google Brain" for the development of machine learning and artificial intelligence. With this toolkit, the company was able to develop products such as Google Translate and Google Assistant, which have long been an integral part of many people's lives. One of Google's knowledge management practices is the 20 % rule. Under this rule, company employees are allowed to spend 20 % of their work time on projects that are not related to their primary job. This will enable employees to develop their skills, look for new ideas and create innovative products, which has a positive effect on the development of the company as a whole (https://file.liga.net/companies/google-3305320).

Siemens uses knowledge management techniques to increase production efficiency and reduce costs. One example of such an application is the use of virtual reality in the production process. Thanks to this, company employees can learn new techniques and technologies more effectively, as well as install and maintain equipment more efficiently and safely. In addition, Siemens has created a unique platform called "Siemens Knowledge Management System" to store and share knowledge within the company. This allows employees to quickly find the necessary knowledge and experience, share their knowledge and experience with colleagues, and speed up decision-making and problem-solving (https://www.siemens.com/ua/uk.html).

Procter & Gamble uses knowledge management techniques to create and

improve new products and services. One such method is to create a dedicated platform called "Connect + Develop Innovation Portal" to connect with external experts, universities, start-ups and other companies for new ideas and technologies, where the company can post its requests on new technologies and ideas and external experts can offer their solutions. Thanks to this method, the company was able to develop products such as Ariel Excel Gel and Olay Regenerist, which became bestsellers in the world market (https://us.pg.com/).

Toyota uses knowledge management techniques to improve product quality and manufacturing processes. One of these methods is "Kaizen", which is to improve production processes and increase the efficiency of employees constantly. Toyota has also created a toolkit called the "Toyota Production System", which includes knowledge management practices such as process standardization, employee training, and continuous analysis of production data to improve production processes (https://global.toyota/en/).

The introduction of the knowledge economy in some countries is a clear example of building an effective system of management and organization of society. In China, building a "knowledge economy" is a national strategy and aims to transform the country from a "workshop of the world" to a "world laboratory", reducing dependence on foreign technologies from 80 % to 30 %. To this end, the following measures are taken: an increase in financing of the education system (from 1.2 % to 2-2.5 % of GDP), the creation and popularization of the "cult of education and education", the result of such conditions under which TNCs locate in the country not only production but and research centres (at the moment there are about 750 of them), the creation of technology parks and clusters – of the Zhongguancun type – "zones for promoting the development of high and new technologies" (the annual profit from the production of innovative products is about 80 billion dollars), sending the most talented young people to study in the best foreign universities, the creation of a particular agency for the employment of "returnees" – scientists who, having reached the peak of their scientific career abroad, intend to return to the Motherland, support for theoretical developments in the field of knowledge economy (Zhavoronkova, 2010; Melnyk, 2015).

The experience of India is no less attractive; in order to build a "knowledge economy", primary attention is paid to the development of a robust domestic service sector, and the state supports only a few technological industries (pharmaceuticals, nuclear energy, automotive industry), which create a platform for competitors, education funding increases, tolerance is promoted as a basis new society (Zhavoronkova, 2010; Melnyk, 2015).

Finland is one of the few countries that, possessing insignificant resources, turned companies working in traditional industries into the leading exporters of IT technologies (currently 80% of the country's exports). This result was achieved due to increased funding of scientific developments (3.5 % of GDP), support of research and educational programs by private corporations, development of public-private partnerships for joint R&D, development of social capital, support of the "spirit of mutual aid", support not only availability but also high quality of education (Zhavoronkova, 2010; Melnyk, 2015).

The above examples show that the use of knowledge management methods leads to an improvement in production efficiency, the creation of

innovative products and an increase in the quality of services. Companies that actively implement knowledge management in their activities have an advantage over competitors and can achieve better results in the long term.

The introduction of the knowledge economy into the activities of an enterprise can bring many benefits, but in order for this to happen, certain measures must be taken. Practical recommendations for company managers who want to implement a knowledge management system include the following areas:

– creation of a knowledge management system (in order to successfully use knowledge in the company's business processes, it is necessary to create a knowledge management system, which can be a knowledge base, an electronic archive, an internal portal and, most importantly, that the system be easy to use and allow you to find necessary information quickly);

– knowledge analysis (before creating a knowledge management system, it is necessary to conduct a knowledge analysis that will determine what knowledge is key to the company's business processes, where it is stored and how it is used, which will help identify problem areas and determine where it is necessary to improve the knowledge management system);

– culture of knowledge sharing (for the effective operation of the knowledge management system, it is necessary to create a culture of knowledge sharing within the company, which can be achieved through trainings and seminars, organizing internal forums and discussions, as well as developing systems to stimulate knowledge sharing between employees);

– continuous updating of knowledge (in a rapidly changing market environment, companies must continuously update their knowledge and skills, and for this, you can organize training programs and courses, as well as maintain contact with industrial and scientific communities);

– risk management (the introduction of a knowledge management system may also be associated with some risks, such as loss of knowledge when employees leave and the possibility of confidential information leakage; therefore, it is necessary to develop appropriate policies and procedures, as well as provide financial support and economic security for the company.

– exchange of knowledge and experience between employees of the enterprise (for this, it is necessary to create a system of training and development of personnel, conduct regular trainings and seminars, where employees can share their knowledge and experience);

– motivation and stimulation of employees for continuous learning and self-development (it is necessary to provide access to literature, video tutorials, online courses and other resources that will help employees broaden their horizons and improve their professional skills);

– creation of a system to reward employees for achievements in the field of training and development (holding internal competitions and awards for employees who have proven themselves in a particular area, which will create motivation for employees and increase interest in self-development).

In conclusion, the knowledge economy is an important factor in the development of an enterprise in modern conditions. In order to successfully compete in the market, enterprises must invest in the development of their knowledge and competencies, as well as create favourable conditions for the exchange of knowledge and experience among employees. Enterprise

managers have a key role in this process and should actively work to establish a knowledge management system in the enterprise.

It is also worth noting that for the successful implementation of the knowledge economy in the enterprise, it is necessary to create the right organizational culture. This culture values the knowledge and experience of employees and supports their continuous learning and development. It is equally important that an atmosphere of trust and cooperation be created at the enterprise, which promotes the exchange of knowledge and experience between employees.

In addition, it is important to remember that the knowledge economy is a process of continuous improvement and optimization of the enterprise. In this regard, managers must monitor changes in the market and the industry, as well as analyze their activities and look for ways to improve them. It is necessary to constantly improve the knowledge management system and adapt it to changing conditions.

Thus, the knowledge economy is an important factor in the development of an enterprise in the modern world. Its implementation requires efforts on the part of enterprise managers, who must create favourable conditions for the exchange of knowledge between employees, encourage them to continue learning and self-development, and also make the right organizational culture. As a result of the introduction of the knowledge economy, enterprises can increase their competitiveness and work efficiency.

Conclusions. The knowledge economy is an important factor in the development of enterprises in the modern world. The use of methods for collecting, storing, transferring and implementing knowledge can increase work efficiency, improve innovation activity and increase the competitiveness of companies.

The use of the knowledge economy in the enterprise management system has many advantages, namely:

– increase in work efficiency (companies using the knowledge economy can better organize their work and increase work efficiency by optimizing business processes, training employees and using knowledge bases and knowledge management systems);

– increasing competitiveness (companies using the knowledge economy have access to a broader range of knowledge and experience, which helps them better analyse the market and competitors, and companies quickly and efficiently adapt to changes in the market);

– increase in innovative activity (the knowledge economy can stimulate innovative activity in the company since it provides an opportunity to exchange and create new knowledge and ideas; companies can use knowledge bases, knowledge management systems and social networks to stimulate innovation and enhance the creativity of employees).

Thus, the knowledge economy plays an important role in the development of enterprises and the management system. The application of knowledge management techniques improves the quality of work, increases productivity and efficiency, and creates a more innovative environment. For the successful implementation of the knowledge economy in the management system, it is necessary to develop a strategy, define goals and objectives, select methods and tools, and organize a plan for training and motivating employees.

It is also important to remember that the knowledge economy is not just about technology and tools but also about the culture of an organization that values and encourages knowledge-sharing and innovation activity. Companies that actively use the knowledge economy can improve their efficiency, competitiveness and innovative training, which will allow them to achieve tremendous success in modern business.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Khaminich, S. Yu. (2006). Upravlinnia pidpryiemstvom na zasadakh osvitnoho potentsialu: Monohrafiia [Enterprise management based on educational potential: Monograph]. D.: Vyd-vo DNU. [in Ukr.].

Chukhno, A. (2004). Aktualni problemy stratehii ekonomichnoho i sotsialnoho rozvytku na suchasnomu etapi [Actual problems of the strategy of economic and social development at the current stage]. *Ekonomika Ukrainy*, no. 4, pp. 15-23; no. 5, pp. 15-23. [in Ukr.].

Heiets, V. M. (2004). Kharakter perekhidnykh protsesiv do ekonomik znan [The nature of transition processes to knowledge economies]. *Ekonomika Ukrainy*, no. 4, pp. 4-14. [in Ukr.].

Maslak, O. I., Danylko, V. K., Hryshko, N. Ye. & Skrypniuk, K. O. (2020). Ekonomika znan: evoliutsiia naukovykh uiavlen, skladovi ta chynnyky formuvannia v novitnikh umovakh [Economy of knowledge: evolution of scientific ideas, components and factors of formation in modern conditions]. *Efektyvna ekonomika*, no. 12. URL : http://www.economy.nayka.com.ua/?op=1&z=8457. [in Ukr.].

Busel, V. T. (Ed.). (2009). Velykyi tlumachnyi slovnyk suchasnoi ukrainskoi movy [A large explanatory dictionary of the modern Ukrainian language]. Kyiv, Irpin : VTF "Perun". [in Ukr.].

Khovrak, I. V. (2011). Liudskyi kapital yak kliuchovyi faktor v rozvytku "ekonomiky znan" [Human capital as a key factor in the development of the "knowledge economy"]. URL https://ena.lpnu.ua:8443/server/api/core/bitstreams/b3a99083-8ee8-4510-b296-c316e31068d4/content. [in Ukr.].

Khaminich, S. Yu. (2019). Imperatyvy ekonomiky znan v umovakh hlobalizatsii [Imperatives of the knowledge economy in the conditions of globalization]. New Economics-2019 : materialy Mizhnarodnoho naukovoho forumu (Kyiv, 14-15.09.2019) : v 2 tomakh, Kyiv: NAN Ukrainy, In-t ekonomiky prom-sti. Vol. 1, pp. 136-138). [in Ukr.].

Google. URL : https://file.liga.net/companies/google-3305320

Siemens. URL : https://www.siemens.com/ua/uk.html.

Procter & Gamble. (n.d.). Retrieved from https://us.pg.com/.

Toyota. (n.d.). Retrieved from https://global.toyota/en/.

Banko, M. V. Postkryzova stratehiia rozvytku Ukrainy na zasadakh "ekonomiky znan" [Ukraine's post-crisis development strategy based on the "knowledge economy"]. URL : file:///C:/Users/miss/Downloads/4114-10686-1-SM.pdf. [in Ukr.].

Diakiv, O., Shushpanov, D. & Posheliuzhnyi, V. (2020). Rozvytok ekonomiky znan v orhanizatsii, yaka samonavchaietsia [Development of the knowledge economy in a self-taught organization]. *Visnyk Ternopilskoho natsionalnoho ekonomichnoho universytetu,* no. 1, pp. 113-125. [in Ukr.].

Zhavoronkova, H. V. & Zhavoronkov, V. O. (2010). Ekonomika znan yak rezultat ekonomichnoho rozvytku derzhavy [Knowledge economy as a result of the economic development of the state]. *Stalyi rozvytok ekonomiky*, no. 2, pp. 3-8. [in Ukr.].

Zharinova, A. H. (2010). Ekonomika znan: zmist ta rol intelektu liudyny v yii formuvanni [Economy of knowledge: content and role of human intelligence in its formation]. Problemy pidvyshchennia efektyvnosti infrastruktury: zb. nauk. prats, Kyiv : NAU. Vol. 28, pp. 1-247. [in Ukr.].

Zghurovskyi, M. (2005). Shliakh do informatsiinoho suspilstva – vid Zhenevy do Tunisa [The pathway to the information society – from Geneva to Tunisia]. *Dzerkalo tyzhnia*, no. 34,

p. 16. [in Ukr.].
Melnyk, L. Iu. (2015). Evoliutsiia naukovykh uiavlen pro ekonomiku znan [The evolution of scientific ideas about the economy of knowledge]. *Ekonomichnyi visnyk universytetu. Zbirnyk naukovykh prats uchenykh ta aspirantiv*, 26 (1), pp. 37-43. [in Ukr.].
Svitlychna, V. L. Teoretychnyi bazys novoi paradyhmy suspilstva – ekonomiky znan [The theoretical basis of the new paradigm of society – knowledge economy]. URL : Retrieved from https://economics.opu.ua/files/archive/2015/No3/184-193.pdf. [in Ukr.].
Stoianenko, I. V. Formuvannia ekonomiky znan yak realnist ta neobkhidnist sohodennia [The formation of the knowledge economy as a reality and necessity of nowdays]. URL : http://www.economy.nayka.com.ua/?op=1&z=1230. [in Ukr.].
Fedulova, L. I. (2008). Kontseptualni zasady ekonomiky znan [Conceptual foundations of the knowledge economy]. *Ekonomichna teoriia*, no. 2, pp. 37-60. [in Ukr.].

Світлана ХАМІНІЧ, Кристина ГЕТІ

ЕКОНОМІКА ЗНАНЬ ЯК ФАКТОР РОЗВИТКУ ПІДПРИЄМСТВА В СИСТЕМІ УПРАВЛІННЯ

Анотація. У статті розглянуто основні поняття економіки знань, її джерела та особливості. Проведено аналіз ролі знань в управлінні підприємством, включаючи основні підходи до управління знаннями та методи їх вимірювання. У заключній частині статті представлені результати дослідження, включаючи опис методології, використаної для аналізу даних та інтерпретації результатів. Основні гіпотези, перевірені в даній статті, полягають в тому, що ефективне використання знань в управлінні підприємствами є ключовим фактором досягнення конкурентних переваг і успіху в сучасній економіці. Обґрунтовано висновки про роль економіки знань у системі управління та запропоновано рекомендації щодо використання знань в управлінні підприємством.

Дана стаття актуальна в умовах стрімкого розвитку технологій і посилення конкуренції на ринку. Проведене дослідження дозволить глибше зрозуміти роль економіки знань в управлінні підприємством, визначити ключові аспекти, що впливають на ефективність використання знань, запропонувати та обґрунтувати рекомендації щодо вдосконалення процесів управління знаннями в компаніях. Результати даного дослідження можуть бути корисними як для керівників підприємств, які зацікавлені в ефективному використанні знань у своїй діяльності, так і для дослідників, що займаються темою економіки знань та її ролі в сучасній економіці, а також для фахівців у сфері управління знаннями, які займаються розробкою стратегій управління знаннями в компаніях.

Ключові слова: *економіка знань, підприємство, компанія, управління, конкурентні переваги, бізнес-середовище.*

Submitted: 20.12.2022
Revised: 12.01.2023
Accepted: 03.02.2023

UDC 338.48
DOI 10.31733/2786-491X-2023-1-116-127

Larysa MARTSENIUK ©
D.Sc. in Economics, Professor
(Ukrainian State University of Science and Technologies),
Ukraine

Tetiana CHARKINA ©
D.Sc. in Economics, Professor
(Ukrainian State University of Science and Technologies),
Ukraine

Nataliia CHERNOVA ©
Ph.D. (Economics), Associate Professor
(Ukrainian State University of Science and Technologies),
Ukraine

Cameron BATMANGHLICH ©
Ph.D., M.Sc., PGCHEP, Professor of Leadership and Ethics *(Varna University of Management)*,
Bulgaria

MILITARY TOURISM AS A STRATEGIC DIRECTION OF INTERNAL TOURISM IN UKRAINE

Abstract. The article proves that the promising development of domestic tourism in Ukraine is military tourism. Military tourism has several directions, depending on which the consumers of tourist services are segmented. It was emphasized that there are enough locations in Ukraine that can become "places of memory", because since 2014, russia has caused a lot of destruction and committed hundreds of other crimes on the territory of Ukraine.

Military tourism services related to warfare historical events are based on visiting former battle sites and places of military historical significance. For example, in Ukraine, these are, firstly, the territories of active military operations – from Kharkiv to Mykolayiv, including the entire Donbas region, places of military glory of the Armed Forces of Ukraine, and secondly, historical places associated with the Second World War. This direction focuses on the acquisition of passive experience and has a clearly expressed educational goal. Potential target groups are veterans who took part in the battles that took place in certain places and their families, as well as tourists interested in history.

An additional, but no less interesting direction of military tourism, which includes both directions, is the recreation of historical military events with the use of military equipment – guns, tanks, airplanes, etc. This variety also assumes a target group that suffers from mental rather than physical stress in the everyday work environment, which negatively affects their wants and needs. In general, the target market for military tourism consists of different sectors.

© Martseniuk L., 2023
ORCID iD: https://orcid.org/0000-0003-4121-8826
rwinform1@ukr.net

© Charkina T, 2023
ORCID iD: https://orcid.org/0000-0001-6202-0910
charkina@i.ua

© Chernova N., 2023
foreign@diit.edu.ua

© Batmanghlich C., 2023
ORCID iD: https://orcid.org/0000-0003-2050-4946
cameron.batmanghlich@gmail.com

Deep segmentation requires a detailed consideration of these submarkets, their requirements and characteristics. It is clear that the target market segment for a fighter jet flight and the target market segment for a military history tour differ in behavioral, psychological and profile inputs.

The main thing to understand is that the events currently taking place in Ukraine attract additional world attention to it, which must be used to support the tourism industry and the development of the tourism business as a whole. And military tourism is an extremely important part of cultural tourism that should be taken into account when developing a national tourism strategy. Advantages and disadvantages of military tourism are highlighted. The functions of military tourism are outlined, the main ones being: historical, educational, martyrological, political, ideological, cultural, entertainment, recreational, sports and adventure. It is noted that there is still no legislative basis for the organization of this type of tourism in Ukraine, but all the prerequisites for its development are there (both locations and demand), because in recent years Ukraine has been under the increased attention of foreigners, and therefore, there is confidence that the majority of them will have the desire to visit Ukraine in the post-war period.

Keywords: *tourism, military tourism, internal tourism, memorialization.*

Introduction. For recent 3 years tourism in Ukraine has significantly lost its position on the market, since 25 % of enterprises in this industry have completely stopped their activities because of the coronavirus pandemic, now there has been a war for more than a year and this business continues to lose its profits. But taking into account the positive experience of other countries, to which tourism annually brings millions of dollars of income, everyone involved in the development of tourism in Ukraine should develop and try to implement an effective and efficient Strategy for the development of tourism in our country, which has a huge tourist potential from the point of view of natural and cultural and historical places. In this study we would rather pay attention to such a type of tourism as military one, because we understand that after the end of the war and the victory of Ukraine, the tourism industry, like others, will begin to develop rapidly. In this development, in our opinion, military tourism will certainly take a worthy place, because after the terrible military actions by the russian aggressor in Ukraine, there will be enough locations that can be visited by tourists from Ukraine and foreigners, to honor the dead's memory and to do everything possible at their level to prevent an unauthorized attack by one country on another with the aim of violating the sovereignty of an independent nation and seizing foreign territories.

Analysis of recent research and publications. There are enough definitions of the concept of military tourism in scientific publications. We will list some of them. Military tourism, according to scientists M. Klyap and F. Shandor is tourism at the sites of battles and historical battles for all interested persons, as well as for veterans and relatives of fallen soldiers, submarines, visiting existing and historical military facilities and training grounds, combat naval ships, riding on military equipment, participating in military exercises and maneuvers, shooting weapons at training grounds and shooting ranges, staying at training grounds as spectators, tours of military concentration camps and prisons. These authors propose to divide military tourism into the following subspecies: weaponry tourism, military-historical tourism, military tourism and warfare tourism (Shandor & Klyap, 2013).

For his part, the scholar D. Ventera considers military tourism as "military heritage tourism", that is, it is travel, research or participation in visiting military heritage sites or military events that have personal historical

significance, resonance or interest for a certain visitor or tourist, and do not provide for any remuneration (Venter, 2017).

Researchers M. Hrasovsky and K. Noeres, studying military tourism, point out that this is a recreation that necessarily has a military background. These authors distinguish two components of this type of tourism: the first one is considered as a segment of adventure tourism, the second one is that which is focused on historical events and belongs rather more to the educational segment of tourism (Hrusovsky & Noeres, 2011). A. Melnyk rightly defines military tourism as a type of tourism, the purpose of which is to visit an area associated with military and warfare actions (Mel'nyk, 2011; 2012).

On the whole, it is possible to generalize military tourism according to three types: military-educational tourism, which involves visiting military museums and exhibitions; military adventure tourism – that is, the purchase of a tour that includes all services for providing active recreation with the use of military machinery and equipment, visiting the territories of historical battles, naval warships, submarines, participation in military exercises and maneuvers, tours with a specified period of stay in army; military-historical reconstructions of combat operations means, basically, visiting reconstructions of historical battles (Kushnar'ov & Polishchuk, 2018).

Scientists D. Kadnichansky and M. Kadnichanska distinguish the concepts of "military" and "warfare" and point out that the concept of "warfare" (refers to war, related to it) is much broader than "military" (refers to troops, military personnel). And the priority object for the development of tourism is war and its destructive consequences, therefore, tourism that takes place on the basis of war events and has a wider range of logistics should be called warfare tourism. We also agree with this opinion. They suggest that the general type of tourism associated with visiting war-historical and military sites be called war or warfare tourism. In turn, warfare tourism can be divided into war-historical, military-adventure and military-event tourism (Kadnichans'kyy & Kadnichans'ka, 2020).

Other scholars propose to classify military tourism as follows: military-historical (visiting places of former battles); military club (uniting into military-historical clubs and traveling to places of historical battles, as well as their reconstruction); military sports (tank biathlon, military sports games); military-extreme and military-adventure (flying combat aircraft, driving military equipment, shooting, trips to combat zones); military-cognitive, when the tourist directly participates in military training programs (Levchenko, 2022).

As for tourists visiting military sites, they can be tentatively divided into three categories: tourists for whom military heritage sites have personal and emotional significance and carry a sense of connection with their heritage; tourists who do not have a personal relationship with the sites of military heritage and consider their visit only as a leisure activity with a cognitive purpose; tourists who visit objects of military heritage in order to "see and believe" (Magee & Gilmore, 2015).

Undoubtedly, tourism performs a number of functions in a human life, developing and maintaining his/her physical and mental health. Regarding military tourism, the scientist A. Kovalchyk believes, and we fully agree with him, that military tourism performs historical, educational, martyrological,

political, ideological, cultural, entertainment, recreational, sports and adventure functions (Kowalczyk, 2009).

As foreign experience shows, military tourism in other countries is quite popular. Thus, the USA, Israel, China, Spain, France, Great Britain and others annually gain millions of dollars from this type of tourism (Hao, 2017; Smith, 1998; Ratnayake & Hapugoda, 2016; Zwigenberg, 2016). Military tourism in Ukraine can become a mean of getting acquainted with the military-historical heritage of the people and the country, which will serve as a tool for patriotic education of youth (Vynnychenko, & Rudnichenko, 2016).

The purpose of the article is to substantiate the development of military tourism as a strategic direction of tourism in Ukraine.

Formulation of the main material. The recent hostilities taking place in Ukraine show us all the greatness and heroism of the Ukrainian people, who for a long time not only resisted a large army of invaders, but also reclaimed its own territories, rebuilt the destroyed infrastructure, and performed social duties in difficult conditions of limited resources and the reduction of the real sector of the economy.

Wars destroy tourist cities, damaging their cultural and natural attractions. However, post-war cities have great potential for development thanks to careful and comprehensive planning of the tourism business.

Tourism is a tool of expanding the human living space (Martseniuk & Charkina, 2017). In these difficult times, military tourism can become a new modern trend in the tourist industry. There are a large number of people who want to see with their own eyes what is currently happening in our country, immerse themselves in hostilities, get an impression of the destroyed houses, destroyed cities, touch the war, and most importantly, there are many people who want to provide the country with financial and physical assistance. Effective complex planning of this process makes it possible to attract both domestic and foreign tourists from all over the world, and thus bring additional income to the country.

The term military tourism does not refer to a specific type of recreation. More precisely, this is a general definition of tourist services, the competitive advantage of which has a military background. Some researchers (Boyko & Dalevs'ka, 2022; Zayachkovs'ka & Sikul, 2022) define military tourism as a segment of cultural tourism and find what can be considered resources of military tourism, for example, military units, military museums and enterprises related to warfare, battlefields, documents and military weapons.

This type of tourist business should be divided into two main directions: 1) focused on the use of military equipment, and 2) services directly related to war historical events. Military tourism, focused on the military equipment use, can be considered in the adventure tourism segment. Tourists can choose from a variety of military activities, such as shooting military weapons, riding a tank or flying by war planes.

The experience gained with these services has mostly entertainment rather than educational goals. Potential target groups are individuals interested in specific military equipment or those seeking extraordinary impressions. Since the price difference in this segment is huge, the target group of consumers of travel services varies from individuals with average to very high wealth.

Military tourism services related to military historical events are based on visiting former battle sites and places of military historical significance. For example, in Ukraine, these are, firstly, the territories of active military operations – from Kharkiv to Mykolayiv, including the entire Donbas region, places of military glory of the Armed Forces of Ukraine, and secondly, historical places associated with the Second World War. This direction focuses on the acquisition of passive experience and has a clearly expressed educational goal. Potential target groups are veterans who fought in specific locations and their families, as well as tourists interested in history.

An additional, but no less interesting direction of military tourism, which includes both directions, is the reconstruction of historical military events with the use of military equipment – canons, tanks, airplanes, etc. This variety also assumes a target group that suffers from mental rather than physical stress in the everyday work environment, which negatively affects their desires and needs.

In general, the target market for military tourism consists of different sectors. Deep segmentation requires a detailed consideration of these submarkets, their requirements and characteristics. It is clear that the target market segment for a fighter jet flight and the target market segment for a military history tour differ in behavioral, psychological and profile output data.

The main thing to be understood is that the events currently taking place in Ukraine attract additional world attention to them, which must be used to support the tourism industry and the development of the tourism business as a whole. And military tourism is an extremely important part of cultural tourism, which should be taken into account when developing a national tourism strategy (Charkina et al., 2022).

Here we should note that there are already positive developments in this direction. Thus, the Ukrainian Institute of National Remembrance sees two important areas of work related to places of memory: renewal of the forgotten and creation of new places of memory of the Ukrainian people. The forgotten places of memory include the destroyed graves of fighters for the Ukrainian independence; burial of unregistered war victims, political repressions and the Holodomor; monuments and memorial signs in honor of Ukrainian heroes destroyed during the years of occupation.

The arrangement of new memorial places involves the commemoration of today defenders of Ukraine and outstanding Ukrainians, and the immortalization of heroes of the past whose memory was destroyed. The process of creating new places of memory can be called: the appearance of single graves, sectors of military burials, memorial cemeteries, the construction of monuments, memorial signs. The entire complex of actions listed is called memorialization.

Places of memory are not only material monuments that remind of certain historical events. Each place of memory performs the function of consolidating the Ukrainian people around heroic or tragic pages of Ukrainian history. Such places may have local or nation-wide significance. So, places of memory are material markers of Ukrainian identity, which will perform the function of consolidating the Ukrainian people around important events and personalities of national history. The Institute offers a valid three-level model of the functioning of memorial places: a) the Ukrainian national pantheon;

b) national military memorial complex; c) sectors of military burials, individual graves, monuments and memorial signs (uinp.gov.ua).

In addition, work on the building of "memory routes" has already begun in Ukraine. These will be places of memory, i.e. memorialization of the russian-Ukrainian war. One of the main initiators of this idea is the State Agency of Tourism Development of Ukraine, it is under its auspices and with the support of the Ministry of Culture and Information Policy that meetings of leading tourism agencies, representatives of public authorities, potential investors and other participants interested in the implementation of the project take place. If the readers of this article have sufficient competence to help develop military tourism in Ukraine, then you can contact the initiative group at the address: memory@tourism.gov.ua (https://mkip.gov.ua).

At the same time, it should be noted that there are currently no favorable conditions for the development of military tourism in Ukraine. If in other countries of the world the objects of military tourism are made accessible to visitors (13,000 fortifications have been preserved in the mountains of Switzerland since the Second World War. Now several hotels have been opened in bunkers: from expensive ones like "Claustra" in the St. Gotthard mountain massif on 2,500 meters of altitude, to the hotel "Zero Stars", in the canton of St. Gallen), then in Ukraine, for example, the unique bunker in the former Himmler headquarters "Hegewald", located near Zhytomyr, is inaccessible to those who wish to visit it, because it is located on of the territory of the military unit, Ukraine can currently boast only one military hotel "Gringof", although the potential for creating such establishments is much greater than in Switzerland (Vynnychenko, 2013).

There are also six military lines of defense on the territory of Transcarpathia – four Hungarian ones: the Arpad Line, the Gunyadi Line, the Laszlo Line and the Eugenia Line, and two Czechoslovak lines – the Beneš Line and the Masaryk Line. The most popular among them is the Arpad Line. This is a several-kilometer fortification structure (Mel'nyk, 2011).

These and many other facilities can receive tens of thousands of tourists every year who are ready to leave their own money for getting the appropriate services. Museums specializing in military topics are quite popular and even unique in Ukraine. In particular, the Museum of Strategic Missile Forces in Pervomaysk (Mykolaiv Oblast), established on October 30, 2001, has only one analogue – The Strategic Air Command & Aerospace Museum in the USA (Vynnychenko, 2013).

The enterprises of "Ukroboronprom" are quite interesting resources of military tourism in Ukraine. In particular, at the plant named after V. Malyshev (Kharkiv), the Oplot tank was built, which is one of the most protected tanks in the world. And the specialists of the Kyiv Design Bureau "Luch" have designed a unique anti-tank weapon ("Corsair" ATGM), which has no analogues in the world (Mel'nyk, 2011).

At today's stage of development, resources continue to be formed on the territory of Ukraine, which will be the basis for the development of military tourism in the future. The beginning of the russian-Ukrainian war back in 2014 (annexation of the Autonomous Republic of Crimea, occupation of the Donetsk and Luhansk regions and the conduct of active hostilities there) and the full-scale invasion of russia into the territory of Ukraine on February 24, 2022

caused the large-scale destruction of cities and villages, the building of defense structures, the emergence certain landscape formations in the course of active hostilities (explosions, burning, flooding, etc.), remains of destroyed weapons and large-scale victims burials, which causes curiosity and a desire to honor all war victims.

War-historical tourism is featured by visits to defense structures, battle sites, monuments, military cemeteries, memorial complexes, and museums. Therefore, taking into account the active hostilities currently taking place on the territory of Ukraine, the mass destruction of populated cities and villages, mass burials of civilians and soldiers who defended this territory, the creation of mass graves, defensive structures and places of outstanding battles in the post-war period will have an important significance for the development of such a direction of military tourism as war-historical tourism.

A large number of defense structures are being created in the areas of active hostilities in the russian-Ukrainian war on the territory of Ukraine, which play an important role in saving soldiers' lives and in the course of battles. It is worth noting that each such defensive structure is already accompanied, and in the future there will be even more, stories of the course of battles and the preservation of the lives of either residents or soldiers. Such defense objects went down in history as fortresses and in the post-war period should become historical monuments that through the years will convey the memory of the strength and courage of Ukrainian defenders, who steadfastly defended not one fortress, but the whole of Ukraine.

Such defensive structures include check-points, trenches, dugouts, which played an important role in the defense of settlements or strategic objects and occupy not the last place in the history of the war. The metallurgical plant in Mariupol "Azovstal" has the full right to be called a defense object, where a significant number of the city's civilian population hid and lived for several months, and the fighters of the "Azov" regiment held its defense for 82 days, thanks to which the Ukrainian army was able to regroup , train more personnel and receive a large amount of weapons from partner countries (Barvinok, 2022).

Another important defense facility that should not be forgotten is the Donetsk airport, the defense of which began on May 26, 2014, after the militants of the self-proclaimed "Donetsk people's republic" seized the infrastructure and the Armed Forces of Ukraine conducted a special operation to clear the territory. After that, the fighters defended the DAP facilities for 242 days. On January 3, 2015, the tower of the Donetsk airport fell, on which the Ukrainian flag was flying, after which the saying appeared: "The people stood up – the concrete did not stand up" (Barvinok, 2022).

A defense structure with a thousand-year history, which also took part in the course of the russian-Ukrainian war, is the Snake ramparts near Bilohorodka (Kyiv oblast, Buchanskyi district), which the russian enemy army could not force. Snake ramparts in the Ukrainian-russian war began to be called ancient russian defense systems against the Horde with a guarantee of 2000 years (https://lb.ua/society).

In the organization of war-historical tourism, the places of battles occupy not the last place, especially if they are the places of the biggest bloody battles, where certain historical turning points took place. However, taking into

account the pre-war development of military-historical tourism, such places were not given a special place, and the maximum that could be seen there was a memorial sign hidden in the bushes. However, trips to such places are of particular importance in reproducing the valor and courage of the defenders of Ukraine, therefore it is important to establish memorials and museums in such places, where historical events and battles that took place in this area will be preserved and reproduced in more detail.

During the russian-Ukrainian war, since 2014, the battles for Debaltseve, Donetsk airport, Ilovaysk, Mariupol, Slovyansk, Kramatorsk and others have taken a special place. In 2022, during the full-scale invasion of russia on the territory of Ukraine, the geography of such battles expanded, and today such battles can be distinguished in the Kyiv, Chernihiv, Kharkiv, Donetsk, Luhansk, Mykolaiv, Kherson, Zaporizhzhia regions and others where it is worth highlighting the battle near Severodonetsk and Mariupol from this list. An important place here is also occupied by Chornobayivka, which even before the russian-Ukrainian war was full of legends and stories about the victories of the Ukrainian army (Cossacks), and today it is the object of victories, where Ukrainian troops in turn defeat the troops and ammunition of the occupying army.

Of course, every war, and therefore the places where important battles were fought, are always accompanied by victims, so the creation of monuments, mass graves, burials, and memorials always take place. Such objects are extremely important, because they are of historical significance in preserving and honoring the memory of both the dead and injured, as well as the events that took place here in general. Also, memorial complexes are important objects for commemorating dead civilians, that is the evidence of the terrible consequences of war and the mass of unjust murder. The creation of such memorial complexes in the future in Bucha, Irpin, Borodyanka, Hostomel, Okhtyrka, Izyum, Mariupol and other places should show the brutality of war to the whole world.

Let’s note that the russian-Ukrainian war memorial museums should continue to be established (some have already been created since 2014) and exist not only in places where active hostilities took place, but also throughout Ukraine, because absolutely every Ukrainian contributes to victory, and among the victims are military personnel and residents of absolutely all regions of Ukraine.

The current "Concept of visiting memorial sites of the russian-Ukrainian war" provides for the creation of commemorative routes of the russian-Ukrainian war. Various options are possible. At the level of small communities, these can be local places of memory rooted in the local situation. The communities will decide whether it will be the basement of the school, or a monument in the square, or a monument to the participants of the ATO, or a destroyed building. "Places of memory" should include both objects associated with the commission of crimes and places of memory associated with heroic resistance (https://www.ukrinform.ua; https://www.tourism.gov.ua).

There can be many places of memory in Ukraine. Yes, in the Donetsk region it can be: Debaltseve ("Debaltsiv kettle"), Ilovaisk ("Ilovaisk kettle"), Donetsk (Battle for the Donetsk airport (birth of "cyborgs"), Sloviansk, Kramatorsk (Battles for Kramatorsk, genocide of Ukrainians (attack on the

railway station by a "point-U" missile in April, 2022), Severodonetsk, Pisky, Mariupol (Battles for Mariupol, the story of survival and rescue from Mariupol, genocide of Ukrainians (air strike of the occupiers on the drama theater, heroism and indomitability – "Azovstal")); In the Kyiv region, tourists will be able to visit Bucha ("Bucha massacre" (the city of corpses and burned tanks), Borodyanka, Hostomel (Destruction of the russian landing force, battles for the Antonov airport, destroying of the Ukrainian "dream" (the world's largest aircraft An-225 "Mriya"), Irpin (destruction of the "life" bridge), Izyum (mass murders); in the Kharkiv region (scars of the war – the results of missile strikes and shelling); in the Kherson region – Chornobayivka; in the Odesa region – the legendary Zmiyinyy Island. Of course, this is an incomplete list of possible places future visits by tourists. Ukrainians should have an understanding of what happened and at what price our struggle and victory were given to us (Malyarchuk & Chyrva, 2022).

That is why it is especially important for us to develop such a type of military tourism as "memorial tourism". Thus, with the assistance of the State Agency of Tourism Development, a project of memory routes will be developed: part of the objects destroyed by the occupiers will be preserved for history to show what crimes the aggressor country committed in Ukraine. It is very important to educate the younger generation of Ukrainians patriotically and highlight the scale of war events in the world (Davydyuk, 2022).

As for the price policy of travel companies for this type of tourism, it is not available to everyone. For example, the cost of a 25-minute MiG-29 flight was $13,500. For 45 minutes in the air on the same plane, a tourist was offered to pay $16,000 (Vynnychenko, 2013).

The advantages of organizing military tourism in Ukraine, in our opinion, include the following: great attention from all countries to the war in Ukraine, and accordingly, there are reasons to predict a considerable demand for visits by foreigners to memorial sites, the presence of a sufficient number of memorial sites and military equipment for equipping museums, the opportunity to provide tourists with other services in parallel with military tourism. Among disadvantages of the organization of military tourism in Ukraine are the following: the absence of a legislative framework in this direction, the absence of permanent memorialization routes that would be closely connected with today objects of tourist and transport infrastructure, the lack of necessary funds for the arrangement of memorial sites, the low level and range of total tourism services that can receive potential tourism during military tourism, ineffective advertising company related to the promotion of memorial sites.

Conclusions. Military tourism in the world is quite popular among various segments of consumers of a tourist product, because it involves both low-budget services (for example, visiting a museum) and elite tourist products (for example, driving military equipment of various types: land, water, air, etc.).

After the end of the war, Ukraine should focus attention in the tourism sector on the development of military tourism, because it is this type of tourism that will help Ukrainians and foreigners to see all the horrors caused by the russian aggressor. Military tourism aims at the educational, patriotic function of the younger generation, so that young people understand how cruel war and its consequences are. It is necessary to make a large-scale commemoration of the war of russia against Ukraine, which will include: the arrangement of

"memorial places", the establishment of museums, tourist locations and transport accessibility to places of visit, the attraction of national and foreign investors for the arrangement of relevant tourist locations, the implementation of a large-scale marketing company to attract visitors from around the world.

We believe that military tourism is a powerful tool for the development of internal tourism, which will bring significant income to the budget of Ukraine.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Barvinok, N. (2022). Perspektyvy rozvytku voyennoho turyzmu na terytoriyi Ukrayiny pislya zakinchennya rosiys'ko-ukrayins'koyi viyny [Prospects for the development of military tourism on the territory of Ukraine after the end of the russian-Ukrainian war]. *Aktual'ni problemy rozvytku ekonomiky rehionu,* 18 (2), pp. 206-217. [in Ukr.].

Boyko, V. & Dalevs'ka, N. (2022). Rozvytok turyzmu pislya zbroynykh konfliktiv u riznykh krayinakh svitu [Development of tourism after armed conflicts in different countries of the world]. *Upravlinnya zminamy ta innovatsiyi,* pp. 5-10. [in Ukr.].

Davydyuk, R. (2022). Otsinka kon'yuktury rynku viys'kovoho turyzmu v Ukrayini [Assessment of the military tourism market situation in Ukraine]: kvalifikatsiyna robota na zdobuttya stupenya vyshchoyi osvity bakalavr spetsial'nosti 242 Turyzm. Rivne. 63 p. URL : https://dspace.megu.edu.ua:8443/jspui/handle/123456789/2459 [in Ukr.].

Derzhavne Ahentstvo z rozvytku turyzmu [State Agency for Tourism Development]. URL : https://www.tourism.gov.ua/news-and-announcements [in Ukr.].

Hao, G. (2017). The development of military tourist resources. *Progress in geography*, 16 (4), pp. 75-81.

Hrusovsky, M. & Noeres, K. (2011). Military tourism. The Long Tail of Tourism: Holiday Niches and their Impact on Mainstream Tourism, pp. 87–94.

Kadnichans'kyy, D. & Kadnichans'ka, N. (2020). Militarnyy turyzm: problematyka terminolohiyi ta klasyfikatsiyi [Military tourism: problems of terminology and classification]. Heohrafiya, ekonomika i turyzm: natsional'nyy ta mizhnarodnyy dosvid: materialy XIV Mizhnarodnoyi naukovoyi konferentsiyi.(L'viv, 9.10.2020). L'viv, pp. 132-138. [in Ukr.].

Kontseptsiya vidviduvannya mists' pam″yati rosiys'ko-ukrayins'koyi viyny [The concept of visiting memorial sites of the russian-Ukrainian war]. URL: https://www.ukrinform.ua/rubric-presshall/3569613-koncepcia-vidviduvanna-misc-pamati-rosijskoukrainskoi-vijni.html. [in Ukr.].

Kowalczyk, A. (2009). Turystyka historyczno-militarna. *Wspolczesne formy turystyki kulturowej,* no. 1, pp. 286-312.

Kushnar'ov, V., & Polishchuk, O. (2018). Militari-turyzm yak innovatsiynyy napryamok ekstremal'noho ta piznaval'no-rozvazhal'noho turyzmu [Military tourism as an innovative direction of extreme and educational and entertainment tourism]. *Visnyk Kyyivs'koho natsional'noho universytetu kul'tury i mystetstv. Seriya: Turyzm*, 1, pp.107-118. [in Ukr.].

Levchenko, M. & Levchenko, M. R. (2022) Rozvytok viys'kovoho turyzmu yak skladova derzhavnoyi humanitarnoyi polityky [Development of military tourism as a component of state humanitarian policy]. *Naukovi pratsi Mizhrehional'noyi Akademiyi upravlinnya personalom. Politychni nauky ta publichne upravlinnya,* 1 (60), pp. 34-37. Doi : https://doi.org/10.32689/2523-4625-2021-1(60)-6. [in Ukr.].

Magee, R. & Gilmore, A. (2015). Heritage Site Management: from Dark Tourism to Transformative Service Experience? *The Service Industries Journal,* 35 (15-16). pp. 898-917.

Malyarchuk, N. & Chyrva, O. (2022). Problemy ta perspektyvy rozvytku nezvychaynykh vydiv turyzmu na terytoriyi Ukrayiny pislya zakinchennya r osiys'ko-ukrayins'koyi viyny na prykladi viys'kovoho turyzmu [Problems and prospects for the development of

unusual types of tourism on the territory of Ukraine after the end of Ossetian-Ukrainian war on the example of military tourism]. *Ekonomichni horyzonty,* 4 (22), pp. 34–42. URL : https://doi.org/10.31499/2616-5236.4(22).2022.267014 [in Ukr.].

Martseniuk, L. & Charkina, T. (2017). Tourism as a means of expanding human life space. *Anthropological dimensions of philosophical research, 2017,* Issue 11, pp. 63–70. Doi : 10.15802/ampr.v0i11.105479.

Mel'nyk, A. (2011). Nestandartni vydy turyzmu: osoblyvosti funktsionuvannya viys'kovoho turyzmu [Non-standard types of tourism: peculiarities of the functioning of military tourism]. *Kyyivs'kyy zbirnyk naukovykh prats' Viys'kovoho instytutu Kyyivs'koho natsional'noho universytetu imeni Tarasa Shevchenka*, no. 33, pp. 350–353. [in Ukr.].

Mel'nyk, A. (2011). Nestandartni vydy turyzmu: osoblyvosti funktsionuvannya viys'kovoho turyzmu [Non-standard types of tourism: peculiarities of the functioning of military tourism]. Zbirnyk naukovykh prats' Viys'kovoho instytutu Kyyivs'koho natsional'noho universytetu imeni Tarasa Shevchenka, no. 33, pp.350-353. [in Ukr.].

Mel'nyk, A. (2012). Nestandartni vydy turyzmu. Osoblyvosti funktsionuvannya viys'kovoho turyzmu [Non-standard types of tourism. Features of the operation of military tourism]. *Krayeznavstvo, heohrafiya, turyzm*, no. 16, pp. 3–5. [in Ukr.].

Memorializatsiya [Memorialization]. URL: uinp.gov.ua/memorializaciya. [in Ukr.].

Ratnayake, I. & Hapugoda, M. (2016). Tourism Under Military: A Critique on Land Utilization and Tourism in Postwar Sri Lanka. *Sabaragamuwa University Journal,* 15 (1), pp.18-35. Doi: http://doi.org/10.4038/suslj.v15i1.7705

Shandor, F. F. & Klyap, M. P. (2013). Suchasni riznovydy turyzmu: pidruchnyk [Modern varieties of tourism: a textbook]. Kyyiv : *Znannya*, 334 p. [in Ukr.].

Smith, V. L. (1998). War and tourism. *Annals of Tourism Research,* 25 (1), pp. 202–227. Doi : http://doi.org/10.1016/S0160-7383(97)00086-8.

Tysyacha rokiv harantiyi. Yak Zmiyevi valy zakhyshchaly nashu zemlyu za chasiv Rusi i s'ohodni [A thousand-year guarantee. How the Serpent ramparts protected our land during the times of Russia and today]. URL : https://lb.ua/society/ 2022/04/05/512325_tisyacha_rokiv_garantii_yak_zmiievi_vali.html. [in Ukr.].

V Ukrayini pochaly rozroblyaty "marshruty pam'yati" – stratehiyu memorializatsiyi ta vidviduvannya mists' pam'yati rosiys'ko-ukrayins'koyi viyny [In Ukraine, they began to develop "memory routes" – a strategy for commemorating and visiting memorial sites of the russian-Ukrainian war]. URL : https://mkip.gov.ua/news/7719.html [in Ukr.].

V Ukrayini vyprobuvaly unikal'nu protytankovu zbroyu [Ukraine tested a unique anti-tank weapon]. URL : https://www.unian.ua/society/815437-v-ukrajini-viprobuvali-unikalnu-protitankovu-zbroyu-foto.html [in Ukr.].

Venter, D. (2017). Examining military heritage tourism as a niche tourism market in the South African context. *African Journal of Hospitality, Tourism and Leisure*, 6 (1).

Vynnychenko, I. (2013). Chomu ne mozhna vviyty do «Kheheval'da»? [Why can't you enter "Hegewald"?] *Uryadovyy kur'yer.* URL: http://ukurier.gov.ua/uk/articles/chomu-ne-mozhna-vvijti-do-hegevalda/. [in Ukr.].

Vynnychenko, I. (2013). Chym zavynyv voyennyy turyzm [What caused military tourism]. *Ekonomichna pravda.* URL: https://tourlib.net/statti_ukr/vynnychenko3.htm. [in Ukr.].

Vynnychenko, I. & Rudnichenko, Yu. (2016). Voyennyy turyzm v Ukrayini: umovy ta perspektyvy rozvytku [Military tourism in Ukraine: conditions and prospects for development]. *Heohrafiya ta turyzm,* no. 35, pp.71-79. URL : https://tourlib.net/statti_ukr/vynnychenko2.htm [in Ukr.].

Zayachkovs'ka, H. & Sikul, A. (2022). Viys'kovyy turyzm yak odyn z perspektyvnykh napryamkiv pislyavoyennoho rozvytku turyzmu v Ukrayini [Military tourism as one of the promising areas of post-war tourism development in Ukraine]. Materialy Mizhnar. nauk.-prakt. konf. "Suchasni napryamy rozvytku ekonomiky, pidpryyemnytstva, tekhnolohiy ta yikh pravovoho zabezpechennya" (L'viv, 1-2.06.2022). L'viv: Vydavnytstvo LTEU, pp. 267-269. URL: https://tourlib.net/statti_ukr/ zayachkovska6.htm [in Ukr.].

Zwigenberg, R. (2016). The Atomic City: Military Tourism and Urban Identity in Postwar Hiroshima. *American Quarterly. Johns Hopkins University Press,* 68 (3), pp. 617-642.

Charkina T., Batmanglich, C. & Zadoya, V. (2022). Military tourism as a strategic direction of tourism business development in Ukraine. Collection of abstracts of reports of the International scientific and practical conference "World achievements and modern trends in the development of tourism and hotel and restaurant industry" November 25, 2022, Zaporizhzhia, pp. 416-417. ISBN 978-617-529-388-1.

Лариса МАРЦЕНЮК, Тетяна ЧАРКІНА,
Наталія ЧЕРНОВА, Камерон БАТМАНГЛІЧ

ВІЙСЬКОВИЙ ТУРИЗМ ЯК СТРАТЕГІЧНИЙ НАПРЯМ РОЗВИТКУ ВНУТРІШНЬОГО ТУРИЗМУ В УКРАЇНІ

Анотація. В статті доведено, що перспективним розвитком внутрішнього туризму в Україні є військовий туризм. Військовий туризм має декілька напрямів, в залежності від чого сегментовано і споживачів туристичних послуг. Наголошено, що в Україні є достатньо локацій, що можуть стати «місцями пам'яті», адже з 2014 року росія завдала чимало руйнувань та здійснила сотні інших злочинів на території України.

Послуги військового туризму, пов'язані з бойовими історичними подіями ґрунтуються на відвідуванні колишніх місць битви та місця військово-історичного значення. Наприклад, в Україні це по-перше, території активних воєнних дій – від Харкова до Миколаєва, включаючи весь донбаський регіон, місця військової слави ЗСУ, та по-друге – історичні місця, пов'язані з Другою світовою війною. Цей напрямок зосереджується на отриманні пасивного досвіду та має чітко виражену освітню мету. Потенційними цільовими групами є ветерани, які приймали участь у боях, що відбувалися в певних місцях та їх сім'ї, а також туристи, які цікавляться історією.

Додатковими, але не менш цікавим напрямком мілітарі-туризму, що включає обидва напрямки, є відтворення історичних воєнних подій із застосуванням військової техніки – гармат, танків, літаків і ін. Цей різновид також передбачає цільову групу, яка страждає радше від психічного, ніж від фізичного стресу в повсякденному робочому середовищі, що негативно впливає на їхні бажання та потреби. Взагалі, цільовий ринок для військового туризму, складається з різних секторів. Глибока сегментація потребує докладного розгляду цих субринків, їхніх вимог та особливостей. Зрозуміло, що цільовий ринковий сегмент для польоту на літаку-винищувачі і цільовий ринковий сегмент для військово-історичного туру відрізняються за поведінковими, психологічними та профільними вихідними даними.

Головне, що потрібно зрозуміти – це те, що події, які зараз відбуваються в Україні, привертають до неї додаткову світову увагу, чим обов'язково треба скористатись для підтримки туристичної галузі і розвитку туристичного бізнесу в цілому. А військовий туризм є надзвичайно важливою частиною культурного туризму, яку слід враховувати під час розробки національної туристичної стратегії.

Обґрунтовано переваги та недоліки військового туризму. Окреслено функції військового туризму, основні серед яких: історична, освітня, мартирологічна, політична, ідеологічна, культурна, розважальна, оздоровча, спортивна та пригодницька. Зауважено, що в Україні поки що немає законодавчого підґрунтя для організації подібного виду туризму, але всі передумови для його розвитку є (і локації, і попит), адже в останні роки Україна знаходиться під підвищеною увагою іноземців, а отже, є впевненість, що більшість з них матиме бажання відвідати Україну у післявоєнний період.

Ключові слова: *туризм, військовий туризм, внутрішній туризм, меморіалізація.*

Submitted: 15.02.2023
Revised: 27.02.2023
Accepted: 06.03.2023

UDC 342.9
DOI 10.31733/2786-491X-2023-1-128-137

Viktoriia KHMUROVA©
Ph.D. (Economics), Professor
(Ben-Gurion University of the Negev), Israel

Iryna HRASHCHENKO©
Ph.D. (Economics), Associate Professor
(National Aviation University), Ukraine

Liubov LIKARCHUK©
Associate Professor
(State University of Trade and Economics), Ukraine

FORMATION OF TRANSPORT POLICY BASED ON INTERNATIONAL PARTNERSHIP

Abstract. The article is devoted to the actual problem that arose in Ukraine with the beginning of military aggression. Transportation is the key to the country's existence. The common transport policy, which is the guarantee of safe traffic movement on the territory of the European Community, is considered. The main directions of the process of formation of transport policy on the basis of international partnership and alternative approaches to the formation of international transport policy and transport networks of Ukraine are studied. The main requirements for transport remain its safety, but the issues of economy and environmental friendliness do not lose their relevance. The adaptation of the modern transport complex management system consists in ensuring the implementation of an adaptive transport policy on the basis of sustainable development and creating conditions for the efficient and safe movement of people and goods, taking into account the constant danger of a military nature. The initiatives of the European Union on projects based on the principles of international partnership are analyzed. Factors affecting business processes are determined. The main factors of influence on international transport policy based on international partnership have been determined.

Keywords: *transport policy, partnership, international transport policy, logistics activity.*

Introduction. With the beginning of military actions, Ukraine had to face the Russian regular army. The open confrontation with russia has become a serious challenge for Ukraine, which requires general consolidation and optimization of all social processes.

The international community is forced to develop common rules for the movement of international transport in conditions of increased danger. The routes are the highways on the territory of the member states of the European

© Khmurova V., 2023
ORCID ID: https://orcid.org/0000-0002-6398-6351
hvictoria@bgu.ac.il

© Hrashchenko I., 2023
ORCID ID: https://orcid.org/0000-0002-8735-9061
iryna_hrashchenko@npp.nau.edu.ua

© Likarchuk L., 2023
ORCID ID: https://orcid.org/0000-0001-8167-9032
l.likarchuk@knute.edu.ua

Community or they cross it. Therefore, forming a common transport policy (Common transport policy) is extremely relevant today, which would consider the conditions for transporters providing services in the EU countries, beyond its borders, and would include measures to improve transport safety.

The relevance of the research topic is determined by modern external and internal challenges during the period of military aggression on the territory of Ukraine and the need for rapid implementation into the system of a common transport policy that will ensure the safety of transportation.

Analysis of recent research and publications. Problems of the formation of transport policy based on international partnership occupy an important place in the research and publications of domestic and foreign scientists: A. Boiko, N. Trushkina, V. Klimenko, N. Novalska, O. Surilova and V. Dykan, M. Omoush, P. Amri. Studies of domestic and foreign experience allow for determining the main directions of the process of forming transport policy based on international partnerships.

The purpose of the article is to research the modern transport networks of Ukraine in conditions of increased risks in terms of integration into European transport networks highlighting the possibility of developing a joint adaptive transport policy of Ukraine and the EU based on international partnership.

Formulation of the main material. Global trends in the development of transport systems indicate a rapid convergence of transport technologies and regional projects. Transport is becoming more and more energy saving and "green", safe for the passenger and the environment. Many countries around the world are already replacing cars with internal combustion engines with electric cars (Mykytenko & Drachuk, 2023; Amri et al., 2022; Kredina et al., 2022). The main trend of all vehicles is the speed and economy increase. The main goal of adapting the modern management system by transport complex is to ensure the implementation of an adaptive transport policy based on sustainable development and to create conditions for the efficient and safe movement of people and goods, taking into account the ever-increasing danger of a military nature. The development of transport infrastructure should stimulate the socio-economic development of the city, improve its image, improve the quality of transport services in certain areas and the Ukrainian agglomeration, and ensure, in the existing and expected economic conditions, a constant reduction of the negative impact of road transport on the environment. In the National Transport Strategy of Ukraine, which was developed for the period up to 2030, directions have been identified that will help improve the quality of transportation services. The Strategy provides for bringing the level of infrastructure development and service provision processes closer to European standards, as well as the need to increase safety levels and reduce negative impacts on the environment. The Strategy provides for the decentralization of tasks and functions of central executive authorities, the introduction of corporate governance in the public sector of the economy, and the implementation of effective anti-corruption policies (https://mtu.gov.ua).

The National Transport Strategy of Ukraine for the period up to 2030 indicates that transport is an innovative industry characterized by the following trends (https://mtu.gov.ua):

– high technological complexity of vehicles and ergonomics, information technologies and electronic document management already implemented by

carriers, satellite navigation, and intelligent transport systems that will provide a combination of computer, information, and communication technologies for real-time transport management and will increase traffic safety and service quality to European standards;

– the use of composite materials to reduce metal content and improve the aerodynamics and safety of vehicles by European standards;

– fuel efficiency and environmental friendliness of vehicles as the basis for ensuring and activating the use of alternative fuels, "green" modes of transport;

– mass containerization, which began in the 1960s, multimodality, and interoperability of transport systems as part of supply chains reaches maximum development;

– thanks to the introduction of high-speed modes of transport and the overall development of logistics, acceleration and timely delivery of passengers and goods are ensured;

– transport accessibility for the population provides high mobility of labor resources, reduces travel time, and increases the distance of passenger travel;

– restraining the process of motorization in cities in developed countries and further stimulating the development of public and muscle transport.

The problems of logistics companies are now clearly visible: many branches have been destroyed, bridges have been blown up, and large portions of employees have been forced to leave their homes. Additionally, the war has rendered key highways connecting the West, Center, and East (the Lviv-Kyiv and Kyiv-Kharkiv routes) unusable. As a result, logistic routes have become longer, with detours taken through safe roads. This has in turn affected the delivery times of packages, cargo, and so on, causing delays (https://cfts.org.ua).

With the start of the war, most of the clients of the logistics company ceased their activities. As a result, among other problems, the main logistics network stopped working at night due to curfew and difficulties at checkpoints. The branch network sharply decreased. After the end of hostilities in this area, it began to recover but suffered significant damage (Maruniak, 2020; Willox & Morin, 2022; Katerna, 2016). They also have to relocate their client's property from the combat zone to safe storage, which they do at their own expense. This also leads to significant unplanned expenses. In addition, one of the most important points to pay attention to is logistics reform.

Logistics optimization is the second issue after direct military action, which is crucial for the survival of the nation. Logistics optimization requires solving some clearly defined problems that can be addressed using some proven mechanisms. In Ukraine, many professionals have worked in the field of cargo transportation and have extensive experience in managing these processes. They work on the principle that there is a truck that needs to deliver cargo. This cargo will not occupy the entire cargo space. They then look for another shipment from another client or elite clients, making the delivery of the shipment cheaper. With trucks loaded in one direction and empty in the other, it is logical to find shipments that need to be delivered in the opposite direction. This principle in the delivery of goods should be brought to the national level. This way we will save fuel and reduce the movement of transport. Supply chains have been significantly disrupted. Maritime trade, which accounted for about two-thirds of our country's total external trade, has stopped. Currently, economic activity and cooperation with Ukraine in foreign

trade are only possible through the land border and the ports of Romania and the Baltic countries.

Container transportation from ports in neighboring countries can be carried out by either truck (in a container or with transshipment into a covered truck) or by rail to intermodal terminals within the country (Omoush, 2022; Nycz-Wróbel, 2021). However, the combined throughput capacity of each of these options is tens of times lower than the throughput capacity of Ukrainian container terminals.

We cannot consider Ukraine separately from other countries, from our partners. While the provision of our internal needs is relatively normal (except for temporarily occupied territories and populated areas where active hostilities are taking place), we still cannot say that there are no problems at the level of international trade. At the same time, not only Ukraine itself can suffer from the war in Ukraine. Moreover, the head of our state and representatives of the UN note that in Asian and African countries, famine is possible because Ukraine will not supply food for export (Palyvoda, 2020; Danilova et al., 2021; Palyvoda, 2019; Rudenko, 2021).

War is not just a battlefield, but also an economic confrontation where logistics plays a crucial role. A vivid example is grain exports, which Ukraine mainly exports from seaports. Due to the war, the ports are blocked, and our economy is losing a significant portion of the region's export revenue (Dykan et al., 2021; Perkumiene et al., 2021; Boiarynova & Kopishinska, 2021).

It is now critically important to strengthen international partnerships in logistics and sometimes simply ask for temporary assistance. We also see that some countries are exporting Ukrainian products through their ports. This is a difficult path, and it will undoubtedly lead to an increase in the cost of Ukrainian products. However, we will be able to preserve our export potential. Another direction is road transport. Thus, businesses had to change the warehousing chain and thereby increasing the complexity and cost of these operations.

Three main factors can be identified that have affected logistics-related business processes (Abesadze, 2022; Rahmanov, 2022; Hrashchenko, 2020):

1) Abandonment of the accumulation and storage of goods. Previously, goods could stay in warehouses for a long time before being shipped out. However, now businesses have started to ship products "on wheels", trying to minimize inventory to avoid potential losses in case of an attack on warehouses;

2) Rapid and drastic changes in warehouse conditions. Normally, setting up a warehouse takes about three months, including relocating the warehouse, deploying IT systems and IT integration, setting up security systems, video surveillance, etc. However, companies did not have that much time, and they had to migrate to unknown locations in a matter of weeks if not days. Security and operational processes were compromised. The logistics, especially the warehouse, were challenging, but the companies managed to cope fairly well. A survival mode was activated, starting from scratch; basic needs such as finding warehouses, drivers, and warehouse staff were met;

3) Complications in logistics operations. This was a major problem, especially at the beginning. There were a huge number of checkpoints and inspections. There were no clear rules for movement during curfew hours: which logisticians could travel at night and which could not. Certain actions from the military did not always react appropriately to the nighttime transportation of goods.

Before the war, the sphere was developing rapidly, although not without difficulties (https://zaxid.net). It is now difficult to speak about dynamic development, but the dedication with which shippers and logisticians perform their work is noteworthy. In the situation that has arisen, it is not enough just to create logistics centers and electronic services that facilitate and optimize cargo transportation. The idea of competent logistics needs to be popularized. In Ukraine, a large number of projects based on international partnerships have been implemented.

On May 7, 2009, at the Prague Summit, the "Eastern Partnership" was launched at the initiative of Poland and Sweden. It covers six Eastern European countries such as Ukraine, Georgia, Azerbaijan, Moldova, Armenia, Belarus, and 28 EU member states. The basis is the desire to deepen cooperation between the Eastern European and South Caucasus countries with the EU. The goal of the "Eastern Partnership" is to replace partnership and cooperation agreements with association agreements, which will provide for the renewal of the contractual and legal basis of relations, the creation of free trade zones, and the liberalization of the visa regime between the EU and partner countries.

In January, 2016, the European Union launched a project called "Support to the Implementation of the Association Agreement and National Transport Strategy" with a total value of 3,740,000 euros. The project aims to provide technical assistance towards the harmonization of Ukraine's transport legislation with the priorities of the Association Agreement and to assist in the modernization, implementation, and monitoring of the National Transport Strategy. In the field of railway transport, in June? 2019, the Twinning project "Support to the Ministry of Infrastructure in introducing conditions for the application of the European model of the railway transport services market in Ukraine" was completed. The project aimed to support the Ministry of Infrastructure in developing a strategy for the development of railway transport while implementing the relevant EU legislation, managing infrastructure and providing free access to infrastructure, and granting access to railway enterprises to the railway services market.

The European Union has launched the implementation of the following projects based on international partnership initiatives:

1) The Twinning project "Approximation of Ukrainian legislation in the field of airport/airfield certification and flight suitability with relevant EU norms and standards" worth 1.7 million euros. The project aims to enhance flight safety and integrate Ukraine's civil aviation into the EU system by supporting the process of certification of Ukrainian airports/airfields following pan-European norms and adapting Ukrainian legislation in the field of flight suitability to EU law;

2) The Twinning project "Support for the Ministry of Infrastructure of Ukraine in strengthening commercial transport safety standards" worth 1.55 million euros. The project aims to improve the certification level of professional competence of road carriers, drivers, and vehicles to develop and increase the efficiency of road transport safety management in Ukraine;

3) The project "Support for the Implementation of the Association Agreement and National Transport Strategy" is worth 3.74 million euros. The project aims to provide technical assistance in strengthening EU-Ukraine cooperation based on the tasks of the Association Agreement and the Agenda

of the Association of Ukraine with the EU regarding regulatory convergence in all types of transport and assistance in updating and fulfilling the tasks of the National Transport Strategy of Ukraine.

At the initiative of the US Department of Treasury, the following projects are being implemented based on international partnership:

1) the project of advisory and technical assistance to the US Army Corps of Engineers for the Ministry of Infrastructure. The project aims to assess and prioritize the reform of the internal water transportation system for cargo, taking into account natural conditions for transportation and existing navigation issues$

2) the project for the development of transportation infrastructure. The project aims to provide technical assistance to support the development of transportation infrastructure and to carry out reforms in the transportation sector.

At the initiative of the European Investment Bank, the following projects are being implemented based on international partnership (https://mtu.gov.ua; https://cfts.org.ua): The project "Support to the Ministry of Infrastructure in implementing priority projects for the development of urban passenger transport". The project aims to provide technical assistance in the development, implementation, and monitoring of the EIB investment project "Development of Urban Passenger Transport in Ukrainian Cities", which will contribute to the development of national policy in the field of urban passenger transport, following the goals set out in the Association Agreement between Ukraine and the EU in May, 2014 and lead to improved regulatory support and necessary organizational changes at the central and local levels.

As part of international cooperation and partnerships, the following projects are planned to be implemented:

At the initiative of the European Union:

1) The project "Assistance to Ukrainian authorities in improving the management of infrastructure projects" is worth 2.5 million euros. The project aims to promote effective, reliable, and transparent management of infrastructure. To provide technical assistance and identify obstacles to planning and implementing projects in the field of transport infrastructure, the project involves the development of a detailed analysis and preparation of a plan to improve the management of infrastructure projects in Ukraine and assist in implementing this plan;

2) The Twinning project "Institutional support for the Ministry of Infrastructure on improving the efficiency and competitiveness of railway transport in Ukraine" is worth 1.6 million euros. To promote the effective development of the railway transport sector in Ukraine, the project aims to improve the institutional and functional structure of the central executive authorities in the railway industry;

3) The Twinning project "Assistance to the Ministry of Infrastructure in improving the capacity for the transportation of dangerous goods by multimodal transport in Ukraine" is worth 1.1 million euros. The project aims to improve the system of multimodal transportation of dangerous goods using road, rail, sea, and inland waterway transport, as well as multimodal connections following European norms and standards.

The World Bank has initiated a project to implement reforms in the transport and logistics sector to improve the business climate in Ukraine. The

project, which is worth 1.54 million euros, aims to provide technical assistance in the following areas: developing a strategy for transport logistics to support priority state reforms in road transport, railway transport, inland water transport, and ports; overcoming existing investment problems by eliminating major barriers to investment, entrepreneurship, and employment in the transport and logistics sectors; creating a system of indicators and assessing their economic impact in terms of investment to promote the reform process in this sector, create jobs, and stimulate entrepreneurial activity. The World Bank is also assisting and developing a plan of action to establish an approach for the rapid identification of priority corridors and the increased efficiency of investments in the transport network in Ukraine.

At the initiative of the Japan International Cooperation Agency, data collection and analysis on the current state and risks of the logistics and transport system in southern Ukraine are being carried out for researching the construction project of the Mykolaiv Bridge.

The difficult economic situation and the increased risk of development of the transport system require a clear plan for the application of the opportunities of international companies, both in terms of safety and in terms of the laying of alternative routes. The involvement of international partners is a way to address partially the issue of forming a modern transport policy. International partnership in the direction of forming a transport policy should be aimed not only at transporting necessary military products and humanitarian aid but also at restoring logistical chains in safe areas of Ukraine.

Conclusions. To ensure the effective functioning of transportation policy based on international partnership principles, it is necessary to harmonize the legal system norms of Ukraine with those of the EU in the field of transport. This will in turn ensure the effective implementation of administrative reform in the transportation sector, and a clear delineation of regulatory, management, and operational functions between executive authorities and enterprises, which is extremely important in modern conditions of increased risks. Achieving effective functioning of transportation policy based on international partnership principles will improve the following aspects:

1) competitiveness and efficiency of the transportation system as a whole;

2) innovative development of the transportation sector and implementation of global investment projects;

3) safety for society, environmentally friendly and energy-efficient transportation;

4) unhindered mobility and interregional integration.

To ensure the effective implementation of international partnership in the functioning of transportation policy in Ukraine, it is necessary to activate interaction between the private and public sectors, ensure that government and local self-government bodies increase the efficiency of transportation systems, and introduce decentralization through coordinated directions and actions of state policy. This will ensure the sustainable development of Ukraine's transportation sector and create a free and competitive market for transportation services.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

Boiko, A. (2020). Systema subiektiv administratyvno-pravovoho zabezpechennia realizatsii derzhavnoi transportnoi polityky v ukraini zahalnoi kompetentsii [The system of subjects of administrative and legal support for the implementation of the state transport policy in Ukraine has a wide range of competence]. *Yurydychna nauka*, 1 (103), pp. 90-97. Doi : https://doi.org/10.32844/2222-5374-2020-103-1.12. URL : https://journal-nam.com.ua/ index.php/journal/article/view/13. [in Ukr.].

Naumov, M. (2018). Modernization of transport infrastructure as a factor of the foreign economic activity development. *Efektyvna ekonomika*, vol. 3. URL : http://www.economy.nayka.com.ua/?op=1&z=6184.

Klymenko, V., Novalska, N. & Lozova, H. (2022). Orhanizatsiia prosuvannia transportno-lohistychnykh posluh na tsilovi rynky [Organization of promotion of transport and logistics services to target markets]. *Aktualni problemy rozvytku ekonomiky rehionu: naukovyi zhurnal,* 18 (1), pp.16-32. URL : https://er.nau.edu.ua/handle/NAU/57195. [in Ukr.].

Proekt Natsionalnoi transportnoi stratehii Ukrainy na period do 2030 roku [Project of the National Transport Strategy of Ukraine for the period until 2030]. (2020). URL : https://mtu.gov.ua/projects/133/. [in Ukr.].

Iakoiu ye lohistyka u voiennyi chas [What are the logistics in wartime]. (2022). URL : https://cfts.org.ua/blogs/yakoyu_e_logistika_u_voenniy_chas_637. [in Ukr.].

Zberehty ta zabezpechyty: yak zminylasia lohistyka v Ukraini pid chas viiny i yakymy maiut buty novi sklady [Save and secure: how logistics changed in Ukraine during the war and what should be the new compositions]. (2022). URL : https://mind.ua/ openmind/20241674-zberegti-ta-zabezpechiti-yak-zminilasya-logistika-v-ukrayini-pid-chas-vijni. [in Ukr.].

Iak pereformatuvaty lohistyku, zrobyty yii efektyvnishoiu [How to reformat logistics to make it more efficient]. (2022). URL : https://zaxid.net/logistika_pid_chas_viyni_n1538608. [in Ukr.].

Surilova, O. O. (2020). Spilna transportna polityka Yevropeiskoho Soiuzu ta rozvytok transportnoi systemy Ukrainy [Common transport policy of the European Union and the development of the transport system of Ukraine]. *Naukovi pratsi Natsionalnoho universytetu "Odes'ka yurydychna akademiia",* no. 26; pp. 122-133. URL : http://npnuola.onua.edu.ua/index.php/1234/article/view/669.

Palyvoda, O. (2020). Theoretical aspects of reengineering of business processes of transport enterprises. *Efektyvna ekonomika*, vol. 9. URL : http://www.economy.nayka.com.ua/ ?op=1&z=8573. Doi : 10.32702/2307-2105-2020.9.11.

Danilova, E., Marchenko, V., Novak, V., Palyvoda, O. & Perederii, N. (2021). Methodological support of analytical procedures for managing economic security (on the example of an airline, pp. 29-40. Doi : https://doi.org/10.13111/2066-8201.2021.13.S.4.

Palyvoda, O. (2019). Stratehichni napriamy derzhavnoi pidtrymky rozvytku innovatsiinykh merezhevykh struktur v ekonomitsi Ukrainy [Strategic directions of state-supported development of innovative network structures in the economy of Ukraine]. *Zbirnyk naukovykh prats Derzhavnoho universytetu infrastruktury ta tekhnolohii. Seriia : Ekonomika i upravlinnia*, vol. 45, pp. 104-114. URL : http://nbuv.gov.ua/UJRN/ Znpdetut_eiu_2019_45_11. [in Ukr.].

Rudenko, L. (2021). Atlas "Population of Ukraine and its Natural and Cultural Heritage". *Visn. Nac. Akad. Nauk Ukr*., no. 3, pp. 29-34. Doi : https://doi.org/10.15407/visn2021.03.029.

Maruniak, Ye. (2020). Spatial development of Ukraine in global vision. *Visn. Nac. Akad. Nauk Ukr.*, no. 4, pp. 73-83. Doi : https://doi.org/10.15407/visn2020.04.073.

Mykytenko, V. & Drachuk, Yu. (2023). Prostorove zabezpechennia upravlinnia stalym hospodariuvanniam u krytychnii infrastrukturi v osoblyvyi period [Spatial provision of management of permanent hospodariuvaniam in critical infrastructure in a special period]. *Ekonomichnyi visnyk Donbasu*, 2 (68), pp. 165–173. URL : https://doi.org/ 10.12958/1817-3772-2022-2(68)-165-173

Dykan, V., Kirdina, O., Ovchynnikova, V., Kalicheva, N. & Obruch, H. (2021). Public Management of Railway Transport Development based on the Principles of a Systematic Approach. *Scientific Horizons*, 24 (8), pp. 98-107. Doi : https://doi.org/10.48077/ scihor.24(8).2021.98-107.

Willox, S. & Morin, J. (2022). Economic and environmental benefits of performance

management controls in human service transportation planning. *Corporate Governance and Sustainability Review, 6* (4), pp. 44-53. URL : https://doi.org/10.22495/cgsrv6i4p4.

Omoush, M. (2022). The impact of the practices of logistic management on operational performance: A field study of road transport companies [Special issue]. *Journal of Governance & Regulation,* 11 (4), pp. 237-245. Doi : https://doi.org/ 10.22495/jgrv11i4siart4

Amri, P., Nurmandi, A. & Mutiarin, D. (2022). The role of policy actors in determining the direction of disruptive innovation policy [Special issue]. *Journal of Governance & Regulation,* 11 (4), pp. 374-386. Doi : https://doi.org/10.22495/jgrv11i4siart18.

Katerna, O. (2016). Kontseptualnye osnovy formyrovanyia yntehryrovannoi yntellektualnoi transportnoi systemy Ukrayny [Conceptual basis of the formation of the integrated intellectual transport system of Ukraine]. Ekonomycheskaia letopys-XXI, 158 (3-4(2)), pp. 31-34. Doi : https://doi.org/10.21003/ea.V158-07. [in russ.].

Abesadze, N., Robitashvili, N., Abesadze, O. & Kinkladze, R. (2022). Impact of Maritime Logistics on Statistical Characteristics of Foreign Trade Indicators of Georgia. *Economics. Ecology, Socium*, no. 6, pp. 1-9. DOI : https://doi.org/10.31520/ 2616-7107/2022.6.3-1.

Kredina, A., Akhtanova, M., Bekturganova, M., Tsoy, A. & Spankulova, L. (2022). The relationship between logistics and information and communication technologies and their impact on the economy of Kazakhstan. *Problems and Perspectives in Management*, 20 (4), pp. 344-355. Doi : https://doi.org/10.21511/ppm.20(4).2022.26.

Perkumiene, D., Osamede, A., Andriukaitienė, R. & Beriozovas, O. (2021). The impact of COVID-19 on the transportation and logistics industry. *Problems and Perspectives in Management*, 19 (4), pp. 458-469. Doi : https://doi.org/10.21511/ppm.19(4).2021.37.

Nycz-Wróbel, J. (2021). Activities are undertaken by Polish manufacturing companies to reduce air emissions. *Problems and Perspectives in Management*, 19 (3), pp. 309-320. Doi : https://doi.org/doi:10.21511/ppm.19(3).2021.25.

Rahmanov, F., Neymatova, L., Aliyeva, R. & Hashimova, A. (2022). Management of the transport infrastructure of global logistics: cross-country analysis. *Marketing and Management of Innovations*, no. 4, pp. 65-75. URL : https://doi.org/10.21272/ mmi.2022.4-07.

Boiarynova, K. & Kopishinska, K. (2021). Analysis of Logistics Startups Development in the EU Countries and Ukraine. *Science and Innovation*, 17 (2), pp. 105-116. URL : https://doi.org/10.15407/scine17.02.105.

Hrashchenko, I. (2020). Iterative methodology of bankruptcy forecast of logistic companies in emerging markets, taking into account global/regional crisis. Problemy Systemnoho Pidkhodu v Ekonomitsi, 1 (75), pp. 138-147. Doi : https://doi.org/10.32782/2520-2200/2020-1-43.

Вікторія ХМУРОВА, Ірина ГРАЩЕНКО, Любов ЛІКАРЧУК

ФОРМУВАННЯ ТРАНСПОРТНОЇ ПОЛІТИКИ НА ОСНОВІ МІЖНАРОДНОГО ПАРТНЕРСТВА

Анотація. Стаття присвячена актуальній проблемі, яка постала в Україні з початком військової агресії. Транспорт є запорукою існування країни. Розглядається спільна транспортна політика, яка є запорукою безпечного руху на території Європейського Співтовариства. Досліджено основні напрями процесу формування транспортної політики на засадах міжнародного партнерства та альтернативні підходи до формування міжнародної транспортної політики та транспортних мереж України.

Основними вимогами до транспорту залишається його безпека, але питання економічності та екологічності не втрачають своєї актуальності. Адаптація сучасної системи управління транспортним комплексом полягає в забезпеченні реалізації адаптивної транспортної політики на засадах сталого розвитку та створення умов для ефективного та безпечного переміщення людей і вантажів з урахуванням постійної небезпеки військового характеру.

Проаналізовано ініціативи Європейського Союзу щодо проектів, заснованих на принципах міжнародного партнерства. Визначено фактори, що впливають на бізнес-процеси. Визначено основні фактори впливу на міжнародну транспортну політику на основі міжнародного партнерства.

Для забезпечення ефективної реалізації міжнародного партнерства у

функціонуванні транспортної політики в Україні необхідно активізувати взаємодію приватного та державного секторів, забезпечити підвищення ефективності функціонування транспортних систем органами державної влади та місцевого самоврядування, запровадити децентралізацію через узгоджені напрями та дії державної політики. Це забезпечить сталий розвиток транспортного сектору України та створить вільний і конкурентний ринок транспортних послуг.

Ключові слова: *транспортна політика, партнерство, міжнародна транспортна політика, логістична діяльність.*

Submitted: 23.01.2023
Revised: 15.02.2023
Accepted: 27.02.2023

UDC 339.923:656.61(477)
DOI 10.31733/2786-491X-2023-1-137-145

Liliya FILIPISHYNA ©
D.Sc. in Economics,
Professor
(Admiral Makarov National University of Shipbuilding), Ukraine

Tetiana METIL ©
Ph.D. (Economics),
Associate Professor
(Izmail State Humanities University),
Ukraine

Badri GECHBAIA ©
D.Sc. in Economics,
Professor
(Batumi Shota Rustaveli State University), Georgia

INTEGRATION STRATEGIES IN THE MARKET SYSTEM OF MARITIME TRADE OF UKRAINE

Abstract: The article is devoted to the analysis of trends in the development of global and national maritime trade, taking into account regional specifics in Ukraine. The purpose of the article is the formation of recommendations and algorithms for the development of regional maritime trade systems, considering the consequences of full-scale military aggression. It examines the main factors that affect maritime trade in the modern world and predicts their impact on future development directions.

The article deals with the growth of the global volume of maritime trade caused by the increase in the world population, the growth of consumer demand, and the development of international trade. It also examines the impact of technological innovation, automation, and

© Filipishyna L., 2023
ORCID ID: https://orcid.org/0000-0001-9552-1367
ontariofilpi@ukr.net

© Metil T., 2023
ORCID iD: https://orcid.org/0000-0002-4553-4343
tatanametil@gmail.com

© Gechbaia B., 2023
ORCID iD: https://orcid.org/0000-0003-2815-2228
gechbaia.badri@bsu.edu.ge

digitization on maritime trade and predicts their implications for global shipping. The article examines the key challenges facing global maritime trade. The authors analyze the strategic decisions that must be made to overcome these challenges and ensure the sustainable and efficient development of maritime trade.

The article draws attention to the Odesa region, which is the largest maritime hub in Ukraine and the main port on the Black Sea coast. Its geographical location, the presence of developed infrastructure, and its role in ensuring foreign trade turnover are considered. In addition to the Odesa region, the article also draws attention to the Mykolaiv region, which specializes in shipbuilding and ship repair. It is important for developing the maritime industry and attracting foreign investment.

The article also examines other regions, such as Kherson, Mariupol, and Berdyansk, and their role in maritime trade. Their specializations, advantages, and contributions to foreign trade circulation are analyzed. The authors of the article give recommendations for the development of maritime trade in the regional aspect. They emphasize the need for further improvement of port infrastructure, stimulation of innovation, and the attraction of foreign investments. Based on the analysis, the authors provide recommendations for the development of maritime trade in the regions of Ukraine, considering global trends and the consequences of a full-scale military invasion. They emphasize the need to support innovation, create a sustainable ecological environment, expand trade routes, and partner with other countries and international organizations.

Keywords: *maritime trade, economy, region, maritime trade market, regional integration.*

Introduction. Ukraine, as a country with access to the Black and Azov Seas, has significant potential for the development of maritime trade. However, there are a number of problems associated with the integration of maritime trade at the regional level. These problems create obstacles to the maximum use of the advantages of the country's maritime potential. Firstly, there is uneven development of marine infrastructure in different regions of Ukraine. Some ports, such as Odesa and Mykolaiv, have developed infrastructure and a high level of service. However, other regions may face a lack of necessary shipping and transport facilities, limited access to maritime space, and insufficient funding to modernize port facilities. Secondly, there is a need for coordinated regional strategies and cooperation between ports and regions.

Lack of coordination and interaction between different regions can lead to duplication of efforts, competition, and the inefficient use of resources. It is also necessary to ensure interaction with other sectors of the economy, such as logistics, transport, and industry, to create an integrated maritime trade system. Thirdly, there is a need to improve the legal and regulatory environment for the development of maritime trade. It is important to develop clear regulations and legislation that will contribute to Ukraine's attractiveness to foreign investors and support maritime trade. It is necessary to ensure stability and transparency of government procedures, simplification of customs procedures, and regulation related to maritime transport and trade.

In addition, the development of maritime trade requires active cooperation between various stakeholders, including government bodies, port authorities, civil society organizations, and the private sector. Joint efforts and partnerships between these parties can contribute to the development of infrastructure, the improvement of services, and the stimulation of innovation in maritime trade. In general, the integration of maritime trade at the regional level in Ukraine requires a comprehensive approach and the development of strategies aimed at the development of specific regions and the support of interaction between them. This includes modernizing infrastructure, ensuring

coordination and cooperation, improving the legal environment, and promoting multi-stakeholder partnerships. The implementation of these measures will contribute to the sustainable development of maritime trade in Ukraine.

Analysis of recent research and publications. The relevance of the topic determines the authors' attention to this topic, in particular the works of O. Senko, A. Stakhov, N. Hryniv, K. Skoptsov, O. Petrenko, M. Savchenko, P. Panasyuk, O. Levchenko, G. Zhyla, O. Mikula, V. Nebrat, N. Horin, O. Courbet, O. Kotlubai, L. Wiedenbach, W. Tetley, P. Myburgh. The authors determine the European integration directions for the development of maritime trade in Ukraine, analyze global trends for the development of recommendations for the formation of priorities for the development of maritime trade.

The purpose of the article. The purpose of the article is the formation of recommendations and algorithms for the development of regional maritime trade systems, taking into account the consequences of the full-scale military aggression of the russian federation.

In accordance with the purpose of the article, the following tasks were set and solved in the study:

– conducting an analysis of global trends in the development of world maritime trade,

– determination of the peculiarities of the development of maritime trade in Ukraine,

– development of an algorithm for the development of maritime trade in Ukraine,

– determination of the regional aspect of maritime trade development, taking into account the consequences of the russian federation's military aggression.

Formulation of the main material. The variety of processes causing the globalization of economic relations have two main trends. The first tendency is to adhere to strict limitations set by general tasks. The second trend is the formation of priorities for business structures that use advanced innovative technologies. At the same time, integration principles that correspond to the rapid economic growth of Asian countries are important. This increases the demand for manufactured goods from the West. In its essence, this fact stimulates the demand for container technologies for the delivery of goods to the place of their consumption and determines the directions of integration in the maritime trade system. Therefore, containerization in maritime transport and port business remains the main factor of economic sustainability not only for maritime transport, but also for global maritime trade. Unfortunately, the high costs of using this method of processing cargo flows have led to an uneven distribution of potential in the field of technology (Senko, 2019).

According to the statistical data of the global economy, the volume of production has a great influence on the needs of the development of maritime transport. It is important to note that there is a significant difference in the correlation of dry and liquid cargo volumes. During a period of sustained economic growth, global GDP grew at an average annual rate of up to 5 %, and demand for cargo capacity reached 8 %. However, thanks to the improvement of the technological level of the merchant fleet and the transportability of products, the growth of transportation volumes is slower. It is also worth noting the optimization of the energy efficiency of production, which leads to a

significant gap between the growth rates of oil production and transportation (Stakhov, 2023; Project of the Plan for the Restoration of Ukraine, 2022).

The development of the world economy and its growth prospects set requirements for the parameters of sea transport, which affects international economic relations and needs for the development of land transport. The development of the world economy occurs at different rates in different groups of countries. The impact of the global crisis also manifested itself with a differentiated force, but this process systematically affects the state of merchant shipping. The decrease in loading the production potential of the merchant fleet exceeded the rate of economic decline in industrialized countries. The structure of production and the dynamics of prices for raw materials significantly affect the level of economic decline in individual countries (Hryniv, 2022).

According to WTO data, the total volume of exports of goods and services in 2021 amounted to 69,153 billion dollars. European countries accounted for 45 % of world exports, which confirms their leading role in global relations. That is why special attention is paid to the technical and economic level of transport enterprises and their management, as this is of great importance for ensuring transport and economic connections in Europe. Significant growth in production in China and India has increased the role of Asia in world production. It is also worth noting Germany's successes in world exports, which encourage it to be careful about various conflicts (Savchenko, 2022).

Maritime transport is crucial for optimizing the integration strategies of business structures, which poses practical challenges related to scaling and growth conditions. In many maritime states, merchant shipping is considered the main industry, which ensures the expansion of export potential. Effective operation of maritime transport increases the competitiveness of national production and provides access to global resources. The growth of maritime trade is stable, and the efficiency of the transport business encourages the improvement of technological processes for the redistribution of cargo flows along alternative routes (Zhyla, 2023).

Therefore, analyzing the global trends in the development of maritime trade and new challenges, it is appropriate to give recommendations for the development of maritime trade in Ukraine (Fig. 1).

Maritime trade in Ukraine is an important element of the national economy and has a significant regional aspect. Ukraine has great access to the Black and Azov seas, which creates favorable conditions for the development of maritime trade in the country. Odesa region is one of the main regional centers of maritime trade in Ukraine. Odesa is the largest seaport of Ukraine and one of the largest ports on the Black Sea. It connects Ukraine with other countries and has a great influence on the regional economy. Odesa region is also an important center of shipbuilding and maritime infrastructure.

Another important region for maritime trade in Ukraine is the Mykolaiv region. Mykolaiv is one of the largest Ukrainian ports, located on the Dnipro River. It plays an important role in ensuring transport links with the interior regions of Ukraine and other countries through the Danube Delta.

The regional aspect of maritime trade development in Ukraine also includes other seaports such as Kherson, Mariupol and Berdyansk. These ports provide transport links with the Sea of Azov and are of great importance for the

export and import of various goods. The development of maritime trade in the regional aspect contributes to the attraction of investments, the creation of jobs and the development of infrastructure in certain regions of Ukraine. It promotes economic growth and connects the country to the international market.

Fig. 1 – Algorithm for the development of maritime trade in Ukraine
Source: developed by authors

Ukraine actively cooperates with other countries and international organizations in the field of maritime trade. It supports the development of transport routes, promotes the modernization of port infrastructures, the introduction of the latest technologies and safety standards.

However, the regional aspect of maritime trade development in Ukraine also faces certain challenges and limitations. For example, the situation in the Sea of Azov was complicated by political conflicts and the annexation of Crimea by russia in 2014. This led to the restriction of access of Ukrainian ships to ports in the Sea of Azov and hinders the full development of maritime trade in this region. The Government of Ukraine is taking measures to ensure the safety of shipping and free access to ports, as well as to attract investments and develop the competitiveness of Ukrainian ports.

Taking into account the consequences of the full-scale military aggression of the russian federation against Ukraine, it is appropriate to determine that as of March, 2022, all trade routes were blocked, which became the cause of the food crisis in the world. As a result of negotiations with the participation of international mediators, it was possible to open the ports of Odessa for the export of food, but this is insufficient and requires a strategic solution. The map of military actions and directions of maritime trade in Ukraine is presented at Fig. 2.

Fig. 2 – Map of military operations and directions of maritime trade in Ukraine

Source: Defense Intelligence

Seaports that can trade are marked with an asterisk. It should be noted that as a result of the annexation of the ARC in 2014, the occupation of temporarily purchased territories in 2022, and the blocking of a number of ports, Ukraine lost the opportunity to conduct full-fledged sea trade. This became the reason not only for the fall in Ukraine's GDP, but also for the global food crisis. It is worth noting that analyzing the regional aspects of the development of maritime trade, it was determined that the territories where the ports are located are located either in the zones of active ground combat, or under missile fire and blockade due to the actions of the russian navy. Therefore, an important aspect is the restoration of port operations both in conditions of military aggression to ensure global world stability and in the framework of post-war reconstruction at a qualitatively new level.

Conclusions. Therefore, the development of maritime trade in Ukraine has a regional aspect, as different regions of the country have their own unique features and advantages for the development of maritime trade potential. The Odesa region, in particular the city of Odesa, is the most important maritime hub in Ukraine and one of the largest ports on the Black Sea coast. Odesa port provides a significant share of foreign trade turnover of Ukraine and is an important transport gateway for export and import of goods. The location of the port near the international transport corridor and the presence of a well-developed infrastructure contribute to its successful functioning. In addition, the Odesa region has a strong potential in the field of shipbuilding and ship repair, which contributes to the development of the maritime industry. The Mykolaiv region also plays an important role in the development of maritime trade.

The city of Mykolaiv is located on the Dnipro River and is a major port for cargo shipping. The Mykolaiv region specializes in the production of ships, in particular large sea vessels, and the manufacture of marine equipment. This

creates opportunities for the development of the shipbuilding industry and the attraction of foreign investments. In addition to Odesa and Mykolaiv regions, other ports such as Kherson, Mariupol and Berdyansk also play an important role in the regional aspect of maritime trade in Ukraine. Kherson is located on the Dnipro River and has access to the Black Sea through the Dnipro-Buzka estuary. This port specializes in the transportation of grain crops and other agricultural products. Mariupol and Berdyansk are located on the coast of the Sea of Azov and play an important role in ensuring foreign trade and export of metallurgical products. Each of these regions has its own characteristics and advantages.

The development of maritime trade in the regional aspect in Ukraine requires constant improvement of port infrastructure, development of logistics systems, improvement of the legal and regulatory environment, as well as attracting foreign investments. In addition, promoting the development of sea trade in the regional aspect requires a balanced distribution of resources and attention to the needs of different regions of Ukraine.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References:

Senko, O. V. (2019). Orhanizatsiine-ekonomichnyi mekhanizm parametrychnoho upravlinnia morskoiu transportnoiu industriiiu [Organizational and economic mechanism of parametric management of the maritime transport industry] : monograph. Chernihiv : ChNTU, 360 p. [in Ukr.].

Stakhov, A. Iu. (2023). Intehratsiini tendentsii stiikoho rozvytku rynku morskoi torhivli [Integrated trends of sustainable development of maritime trade market]. The V International Scientific and Practical Conference "Priority directions of science development", February 06- 08, Hamburg, Germany. 342 p. URL : https://eu-conf.com/wp-content/ uploads/2023/02/Priority-directions-of-science-development.pdf#page=168 [in Ukr].

Project of the Plan for the Restoration of Ukraine. Materials of the Working Group "Restoration and Development of Infrastructure". National Council for the Restoration of Ukraine from the Consequences of the War, July 2022.

Hryniv, N., Skoptsov, K., & Petrenko, O. (2022). Rozvytok morskykh portiv: svitovi praktyky ta osnovni uroky [Development of sea ports: global practices and key lessons]. *Ekonomika ta Suspilstvo*, no. 40. Doi : https://doi.org/10.32782/2524-0072/2022-40-53 [in Ukr.].

Savchenko, M., Panasiuk, P. & Levchenko, O. (2022). World maritime container transport market trends. *Adaptive Management : Theory and Practice. Series Economics*, 13 (26). Doi : https://doi.org/10.33296/2707-0654-13(26)-02.

Zhyla, H. V. (2023). Vplyv viiny v Ukraini na ekonomichnyi rozvytok, naslidky dlia svitovoi torhivli [The impact of the war in Ukraine on economic development, consequences for world trade]. *Halytskyi Ekonomichnyi Visnyk*, 2 (81), pp. 164-170. URL : http://repository.hneu.edu.ua/handle/123456789/29482. [in Ukr.].

Mikula, N. A. (2008). Stratehiia formuvannia ta pidtrymky rozvytku transkordonnykh klasteriv [Strategy for the formation and support of the development of cross-border clusters]. Sotsialno-ekonomichni problemy suchasnoho periodu Ukrainy. Klastery ta konkurentospromozhnist prykordonnykh rehioniv : zbirnyk naukovykh prats. Lviv : NAN Ukrainy, In-t rehionalnykh doslidzhen, 3 (71), pp. 129-141. [in Ukr.].

Istorychni determinanty vkliuchennia Ukrainy v systemu mizhnarodnykh ekonomichnykh vidnosyn : istoryko-ekonomichne doslidzhennia : monohrafiia [Historical determinants of the inclusion of Ukraine in the system of international economic relations: a historical and economic study] / Nebrat, V., Horin, N., ... Kurbet, O. ta in.], za red. Nebrat, V. (2021). Kyiv : Instytut ekonomiky ta prohnozuvannia NAN Ukrainy, 527 p. URL : https://ekmair.ukma.edu.ua/handle/ 123456789/23876. [in Ukr.].

Kotlubai, O. M. (2010). Stratehiia rozvytku Ukrainy yak morskoi derzhavy [Development strategy of Ukraine as a maritime state]. Stan i perspektyvy rozvytku Ukrainy yak morskoi derzhavy: Zb. materialiv kruhloho stolu (Odesa, 23.11.2010) / za zah. red. Volovycha, O. O. Odesa : Rehionalnyi filial Natsionalnoho instytutu stratehichnykh doslidzhen, 124 p. [in Ukr.].

Hryshina, L., Karas, P. & Filipishyna, L. (2019), Trends, problems and prospects for the development of the marine economic complex of Ukraine in the conditions of European integration *Scientific Bulletin of the Uzhgorod National University: series: International economic relations and the world economy,* 24 (1), pp. 131-135. URL : https://dspace.uzhnu.edu.ua/jspui/handle/lib/25447 [in Ukr.].

Filipishyna, L. M. (2018). Strategic management of innovative development of sea ports: foreign experience. *Bulletin of the Azov State Technical University. Series: Economic sciences,* no. 36, pp. 195-202. URL : http://nbuv.gov.ua/UJRN/VPDTU_ek_2018_36_29. [in Ukr.].

Wiedenbach, L. (2015). The carrier's liability for deck cargo: a comparative study on english and nordic law with general remarks for future legislation. Berlin, Heidelberg : Springer Verlag, 178 p.

Tetley, W. (2000). Uniformity of international private maritime law – the pros, cons, and alternatives to international conventions – how to adopt an international convention. *Tulane Maritime Law Journal*, 24 (2), pp. 775–856.

Myburgh, P. (2020). Uniformity or unilateralism in the law of carriage of gods by sea? *Victoria University of Wellington Law Review*, no. 31, pp. 355–382.

Kovalenko-Marchenkova, Ye. (2022). Management of the national economy as an element of the socio-economic space of the country. *Economics. Ecology. Socium,* no. 6, pp. 30-37. Doi : https://doi.org/10.31520/2616-7107/2022.6.3-4.

Mikhno, I. S., Koval, V. V. & Kovalenko-Marchenkova, Ye. V. (2020). Management of Adaptation of Logistics Chains of Enterprises. *Economic Innovations*, issue 22, 4 (77), pp. 109-115. DOI: https://doi.org/10.31520/ei.2020.22.4(77).109-115.

Galushko, O. I. (2017). Metodolohichni aspekty prohnozuvannya kryz ta poperedkryzovykh sytuatsiy na pidpryyemstvakh [Methodological aspects of forecasting crises and pre-crisis situations at enterprises] / Rozvytok ekonomiky Ukrayiny: transformatsiyi ta innovatsiyi : kolektvna monohrafiya, za zah. red. O. L. Hal'tsovoyi, vol. 1, pp. 142-160. *ББК 65.9 (4Ukr) 011 Р 64*, 142. [in Ukr.].

Лілія ФІЛІППІШИНА, Тетяна МЕТІЛЬ, Бадрі ГЕЧБАЯ

ІНТЕГРАЦІЙНІ СТРАТЕГІЇ У СИСТЕМІ РИНКУ МОРСЬКОЇ ТОРГІВЛІ УКРАЇНИ

Анотація: Стаття присвячена проведенню аналізу тенденцій розвитку світової, національної морської торгівлі з урахуванням регіональної специфіки в Україні. Метою статті є формування рекомендацій та алгоритмів розвитку регіональних систем морської торгівлі з урахуванням наслідків повномасштабної військової агресії. В статті досліджуються основні фактори, які впливають на морську торгівлю у сучасному світі та прогнозує їх вплив на майбутні розвиткові напрямки.

Стаття розглядає зростання глобального обсягу морської торгівлі, спричинене збільшенням світового населення, зростанням споживчого попиту і розвитком міжнародної торгівлі. Вона також розглядає вплив технологічних інновацій, автоматизації та цифровізації на морську торгівлю і прогнозує їхні наслідки для глобального судноплавства. У статті розглядаються ключові виклики, з якими стикається світова морська торгівля. Автори аналізують стратегічні рішення, які необхідно прийняти для подолання цих викликів та забезпечення стійкого та ефективного розвитку морської торгівлі.

Стаття звертає увагу на Одеський регіон, який є найбільшим морським вузлом в Україні та головним портом на Чорноморському узбережжі. Розглядається його географічне розташування, наявність розвиненої інфраструктури та його роль у забезпеченні зовнішньоторговельного обігу. Крім Одеського регіону, стаття також звертає увагу на Миколаївський регіон, що спеціалізується у суднобудуванні та ремонті суден. Він має важливе значення для розвитку морської промисловості та приваблює іноземні інвестиції. Стаття розглядає також інші регіони, такі як Херсон, Маріуполь та Бердянськ, та їхню роль у морській торгівлі. Аналізуються їхні спеціалізації, переваги та внесок у зовнішньоторговельний обіг.

Автори статті дають рекомендації щодо розвитку морської торгівлі в регіональному аспекті. Вони наголошують на необхідності подальшого вдосконалення інфраструктури портів, стимулюванні інновацій та привабленні іноземних інвестицій. На основі проведеного аналізу автори надають рекомендації щодо розвитку морської торгівлі в регіонах України, враховуючи глобальні тенденції та наслідки повномасштабного військового вторгнення. Вони акцентують увагу на потребі підтримки інновацій, створенні стійкого екологічного середовища, розширенні торговельних маршрутів та партнерстві з іншими країнами та міжнародними організаціями.

Ключові слова: *морська торгівля, економіка, регіон, ринок морської торгівлі, регіональна інтеграція/*

Submitted: 27.12.2022
Revised: 16.01.2023
Accepted: 30.01.2023

UDC 658.8 : 339.138
DOI 10.31733/2786-491X-2023-1-145-151

Olena GALUSHKO ©
M.Sc. (Economics), M.Sc. (Computer Sciences), Senior Lecturer *(Prydneprovs'ka State Academy of Civil Engineering and Architecture)*, Ukraine

Yevheniia KOVALENKO-MARCHENKOVA©
Ph.D. (Economics), Associate Professor, *(Dnipropetrovsk State University of Internal Affairs)*, Ukraine

Murtaz KVIRKVAIA©
Ph.D. (Economics), Associate Professor, Dean, *(Grigol Robakidze University),* Georgia

CONVERSION FUNNELS AS SALES AND MARKETING INSTRUMENTS

Abstract. The article deals with the topical issues of attracting consumers through conversion Abstract. The article deals with the topical issues of attracting consumers through conversion funnels. Funnels are modern tools that are widely used in marketing and sales and allow us to track and analyze the steps that customers take on the way to a purchase. With the

© Galushko O., 2023
ORCID ID: https://orcid.org/0000-0002-4578-5820
olena_galushko@ukr.net

© Kovalenko-Marchenkova Ye., 2023
ORCID iD: https://orcid.org/0000-0001-7350-7740
kovalenko.marchenkova@gmail.com

© Kvirkvaia M., 2023
info@gruni.edu.ge

help of funnels, we can determine at which stage customers most often abandon a purchase and develop a strategy to increase the conversion. Funnels allow to identify weak points in the sales process and improve it, which leads to an increase of the company's profit.

The article discusses the stages of the conversion funnel and its features in marketing and sales. Special attention is paid to the functioning of conversion funnels in e-commerce. The article also discusses methods of improving the conversion funnels, such as: modern information technologies, optimization of forms, personalization of communication with the consumers, and others.

The behavior of the consumer at different stages of the conversion funnel was analyzed, as well as the factors that could reduce the effectiveness of the funnel. Recommendations are offered to improve the efficiency of using the conversion funnels in marketing and sales.

***Keywords**: buyer, purchase decision, conversion funnel, AIDA model, content, e-commerce.*

Introduction. Sales promotion has always been an important part of marketing. The role of sales promotion in marketing is to grab the attention of potential buyers and convince them to make a purchase. To do this, there are the following traditional methods: advertising, promotions, loyalty programs, cross-selling (offering additional goods or services to customers who have already made a purchase), offering free samples, remote customer service contact centers, service centers, etc. Sales promotion methods are constantly evolving and changing in accordance with changing market and consumer needs. For example, in recent years, more and more attention has been paid to Internet marketing and social networks. New technologies have also emerged, such as mobile apps and chatbots, that help improve customer interactions and increase sales. But all methods of sales promotion require an answer to the question: "How to lead the buyer to take action, i.e. purchases?" – and that is what conversion funnels are for.

A conversion funnel is a tool that allows you to track how many people who received the introductory information took the targeted action. The target can be any action that meets the marketing goals of the company – registering on the site, requesting a call back or consultation, subscribing to the newsletter, downloading promotional materials, purchasing, etc. But if we are talking about a sales funnel, the target action is a purchase.

Analysis of recent research and publications. The issues of sales promotion and the use of sales funnels in their work were considered by such domestic and foreign scientists as: F. Kotler, J. Bowen, J. Makenz, S. Beheshti, N. Borozdina, I. Lytovchenko, E. Malikova, O. Maslov, E. Mironova, I. Sapitskaya, M. Morozova, M. Oklander, N. Shimin etc. Still, the research of sales marketing is a relevant scientific issue, since it allows you to analyze the movement of the buyer at all stages of the sales process: from the first contact to the conclusion of a transaction in order to optimize the sales process and increase the number of transactions (Lytovchenko, 2008; Maslov, 2019).

The purpose of the article is to investigate features of marketing and sales funnels and to develop recommendations for their efficiency increasing.

Formulation of the main material. The history of the conversion funnel is connected with the development of Internet marketing and E-commerce. In the early 2000^{s}, companies began to actively use the Internet to sell their goods and services. However, they faced a problem – many site visitors did not make purchases, but simply left the site. To solve this problem, a conversion funnel model was developed, which helped companies optimize their website and increase sales. Since then, the conversion funnel has become a widely used

model in marketing and sales that helps companies optimize their business and increase the effectiveness of their marketing campaigns.

A conversion funnel is a model that maps the path a potential customer takes from first contact with a product or service to the completion of a purchase. It includes several stages, such as familiarization with the product, interest, desire, action, etc.

But the history of its origin began much earlier, when in 1898, the American Elias St. Elmo Lewis introduced the new term "consumer funnel" – advertising that should grab the users attention to interest them, and then convince that the product is needed and persuade to buy. Later in 1921, this approach became known as AIDA model: Attention → Interest → Desire → Action. Since the 1960^{s} the AIDA principle began to be portrayed schematically in the form of a funnel, and synonyms arose: shopping funnel, customer funnel, marketing funnel, sales funnel (https://www.abtasty.com/; Mazar, 2023, Yankulov, 2022).

At the first stage (attracting attention), a potential client must notice a product or service. This can be achieved through the use of bright advertising, attractive design, etc. Psychologically, this is due to the fact that people usually pay attention to something new and unusual.

At the second stage (interest), a potential client begins to be interested in a product or service. This can be achieved by providing information about a product or service that will be of interest to the customer. Psychologically, this is due to the fact that people are usually interested in what is relevant to their needs and desires.

At the third stage (desire), a potential customer begins to desire the product or service. This can be achieved by providing information on how the product or service can meet their needs and desires. Psychologically, this is due to the fact that people usually want what is relevant to their needs and desires.

At the fourth stage (action), the potential client makes a purchase. This can be achieved by providing convenient ways to purchase and pay, as well as by providing information on how the product or service can be used. Psychologically, this is because people usually make a purchase when they see that a product or service can help them meet their needs and desires.

Modern versions of AIDA include additional components: satisfaction – AIDAS; confidence – AIDCAS. However, it remains the most common the classic folding sales funnel model of four segments: cold contact (engagement the attention), interest, conviction and purchase (Maslov, 2019; Lytovchenko, 2008). The AIDA model helps break down the sales process into four stages and determine what marketing and sales activities are required at each stage to successfully close the deal.

Advantages of the AIDA model are:

– Helps to structure the sales process and determine the necessary actions at each stage;

– Takes into account the psychological characteristics of consumers and their behavior when making a purchase decision;

– Allows you to create an effective marketing and sales strategy aimed at converting potential customers into real customers.

Disadvantages of the AIDA model are:

– The model is focused on only one side of communication (from the

seller to the buyer), not taking into account the possibility of feedback and interaction with a potential client;

– Does not take into account the individual characteristics of each potential client, which can lead to ineffective sales strategy;

– The model does not take into account the influence of competitors on the sales process.

The conversion funnel is a generalized algorithm based on which the Customer Journey Map is built. Marketing efforts and tools are directed to ensure that the funnel is effective and leads to the targeted action. But the way a buyer goes through each stage of the funnel is also influenced by individual psychological characteristics.

Consumer behavior is influenced by the following factors:

1) Personal. Whatever the needs of the customers, they acquires the product based on his lifestyle at the moment. The lifestyle can be attributed to its primary values, interests, outlook on life and personal preferences. This also includes the type of personality and character of a person, that is, how self-confident he is, how he puts himself in society, what level of self-confidence he has, and others. It is also worth considering how a person relates to himself and to which social class he belongs:

2) Social. Human is a social being, so is somehow influenced by the people around. This may be a primary social circle, such as family and close friends, or a secondary one, such as work colleagues or hobby groups.

At the same time, social influence can be of several types:

– Normative, which is based on certain rules, orders and penalties;

– Value-oriented, which involves accepting the values and beliefs of a group of people;

– Informational, in which there is an exchange of data and experience;

– Social, which implies the participation of a person in the life of a community;

– Status, in which the realization of certain needs and desires can be limited if a person does not have the necessary level of influence within the group.

3) Psychological. These factors are built on the basis of personal experience and emerging emotions and feelings about it. For example, one of the factors is learning, in which the user learns different skills in relation to a product or service. Based on this, attitudes will be formed not only towards certain goods and services, but also towards the brand, brand of goods or manufacturer, and the attitude is very difficult to change if it has already been formed.

When working with customers, it is worth considering who, how and how much can influence his final decision to buy from the side. This point also includes the perception of the product, built on the basis of the meaning that a person reads in advertising or from other sources of information.

Steps of rational decision making are:

1) Definition of need. A person realizes that he needs to buy something in order to satisfy his need;

2) Market research and selection of the optimal product. A person conducts market research, compares prices, quality and other parameters of products in order to choose the best option;

3) Assessment of risks and benefits. A person analyzes the possible risks and benefits of purchasing a product in order to make a purchasing decision;

4) Making a purchase decision. A person makes a decision to purchase a product based on the analysis.

Steps of emotional decision making are:

1) The emergence of an emotional need. A person feels an emotional need to buy a product, such as a desire to please themselves or others.

2) Intuitive product selection. A person chooses a product based on their emotions and intuition, without conducting a detailed market analysis.

3) Confirmation of the decision. The person is looking for confirmation of their decision, for example, reading reviews or asking the opinion of friends.

4) Making a purchase decision. A person makes a decision to buy a product based on their emotions and beliefs.

Depending on the product or service that the company is promoting and the target audience, AIDA model can be adapted to take into account relevant factors, including the emotional aspect of decision-making or the rational evaluation of the benefits of the product. It should be noted that the AIDA model is only a tool for analyzing consumer behavior and cannot take into account all the factors influencing their decision making.

To increase the effectiveness of the AIDA model, the following recommendations can be added to usual company's activity (Table 1):

– Consider the characteristics of the target audience;

– Include feedback and interaction with a potential client in the sales strategy;

– Analyze competitors and take into account their influence;

– Use modern technologies and tools such as CRM, Data Mining, artificial intelligence.

Table 1

Action plan for AIDA model

AIDA level	Customer's actions	Company's actions
Attention	Surfe the Internet or seek a solution to a specific problem or answer to the question	Use content marketing and brand communications, create high-level awareness ads
Interest	Discover the solution which company provides, check if company's offer corresponds the needs	Conduct user testing to optimize the web-site, make content, which brings solutions to customers needs
Desire	Go to company's E-shop, compare the goods, load the manuals	Modify content to keep customer interested and stay on the web-site
Action	Send request on call-back or consultation or make order (purchase)	Keep customer and provide to order / payment page

Source: created by authors based on (Sellers, 2021)

The AIDA framework has limitations as it does not consider non-linear buyer journeys, impulse purchases or short sales cycles, and is only a small part of a holistic business strategy. Focusing on one AIDA element per marketing tactic may not be effective, and the framework may be too simplistic for more involved or nuanced buying decisions. Other models, like the

flywheel, may be more appropriate for a holistic business strategy (Sellers, 2021; Galushko, 2019).

It is also worth considering that not all customers reach the end of the funnel and can fall off at any stage. Average conversion ratio for E-commerce is 1-4 %. To successfully work with a funnel, company needs to constantly analyze its effectiveness and make adjustments to the marketing activity.

The development of artificial intelligence and its application in software products using the AIDA model (CRM systems) will significantly increase the efficiency of conversion funnels due to a more client-oriented approach. In our opinion, artificial intelligence will be able to solve the following tasks in conversion funnels:

1) Data mining about potential customers. To collect data about potential customers, you can use tools such as web analytics, social networks, CRM systems, etc. The data can be collected using machine learning algorithms that can automatically process large amounts of information and highlight the most significant indicators, such as behavioral factors, customer interests and needs.

2) Personalization of communication with potential customers. To personalize communication with potential customers, you can use machine learning methods that allow you to automatically analyze customer data and determine their needs and preferences. Based on this data, you can create personalized messages and offers that increase the likelihood of converting into real buyers.

3) Automatic management and optimization of the sales process. To automatically manage and optimize the sales process, you can use the following tools: automatic systems for sending messages and offers, as well as machine learning algorithms that allow you to automatically determine the most effective sales strategies and optimize the sales process.

4) Analysis of the effectiveness of each stage of the sales funnel. To analyze the effectiveness of each stage of the sales funnel, you can use both big data analysis, statistical methods and machine learning.

5) Forecasting sales results. To predict sales results, you can use machine learning methods that allow you to analyze large amounts of data and determine the most likely sales results. This data can be used to optimize the sales strategy and improve the efficiency of the sales process.

Conclusions. The AIDA model helps to structure the sales process and takes into account the psychological characteristics of the target audience, but does not take into account the individual characteristics of each potential client and the influence of competitors on the sales process. In general, for successful marketing and sales activity, it is necessary to take into account all the factors that affect consumer behavior, and use the appropriate tools and methods to achieve maximum results. AIDA model needs to be adapted to take into account relevant factors, including the emotional aspect of decision making or the rational evaluation of product benefits

The development of artificial intelligence can significantly increase the effectiveness of conversion funnels through a more customer-centric approach. To successfully work with a company's funnel, it is necessary to constantly analyze its effectiveness and make adjustments to marketing activity.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

Maslov, O. (2019). Configuring sales far for expensive products (electric cars). *Young Scientist*, 6 (70), pp. 135-142.

Lytovchenko, I. (2008). Metodolohichni aspekty Internet-marketynhu: monohrafiya [Methodological aspects of Internet marketing: Monograph]. Kyyiv.: Naukova dumka, 196 p. [in Ukr.].

Mazhar, A. (2023). What is the AIDA model? A complete guide. URL : https://www.mailmunch.com/blog/aida-model.

Everything you need to know about conversion funnels. (2021). AB Tasty. URL : https://www.abtasty.com/blog/conversion-funnels/.

Sellers, A. (2021). The AIDA model: a proven framework for converting strangers into customers. URL : https://blog.hubspot.com/marketing/aida-model.

Yankulov, K. (2022). What's the Difference Between a Marketing Funnel and a Sales Funnel? Marketing and Sales Strategy. URL : https://encharge.io/difference-between-sales-funnel-and-marketing-funnel/.

Galushko, O. & Veselova, S. (2019). Avtomatychni voronky v osvitn'omu menedzhmenti [Automatic funnels in educational management]. NGO "Institute of Innovative Education"; Scientific and educational center of applied informatics of the National Academy of Sciences of Ukraine. Kyiv: NGO "Institute of Innovative Education", 2019, pp. 3-6. [in Ukr.].

Galushko, O. & Petkevych, A. (2019). Suchasnyy stan ta perspektyvy rozvytku hlobal'noho media-rynku [Current state and development prospects of the global media market]. ΛΌΗΟΣ. ONLINE. URL : https://ojs.ukrlogos.in.ua/index.php/2663-4139/article/view/521. [in Ukr.].

Galushko, O. & Petkevych, A. (2019). Marketing aspects of the creation the information media-resource on the internet: coll. monograph. Primedia eLaunch LLC, pp. 49-60. URL : https://ojs.ukrlogos.in.ua/index.php/monographs/article/view/422.

Олена ГАЛУШКО,
Євгенія КОВАЛЕНКО-МАРЧЕНКОВА, Муртаз КВІРКВАЯ

ВОРОНКИ КОНВЕРСІЇ ЯК ІНСТРУМЕНТИ ПРОДАЖІВ ТА МАРКЕТИНГУ

Анотація. Стаття присвячена актуальним питанням залучення споживачів через воронки конверсії. Воронки є сучасними інструментами, які широко використовуються в маркетингу і продажах та дозволяють відслідковувати і аналізувати кроки, які клієнти роблять на шляху до покупки. За допомогою воронок можна визначити, на якому етапі клієнти найчастіше відмовляються від покупки, і розробити стратегію для збільшення конверсії. Воронки дозволяють виявити слабкі місця в процесі продажу та покращити його, що призводить до збільшення прибутку компанії.

В статті розглянуто етапи воронки конверсії та її особливості у маркетингу і продажах. Особливу увагу приділено функціонуванню воронок конверсії в електронній комерції. Також в статті обговорюються методи удосконалення воронок конверсії, такі як: використання сучасних інформаційних технологій, оптимізація форм, персоналізація комунікації з клієнтом, та інші.

Проаналізовано поведінку споживача на різних етапах воронки конверсії, а також фактори, які можуть знижувати ефективність воронки. Запропоновано рекомендації щодо підвищення ефективності використання воронок конверсії в маркетингу і продажах.

***Ключові слова**: покупець, рішення про покупку, воронка конверсії, модель AIDA, контент, електронна комерція.*

Submitted: 15.03.2022
Revised: 28.03.2023
Accepted: 07.04.2023

UDC 004.77 : 004.9
DOI 10.31733/2786-491X-2023-1-152-161

Oleksandr KOSYCHENKO ©
Ph.D. (Technics),
Associate Professor
(*Dnipropetrovsk State University of Internal Affairs),*
Ukraine

Illia KLINYTSKYI ©
Ph.D. (Law)
(Silesian University),
Poland

ANALYSIS OF INFORMATION SECURITY THREATS RELATED TO THE USE OF METADATA DOCUMENTS

Abstract. The article deals with problems of a different nature that arise in any type of business activity with insufficient attention to the removal or concealment of the information contained in the metadata of various documents. Various types of documents that can contain metadata are considered, from office documents to media files. The content of metadata is analyzed, which, when accessed, can cause problems of a business, legal nature, can be used by criminals to commit financial and other crimes.

In addition, problems associated with the use of telecommunication services, such as e-mail and various instant messengers, are analyzed. Some methods of deleting metadata using various types of application tools, both online services and specific programs for various operating systems, are described. It is concluded that the analysis of metadata has already become a daily practice for specialists in developed countries. Unfortunately, the issue of metadata security in Ukraine is still in an insufficient state.

Keywords: *information, metadata, personal data, information security, fraud.*

Introduction. Any computer file has many characteristics. First of all, it is the name of the file, which consists of the name and extension. The file can then be characterized with information such as file size in bytes, creation dates, modification dates, and so on. Each file cannot appear from scratch, on its own. Files are created by people using various programs. The file must contain some information. From the point of view of an ordinary user, these are, first of all, document files, audio files, video files, photo files, and some others. Of greatest interest, of course, is the main content of the file. For example, the text of the contract, the text with the testimony of a witness, etc. The content can be consulted using the appropriate program. In recent years, it has become relevant to consider the so-called file (document) metadata. This is additional information that is created by the program and device on which this file was created.

Every day we send e-mails, some with file attachments. Each letter has not only the content, but also the date and time of sending, the title, the sender's address, and the recipient's address, the type of attachment, its volume

© Kosychenko A., 2023
ORCID ID: https://orcid.org/0000-0002-6521-0119
kosichenko-inform@meta.ua

© Klinytskyi I., 2023
ORCID ID: https://orcid.org/0000-0002-7401-8233
illia.klinicki@gmail.com

and other characteristics. This is metadata – information that accompanies the content. Every file, phone conversation, Facebook post, book, driver's license, medical record, or video has metadata. We often don't notice them. Our focus is on content. But metadata contains more valuable information than we used to think. Sometimes, using metadata, you can track down a person, get dirt on him, and completely change his life.

Researchers and experts often divide metadata into three categories:

– Descriptive metadata. A person uses them to identify and search for information. As a rule, users face them on a daily basis. Example: file name;

– Structural metadata. How information is organized, how navigation works. Example: a link between two pages of a website that allows you to display a link under article A to article B;

– Administrative metadata. Who, when, where and how information was created and processed. Example: licensing restrictions on the dissemination of information.

Although the term "metadata" is the same, the scope is different. Metadata is stored in a variety of places. For example, in music files of the popular MP3 format, metadata (here they are called ID3 tags) in special "frames" within the file itself. When you open an MP3 file in your player, you can see the artist name, song title, and even genre. The player learned this information from the metadata. An email has metadata in its header. Typically, the sender and recipient only see a subset of the metadata in their email programs. Your metadata can be accessed by a variety of people and organizations. For example, email headers are available not only to the sender and recipient, but also to email providers. The owner of the site you visit can find out not only your IP address, but also your browser and operating system versions. Very often, metadata is available to the general public and is not protected in any way, either by nature or by human negligence. Metadata can be centrally processed. It happens that the types of metadata are "mixed". One and the same information can be considered as metadata in these conditions, in others – as data (content). For example, the same e-mail header: it can be very informative. To solve professional problems, experts in different fields often develop their own, narrower categories of metadata.

Analysis of recent research and publications. Again, metadata is defined as data that describes other data. It provides information about the context, content, and structure of data, making it easier to locate and use. Several recent studies have explored the challenges and opportunities associated with metadata management in various contexts. For example, a study by Tallerås et al. (2018) examined the use of metadata in Norwegian museums and archives, highlighting the need for standardized metadata schemas and best practices for metadata creation and maintenance. Another study (Broughton et al., 2019) investigated the use of metadata in digital libraries, emphasizing the importance of user-centered approaches to metadata design and implementation. One type of metadata that has gained popularity in recent years is the Facebook pixel. The Facebook pixel is a code that can be embedded in a website to collect data on user behavior, such as page views, clicks, and conversions. This metadata is used to create targeted ads and measure the effectiveness of advertising campaigns (Facebook).

Elaborating on this, the article "Metadata Analysis of Web Images for

Source Authentication in Online Social Media" (Shaliyar et al., 2022) explores the use of metadata analysis as a means of authenticating the source of images shared on social media. The authors highlight the importance of accurate metadata in determining the authenticity of images, and describe a methodology for analyzing image metadata to identify any discrepancies that may indicate image manipulation or misattribution. The study concludes that metadata analysis can be an effective tool for source authentication in social media, and suggests that further research is needed to explore the potential of metadata analysis for other types of digital media.

There is a growing body of research on metadata that takes into account a more general perspective. Such studies aim to explore the broader implications of metadata beyond its immediate application or context, and to examine its role and impact in various domains and disciplines. For instance, researchers have investigated the ethical, legal, and social implications of metadata practices, the interoperability and standardization of metadata across different systems and platforms, and the potential of metadata for enhancing information retrieval, preservation, and access. These studies provide valuable insights and knowledge on the complex and dynamic nature of metadata, and offer new perspectives and directions for future research and practice. In "Understanding Metadata" (2017), Jenny Riley discusses several challenges associated with creating and managing metadata.

One of the main challenges she highlights is the need for standardization and interoperability across different systems and domains. This challenge is particularly relevant given the proliferation of metadata standards and the diversity of information resources that require metadata. Another challenge Riley discusses is the lack of consistent and accurate metadata. She notes that metadata creators often face difficulties in determining the appropriate level of granularity for metadata and in ensuring that metadata is consistent across different resources. Additionally, metadata quality can be compromised by errors or omissions, which can affect the discoverability and accessibility of information. Riley also addresses the challenge of metadata sustainability, which refers to the long-term management and preservation of metadata. She notes that metadata must be regularly maintained and updated to ensure that it remains relevant and usable over time. This requires ongoing investment in metadata creation, management, and preservation infrastructure, which can be a challenge for organizations with limited resources. Overall, "Understanding Metadata" highlights the complex and multifaceted nature of metadata creation and management and underscores the importance of addressing these challenges to ensure the effective use of metadata in facilitating access to information.

Diving into the local (Ukrainian) perspective, it should be noted that the basic legal acts of the information legislation of Ukraine, such as the Law of Ukraine "On Information", "On Protection of Personal Data", "On Electronic Documents and Electronic Document Management" and others do not give the concept of metadata. Documents of various departments are cited for definition metadata of a specific type, which can be easily traced using a search on the website of the Verkhovna Rada of Ukraine, however, according to Article 100 of the Civil Procedure Code of Ukraine, Article 96 of the Economic Procedure Code of Ukraine and Article 99 of the Code of Administrative Procedure. In Ukraine, electronic evidence is information in electronic (digital) in a form

containing data on circumstances relevant to the case, in particular, electronic documents (including text documents, graphic images, plans, photographs, video and sound recordings, etc.), websites (pages), text, multimedia and voices and messages, metadata, databases and other data in electronic form (Gutsalyuk et al., 2020). In other words, we can say that everywhere they talk about metadata, confirm that they have the right to be, even when they are defined, while the Law of Ukraine "On Information" does not provide a definition. In other countries, much more attention is paid to personal and metadata, their definition, legal status.

The purpose of the article is to analyze the problems and ways to solve them that arise when information is leaked in the metadata of files of various types.

Formulation of the main material. Metadata is data about data, information about information. In other words, it is technical information contained in documents of various formats, which is not visible during normal use. According to the Dublin Core Metadata Initiative (DCMI), metadata is "information that describes, explains, or provides a way to access, manage, and use resources" (Dublin Core Metadata Initiative, 2012). Metadata is essential for data discovery, retrieval, and interoperability in various domains, such as digital libraries, archives, e-commerce, and social media.

Metadata is often placed in a document by the software or hardware from which the document was created. Since this process is automated, the user may remain unaware of the existence of such data, and not take measures to protect this information, which is often of particular importance.

Document types that contain metadata include MS Office documents, Adobe PDF, Corel Word Perfect, images created by Corel DRAW, Adobe Photoshop, created or processed by various GIF and JPEG bitmap editors, MP3 audio files, video files, web pages, electronic letters. These are the most common formats used on various office platforms in daily activities.

Metadata can include the name of the document's author, organization, software or hardware label, document modification history, and so on. In particularly complex cases (MS Word), it can even be text that was once included in the document, but later deleted, but is stored in the document file as metadata. Metadata can also be present in the source code of application programs in the form of developer comments, and in executable files.

It should be noted that most users believe that converting a document from MS Word to PDF format destroys all metadata in the document. This is not always the case, and a prudent document author must first remove the metadata from the source document (there are special programs for this), and then convert it to PDF format. Similar problems and methods of solving them also exist for other file formats.

Certain hidden vulnerabilities related to metadata in legal activities can be noted. For example, the risk for a lawyer is that, no matter how careful he is, a document he transmits electronically may contain metadata that is hostile to his client's interests or, in the worst case scenario, reveals the client's secrets or confidential information. Many practicing lawyers in small and medium-sized firms do not know what metadata is at all, or do not understand the possible potential risks. In the process of preparing the final document, a lawyer who uses all the text or data processing tools on his computer goes through several stages, all of which are supposedly hidden in the document and invisible to

everyone except the lawyer himself. The reality, however, is that the document's history is embedded in its files and is effectively available to anyone, including opposing counsel, who receives the document electronically.

Despite all its specificity, metadata is sometimes considered by courts as evidence, including when justifying a position in a case. For this, it is only necessary to have elementary technical skills. Metadata research also plays a significant role in investigations of copyright violations, detection of plagiarism or attempts to falsify documents. The fact of using the EXIF tag as evidence in a criminal case is known.

A typical example of a hardware (and not only hardware) tag can be the so-called EXIF tag (Exchangeable Image File Format tag). It is a hidden part of the document file. It is in this part that metadata is contained. The word tag is translated exactly as a "label" or even a "price tag, label" contained in a file taken by photographers in JPEG format (or in another format) with digital cameras. This metadata includes, among others, such data as the date, time, mode of shooting the frame, and others. The EXIF tag allows you to store a lot of useful information: from shooting parameters to information about which program and how the photo frame was edited for one or another purpose. Another interesting example of hardware placement of metadata is marking a paper printout with color laser printers.

The risks arising from the use of metadata can be divided into two main groups: 1) the use of code and 2) the disclosure of significant information. For example, e-mail metadata are characteristics of messages that, without providing the content of the message, determine the addressees of correspondence and some other circumstances of this process. More precisely, e-mail metadata includes: the sender's name, his postal address, his IP-address on the Internet, the name of the recipient, the unique identifier of the message and related messages; date, time and time zone of sending and receiving the message; message header formats; the subject of the letter; message status; request for confirmation of receipt and opening of the letter. As you can see, the collection of metadata of the mail service can give a detailed picture of the activity of some user, even if he encrypts his messages. At the same time, collecting data is quite simple.

Firstly, because the metadata of telecommunication services – mail, mobile communication, web services and others – are either not protected by the legislation of most countries at all, or are protected to a much lesser extent than the content of the service messages themselves. That is, while the disclosure of the content of correspondence on the Internet requires a court decision, the collection of metadata is not considered an attack on information security and can be carried out without hindrance.

Secondly, it is easier to tie the metadata of e-mail to a specific user. Email metadata is stored on the sender's and recipient's computers (as well as the messages themselves), but, dangerously for user privacy, also in the logs of the mail servers that transmitted those messages. Metadata of users of a mail service is much easier to find on the servers of providers than metadata of users of a web service. The provider of the hotel, train station or cafe where they are temporarily staying, or through a public mail server such as Gmail. The user receives mail also through a certain server on which he has an account. This situation is not similar to a web service, where a user can visit any server on

 ISSN 2786-491X (Print)

the Internet, so it is almost impossible to find traces of his visits by checking the servers, even if the user registered on some of them.

The value of metadata is well understood and used by special services and police in some countries. Such technologies realize mass collection and analysis of metadata of mobile users. At the same time, privacy laws prohibit wiretapping, but they do not prohibit the collection of mobile phone customer metadata.

It should be noted that, in general, threats and vulnerabilities in the processing of metadata have not yet been sufficiently investigated by cyber security specialists. With the general gigantic growth of information volumes, metadata is becoming more and more widespread as a means of data indexing (a way to speed up the search for information in information systems). As a result, new (or already existing) vulnerabilities appear, and new code implementation methodologies are developed.

Another group of risks includes disclosure of information contained in metadata. This can be confidential or trade secret information, e-mail addresses, file paths on the system on which the document was created or processed, other information about the author and his software and hardware.

The leakage of information through metadata in MS Office documents has given rise to some incidents that have gained international publicity. In one case, it was a document signed by the prime minister of one of the countries, which related to the international situation. Examination of the file revealed text removed from it, containing information not intended for open access. Another case added to the long history of the lawsuit of one of the companies against many other companies. An analysis of the lawsuit filed by a law firm representing the firm's interests showed that the name of one of the major banks was removed from the text – so the bank was one of the targets of the lawsuit, but for some reason the firm's lawyers refrained from making claims against the bank. For a knowledgeable and interested person, this is important information.

Metadata is usually ignored as a threat to digital security because we focus on the content of the file. But sometimes they can turn out to be more useful than the file itself and become a source of information about a potential victim at the first stage of a social engineer's work.

Based on the metadata of the photo games that you have published on social networks, you can calculate the main routes of movement around the city: where you live and work, your favorite cafes and shops. If you send photos via messengers as an attached file, additional information is also sent with them – technical characteristics and model of the device on which the photo was taken, date of shooting and geolocation. Thus, having a number of images of the same author, it is possible to judge the presence of certain gadgets, the daily routine, travel routes and other details of private life (Luther, 2022; Kosychenko & Rybalchenko, 2022; Rybalchenko et al., 2022).

The attacker can use the received information to prepare a scenario of actions and the necessary means of social engineering attacks (phishing resources, malicious attachments, etc.), as well as to win the user's trust.

Metadata can also be used in attacks on organizations. For example, an attacker can prepare an exploit (a program that uses vulnerabilities in software to attack a computer system) by knowing the version of the software. Moreover, in the metadata of MS Office documents, you can see the author of the file, usually this is the first name or the current login of the operating

system. Accordingly, carelessly published company documents can become a source for login dictionaries. Fraudsters willingly use them in the process of sifting through credentials on available company resources. From the attacker's point of view, the metadata is more useful than the file itself. They are especially likely to be used in social engineering attacks. Digital Security analysts advise to get rid of metadata, this can be done through the "Properties" section. To do this, click on the "Details" tab and edit or delete the metadata by clicking on the "Remove properties and personal information" link and selecting the desired items. In messengers and mail, users send countless documents and photos, and few remember that the files being sent contain automatically assigned data about them: the date and time of creation, the name of the author, the version and technical characteristics of the program or device and, of course, the location mark, which deserves special attention.

These digital footprints are capable of playing a wicked joke. Therefore, if you do not want to share personal information with third parties, delete the metadata. And to hide your location, you should disable geolocation in the camera settings. The presence of metadata in each file is just another reminder that users themselves can become the culprits of leaking their own personal information or their company's sensitive information.

Most social networks, messengers and platforms automatically remove the metadata of image files if you upload them using the Camera function and not as a document attachment. With this method of sending an object to Telegram, WhatsApp or Viber, the picture or video will not contain information about the user's device, software and other characteristics. However, text file metadata is preserved regardless of platform and download method. When placing graphics on photo stocks such as Unsplash, Pinterest, Pexels, the metadata completely disappears, and if you send files through mail services – they remain.

Here are options to reduce the amount of metadata:

– Use software instead of online services. Open source applications help generate less metadata than web tools;

– Remove metadata. Programs have been developed for various OSes that help get rid of this type of information. For the Windows operating system, this is MS Office Document Inspector (text documents), for Mac OS – ImageOptim (graphic files).

In general, there are many programs, websites, and software that allow you to remove metadata. Here are some of them.

Online tools. Websites and online tools are a great option if you're short on time. No need to download or install anything. You simply upload your file, click a button, and then download it without metadata.

MetaClean – a free online tool from Adarsus, a Spanish IT and cyber security company. MetaClean can be used to view and remove all metadata from files of various formats. It works with images, videos, PDF and Docx files, as well as mp3 tracks and many other files.

PDFYeah – a free online all-in-one PDF solution. PDFYeah has a special program for removing metadata from PDF files. Moreover, unlike MetaClean, this tool has a maximum of 50 MB. PDFYeah lets you work with large files without compromising your privacy. MetaCleaner – a comprehensive and professional online metadata removal tool. MetaCleaner allows you to remove

 ISSN 2786-491X (Print)

metadata from more than 40 different file formats directly on websites. MetaCleaner provides encrypted communication, guarantees confidentiality, as well as compliance with the European requirements for the protection of personal data GDPR.

Online tools are great for getting the problem resolved quickly. However, they are inconvenient if multiple uploads and downloads of files are required. For example, if you need to regularly clean large files from metadata.

Metadata Touch – a professional tool that supports more than 30 file formats, from MS Office and Open Document files to various image, audio and video formats, including scalable vectors and compressed audio files. Metadata Touch is great for bulk editing or deleting metadata. It allows you to customize different file formats and metadata fields to suit your needs. Metadata Touch only works on Windows.

Mobile applications. Online tools and software can be a great option when using a desktop device, but there are also mobile apps for removing and editing metadata. You can install them directly on your smartphone or tablet.

Scrambled EXIF – an open source Android smartphone and tablet application used to remove EXIF metadata from images. The program allows you to simultaneously remove metadata from several images. You can also access application settings and control data type and metadata. For example, you can force the program to automatically rename images because images often contain a date and time. EXIFTool – another open source Android application that removes metadata from various files. Compared to Scrambled EXIF, EXIFTool does not allow bulk metadata removal. But EXIFTool can be used with a wider range of file formats, from images, audio files and video files to text documents such as PDF and Docx. Instead of simply removing the metadata, EXIFTool allows you to edit it right on your smartphone or tablet. Although the process is manual, the result is more customized. You will only send approved files to other people or to the open Internet.

In general, removing metadata should become a habit in many activities. By using effective time-saving tools and programs, you can get into the habit of cleaning up metadata before emailing or posting to the web. It's just a matter of finding the right tools and being motivated to protect your privacy online.

Conclusions. The conclusion from the above is simple – the use and protection of metadata of documents, photos, audio and video should be given more attention in all activities where files containing important information are used. At the same time, it should be noted that there is no metadata protection at all. Encrypting the document file does nothing to hide them. There are methods to remove metadata from documents before they are used or sent. Unfortunately, both in legal and business practice, attention is not always paid to this, which leads to various problems.

Metadata analysis has already become a daily practice for lawyers and other professionals in developed countries. Unfortunately, security issues related to metadata in Ukraine still remain at best open, rather they have not yet been properly addressed both at the legislative and practical level. Perhaps in the future, legislation in the field of personal data protection will be stricter, and metadata as well as personal data will become more protected.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

Are Your Documents Leaking Sensitive Information? Scrub Your Metadata! Authors: Michael Spiegel. URL : https://er.educause.edu/blogs/2017/1/are-your-documents-leaking-sensitive-information-scrub-your-metadat.

Broughton, V., Hiom, D. & Dovey, J. (2019). User-centered metadata: A study of use and utility in digital libraries. Journal of Documentation, 75 (5), pp. 997-1015. Doi : https://doi.org/10.1108/JD-07-2018-0120.

Dublin Core Metadata Initiative. (2012). Introduction to Dublin Core. URL : https://www.dublincore.org/specifications/dublin-core/dces/.

Facebook. URL : https://www.facebook.com/business/help/952192354843755.

Finn, B. (2022). How to Protect Yourself from Metadata. Global Investigative Journalism Network. By Reporters Without Borders. URL : https://gijn.org/2022/04/13/how-to-protect-yourself-from-metadata/.

Gutsalyuk, M., Havlovskyi, V. & Khakhanovskyi, V. et al. (2020). Vykorystannya elektronnykh (tsyfrovykh) dokaziv u kryminal'nomu provadzhenni : metod. [Use of electronic (digital) evidence in criminal proceedings: method.]. Ed. 2nd, add. Kyiv: Ed.-vo Nats. Acad. of Internal Affairs, 104 p. [in Ukr.].

Holmes, H. Digital Asset Management. A Metadata Guide. URL : https://www.acquia.com/blog/metadata.

Introduction to Metadata. Third Edition. Edited by Murtha Baca. URL : https://www.getty.edu/publications/intrometadata.

Is Metadata a Threat to Your Online Security? URL : https://fastestvpn.com/blog/is- metadata-a-threat-to-your-online-security.

Kosychenko O. & Rybalchenko, L. (2022) Peculiarities of using visual means of information and analytical acticiti in legal and law enforcement sphere. *Philosophy, Economics and Law Review*, 2 (1), pp. 162-169.

Luther, D. (2022). What Is Metadata & Why Is It Important? Oracle netsuite, May, 19. URL : https://www.netsuite.com/portal/resource/articles/data-warehouse/metadata.shtml.

Mateeva-Stoyanova, Z. (2020). Principles of personal data protection. *Xüsusi buraxılış. Special Issue. Audit,* 2 (28), pp. 95-104.

Metadata in Digital Media. URL : https://sector035.nl/articles/metadata.

Smirnov, S. Metadata: digital footprints that we (almost) don't notice. URL : https://te-st.org/2020/02/12/metadata/.

Riley, J. (2017). Understanding metadata. Washington DC, United States: National Information Standards Organization, 23, pp. 7-10. URL : http://www.niso.org/publications/ press/UnderstandingMetadata.Pdf.

Rybalchenko, L., Kosychenko, O. & Klinitskyi, I. (2022). Ensuring economic security of enterprises taking into account the peculiarities of information security. *Philosophy, Economics and Law Review,* 2 (1), pp. 96-102.

Shaliyar, M. & Mustafa, K. (2022). Metadata Analysis of Web Images for Source Authentication in Online Social Media. In: Rushi Kumar, B., Ponnusamy, S., Giri, D., Thuraisingham, B., Clifton, C.W., Carminati, B. (eds) Mathematics and Computing. ICMC 2022. Springer Proceedings in Mathematics & Statistics, vol 415. Springer, Singapore. Doi : https://doi.org/10.1007/978-981-19-9307-7_7.

Tallerås, K. H., Oltedal, S., Aalberg, T. & Liestøl, G. (2018). Metadata practices in museums and archives: The case of Norway. *Journal of Documentation*, 74 (4), pp. 812-827. URL : https://doi.org/10.1108/JD-07-2017-0091.

Олександр КОСИЧЕНКО, Ілля КЛИНИЦЬКИЙ

АНАЛІЗ ЗАГРОЗ ІНФОРМАЦІЙНІЙ БЕЗПЕЦІ, ПОВ'ЯЗАНИХ ІЗ ВИКОРИСТАННЯМ ДОКУМЕНТІВ З МЕТАДАНИМИ

Анотація. В останні роки стало актуальним розглядати так звані метадані файлу (документу). Це додаткова інформація, яка створюється програмою та пристроєм, на якому відбулося створення цього файлу. Аналіз метаданих уже став щоденною практикою для юристів та інших професіоналів у розвинених країнах. На жаль, питання безпеки, пов'язані з метаданими, в Україні досі залишаються в кращому випадку відкритими, точніше, ще не вирішені належним чином як на законодавчому, так і на практичному рівні.

У статті розглядаються проблеми різного характеру, які виникають у будь-якому виді діяльності з недостатньою увагою до видалення або приховування інформації, що міститься в метаданих різних документів. Розглядаються різні типи документів, які можуть містити метадані, від офісних до медіафайлів. Аналізується вміст метаданих, доступ до яких може викликати проблеми ділового, правового характеру, яки можуть бути використані зловмисниками для вчинення фінансових та інших злочинів. Крім того, аналізуються проблеми, пов'язані з використанням телекомунікаційних сервісів, таких як електронна пошта та різноманітні месенджери.

Описано деякі способи видалення метаданих за допомогою різних типів прикладних засобів, як онлайн-сервісів, так і спеціальних програм для різних операційних систем. Зроблено висновок, що аналіз метаданих уже став повсякденною практикою для фахівців розвинених країн. На жаль, питання використання та безпеки метаданих в Україні все ще перебуває в недостатньому стані.

Ключові слова: *інформація, метадані, персональні дані, інформаційна безпека, шахрайство.*

Submitted: 09.01.2023
Revised: 20.01.2023
Accepted: 07.02.2023

UDC 336.221.26
DOI 10.31733/2786-491X-2023-1-161-170

Tetyana ZAHORELSKA©
Ph.D. (Economics), Associate Professor *(Prydneprovs'ka State Academy of Civil Engineering and Architecture)*, Ukraine

Biswajit DAS©
Ph.D. (Management), Professor *(Institute of Industrial technologies (KSOM))*, Odisha, India

EFFECTIVE TOOLS OF CONTROL AS A COMPONENT OF TAX MANAGEMENT

Abstract. The article deals with the actual issues of tax management with focuse on VAT. Tax analysis is an important tool for assessing the tax burden on an enterprise. It allows you to identify the most significant factors influencing the dynamics and structure of taxes and fees, as well as to find opportunities to minimize tax payments. To achieve these goals, it is necessary to conduct an analysis of the dynamics and structure of tax deductions, calculate the relative tax burden, and conduct analytical reasoning regarding the lost benefit of minimizing tax payments.

A tax analysis was conducted based on the amount and structure of taxes paid by a domestic enterprise that provides services, the tax burden for value added tax was calculated, the results of tax planning for VAT were determined, and the system of internal control over its calculation was improved. Special attention was paid to the development of the stages of tax analysis and the development of a working document for internal control – a table in which

© Zahorelska T., 2023
ORCID ID: https://orcid.org/0000-0002-9465-7411
zahorelska.tetiana@pdaba.edu.ua

© Das B., 2023
ORCID ID: https://orcid.org/0000-0002-0817-2929
biswajit@ksom.ac.in

information about the future business partner is grouped.

Tax analysis allows you to identify the most significant factors influencing the dynamics and structure of taxes and fees, find opportunities to minimize tax payments and make informed decisions about optimizing the financial and economic activities of the enterprise.

Keywords: *value added tax, tax analysis, tax burden, tax planning, internal control.*

Introduction. Value added tax (VAT) is one of the dominant taxes in Ukraine, but also one of the most problematic. According to the analysis of the indicators of the implementation of the State Budget of Ukraine, it was found that the specific weight of VAT in the composition of state budget revenues during 2019-2020 is 37.9 % and 37.6 %, respectively (www.minfin. gov.ua/control/). If take into account only tax revenues, which amounted to 80.11 % in 2019 and 79.1 % in 2020, then VAT revenues have been almost half of tax revenues in recent years. Since VAT has a very high fiscal efficiency, in order to improve its administration, in 2015 the system of electronic administration of value added tax was introduced. The essence of these changes was the need for enterprises to replenish special VAT accounts opened in the State Treasury in the event of a lack of funds for registration of a tax invoice.

To prevent unjustified fines, one of the most important measures is to strengthen internal control over VAT, which can ensure completeness of assessment and timely payment of tax, reduce tax risks and losses, and therefore protect the business entity from fines, which, in turn, increases tax discipline of the taxpayer. In this context, the issues of determining the tax burden for taxes and separately for VAT, expanding the areas of internal control over the calculation of VAT, which will avoid cooperation with dubious counterparties and contribute to the formation of a VAT tax credit, are becoming particularly relevant.

Analysis of recent research and publications. The substantive basis of tax analysis is the proof of the expediency and effectiveness of taxation systems for the realization of the interests of the state, business entities and individuals. Ensuring the parity balance of these interests creates a basis for sustainable economic development of the country, for social and political stability.

Separate issues of the theory and methodology of tax analysis and control, determination of the tax burden were reflected in the works of domestic scientists, such as V. Zahozhai, Ya. Lytvynenko, O. Gamova, O. Husakova, Yu. Ivanov, M. Kotsupatry, T. Pasko, T. Melikhova, M. Podderyogin, N. Barabash and others. Still, issues of tax analysis and development of internal control mechanisms require further research.

Depending on the sphere of economic activity, the following types of tax analysis are distinguished: financial and economic; audit or accounting analysis; socio-economic analysis; economic and statistical analysis; marketing analysis; economic and ecological analysis. In this article, we will focus on accounting and economic and statistical analysis.

The purpose of the article is to study the possibilities of using tax analysis to determine the most important taxes paid by a domestic security business enterprise, tax planning of VAT calculations for a more uniform average monthly tax burden, improvement of internal control of value added tax

calculations in the conditions of using the E service by the taxpayer – cabinet and amendments to regulatory documents in terms of registration of tax invoices and outlining ways to optimize the construction of the internal control system.

Formulation of the main material. The transformational conditions of the development of the tax system of Ukraine cause business entities to have problems in choosing a tax strategy, the solution of which depends on the implementation of tax analysis as the main tool for ensuring effective tax management. At the microeconomic level, that is, at the level of enterprises, firms, organizations, the content of tax analysis is the determination of the dynamics of tax payments for a certain period; emerging trends; the structure and composition of tax payments and the possibility of reducing the payment of tax payments for the enterprise as a whole within the limits of current legislation.

The subject of tax analysis for economic entities, as part of financial analysis, is the assessment of the volume and structure of paid taxes, their impact on the efficiency of financial and economic activity, as well as the search for ways and reserves of their reduction (Barabash, 2013). At the first stage of the tax analysis, the dynamics of taxes and fees for the period under study is assessed. At the same time, the basic and chain growth rates of payments for each item are calculated; those types of taxes whose dynamics have undergone significant changes are revealed; the factors that caused such changes in taxes and fees are determined.

The analysis of the absolute tax burden also involves the calculation of the structure of taxes and fees for the period under study, the identification of payments that occupy the largest share in the total amount of taxes, the assessment of the reasons for the dynamics of the tax structure, as well as the identification and assessment of the most significant factors influencing the dynamics and structure of taxes and fees.

The second stage of the tax analysis methodology involves the assessment of the relative tax burden on the enterprise. The relative tax burden is not only a quantitative, but also a qualitative characteristic of the impact of the tax system on a business entity. Since taxes and fees differ according to the characteristics of the object of taxation and the sources of payment, when determining the level of the relative tax burden, a system of calculation indicators should be used – analytical coefficients of the tax burden on various indicators of the enterprise's activity. We know that business entities are not interested in increasing tax payments, as this reduces their financial resources, so the tax department is looking for opportunities to minimize the tax burden. Therefore, at the third stage of the tax analysis, analytical reasoning is carried out regarding the lost benefit of minimizing tax payments. The minimization of tax payments may be related to the use of tax benefits, which are provided for by law, or the use of shortcomings in the legal field.

In order to carry out a tax analysis of the enterprise providing services, at the first stage, an analysis of the dynamics and structure of tax deductions was made. For this purpose, it was proposed to find the specific weight of each type of tax in their total amount. Tax analysis can be useful for any business, regardless of its size and industry. It allows you to increase the efficiency of the financial and economic activity of the enterprise, reduce the risks of tax problems and save funds for paying taxes. According to the diagram (Fig. 1), sharp fluctuations in the amount of value added tax are visible, the calculation

of which requires tax planning, which provides for a legal way to reduce tax liabilities, based on the use of opportunities provided by tax legislation.

The specific weight of each tax in the total amount of tax deductions for enterprises is shown at Fig. 1.

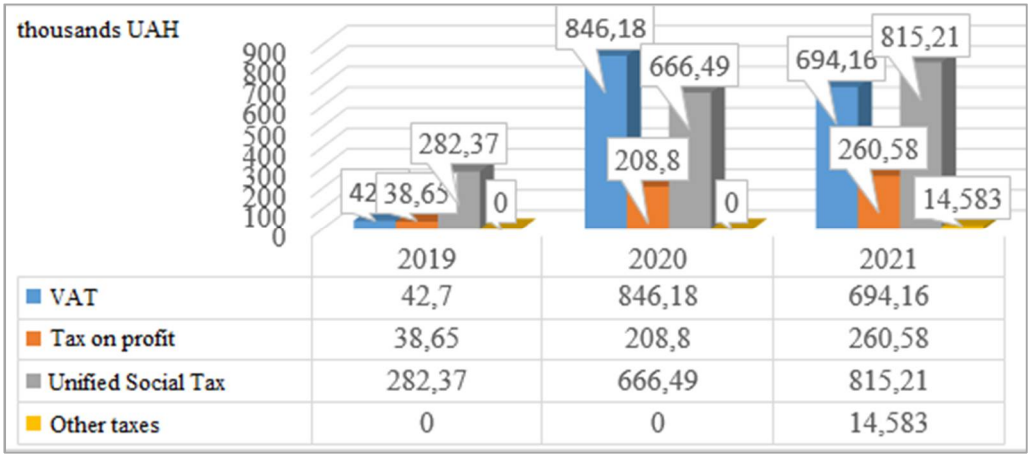


Fig. 1 – Dynamics of enterprise tax deductions for 2019-2021

Source: www.minfin.gov.ua/control

Such planning at the enterprise level can be considered as a choice between various options for carrying out financial and economic activities and placing assets in order to achieve the lowest possible level of tax liabilities that arise (Gamova et al., 2019). At the second stage, the tax burden from the value added tax for 2021 was calculated and indicated in Table 1.

Table 1

Analysis of the VAT tax burden of AGENTSIA PEDS LLC for 2021

Month of 2021	Tax liability		Tax credit		VAT amount to be paid to budget	Tax burden ratio, %
	Income from services, no VAT	VAT	Purchase price, no VAT	VAT		
1	2	3	4	5	6=3-5	7=6/2*100%
Jan	2778890	555778	2684725	530095	25683	0,92
Feb	2786123	557225	2655959	524036	33189	1,19
Mar	2784598	556920	2641270	522344	34576	1,24
Apr	2748585	549717	2596474	512709	37008	1,35
May	3006004	601201	2809889	556092	45109	1,5
Jun	3386383	677277	3215588	631307	45970	1,36
Jul	3643269	728654	3440104	683327	45327	1,24
Aug	3657675	731535	3457013	687481	44054	1,2
Sep	3557016	711403	2304517	455936	255467	7,18
Oct	3681947	736389	3577339	707354	29035	0,78
Nov	3667372	733474	3464964	698996	34478	0,94
Dec	4418025	883605	4133055	819343	64262	1,45
Total	40115887	8023178	36980897	7329020	694158	1,73

Source: calculated by authors

During the studied period, the amount of the tax burden from the value added tax at the enterprise, although it was insignificant, gradually increased until the month of May and reached 1.5 %, during the next three months it slightly decreased to 1.2 %. In September, there was a sharp increase in the tax burden, almost 6 times and reached 7.18 %. That is, there is an increase in the tax burden ratio due to a decrease in the cost of acquisition, but since October there has been a sharp drop in this ratio to 0.78 % due to a significant increase in the cost of acquisition without VAT.

This ratio slightly increased in November and in December the growth rate was 150 %. This calls into question the effectiveness of the tax policy aimed at reducing the VAT tax burden on the enterprise. Summarizing the results of the obtained calculations, there are reasons to assert that value added tax payments represent a significant part of the tax burden on the enterprise, which gradually increased and amounted to 1.73 % on average.

For the company, tax planning for value added tax was proposed in September, in which the tax burden was 7.18 %. The results of VAT tax planning in September 2020 are calculated in Table 2.

Based on the results of the calculations, it can be concluded that an accountant or tax manager, knowing the projected income of the enterprise and the level of the tax burden from VAT using the proposed model, can calculate the amount of VAT payment to the budget. However, it is very difficult to minimize and optimize this amount, because the value added tax is strictly regulated by the tax legislation.

Table 2

Results of VAT tax planning of AGENTSIA PEDS LLC in September 2021

№	Dates of month	Tax liability		Tax credit		Amount of tax payment to the budget	Tax burden at the level of 1%	Deviation
		Income	VAT 20 %	Purchase price (no VAT)	VAT 20%			
1	2	3	4	5	6	7=4-6	8= (3*1 %)/ 100 %	9=7-8
2	1-10	355717,7	71143,54	227967,9	45593,58	25549,92	3557,17	+21992,75
3	11-20	711430	142286	127967,9	25593,58	116692,42	7114,3	+109578,12
4	21-25	711440,8	142288,16	500000,0	100000,0	42288,16	7114,4	+35173,76
5	26-30	1778588,5	355717,7	1423743,2	284748,64	70969,06	17785,88	+53183,18
6	X	3557177	711435,4	2279679	455935,8	255499,6	35571,75	+219927,81

Source: calculated by authors

The introduction of the electronic administration system (EAS) of the value added tax makes adjustments to many issues of the financial and economic activity of enterprises. And one of the areas of work of companies, where it is necessary to review many algorithms of actions, is the optimization of non-cash payments.

First of all, we should note that the terms and procedure for paying VAT to the budget have changed. Previously (before the introduction of the EAS), it was enough to focus on the date that corresponds to 10 calendar days following the deadline for submitting a VAT return (Tax code of Ukraine, Art. 57.1), in other words, on the last or penultimate banking day of the month following the reporting month (http://zakon2.rada.gov.ua/laws). Now that's not enough. In some situations, such a date may not be relevant at all, because the functioning of the CEA requires the replenishment of the electronic VAT account opened in it with cash, if the available funds are not sufficient for the registration of tax invoices in the Unified Electronic Register of Tax Invoices (UERTI) (http://zakon2.rada.gov.ua/laws; http://zakon0.rada.gov.ua/laws). Therefore, the task of the financial and economic service of the enterprise is to ensure, if necessary, the replenishment of the electronic account in the required amount and in a specific time.

Therefore, for settlements with counterparties-buyers and customers, a mandatory condition of prepayment by the buyer (customer) for registration of the tax invoice in UERTI is necessary. The prepayment percentage can range from 20 % to 100 % of the payment. At the same time, the supplier has the right to put forward a similar condition, that is, subscriptions from 20 % to 100 %. In order to prevent diversion of large working capital to replenish the VAT account, it is necessary to replenish the VAT account at the expense of timely registered tax invoices from suppliers. The presence or absence of a limit for registering a tax invoice depends on these calculations. In addition, since the beginning of 2017, a mechanism for blocking the registration of tax invoice was implemented. Such a system of tax administration became necessary to expose dubious taxpayers who, due to the creation of "tax pits" and "twisting" on VAT, reduced revenues to the revenue part of the budget.

According to the rules that were defined in the order of the Ministry of Finance dated 13.06.2017 No. 567 "On approval of the Criteria for assessing the degree of risks sufficient to stop the registration of a tax invoice / adjustment calculation in UERTI and the Comprehensive list of documents sufficient for making a decision on registration of a tax invoice in the Unified Electronic Register of Tax Invoices", which has now expired, each tax invoice was automatically monitored for compliance with these criteria (https://zakon.rada.gov.ua/laws/).

New Order No. 1165 of December 11, 2019 defined the mechanism for stopping the registration of a tax invoice / adjustment calculation in the Unified Register of Tax Invoices (https://zakon.rada.gov.ua/laws/). The stages of automated monitoring of compliance of tax invoices/ adjustment calculations with the criteria for assessing the degree of risk consist of:

1) Checks for signs of unconditional registration;

2) Checks for compliance with the risk criteria of the VAT payer;

3) Checks for compliance with the indicators that determine the positive tax history of the VAT payer;

4) Checks for compliance with the risk criteria of operations.

At the first stage, all tax invoices / calculations of adjustment, which are submitted for registration to the UERTI, are subject to automated monitoring, which is carried out in the Risk Assessment Criteria Monitoring System (RACMS) at the State Border Service of Ukraine level.

If the operation with the tax invoice meets the 5 criteria for unconditional registration, which are defined in clause 3 of Order No. 1165, the tax invoice is registered in the UERTI without entering the RACMS.

By Resolution No. 1428 of the Cabinet of Ministers of Ukraine dated December 23, 2022, amendments were made to Appendix 2 of Order No. 1165 regarding the features of unconditional registration (https://tax.gov.ua/zakonodavstvo/podatkove-zakonodavstvo/). 2 new items for unconditional registration of tax invoices have been added for small enterprises, which are small in scope of activity. These changes will help small businesses whose volume of supply specified in the tax invoice submitted for registration does not exceed UAH 5.000 to register the tax invoice without any obstacles. The same applies to the calculation of adjustments to decrease or increase the amount of compensation for the value of the goods to their supplier submitted for registration, which also does not exceed UAH 5.000.

If the operation does not meet the criteria for unconditional registration, the system moves to the second stage of monitoring: the adjustment calculations data undergo certain levels of risk checks depending on the payer's riskiness. At the third stage, the VAT payer is checked for his positive history, and at the fourth stage, the risk criteria of the payer's operations are checked. These stages will be decisive as to whether the adjustment calculations will be blocked or not. Finally, in case of suspension of registration of tax invoice / correction account during the operating day, a receipt is sent to the payer about its suspension. Such a receipt is simultaneously sent to the supplier (seller) and the recipient (buyer) – the taxpayer" (Clause 17 of Order No. 1246, http://zakon0.rada.gov.ua/laws/).

The taxpayer can see such information in the Taxpayer's Electronic Cabinet, which was created and is controlled by the State Tax Service of Ukraine, in a separate Register of tax invoices / adjustment calculations, the registration of which has been stopped. The register is located in the open part of the Electronic cabinet. However, access to public electronic registers is limited during the period of martial law. In order not to find yourself in a difficult situation, when the tax invoice/calculation of the adjustment is subject to blocking, the recipient (buyer) needs to familiarize himself with the available tax information regarding his counterparty before concluding the contract.

The right, instead of the obligation, to give consent to the inclusion of information about the taxpayer in open databases appeared after the introduction on July 1, 2022 of Law No. 1914-I "On Amendments to the Tax Code of Ukraine and other legislative acts of Ukraine on ensuring the balance of budgetary revenues" (https://zakon.rada.gov.ua/laws). But for taxpayers, the adoption of changes to the Tax Code did not significantly change anything, because tax information about other taxpayers is provided with the prior consent of such persons.

For conscientious taxpayers, the counterparty's agreement to disclose tax information about themselves speaks volumes for the benefit of cooperation with such categories of business. But it should be borne in mind that such information may be limited, since the taxpayer has the right to provide tax information about himself in an independently determined amount, namely, to choose at his discretion access to such options as arrears (tax debt); accrued

monetary liabilities; amounts of taxes paid; suspension of PN registration; availability of taxation objects; availability of licenses. In addition, such permission can be granted once, and then the taxpayer can close it.

All of the above leads us to the conclusion that the company needs to create a system of internal control of VAT calculations in order to make the work easier, save part of the funds, and reduce the risks of non-detection of violations.

Ukrainian scientists M. Shigun and K. Ullubiyeva developed a methodological toolkit for internal control of VAT calculations, dividing it into stages: previous, current, next (Shigun & Ullubiyeva, 2012). L. Ocheret'ko suggested using working documents in the form of tables for each separate stage (Ocheret'ko, 2018).

All these studies are very relevant and complement each other. In the future, we believe that the introduction of the E-cabinet and the introduction of a sufficient number of options in it to check the conditions of unconditional registration of tax invoices due to the calculated indicators of the tax burden for all taxes and fees, as well as the largest monthly amount of VAT, etc., should reduce the number of areas of internal control. That is why it is necessary to pay more attention to the direction of control, which does not cover or limits the use of information from this cabinet.

In our opinion, the most promising direction of internal control over VAT and related taxes is information about the future business partner, whether it can be risky, from the point of view of its reliability, to calculate and register tax invoices on time. This information may be available in the E-cabinet, but only with the agreement of such counterparty. Therefore, we propose to expand and deepen the preliminary control by developing table 3 "Checking the integrity of the partner".

Table 3

Partner Integrity Check

Name of the counterparty enterprise	Tax identification number of counterparty (IPN)	codes of types of economic activity (KVED) of counterparty	Codes of goods sold according to the Ukrainian classification of goods of foreign economic activity (UKT ZED)	Licenses held by the counterparty	Basic ways for carrying out operations	Labor resource of the partner

In addition, it makes sense to check in the Unified State Register of Court Decisions whether a future business partner appears in court proceedings.

Conclusions. The article discusses the method of conducting tax analysis, determining the tax burden, creating a system of internal VAT control

in certain directions, which will allow the enterprise not to duplicate the options of the Electronic Taxpayer Cabinet with the tools of internal control of VAT – worksheets. This will free up time for the most promising direction – gathering information about future counterparties from the point of view of their reliability to settle and register tax invoices on time. In the future, such control will lead to a reduction in the diversion of the company's funds to replenish the electronic account in the treasury and losses in the payment of fines and the prevention of blocking of tax invoices.

The application of tax analysis allows to make more informed decisions regarding the optimization of the financial and economic activity of the enterprise. This can be achieved by identifying the most optimal level of tax burden, finding opportunities to minimize tax payments and determining the strategy of further development of the enterprise taking into account tax aspects.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Pokaznyky vykonannya Derzhavnoho byudzhetu Ukrayiny [Performance indicators of the State Budget of Ukraine]. URL : http://www.minfin.gov.ua/control/uk/publish/archive/main?cat_id=77643. [in Ukr.].

Barabash, N.S., & Nikonovych, M.O. (2013). Podatkovyy analiz: zmist ta osoblyvosti rozvytku [Tax analysis: content and features of development]. *Culture of the Peoples of the Black Sea Region*, no. 256, pp. 119-123. URL : http://dspace.nbuv.gov.ua/bitstream/handle/123456789/92423/31-Barabash.pdf?sequence=1. [in Ukr.].

Gamova, O. V., Kozachok, I. A., & Samoilenko, T. V. (2019). Osoblyvosti obliku ta udoskonalennya metodyky audytu rozrakhunkiv z byudzhetom za podatkom na dodanu vartist' na diyuchomu pidpryyemstvi [Peculiarities of accounting and improvement of the audit methodology of calculations with the budget for value added tax at the operating enterprise]. *Agrosvit*, no. 1-2. URL : http://www.agrosvit.info/pdf/1-2 2019/7.pdf. [in Ukr.].

Podatkovyy kodeks Ukrayiny [Tax Code of Ukraine]. (2010). URL : http://zakon.rada.gov.ua/cgibin/laws/main.cgi?nreg=2755-17. [in Ukr.].

Poryadok elektronnoho administruvannya podatku na dodanu vartist': Postanova KMU vid 16.10.2014 r. № 569 [The procedure for electronic administration of value added tax: Decree of the CMU of October 16, 2014 No. 569]. URL : http://zakon2.rada.gov.ua/laws/show/569-2014-%D0%BF#n11. [in Ukr.].

Pro vnesennya zmin do Podatkovoho kodeksu Ukrayiny ta inshykh zakonodavchykh aktiv Ukrayiny shchodo zabezpechennya zbalansovanosti byudzhetnykh nadkhodzhen': Zakon Ukrayiny vid 30.11.2021 r. № 1914-I [On amendments to the Tax Code of Ukraine and other legislative acts of Ukraine on ensuring the balance of budget revenues: Law of Ukraine dated November 30, 2021 No. 1914-I]. URL : https://zakon.rada.gov.ua/laws/show/1914-20#Text. [in Ukr.].

Pro zatverdzhennya Poryadku vedennya Yedynoho reyestru podatkovykh nakladnykh: Postanova Kabinetu Ministriv Ukrayiny vid 29 hrudnya 2010 r. № 1246 [On the approval of the Procedure for maintaining the Unified register of tax invoices: Decree of the Cabinet of Ministers of Ukraine of December 29, 2010 No. 1246]. URL : http://zakon0.rada.gov.ua/laws/show/1246-2010-%D0%BF. [in Ukr.].

Pro zatverdzhennya Kryteriyiv otsinky stupenya ryzykiv, dostatnikh dlya zupynennya reyestratsiyi podatkovoyi nakladnoyi/rozrakhunku koryhuvannya v Yedynomu reyestri podatkovykh nakladnykh ta Vycherpnoho pereliku dokumentiv, dostatnikh dlya pryynyattya rishennya pro reyestratsiyu podatkovoyi nakladnoyi. v Yedynomu reyestri podatkovykh nakladnykh: Nakaz Minfinu vid 13.06.2017 № 567 [On the approval of the Criteria for assessing the degree of risk sufficient to stop the registration of a tax invoice/calculation of adjustment in the Unified Register of Tax Invoices and the

Comprehensive list of documents sufficient to make a decision on the registration of a tax invoice in the Unified Register of Tax Invoices: Order of the Ministry of Finance dated 13.06.2017 No. 567]. URL : https://zakon.rada.gov.ua/laws/show/z0753-17#Text. [in Ukr.].

Pro zatverdzhennya Poryadku zupynennya reyestratsiyi podatkovoyi nakladnoyi/rozrakhunku koryhuvannya v Yedynomu reyestri podatkovykh nakladnykh: Postanova KMU vid 11 hrudnya 2019 r. № 1165 [On the approval of procedures regarding the suspension of tax invoice registration/adjustment calculation in the Unified Register of Tax Invoices: Resolution of the Cabinet of Ukraine of December 11, 2019 No. 1165]. URL : https://zakon.rada.gov.ua/laws/show/1165-2019-%D0%BF#Text. [in Ukr.].

Pro vnesennya zmin do Poryadku zupynennya reyestratsiyi podatkovoyi nakladnoyi/rozrakhunku koryhuvannya v Yedynomu reyestri podatkovykh nakladnykh: Postanova KMU vid 23 hrudnya 2022 r. N 1428 [On making changes to the Procedure for stopping the registration of a tax invoice / calculation of adjustments in the Unified Register of Tax Invoices: Resolution of the Cabinet of Ukraine of December 23, 2022 N 1428]. URL : https://tax.gov.ua/zakonodavstvo/podatkove-zakonodavstvo/postanovi-kabinetu-ministr/77896.html. [in Ukr.].

Shigun, M. M., & Ullubiyeva, K. K. (2012). Metodychnyy instrumentariy vnutrishn'oho kontrolyu rozrakhunkiv PDV [Methodical tools for internal control of VAT calculations]. *KHNU Bulletin*, no. 83. URL : http://journals.khnu.km.ua/vestnik/pdf/ekon/ 2012_2_1/083-086.pdf. [in Ukr.].

Ocheretko, L. M., & Sitalo, V. O. (2018). Osoblyvosti orhanizatsiyi vnutrishn'oho kontrolyu rozrakhunkiv PDV [Peculiarities of organization of internal control of VAT calculations]. *Economy and State*, no. 9. URL : http://www.economy.in.ua/pdf/9_2018/13.pdf. [in Ukr.].

Тетяна ЗАГОРЕЛЬСЬКА, Бісваджит ДАС

ЕФЕКТИВНІ ІНСТРУМЕНТИ КОНТРОЛЮ ЯК СКЛАДОВІ ПОДАТКОВОГО МЕНЕДЖМЕНТУ

Анотація. У статті розглядаються актуальні питання податкового менеджменту з акцентом на ПДВ. Важливим інструментом оцінки податкового навантаження на підприємство є податковий аналіз. Він дозволяє виявити найбільш суттєві фактори, що впливають на динаміку та структуру податків і зборів, а також знайти можливості мінімізації податкових платежів. Для досягнення поставлених цілей необхідно провести аналіз динаміки та структури податкових відрахувань, розрахувати відносне податкове навантаження та провести аналітичні міркування щодо упущеної вигоди від мінімізації податкових платежів.

Проведено податковий аналіз розміру та структури податків, сплачених вітчизняним підприємством, що надає послуги, розраховано податкове навантаження з податку на додану вартість, визначено результати податкового планування з ПДВ, а також систему внутрішнього контролю за його діяльністю. розрахунок було вдосконалено. Особливу увагу було приділено розробці етапів податкового аналізу та розробці робочого документу внутрішнього контролю – таблиці, в якій згруповано інформацію про майбутнього бізнес-партнера.

Податковий аналіз дозволяє визначити найбільш суттєві фактори, що впливають на динаміку та структуру податків і зборів, знайти можливості мінімізації податкових платежів та прийняти обґрунтовані рішення щодо оптимізації фінансово-господарської діяльності підприємства.

Ключові слова: *податок на додану вартість, податковий аналіз, податкове навантаження, податкове планування, внутрішній контроль.*

Submitted: 20.02.2023
Revised: 28.02.2023
Accepted: 10.03.2023

UDC 657 : 658.15
DOI 10.31733/2786-491X-2023-1-171-183

Anastasiia KOLIESNICHENKO©
Ph.D. (Economics),
Associate Professor

Maryna TKACHENKO©
Ph.D. (Economics),
Senior Lecturer

(National Technical University "Kharkiv polytechnic institute"), Ukraine

FINANCIAL REPORTING DIAGNOSTICS FOR THE BALANCE SHEET COMPONENTS MODELING

Abstract. The use of financial reporting information allows you to determine the parameters for assessing the financial state of the enterprise, analyzing the results of its activities in order to plan further tasks and strategic guidelines for development. Financial indicators are the main subject of interest for both the internal and external environment of an economic entity. The key element is the economic diagnosis of financial reporting as the most complete and objective source of information about the real economic situation at the enterprise.

The purpose of the study is to generalize approaches to the characteristics of types of diagnostics in the economic environment, systematize the methods of economic diagnostics of financial reporting indicators, substantiate the information base for the analysis and financial diagnostics of enterprises, conduct diagnostics of the structure of the balance sheet of the national economy of Ukraine. It has been proven that the important role of economic diagnostics in the management system of the economic entity is due to the existing strategic guidelines, the use of a special methodical apparatus, compliance with legal norms and a high degree of interaction with the implementation of management accounting. In addition, the effectiveness of economic diagnostics in the justification of management decisions depends on the use of various types of models that allow determining and identifying relationships between indicators.

The expediency of using the analysis of the dynamics of the balance sheet structure as one of the areas of work with mathematical models of financial diagnostics of macro indicators is substantiated. The practical value of the conducted research lies in the improvement of methodological tools for economic diagnostics of financial reporting indicators of enterprises.

The construction of the matrix of the methodical apparatus for the diagnosis of indicators of financial reporting of enterprises made it possible to model the procedure for the diagnosis of economic processes based on the results of the analysis of the structure of the balance of the national economy. Based on the results of the described macro situation, it was determined that the state is recommended to urgently develop an appropriate set of measures

© Koliesnichenko A., 2023
ORCID ID: https://orcid.org/0000-0002-5007-9082
anastasihpi@gmail.com

© Tkachenko M., 2023
ORCID ID: https://orcid.org/0000-0003-2605-2653
marinatkachenko84@gmail.com

aimed at improving the financial condition of enterprises in various fields of activity.

Keywords: *financial indicators, financial reporting, economic diagnostics, financial results, balance sheet, modeling.*

Introduction. The efficiency of economic diagnostics by a business entity involves the formation and maintenance of an optimal structure of financial resources due to optimizing business processes, maximizing profitability, increasing financial stability and solvency. Accounting and financial reporting information allows to determine the parameters for assessing the company's financial condition, analyzing the results of its activities for the purpose of planning future tasks and strategic guidelines for development. The key element is the economic diagnosis of financial statements as the most complete and objective source of information about the real economic situation at the enterprise. Data from financial reports create the basis of forecasting the company's performance in the medium and long term (Radu & Mihai, 2012).

Especially a significant of this fact bases on 2015 data, when the financial result before taxation was negative (Fig. 1). At the same time, it is important to pay attention to the dynamics of changes and components that form the final financial result – profits and losses. In all key groups of Ukrainian enterprises – large, medium and small – there is an increase in profit and a decrease in loss during 2020-2021.

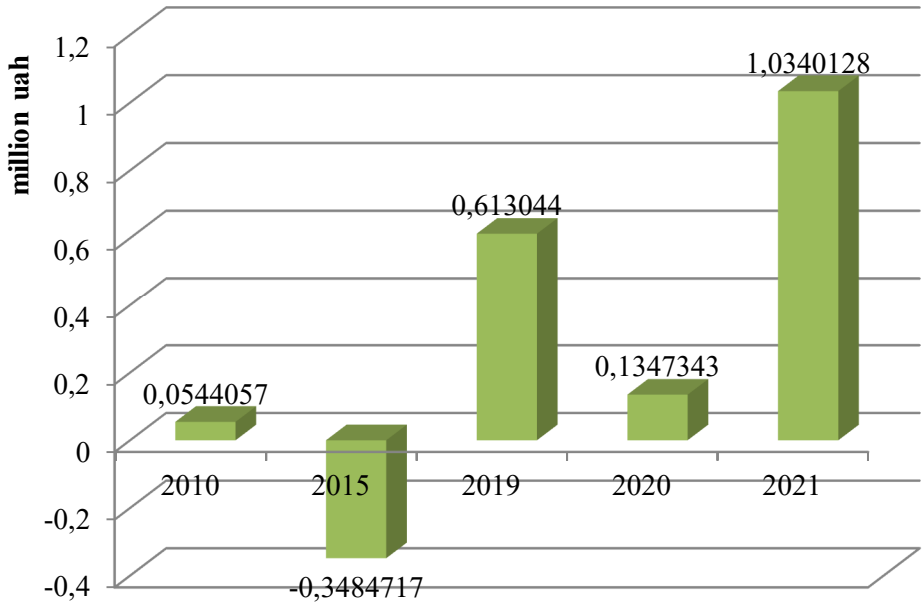


Fig. 1 – Dynamics of the collapsed balance of financial results before taxation of Ukrainian enterprises

Source: built by the authors according to the data (State Statistics Service of Ukraine)

Financial indicators are the main subject of interest for both the internal and external environment of an economic entity. In order to be prosperous, attractive, efficient and promising for development, the company must make a profit. In a dynamic economic environment that undergoes many changes, maximizing profitability or the ability to make a profit as an indicator of

efficiency is the main objective of the business entity. Profitability is one of the forms of expressing economic efficiency with a summation of the efforts made to obtain the expected results, which requires the use of a high-quality diagnostic apparatus (Achim & Borlea, 2017).

The research aims to present the current state of knowledge, referring to specialized bibliographic references, highlighting modern concepts regarding the concept and types of diagnostics, outlining the importance of diagnostics of performance indicators in the economic environment for measuring financial performance (Hada & Mihalcea, 2020).

Analysis of recent research and publications. Fundamental theoretical and practical questions regarding the study of economic diagnostics are considered in the works of foreign and domestic scientists: I. Hada, M. Mihalcea, O. Kovalenko, R. Radu, I. Mihai, M. Achim, S. Borlea, S. Ciupitu, O. Iacob, N. Groaznicu, A. Musat. The problems of practical implementation of economic diagnostics of economic entities are widely covered in the researches of famous scientists. However, taking into account the significance of the obtained results, there remain a number of issues related to the theoretical and methodological aspects of the introduction of economic diagnostics according to the actual data of financial statements, which require further study.

The purpose of this work is to summarize approaches to characteristics of types of diagnostics in the economic environment, to systematize methods of economic diagnostics of financial reporting indicators, to base the information basis for analysis and financial diagnostics of enterprises, to conduct diagnostics of the structure of balance sheet of the national economy of Ukraine.

Formulation of the main material. In economic literature there are different variants of definition of types of diagnostics. On the basis of the analysis of basic researches in this direction, the research has built a matrix of approaches for characteristics of types of diagnostics in the economic environment (Table 1).

Generalization of approaches for characteristics of types of diagnostics, which are found in the economic environment, allows to distinguish economic diagnostics as a soil category in formation of analytical and prognostic instruments in the system of management of the subject of economy. This is mainly due to the integrated system of assessment of the enterprise activity, which is characteristic of this direction. This allows to note that the diagnosis of the financial condition of the enterprise is an increase of economic diagnostics. In addition, the important role of economic diagnostics in the management system of the business entity is conditioned by existing strategic guidelines, the use of a special methodical apparatus, compliance with normative norms and a high degree of interaction with implementation of management accounting.

Synthesis of different types of diagnostics will allow to report on the state of the enterprise in the most complete and realistic way, since diagnostics not only "recognizes" the state of the object, which is investigated, but also determines the reasons of occurrence of this state (diagnosis), that given the current dynamics of economic processes and trends is rather complicated process (Kovalenko & Zaitseva, 2013).

The effectiveness of economic diagnostics in substantiation of management decisions depends on application of different types of models, which allow to define and identify connections between indicators. The models of the predictive nature that form the basis of financial planning. In turn, it's quality determines the effectiveness of the management system as a whole (Bryson, 2018).

Table 1

Matrix of approaches for the characteristics of types of diagnostics in the economic environment

Concept	Complex system of assessment of the enterprise activity	Strategic orientation	Development of special methodical tools	Normative base	High degree of interaction with management accounting
Economic diagnostics	+	+	+	+	+
Diagnostics of the financial state of the enterprise	+	+	+	+	+
System diagnostics	+	+	+		
Operative diagnostics	+		+		
Strategic diagnostics	+	+	+	+	
Retrospective diagnostics	+		+		+
Complex business diagnostics	+	+	+	+	+
Organizational diagnostics			+		+
Structural diagnostics			+		+
Functional diagnostics					+
Bankruptcy diagnostics	+	+	+	+	+

Source: built by the authors based on the analysis (Yefremenko & Shamileva, 2014; Kuzmin & Melnyk, 2010; Kovalenko & Zaitseva, 2013)

The process of financial planning involves several stages, in particular: economic diagnosis of the financial indicators of the company's activity for previous periods, long-term financial planning and operational financial planning. It should be noted that long-term planning involves the formation of forecast indicators of financial reporting, which later serve as the basis for the development of operational budgets (Sudakova, 2012).

It is advisable to forecast the financial state of the enterprise by means of economic and mathematical modeling. It allows to reflect the prospective financial situation, taking into account a significant number of factors. At the same time, the adequacy of the received forecast depends on the procedure and logic of building the forecast model (Balokha & Hryhoruk, 2018; Perisa,

Kurnoga & Sopta, 2017; Alaka et al., 2018). In the process of forming methods for forecasting indicators of accounting and financial reporting, it is important to take into account a number of features.

Modern diagnostic methods can be classified into four groups (Table 2). Each of these groups includes well-known methods that can be used to diagnose the indicators of the financial statements of the enterprise. The main characteristics of the specified methods are reflected in the scale of data processing, as well as with a time criterion, i.e., binding to the solution of tactical or strategic tasks.

Table 2

Characteristics of modern diagnostic methods of the indicators in financial reporting of the enterprise

Method group	Method	Method usage
General scientific methods	Deduction	Formation of research tasks of the reporting indicator
	Induction	Presentation of the result of the study of tasks related to the analysis of reporting indicators
	Analysis	Study of each component of reporting indicators
	Synthesis	General assessment of reporting indicators
	Logic	Determination of the sequence of conducting a study of reporting indicators
	Reflection	Prediction of the results of the study of reporting indicators in the future
Methods of strategic analysis	SWOT-analysis	Identification of the company's strong and vulnerable qualities, opportunities and threats based on an assessment of the dynamics of changes in reporting indicators
	Benchmarking	Evaluation of the company's competitiveness, which consists in comparing the reporting indicators of a specified company-competitor, which has reached their best level
	Delphi method	Organization of a system for collecting expert assessments regarding forecasted reporting indicators, their mathematical and statistical processing and sequential adjustment based on the results of each of the processing cycles (in practice no more than four)
	Round table method	Discussion by a special commission of problems regarding possible changes and trends in reporting indicators with the aim of agreeing views and working out a single common opinion
	Rating	An individual numerical indicator of the evaluation of the company's activity at a certain point in time, which is derived as a result of the results of expert surveys regarding the state of accounting and financial reporting

Method group	Method	Method usage
	Map of strategic groups	Industry structure in terms of groups of enterprises following the same or similar strategy according to strategic reporting indicators
Methods of economic analysis	Comparison	Comparison of reporting indicators among themselves according to various criteria
	Use of absolute, relative and average values	Calculation of reporting indicators to study the nature of changes
	Elimination	Exclusion from the analysis of insignificant or constant elements to identify variable elements of reporting
	Balance method	Analysis of the provision and use of labor, technical and technological, informational financial resources based on the reporting database
	Graphical method	Graphical design of research results regarding the dynamics of changes in reporting indicators
	Tabular method	Tabular presentation of numerical information from forms of accounting and financial reporting
Economic-mathematical methods	Factor analysis	Identification and evaluation of the main components of the formation of the reporting indicator
	Cluster analysis	Classification of indicators of reporting analysis by separate characteristics
	Integral assessment method	Presentation of an integral assessment of the level of the researched reporting indicator

Source: compiled by the authors based on (Ciupitu et al., 2022)

It is important to consider modern methods of diagnosis, which are expediently applied to the indicators of the accounting and financial reporting of the enterprise, from the standpoint of different types of general economic diagnosis, which, in turn, can be grouped according to different classification features. Relying on such a methodological base, it is possible to build a matrix of diagnostic methods for the indicators of the financial statements of the enterprise in relation to the types of economic diagnostics (Table 3).

Table 3

Matrix of the methodological apparatus for the diagnosis of financial reporting indicators of enterprises

Method	Level of the diagnosed object			Time range of the study			Periodicity of imple-mentation			Topic and scope of the problem			Targe-ting	
	Global	Macro-diagnostics	Micro-diagnostics	Strategic	Operational	Retrospective	Periodic	Non-periodic	Monitoring	Complex	Thematic	System	System-wide	Elemental
Deduction		■	■	■	■		■					■	■	■
Induction		■	■			■	■					■	■	■
Analysis		■	■	■	■	■			■			■	■	■
Synthesis	■	■		■	■				■	■			■	
Logic	■	■	■	■		■			■	■			■	
Reflection	■	■	■	■				■			■			■
SWOT analysis			■		■	■			■		■			■
Benchmarking		■			■	■			■		■		■	■
The Delphi method			■		■	■			■		■			■
The round table method			■	■	■		■			■		■	■	
Rating			■					■			■			■
Map of strategic groups		■		■					■		■			■
Comparison			■		■	■			■	■		■	■	
Use of absolute, relative and average values			■		■	■	■			■		■	■	
Elimination			■		■				■	■				■
Balance method			■		■				■		■	■		■
Graphical method	■	■		■	■	■	■				■	■		■
Tabular method	■	■		■	■	■	■				■	■		■
Factor analysis			■		■		■				■		■	■
Cluster analysis		■			■			■		■			■	■
The method of integral evaluation	■				■			■			■			■

Source: compiled by the authors based on (Kovalenko & Zaitseva, 2013)

As a result of the analysis of the methodical apparatus for diagnosing indicators of accounting and financial reporting of the enterprise, it can be concluded that general scientific methods are in the lead in terms of the level of the diagnosed object in the macro environment. At the same time, microdiagnostics is more widespread, covering virtually all groups of methods. The least popular in the context of the frequency of implementation are the following methods: reflection, rating, cluster analysis and integral evaluation. Methods of economic analysis and economic-mathematical methods are more targeted.

Depending on the method of research of evaluation indicators, which are calculated on the database of financial statements, the following are used in the course of diagnostics: dynamic (retrospective) analysis, comparative analysis, reference analysis, dispersion analysis, correlation-regression analysis, cluster analysis. Retrospective analysis involves studying changes in reporting indicators in dynamics and measuring relationships based on dynamic series data, that is, based on different reporting periods. Benchmarking is a comparison of the actually achieved value of the indicator, specified and recorded in the report, with the industry average or the average for a group of similar divisions or enterprises.

Dispersion (variation) analysis allows you to determine the deviation of one indicator from another according to varying characteristics and its dependence on these characteristics, and correlation-regression analysis is used to determine the dependence of a variable on one or more independent variables, to identify trends in the development of market elements under the influence of selected factors. Cluster analysis involves dividing a set of objects into separate, more or less homogeneous groups. Nowadays, to find the most effective method for processing large data sets, such a direction as the indicator of big data is becoming popular.

The big data indicator is a new concept proposed by combining big data and the concept of network public opinion. Commonly used method for the current research is to quantify sentiment classification and combine various types of information and data to study simultaneously. Most of the big data indicators are researched by using the network public opinion data obtained from the internet, mainly through the big data indicators quantified by sentiment analysis of the network public opinion. Big data indicators provide powerful quality acquisition feasibility and strong data quantification feasibility.

In practice the theory of signal transmission is caused by information asymmetry. The transmission of information flows can be natural without human intervention. It is very important in regulating the phenomenon of information asymmetry in the economic market. Based on the information purification function of the network comment platform, it can provide effective big data information for the financial early-warning research of enterprises. The prediction deviation caused by using only financial indicators is corrected. The research of financial early warning is assisted to break through the bottleneck period limited to financial indicators.

In general, enterprise big data can be more specifically understood as the existence of multiple data sources, structures, and forms of enterprise-related datasets. Eventually they will form an available dataset after certain sorting.

The dataset includes structured data, unstructured data, and semistructured data, including basic data, historical data, and real-time data (Wang, 2022; Blazquez & Domenech, 2018).

According to the various methodical apparatus for diagnosing the indicators of the financial reporting of the enterprise, it is important to evaluate its effectiveness, relevance and efficiency on an ongoing basis for the possibility of implementing a set of measures for its improvement.

One of the most important sources of building an information base for the analysis and financial diagnosis of the enterprise is the balance sheet, which is a snapshot of the financial and economic state of the enterprise on a fixed date. The balance allows to evaluate the most significant features of the enterprise through the procedure of reading this report. The ability to read the balance sheet is an important professional characteristic of a financier, both on the internal contour of drawing up forecast balance sheets and managing the most important financial parameters of the enterprise, and in the direction of financial analysis and the formation of diagnoses regarding the financial, general corporate condition, production activities of other companies (Kaminsky, 2017).

It should be noted that there are significant differences in the global and domestic practice of building the structural elements of the company's balance sheet, which are shown in Fig. 2.

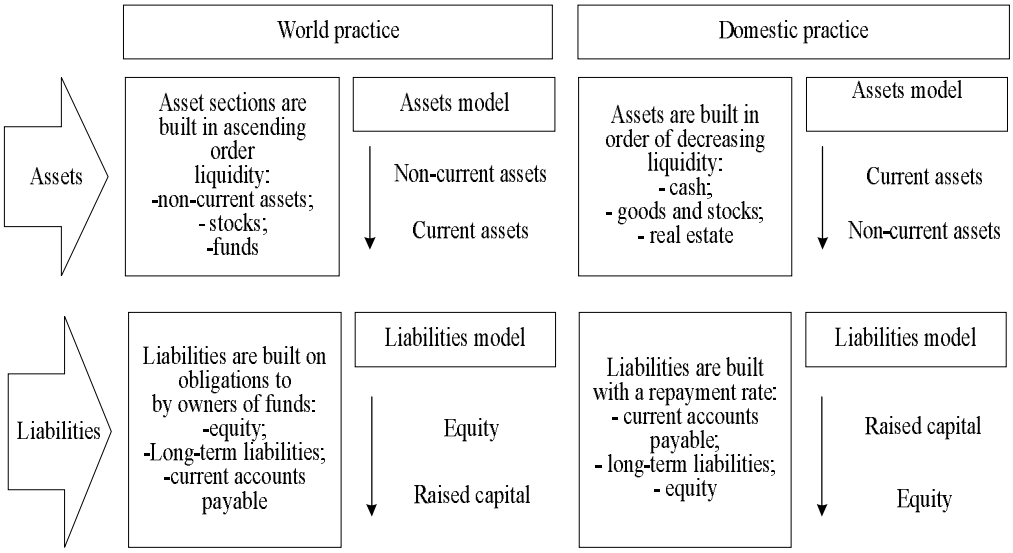


Fig. 2 – Comparison of global and domestic practice of building the asset and liability balance sheet

Source: compiled by the author based on (Kaminsky, 2017)

The balance sheet valid in Ukraine is approved by the National Regulation (standard) of accounting 1 "General requirements for financial reporting". The primary task, which is assigned to the content and structure of this financial report, is to reflect the state of economic assets and the sources of their formation as of a specified date. A broader purpose is expressed in obtaining information necessary for managing the company's activities, as well as meeting the needs of external users – statistical, tax, financial authorities,

banks, investors, etc. Thus, the diagnosis of balance sheet indicators as the main form of financial reporting serves as the basis of the information and analytical basis of enterprise management.

Analytical capabilities provided by balance sheet data are implemented by following a certain sequence of operations and procedures that are uniform in content, i.e. by following a certain technology, which can be summarized as follows: express balance sheet analysis → in-depth balance sheet analysis: assessment of economic potential; diagnosis of resource availability → decision-making to recognize the balance sheet structure as satisfactory (unsatisfactory) and the enterprise solvent (insolvent) (Isai, 2016).

To ensure a more objective assessment of the liquidity of balance sheet items, it is advisable to divide the analysis of its indicators into several stages. First of all, in the process of researching the dynamics of balance sheet items, the most significant groups of items are determined, and the obtained results are compared with the dynamics of revenue from the sale (sale) of goods (services). For an effective assessment of the company's financial condition, it is advisable to divide the balance sheet analysis into the following stages (Fig. 3).

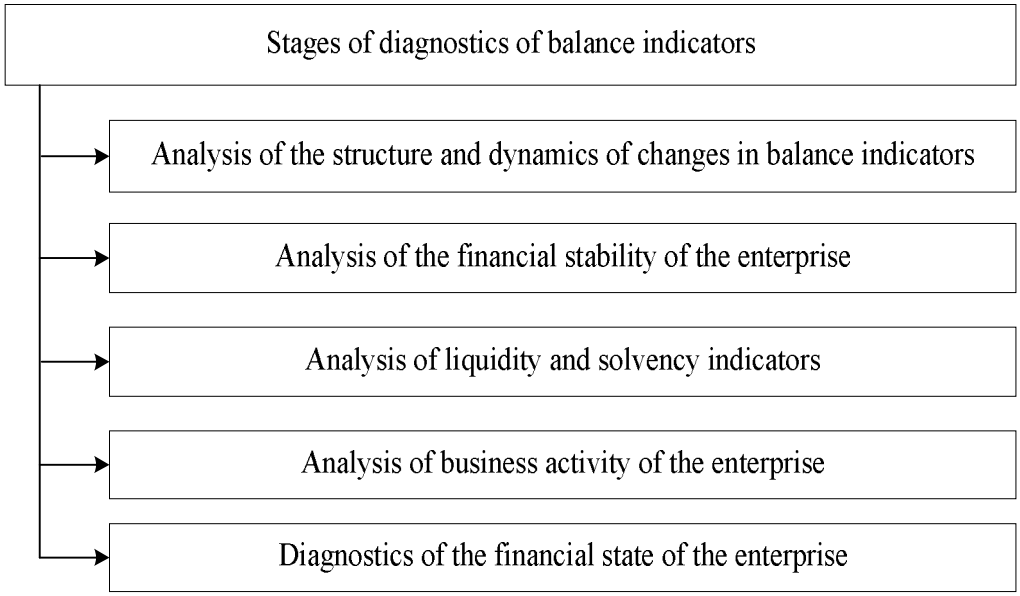


Fig. 3 – Diagnostics stages of balance sheet indicators
Source: compiled by the author based on (Isai, 2016)

Modeling the diagnostic procedure of economic processes requires the selection or construction of an appropriate economic-mathematical model. One of the areas of work with mathematical models of financial diagnostics of macro indicators is "analysis of balance structure dynamics" (1).

$$\mathrm{TP_a} = \frac{\mathrm{A_{i+1}}}{\mathrm{A_i}};\ \mathrm{TP_{A_j}} = \frac{\mathrm{A}_{j_{i+1}}}{\mathrm{A}_{j_i}};\ \mathrm{TP}_{\Pi_j} = \frac{\Pi_{j_{i+1}}}{\Pi_{j_i}}, \quad (1)$$

Where: TRa is the rate of growth of the asset (liability) of the company's balance sheet; Ai, Ai+1 – the numerical value of the balance sheet asset (liability) in the i-th and (i+1)-th year, respectively; TPAj – the rate of growth of the specific weight of the jth section of the asset of the company's balance sheet; Aj i, Aj i+1 – the numerical value of the specific weight of the jth asset

section of the company's balance sheet in the i-th and (i+1)-th years, respectively; TRPj – rate of growth of the specific weight of the jth section of the balance sheet liabilities; Пj i, Пj i+1 – the numerical value of the specific weight of the j-th section of the liabilities of the company's balance sheet in the i-th and (i+1)-th years, respectively.

Ex-post financial analysis is aimed at evaluating the state of the company in the past, and its results are data for setting goals and strategies for the future. This analysis includes the following sections: equity and capital structure analysis; costs, revenues and profit/loss analysis; analysis of liquidity indicators; analysis of debt ratios (Skocdopole, 2021).

An overview of the state and structure of assets, sources of coverage and economic results of the companies of the country subject to monitoring allows to summarize the results of the diagnosis of the structure of the balance sheet of the national economy of Ukraine shown in the Table. 4.

Table 4

Results of balance structure diagnostics

Balance component	**TPa**	**Diagnosis**	**Specific weight, % (2021)**	**Diagnosis**
Non-current assets	1,064	Increase in economic turnover	40,2	The structure of assets is quite light, that is, national property is mobile: 40.2 % < 40 %
Current assets	1,143	Expansion of national production	59,8	The structure of assets is quite light: 59.8 % < 60 %
Equity	1,232	Growing trend of the level of financial stability	29,2	Fairly low level of financial stability: 29.2 % < 60 %
Long-term liabilities	0,962	Deterioration of financial condition	13,1	Unstable financial condition
Balance	1,109	Increase in economic turnover	100,0	-

Source: calculated by the authors based on (Skocdopole, 2021)

Thus, the practical use of the developed scientific and methodological support allows analyzing the results of financial diagnostics of the enterprise, which may take place under different conditions of its functioning on commodity markets, which will positively affect the quality and pace of their adaptation to the conditions of the competitive environment. In the described macro situation, the state is recommended to urgently develop an appropriate set of measures aimed at improving the financial condition of enterprises in various fields of activity.

Conclusions. Based on the construction of a matrix of approaches for characterizing the types of diagnostics in the economic environment, the types of diagnostics found in the economic environment are summarized. This made it possible to single out economic diagnostics as a thorough category in the formation of analytical and prognostic tools in the management system of the

economic entity. The methods of economic diagnostics of financial reporting indicators of enterprises have been systematized, and the matrix of the methodical apparatus for diagnosing indicators of financial reporting of enterprises has been formed. Simulation of the diagnostic procedure of economic processes was carried out based on the results of the analysis of the structure of the balance of the national economy.

It is advisable to carry out further research in the direction of expanding the methodological basis in solving practical tasks of improving the economic diagnostics of the performance indicators of enterprises as key subjects of the global market.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Achim, M., & Borlea, S. (2017). *Ghid pentru analiza-diagnostic a stării financiare*, Cluj Napoca, editura Risoprint,

Alaka, H., Oyedele, L., Owolabi, H.., Kumar, V., Ajayi, S., Akinade, O., & Bilal, M. (2018). Systematic review of bankruptcy prediction models: Towards a framework for tool selection. *Expert Systems with Applications*, no. 94, pp. 164-184.

Balokha, A., & Hryhoruk, P. (2018). Diagnostics of the financial state of the enterprise. *Almanac of science,* 3 (12), pp. 7-10.

Blazquez, D., & Domenech, J. (2018). Big data sources and methods for social and economic analyses, *Technological Forecasting and Social Change*, vol. 130, pp. 99-113.

Bryson, J. (2018) *Strategic planning for public and nonprofit organizations: A guide to strengthening and sustaining organizational achievement.* John Wiley & Sons.

Ciupitu, S., Iacob, O., Groaznicu, N., & Musat, A. (2022), Financial Diagnostic Elements Of The Company Case Study On Conrag S.A, *Annals – Economy Series*, vol. 5, pp. 47-57.

Hada, I., & Mihalcea, M. (2020). The Importance Of Profitability Indicators In Assessing The Financial Performance Of Economic Entities. *Annals of Faculty of Economics*, 1 (1), pp. 219-228.

Isai, O. (2016). Balance sheet and its analytical capabilities. *Transformational transformations of accounting and analytical support of management in the conditions of European integration processes*: coll. materials IV International science and practice conference dedicated to the 110th anniversary of the KNEU named after Vadym Hetman" and the 20th anniversary of the Federation of Professional Accountants and Auditors of Ukraine; K. : KNEU, pp. 54-56.

Kaminsky, P. (2017). Analysis of the accounting balance sheet: features and methodology. *Economic Forum.* no. 3, pp. 278-285.

Kovalenko, O., & Bila, D. (2014). The role of economic diagnostics in the decision-making process. *Economics and management – 2013: prospects of integration and innovative development*: Collection of science works of the International science and practice conference, vol. 2, pp. 56-58.

Kovalenko, O., & Zaitseva, M. (2013). The role and place of economic diagnostics at the enterprise. *Theoretical and practical aspects of economics and intellectual property*, 2 (1), pp. 218-221.

Kuzmin, O., Melnyk, O. (2010). Normative-criterial support for diagnostics of the financial state of the enterprise. *Finances of Ukraine*, no. 8, pp.105-114.

Liang, Y., Quan, D., & Wang, F. (2020). Financial big data analysis and early warning platform: a case study, *IEEE Access*, no. 99, p. 1.

Perisa, A., Kurnoga, N., & Sopta, M. (2017). Multivariate Analysis of Profitability Indicators for Selected Companies of Croatian Market. *UTMS Journal of Economics,* 8 (3), pp. 231-242.

Radu, R., & Mihai, I. (2012) Economic and Financial Diagnosis – Fundamental Method in Management Accounting. *Risk in Contemporary Economy*, pp. 391-394.

Skocdopole, P. (2021). Financial Analysis as a Basis for Creation of the Financial Plan of the

Selected Business Entity – Case Study. *Globalization and its Socio-Economic Consequences 2020*, vol. 92. Doi : https://doi.org/10.1051/shsconf/20219203027.

Derzhavna sluzhba statystyky Ukrayiny [State Statistics Service of Ukraine]. URL : https://www.ukrstat.gov.ua. [in Ukr.].

Sudakova, O. (2012). Economic diagnosis of indicators of accounting financial reporting of enterprises. I*nvestments: practice and experience*, no. 7, pp. 36–38.

Wang, W. (2022). Early Warning and Monitoring Analysis of Financial Accounting Indicators of Listed Companies Based on Big Data. Doi : https://doi.org/10.1155/2022/1936145.

Yefremenko, G. & Shamileva, E. (2014). Modern definition of the category "diagnosis of the financial state of the enterprise": the main approaches to its formalization. Problems of material culture. *Economic ciences*, pp. 71-74.

Анастасія КОЛЄСНІЧЕНКО, Марина ТКАЧЕНКО

ДІАГНОСТИКА ФІНАНСОВОЇ ЗВІТНОСТІ ПРИ МОДЕЛЮВАННІ СКЛАДОВИХ БАЛАНСУ

Анотація. Використання інформації фінансової звітності дозволяє визначити параметри для оцінки фінансового стану підприємства, аналізу результатів його діяльності з метою планування подальших завдань та стратегічних орієнтирів розвитку. Ключовим елементом при цьому стає економічна діагностика фінансової звітності як найбільш повного та об'єктивного джерела інформації про реальну господарську ситуацію на підприємстві.

Метою дослідження є узагальнення підходів до характеристики видів діагностики в економічному середовищі, систематизація методів економічної діагностики показників фінансової звітності, обґрунтування інформаційного базису для аналізу і фінансової діагностики підприємств, проведення діагностики структури балансу національної економіки України. Доведено, що вагома роль економічної діагностики в системі управління суб'єкта господарювання обумовлена наявними стратегічними орієнтирами, використанням спеціального методичного апарату, відповідністю нормативно-правовим нормам та високим ступенем взаємодії з впровадженням управлінського обліку. Крім цього, ефективність економічної діагностики при обґрунтуванні управлінських рішень залежить від застосування різних типів моделей, які дозволяють визначити та ідентифікувати зв'язки між показниками. Практична цінність проведеного дослідження полягає в удосконаленні методичного інструментарію економічної діагностики показників фінансової звітності підприємств.

Побудова матриці методичного апарату діагностики показників фінансової звітності підприємств дозволила здійснити моделювання процедури діагностики господарських процесів на основі результатів аналізу структури балансу національної економіки. За підсумками описаної макроситуації було визначено, що державі рекомендується терміново розробити відповідний комплекс заходів, спрямованих на покращання фінансового стану підприємств різних сфер діяльності.

Ключові слова: *фінансові показники, фінансова звітність, економічна діагностика, фінансові результати, баланс, моделювання.*

Submitted: 16.02.2023
Revised: 21.02.2023
Accepted: 17.03.2023

UDC 316.44
DOI 10.31733/2786-491X-2023-1-184-194

Lesia MARCHUK©
Ph.D. (Economics)

Vladislav YAKOVLEV©
Assistant Tutor

(*National Technical University "Kharkiv Polytechnic Institute"),* Ukraine

EFFICIENCY OF MANAGEMENT OF THE ECONOMIC DEVELOPMENT OF THE REGIONS OF UKRAINE IN THE CONDITIONS OF WARTIME

Abstract. The war caused large-scale destruction of the civil infrastructure of Ukraine. If a comprehensive and accurate assessment can only be possible after victory or at least after the liberation of the temporarily occupied territories, then a quick assessment of the damage is still necessary. The purpose of the study is to highlight the effectiveness of managing the development of the economy of the regions of Ukraine under martial law. The subject of the study is the effectiveness of managing the economic development of the regions of Ukraine in wartime conditions. Achieving the goal of the work is possible by using such research methods as: computational and analytical; graphic; methods of the dynamics of the effectiveness of managing the development of the regional economy in the conditions of martial law; comparison of the assessment of income and expenses in relation to the budgets of the regions of Ukraine; comparative analysis in determining the main directions for improving the efficiency of managing the economic development of the regions of Ukraine.

As a result of working on the example of the city of Kharkiv, it was determined that in the first half of last year, the city budget received 8.2 billion UAH, now – 7.6 billion UAH (it is worth reminding about the currency devaluation itself). A reduction in the expenditure part is more likely – UAH 7.5 billion in the first half of 2021 against the current UAH 5.3 billion in 2022. The field of application of this study is the implementation of the proposed measures in the management of the economies of the regions of Ukraine under martial law, namely: the proposed processes of regulation and stabilization of the development of the economies of the regions of Ukraine should contribute to the acceleration of socio-economic development, the determination of the main priorities for solving important problems according to the innovative and progressive scenario, implementation of a system of urgent, renewable actions to manage the development of the economy of the regions of Ukraine.

The conclusions drawn demonstrate that timely solutions will help minimize the problems described above, reduce pressure on the financial system of Ukraine's regions, in particular on the national currency, and facilitate the process of transition from "manual" to market management, taking into account the requirements of military legislation. This will reduce existing imbalances and bring the economic system to a new, much better level.

Keywords: *economy, management, income, expenditure, budget, regions, war, enterprise, efficiency, development.*

© Marchuk L., 2023
ORCID ID: https://orcid.org/0000-0002-7108-1632
lesia.marchuk@emmb.khpi.edu.ua

© Yakovlev V., 2023
economics@khpi.edu.ua

Introduction. At the end of February, Ukraine faced a difficult test caused by russia's invasion of our country and its attempt to establish its own regime. Russia unleashed a war that caused significant shocks both to the economy of our country and to the economies of other countries. The problems of the research arise from the fact that hostilities caused a certain material and technical "paralysis" of many spheres of activity not only of Ukraine, but also of humanity, for example, production was stopped, although a large number of owners of small and medium-sized enterprises were closed, military infrastructure was destroyed, the sowing campaign has weakened and many other factors have negatively affected the economy of the state (http://strategy.kharkiv.ua).

The purpose of the article is to highlighting the effectiveness of managing the development of the regional economy under martial law. The task of the research is:

– Study of the foreign experience of the functioning of the country in the conditions of martial law;

– Analysis of economic indicators of Ukraine before the full-scale invasion of the russian federation;

– Study of economic indicators of the regions of Ukraine.

Analysis of recent research and publications. In general, to date, very little attention is paid in the scientific and economic literature to the management of the development of the regions of Ukraine under martial law, this is primarily due to the difficulty of damage calculations and ongoing military operations. Scientists N. Kazyuk and Ye. Sheket after conducting research, point out that for a successful economic transformation in Ukraine, the following series of steps and actions must be taken: development and implementation of modern and innovative concepts of economic transformation, taking into account the current geopolitical situation; implementation of strategies for recovery and development of territories occupied or destroyed by missile strikes, developed and agreed upon by scientists, researchers and the government; determination of priority areas of economic activity and industries that ensure the competitiveness of domestic goods and services on foreign markets and significant state support for these industries; adopting and approving the relevant normative legal acts on ensuring the employment of the population, adequate remuneration, increasing the efficiency and productivity of labor, maintaining price stability and strengthening the national currency (Kazyuk & Sheket, 2022).

B. Danylyshyn notes that the conceptual prerequisites for successful post-war reconstruction are: the presence of a clear reconstruction strategy; providing a safe recovery environment and strong leadership (Danylyshyn, 2022).

The main challenges facing post-war economic recovery programs are: many pressing humanitarian issues; destroyed infrastructure; the problem of effective distribution of monetary and material resources. The scientist claims that structural reforms should not be postponed, but carried out at a level sufficient to finance the restructured sector of the economy. Z. Varnaliy emphasizes that in order to ensure the financial security of Ukraine, a number of measures are foreseen to intensify the participation of financial institutions in promoting the protection of Ukraine, the financial interests of the state, the

stability of macro-financing and the development of domestic business. According to the scientist, carrying out certain institutional-legal, organizational and personnel measures will contribute to increasing the role of financial institutions in the system of strengthening the financial security of the state in the conditions of the war, which was provoked by the occupying state. The scientists noted that today destabilization processes are taking place in the regions in almost all directions: personnel potential, the sphere of entrepreneurship, directions of export and import, energy and food spheres, an increase in the budget deficit, etc. (Varnalij, 2022).

Formulation of the main material. When the war began, the National Bank of Ukraine and the government took forced, but clear and timely steps. That is, they changed the hryvnia exchange rate, introduced a list of important imported goods, agreed on a large amount of currency and the parameters of operations of national banks with government bonds. The Ukrainian economy and business are gradually coming out of an almost complete standstill in the first days of enemy attacks – they are looking for new opportunities for development in extreme conditions and military tactics (https://ird.gov.ua/irdp). This is partly the restoration of economic activity in territories free from occupation, partly the transfer of production to safer territories, partly a natural process of adaptation (people adapt to life even in the most difficult situations).

According to the National Security Strategy of Ukraine dated May 26, 2015, the main directions in ensuring economic security include overcoming poverty, bringing the standard of living of Ukrainians closer to the Central and Eastern European countries of the EU, achieving the necessary criteria for Ukraine's accession to the EU, creating a favorable business climate, creating the best conditions for investors in Central and Eastern Europe (Borshevskij et al., 2022). The need to increase the resilience of the national economy to negative external influences, diversification of foreign markets, trade and financial flows is emphasized. In fact, before the full-scale invasion of the russian federation, Ukraine's economy showed annual growth rates. We will analyze consumer price indices, form statistical data in a Table 1.

Table 1

Consumer price indices in Ukraine 2018-2022

Years	Indicator (%)	Deviation (+/-)
2018	113,7	1,3
2019	109,8	-3,9
2020	104,1	-5,7
2021	104,1	0
2022	110,0	5,9

Source: Compiled and calculated by the authors based on (Official website of the State Statistics Service of Ukraine, 2023)

The inflation indicator in Ukraine does not have a certain stable trend. In 2019, the consumer price index decreased by 3.9, in 2020 this indicator further decreased by 5.7, in 2021 it remained at the same level as in 2020. In 2022, there was an increase in prices by 5.9, which is a consequence of the economic crisis caused by the war.

There are many reasons for inflation in the modern Ukrainian economy.

However, the complexity and diversity of the problem makes it impossible to create a single and coherent concept of the causes of inflation, despite many studies devoted to this problem, and the topics of these studies are diverse (MakFarlejn, 2021). Inflation fluctuates and distorts depending on various economic and political processes, so it is necessary to carefully analyze these changes and formulate the root causes of inflation.

Let's consider inflationary processes in Ukraine in the long-term period. We will analyze inflation in Ukraine from 2016 to 2021 (Table 2) and the main indicators of the financial market of Ukraine for 2019-2021 (Table 3).

Table 2

Inflation rate in Ukraine for 2016–2021

Years	Inflation index, %	Inflation, %
2016	143,3	43,3
2017	112,4	12,4
2018	113,7	13,7
2019	109,8	9,8
2020	104,1	4,1
2021	105	5

Source: Compiled and calculated by the authors based on (Official website of the State Statistics Service of Ukraine, 2022)

Table 3

The main indicators of the financial market of Ukraine for 2019-2021

Indexes	2019	2020	2021	Growth/decline rates, %	
				2020 / 2019	2021 / 2020
Number of financial institutions, units, total	2000	1945	1864	97,3	95,8
including: – financial companies	940	1026	960	109,1	93,6
– insurance companies	281	215	214	76,5	99,5
– credit unions	358	337	324	130,6	96,1
– pension funds	62	63	63	101,6	100,0
– pawnshops	359	304	303	84,7	99,7
Assets of financial institutions, UAH billion, total	197,5	209,5	256,2	108,5	122,2
including: – financial companies	125,3	135,9	182,1	108,5	134,0
– insurance companies	63,5	63,9	64,9	100,6	101,6
– credit unions	2,3	2,4	2,3	104,3	95,8
– pension funds	2,7	3,1	3,1	114,8	100,0
– pawnshops	3,7	4,2	3,8	92,4	90,5
Assets of financial institutions per person, hryvnias	4,68	3,24	6,16	69,2	190,1

Source: Compiled and calculated by the authors based on (Official website of the State Statistics Service of Ukraine, 2022)

The problem of inflation is an important part of the economy, because its consequences and the consequences of socio-economic influence play an important role in the study of the economic well-being of the country and the world economy. This issue is quite relevant in our modern society, which is evidenced by the need to identify the essence, the main causes of inflation, its specifics, and the main directions of Ukraine's anti-inflation policy (Dyachenko, 2022). Adverse socio-economic consequences of inflation force leaders of various countries to pursue economically necessary policies to combat inflation.

The total number of financial institutions decreases every year, while the volume of assets, on the contrary, increases. This trend is evidence of the development of the most viable and efficient financial institutions and the termination of non-competitive ones. The largest share among financial institutions is held by financial companies. Their number during the studied period ranges from 940 to 1026 institutions.

In Ukraine, the main entity of the GKP is the National Bank of Ukraine (hereinafter – NBU). In addition to it, other state regulatory bodies are involved in the development of the GKP – the Ministry of Finance of Ukraine, the Ministry of Economic Development and Trade of Ukraine, and the Verkhovna Rada of Ukraine. However, the decisive role in the development and implementation of monetary policy belongs to the NBU, as it is responsible to society for the state of the monetary sphere.

Let's consider the dynamics of monetary aggregates in Ukraine for 2019-2021 in the Table 4.

Table 4

Dynamics of monetary aggregates in Ukraine for 2019-2021

Year	Indicators, million hryvnias				Rates of growth/decrease compared to the previous year, %			
	M_3	M_2	M_1	M_0	M_3	M_2	M_1	M_0
2019	1208859	1208557	601631	332546	-	-	-	-
2020	1277635	1273772	671 285	363629	105,7	105,4	111,6	109,3
2021	1438311	1435221	770043	384366	112,6	112,7	114,7	105,7

Source: Compiled and calculated by the authors based on (Official website of the State Statistics Service of Ukraine, 2022)

The volume of the monetary aggregate M3 in 2020 increased by UAH 68,776 million or by 5.4 %, in 2021 this indicator increased by UAH 160,676 million or by 11.2 %. The volume of monetary aggregate M2 in 2020 increased by UAH 65,215 million or by 5.1 %, in 2021 this indicator increased by UAH 161,449 million or by 11.2 %. Positive dynamics are also observed for the indicator of the monetary aggregate M1 (Nechiporenko, 2022).

In 2020, this indicator increased by 69,654 million UAH or by 10.4 %, in 2021 this indicator increased by 98,758 million UAH or by 12.8 %. As for the monetary aggregate M0, it also grows steadily during the studied period. In 2020,

 ISSN 2786-491X (Print)

this indicator increased by 31,083 million UAH, in 2021 there was an increase of 20,737 million UAH. We consider the components of monetary aggregates in the Table 5.

Table 5

Components of monetary aggregates for 2019-2021

Index	2019		2020		2021	
	Amount, million hryvnias	**Specific weight, %**	**Amount, million hryvnias**	**Specific weight, %**	**Amount, million hryvnias**	**Specific weight, %**
Cash in circulation outside deposit corporations (M0)	332 546	4,8	363 629	7,1	384 366	7,0
Transferable deposits in national currency	269085	3,8	307656	6,0	385677	7,0
M1	601 631	8,6	671 285	13,1	770 043	14,0
Transfer deposits in foreign currency	606926	8,7	602487	11,7	507592	9,2
Other deposits	284567	4,1	384571	7,5	452637	8,2
M2	1 208 557	17,3	1 273 772	24,8	1 277 635	23,2
Securities other than shares	2486534	35,5	257865	5,0	301454	5,5
M3	1 208 859	17,3	1 277 635	24,9	1 438 311	26,1
Total	6 998 705	100,0	5 138 900	100,0	5 517 715	100,0

Source: Compiled and calculated by the authors based on (Official website of the State Statistics Service of Ukraine, 2022)

In the total volume of monetary aggregates, the largest share is occupied by securities other than shares in 2019 – 35.5 %, in 2020 this indicator has sharply decreased to 5 %, in 2021 it has increased to 5.5 %. A prominent place in the total volume of monetary aggregates is occupied by M3 monetary aggregates. In 2019, this indicator was 17.3 % of the total volume, in 2020 this indicator was 24.9 %, and in 2021 it reached 26.1 %. Transfer deposits in foreign currency in 2019 accounted for 3.8 % of the total volume of monetary aggregates, and in 2020 this figure was 6 %, in 2021 it increased by 1 % to 7 %.

A noticeable increase in the specific weight in the overall structure also

occurred for the indicator of other deposits: in 2019, these aggregates amounted to 4.1 %, in 2020 this indicator increased to the indicator of 7.5 %, in 2021 the highest specific weight in the studied period was recorded – 8.2 %. The analysis of the dynamics of the monetary base in Ukraine for 2019-2021 is presented in theTable 6.

Table 6

Dynamics of the monetary base in Ukraine for 2019-2021

Years	Monetary base, million hryvnias	Change in annual average, %	Including					
			Cash in circulation, million hryvnias	Change in annual average, %	Transferable deposits of deposit corporations, million UAH	Change in annual average, %	Transferable deposits of other sectors of the economy, million hryvnias	Change in annual average, %
2019	692 826,4	-	469823,6	-	346859,4	-	289564,7	-
2020	627894,2	90,6	472357,3	100,5	386954,7	111,6	293674,1	101,4
2021	594657,3	94,7	489563,2	103,6	401569,3	103,8	306589,3	104,4

Source: Compiled and calculated by the authors based on (Official website of the State Statistics Service of Ukraine, 2022)

The monetary base shows a negative trend during the entire studied period. In 2020, this figure decreased by UAH 64,932.2 million or by 9.3 %, in 2021 this figure decreased by UAH 33,236.9 million or by 5.3 %. Cash in circulation shows a reverse trend and its volume increases annually. In 2020, by 2,533.7 million UAH, in 2021 by 17,205.9 million UAH. A trend towards stable growth was observed in relation to indicators of transferable deposits of depository corporations and transferable deposits of other sectors of the economy during the entire studied period (Vdovenko & Titov, 2019).

The large-scale military aggression of the Russian Federation caused a number of threats and challenges that persist to this day, and a final assessment of their consequences is practically impossible. These negative points, which will have a long-term effect on the economy of the region, concern primarily resources – potential and real (https://www.ukrstat.gov.ua/).

According to studies by financiers, spending on national defense and the rule of law, as well as spending on social assistance to displaced people, has increased significantly. There is an increase in the budget deficit of all levels due to the disproportion between income and expenditure. According to data (In April, revenues of the consolidated budget continue to fall 2022), as a result of a decrease in tax revenues and introduced tax benefits, the revenues of the consolidated budget in April? 2022 decreased by 18 % (23.9 billion UAH) to 109.4 billion UAH. Tax revenues in April were 23 % (23.4 billion UAH) less

than a year ago and amounted to 77.3 billion UAH, personal income tax – by 5 %, i.e. (1.3 billion UAH) less than in 2021, VAT on imported goods accounted for 28% (7.9 billion UAH) of revenues in April 2021, import duty – 8 % (0.2 billion UAH); internal excise duty decreased by 74 % (5.4 billion UAH), import – by 36 % (2.4 billion UAH). To all this, we add the fixed exchange rate of foreign currencies and inflation caused by objective and speculative price increases.

So, for example, with regard to the front-line Kharkiv region, you can learn from the website of the State Statistics Service that in the first half of 2022, the regional volume of foreign trade of the Kharkiv region amounted to 421 million US dollars, which is 52 % of the volume for the first half of last year (that is, almost twice). According to the State Statistics Service, 118,270 individual entrepreneurs were registered in the Kharkiv region by mid-summer, while there were 116,670 as of January 1, 2022.

On the other hand, it is not known what their current turnover is and how actively they work. Another problem (which again relates to the open data crisis) is that the total number of FOPs of Ukraine on the website of the State Statistics Service is 1.38 million, but the website opendatabot.ua in the "Foponomics" section claims that there are currently 1.99 million. a rather large deviation, which calls into question the official number of working entrepreneurs in the Kharkiv region (https://cost.ua).

The second observation is the actual reduction of the budget compared to 2021. In the first half of last year, the city budget received 8.2 billion hryvnias, now – 7.6 billion hryvnias (it is worth remembering about the depreciation of money itself).

A reduction in the expenditure part is more likely – UAH 7.5 billion in the first half of 2021 against the current UAH 5.3 billion in 2022 against UAH 1.43 billion for the same period last year). And the most significant is the "reduction" of local taxes and fees – by more than UAH 510 million. (in particular, taxes on immovable property – rent from legal entities, land tax and real estate tax). It is worth noting that the revenues of the single tax to the city budget remained approximately at the level of last year (1.43 billion now and 1.37 billion last year).

Although military actions naturally seem to be the most influential factor in the implementation of local budgets, the indicators in this chart, for example in Mykolaiv and Ivano-Frankivsk, show that it is not the only factor. First, the war factor probably correlates more with the expenditure than with the income component (lowest percentage in Chernihiv, Kharkiv, Kyiv, Mykolaiv, and Sumy). And secondly, the degree of budget implementation is not a direct reflection of the state of the city's economy, but rather an important parameter of the city's "fiscal capacity" – whether residents have lost official incomes, whether workplaces have closed, whether legal entities and individuals pay property taxes, etc. And, unfortunately, Kharkiv lost the most in this "tax capacity" of all regional centers (https://lb.ua/blog).

Therefore, the management of the regional economy requires immediate action, and therefore, first of all, it is necessary:

– development of a new approach to fiscal and economic regulation of political processes, in particular reorientation of partial management of local taxes to territorial management, directing investment funds to the development and

improvement of the economy of regions, cities and towns located in the war zone;

– a more flexible approach to the development of strategic plans for a shorter period and the determination of effective tactical measures, and it is possible to develop several options taking into account current events and after the end of the war with the aggressor;

– reforming the administrative-territorial system, revising the creation of territorial communities, especially in the regions most affected by the attacks of the occupiers;

– business support from the state (relocation of enterprises), in particular, the adoption of a number of laws and regulatory documents that would more effectively organize the processes of relocation of enterprises and contribute to increasing the mobility of the workforce. It will also create new jobs for immigrants;

– strengthening cooperation with donor organizations of European countries in the development and modernization of the infrastructure of individual municipalities, as well as preparation for the implementation of post-war socio-economic development projects (Kibik et al., 2022).

The process of economic policy under martial law requires constant adjustment of the economic management system in order to preserve or improve its condition based on the control of the economic situation, which is necessary for making immediate management decisions in case of unpredictable changes in the economy, internal and external environment. The economy in the conditions of war means the economy, the purpose of which is the concentration and use of one's own resources for effective countermeasures against threats to the security of territories. The impact of threats on local economic processes leads to disruption of the sustainable functioning of the regional economy, as a result of which the regional system management apparatus loses control over the stages of reconstruction of the aggregate social product (Bezverkhyi et al., 2022).

The conducted research demonstrates the difficult situation in the economy of Ukraine, large-scale missile strikes by the russian federation on the energy system of Ukraine do not allow to start the recovery of the economy of the regions in full force. To date, it is still very difficult to assess the consequences of military actions, because the war continues today, and all this has a negative impact on the economic processes of the regions, which used to be the driving force of Ukraine's industrial potential (Buriak, 2022).

Conclusions. Since the start of the full-scale russian attack, the economy and financial system have shifted from market-based to manual management to meet the unprecedented challenges. This approach worked. This made it possible to overcome the panic and stabilize the work of the financial and economic system. Therefore, in the current situation, it is necessary to quickly solve the issue of managing the economic development of the regions.

The proposed processes of regulation and stabilization of the development of the economies of the regions should contribute to the acceleration of socio-economic development, the determination of the main priorities for solving important problems according to the innovative and progressive scenario, the implementation of a system of urgent, renewable actions to manage the development of the economy of the regions of Ukraine.

At the same time, timely decisions will help minimize the problems

described above, reduce pressure on the financial system of Ukraine's regions, in particular on the national currency, and facilitate the process of transition from "manual" to market management, taking into account the requirements of military legislation. law. This will reduce existing imbalances and bring the system to new conditions. This topic should become central in further scientific research to stabilize the life of the population.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Bezverkhyi, K., Kovach, S. & Zolkover, A. (2019). Integrated reporting: econometric model of quality assessment. *Economic Studies*, 28 (5), pp. 120-133.

Borshevskij, V., Vasilicya, O. & Matvyeyev, Ye. (2022). Publichne upravlinnya v umovah voyennogo stanu: institu-cijni transformaciyi, strategichne planuvannya ta mehanizmi rozvitku [Public administration under martial law: institutional transformations, strategic planning and development mechanisms]. *Derzhava ta regioni,* no. 2, pp. 30-35. [in Ukr.].

Buriak, Ie. (2019). Kauzalita rozvoje obcí a regionů z pohledu integračních procesů, daňové politiky a cestovního ruchu [The regional development in the conditions of social and economic consolidation]. 1. vyd. České Budějovice: Vysoká škola evropských a regionálních studií. p. 67-77. [in Czech].

Danylyshyn, B. (2022). Yak vidnovlyuvati ekonomiku pislya vijni. Programna vidbudova Bosniyi ta Gercegovini: uroki dlya Ukrayini [How to rebuild the economy after the war. Programmatic reconstruction of Bosnia and Herzegovina: lessons for Ukraine]. URL : https://lb.ua/blog/bogdan_danylysyn/510994_yak_vidnovlyuvati_ekonomiku_pislya.html. [in Ukr.].

Dyachenko, S. (2022). Yak nam vidbuduvati Ukrayinu. Uspishni svitovi kejsi povoyennogo vidnovlennya [How can we rebuild Ukraine. Successful world cases of post-war recovery]. Ukrinform. URL : https://www.ukrinform.ua/rubriceconomy/3493522-ak-nam-vidbuduvati. [in Ukr.].

Ekonomika regioniv Ukrayini v umovah vijni [The economy of the regions of Ukraine in the conditions of war]. (2022). Riziki ta napryamki zabezpechennya stijkosti: naukovo-analitichne vidannya, nauk. red. Storonyanska I.Z. Lviv. DU "Institut regionalnih doslidzhen imeni M. I. Dolishnogo NAN Ukrayini". Seriya "Problemi regionalnogo rozvitku", 70 p. URL : https://ird.gov.ua/irdp/ p20220033.pdf. [in Ukr.].

Kazyuka, N. & Sheketa, Ye. (2022). Napryami ta rezervi povoyennogo vidnovlennya ekonomiki Ukrayini [Directions and reserves of the post-war economic recovery of Ukraine]. *Aktua-lni problemi rozvitku ekonomiki regionu*: *naukovij zhurnal,* no. 18, pp. 255-264. [in Ukr.].

Kibik, O., Taran-Lala, O., Saienko, V., Metil, T., Umanets, T. & Maksymchuk, I. (2022). Strategic vectors for enterprise development in the context of the digitalization of the economy. *Postmodern Openings*, 13 (2), pp. 384-395. Doi : https://doi.org/10.18662/ po/13.2/460. [in Ukr.].

MakFarlejn, N. (2021). Postrevolyucijna Gruziya na mezhi? [Is post-revolutionary Georgia on the brink?]. Kritika. URL : https://krytyka.com/ua/ articles/postrevolyutsiyna-hruziya-na-mezhi. [in Ukr.].

Metodologiya planuvannya regionalnogo rozvitku v Ukrayini. Instrument dlya rozrobki strategij regional-nogo rozvitku i planiv zahodiv z yih realizaciyi [Methodology of regional development planning in Ukraine. A tool for developing regional development strategies and action plans for their implementation]. Strategija Kharkova. URL : http://strategy.kharkiv.ua/materials.html. [in Ukr.].

Miskij byudzhet Harkova [City budget of Kharkiv]. (2022). URL : https://lb.ua/blog/ observatory_democracy/526991_miskiy_byudzhet_harkova_napovnennya.html. [in Ukr.].

Nechiporenko, M. (2022). Vidrodzhennya pislya vijni. Svitovij dosvid ekonomichnogo uspihu dlya Ukrayini [Revival after the war. World experience of economic success for

Ukraine.]. The Page. URL : https://thepage.ua/ ua/news/yaki-varianti-vidnovlennya-ukrayini-ye-upovoyennij-chas. [in Ukr.].

Derzhavna sluzhba statistiki Ukrayini [State Statistics Service of Ukraine]. URL : https://www.ukrstat.gov.ua/. [in Ukr.].

Derzhavnyy veb-portal byudzhetu dlya hromadyan [State budget web portal for citizens]. URL : https://openbudget.gov.ua/. [in Ukr.].

U kvitni dohodi zvedenogo byudzhetu prodovzhuyut padati [In April, revenues of the consolidated budget continued to fall]. (2022). Cina derzhavi. URL : https://cost.ua/u-kvitni-dohody-zvedenogo-byudzhetuprodovzhuyut-padaty/. [in Ukr.].

Varnalij, Z. (2022). Finansova bezpeka Ukrayini v sistemi stalogo rozvitku ekonomiki v umovah vijni [Financial security of Ukraine in the system of sustainable economic development in the conditions of war]. Finansovi instrumenti stalogo rozvitku ekonomiki : materiali IV mizhnarodnoyi naukovo-praktichnoyi konfere-nciyi (12 travnya 2022 r.). Chernivci : Cherniveckij nac. un-t, pp. 35-39. [in Ukr.].

Vdovenko, L. & Titov, D. (2019). Stan ta problemi rozvitku ob'yednanih teritorialnih gromad v Ukrayini [State and problems of development of united territorial communities in Ukraine]. *Infrastruktura rinku*, no. 31, pp. 175-181. [in Ukr.].

Леся МАРЧУК, Владислав ЯКОВЛЕВ

ЕФЕКТИВНІСТЬ УПРАВЛІННЯ ЕКОНОМІЧНИМ РОЗВИТКОМ РЕГІОНІВ УКРАЇНИ В УМОВАХ ВОЄННОГО ЧАСУ

Анотація. Війна спричинила масштабні руйнування цивільної інфраструктури України. Якщо всебічна і точна оцінка можлива лише після перемоги чи принаймні після звільнення тимчасово окупованих територій, то швидка оцінка збитків все одно необхідна. Мета дослідження – висвітлення ефективності управління розвитком економіки регіонів України в умовах воєнного стану. Предметом дослідження є ефективність управління економічним розвитком регіонів України в умовах воєнного часу. Досягнення мети роботи можливе шляхом використання таких методів дослідження, як: розрахунково-аналітичні; графічні; методи динаміки ефективності управління розвитком регіональної економіки в умовах воєнного стану; порівняння оцінки доходів і видатків по відношенню до бюджетів регіонів України; порівняльний аналіз у визначенні основних напрямків підвищення ефективності управління економічним розвитком регіонів України.

У результаті роботи на прикладі міста Харкова встановлено, що за перше півріччя минулого року міський бюджет отримав 8,2 млрд. грн., зараз – 7,6 млрд. грн. (варто нагадати про саму девальвацію валюти). Більш імовірним є скорочення видаткової частини – 7,5 млрд. грн. у першому півріччі 2021 року проти нинішніх 5,3 млрд. грн. у 2022 році. Сфера застосування цього дослідження – реалізація запропонованих заходів в управлінні економіками країн регіонів України в умовах воєнного стану, а саме: запропоновані процеси регулювання та стабілізації розвитку економіки регіонів України мають сприяти прискоренню соціально-економічного розвитку, визначенню основних пріоритетів вирішення важливих проблем згідно з інноваційно-прогресивним сценарієм впровадження системи невідкладних, відновлюваних заходів щодо управління розвитком економіки регіонів України.

Зроблені висновки свідчать про те, що своєчасне їх вирішення дозволить мінімізувати описані вище проблеми, зменшити тиск на фінансову систему регіонів України, зокрема на національну валюту, сприяти процесу переходу від «ручного» до ринкового управління з урахуванням вимоги військового законодавства. Це зменшить наявні дисбаланси та виведе економічну систему на новий, набагато кращий рівень.

Ключові слова: *економіка, управління, доходи, видатки, бюджет, регіони, війна, підприємство, ефективність, розвиток.*

Submitted: 27.01.2023
Revised: 16.02.2023
Accepted: 27.02.2023

LAW

UDC 340
DOI 10.31733/2786-491X-2023-1-195-210

Larysa NALYVAIKO©
Honored Lawyer of Ukraine,
D.Sc. in Law, Professor,
Vice-Rector
(Dnipropetrovsk State University of Internal Affairs),
Ukraine

Robert W. McGEE©
Ph.D. (Accounting, Taxation, Finance, Economics, Law, Philosophy, Political Science, Political Philosophy, Ethics, Economic History);
D.Sc. in Economics, D.Univ. in Public Finance, JD in Law, Professor
(Fayetteville State University), USA

PROBLEMS OF ACCESS TO JUSTICE AND LEGAL ASSISTANCE OF INTERNALLY DISPLACED PERSONS

Abstract. It was emphasized that in February 2022, Ukrainians faced an unprecedented military aggression by ther federation, which led to numerous violations of human rights and international humanitarian law. The restoration of violated rights and freedoms requires systematic efforts of law enforcement agencies and the judicial system of the Ukrainian state, since the vast majority of internally displaced persons have suffered material and non-material damages, lost access to a number of public services, and suffered illegal actions. interference in their lives. Access to justice for internally displaced persons depends on the availability of legal aid. Properly ensuring the access of internally displaced persons to judicial protection is one of the components of the mechanism for restoring the rights and freedoms of persons who suffered as a result of the military conflict. The authors emphasize that internally displaced persons are a vulnerable social group that needs support and assistance in various spheres of life. It was noted that one of the main guarantees of observing the rights, freedoms and legitimate interests of internally displaced persons is free legal aid.

The problems of implementing the powers of local self-government regarding the integration of internally displaced persons are analyzed. It has been proven that the decentralization of power creates conditions for ensuring the rights of IDPs and persons affected by the conflict, but it is not effective enough. Decentralization of power did not significantly

© Nalyvaiko L., 2023
ORCID iD: https://orcid.org/0000-0002-7696-4223
larysa-nalyvaiko@ukr.net

© McGee, R., 2023
ORCID iD: https://orcid.org/0000-0001-6355-288X
bob414@hotmail.com

affect the motivation of local self-government bodies to create conditions for the integration of IDPs, help in solving their problems. There is no balance between the scope of powers and resources for their implementation. It is expedient to further strengthen the abilities of local government specialists to assess and take into account the different circumstances in which IDPs find themselves, the specific problems they faceThis will allow to improve and harmonize the fragmented policy in the field of integration of IDPs at the local level, which was formed, in particular, due to a lack of experience and expert support.

Keywords: *internally displaced persons, rights and freedoms, local self-government bodies, decentralization of power, integration, martial law.*

Introduction. For modern democratic, legal and social states, which recognize a person as the highest social value, the issue of effective implementation of the rights and freedoms of a person and a citizen becomes extremely urgent. As a result of the impact of globalization and European integration processes on the most important spheres of Ukrainian society, a certain positive development of the system of guaranteeing the rights and freedoms of various categories of the population may be noticed. However, the annexation of the Autonomous Republic of Crimea and the armed conflict in the East of Ukraine have become crisis phenomena that have led to the urgent need to modernize the system of protection of the rights and freedoms of such a category of subjects as internally displaced persons. Of particular importance for the implementation, protection and protection of the rights and freedoms of internally displaced persons are organizational and legal guarantees as a system of entities that provide such a guarantee. Organizational and legal guarantees, which constitute the second subgroup of legal guarantees of rights and freedoms, are provided for in normative legal acts of social and political institutions, which are entrusted with the relevant functions and powers regarding the organization and implementation of legal support for the implementation, protection and protection of human and citizen freedom.

Analysis of recent research and publications. The guarantors of the rights and freedoms of internally displaced persons must take certain steps that will ensure the effectiveness of the response to internal displacement in Ukraine and the realization of the rights of the specified category of persons, in particular: prevention of displacement and minimization of its adverse consequences; raising national awareness of the problem; collection of data on the number and condition of forced migrants; support for trainings on the rights of forced migrants; creation of a legal framework that ensures the protection of the rights of internally displaced persons; development of a national policy on internal displacement; definition of the coordinating body (eng. focal point) regarding issues of internally displaced persons; encouraging national human rights institutions to take care of internal displacement issues; ensuring the participation of internally displaced persons in decision-making; support for long-term solutions; allocating sufficient resources to address internal displacement issues (http://www.refworld.org/docid/4790cbc02.html).

In addition, the steps may include cooperation with the international community when national resources are insufficient for the effective implementation, protection and protection of the rights and freedoms of internally displaced persons. Today, the system of organizational and legal guarantees in Ukraine consists of: the Verkhovna Rada of Ukraine and the President of Ukraine; Cabinet of Ministers of Ukraine, ministries and other

central bodies of executive power; Local state administrations and local self-government bodies; Courts and Prosecutor's Office of Ukraine; Commissioner of the Verkhovna Rada of Ukraine for human rights; Advocacy; Political parties and public organizations; International judicial institutions or relevant bodies of international organizations of which Ukraine is a member or participant. Parliamentary guarantees. The only body of legislative power in Ukraine is the Parliament – Verkhovna Rada of Ukraine. By adopting legislative acts, the Verkhovna Rada of Ukraine guarantees the rights and freedoms of people and citizens as a whole, as well as certain categories, for example, internally displaced persons. Yes, internally displaced persons can apply to the Human Rights Commissioner of the Verkhovna Rada of Ukraine. Such an appeal can be either oral – to the "hot line", written, or through a personal reception of the Commissioner (Zavorotchenko, 2013, pp. 94-99).

The current state of implementation of organizational and legal guarantees of the rights and freedoms of internally displaced persons. In 2019-2021, Ukraine faced the COVID-19 pandemic. Although personal receptions of citizens in all state bodies were suspended, state institutions accepted all appeals from citizens, in addition, along with written and verbal appeals to the "hotlines", electronic appeals also worked. There should have been an appropriate response to such appeals 188 and the removal of obstacles to the realization of the legal rights of a person and a citizen.

Presidential guarantees. The President of Ukraine is the guarantor of state sovereignty, territorial integrity of Ukraine, compliance with the Constitution of Ukraine, rights and freedoms of man and citizen, in particular, he makes decisions on acceptance of Ukrainian citizenship and termination of Ukrainian citizenship, on granting asylum in Ukraine and granting pardons.

Government guarantees. The Cabinet of Ministers of Ukraine is the highest body in the system of executive authorities. An important institutional (institutional and organizational) guarantee is the functioning of the Ministry of Reintegration of Temporarily Occupied Territories. In the corresponding provision, the status of this ministry is defined as: the central body of executive power, the main body in the system of central bodies of executive power, which ensures the formation and implementation of state policy on the issues of temporarily occupied territories in Donetsk and Luhansk regions and the temporarily occupied territory of the ARC and the city of Sevastopol, and adjacent territories, information sovereignty of Ukraine (https://zakon.rada.gov.ua/laws/show/376-2016- %D0%BF#Text).

Judicial guarantees. Human rights and freedoms are protected by the court. Everyone is guaranteed the right to appeal in court decisions, actions or inaction of state authorities, local self-government bodies, public officials and executives. The Constitution of Ukraine stipulates that everyone has the right, after using all national means of legal protection, to apply for the protection of their rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant (Pastukhova, 2016).

Therefore, organizational and legal guarantees of the rights and freedoms of internally displaced persons are understood as an internally coordinated complex system of institutions, which includes public authorities and institutions of civil society, whose activities are aimed at ensuring, implementing and

protecting the rights and freedoms of internally displaced persons. These guarantees may include the following: parliamentary, presidential, governmental and judicial guarantees.

The purpose of the article is to investigate the challenges and obstacles faced by internally displaced persons in accessing justice and legal assistance in Ukraine, particularly in the context of the ongoing military conflict with russia.

Formulation of the main material. In February, 2022, Ukrainians faced an unprecedented military aggression by the russian federation, which led to numerous violations of human rights and international humanitarian law. The restoration of violated rights and freedoms requires systematic efforts of law enforcement and the judicial system of the Ukrainian state, since the vast majority of internally displaced persons suffered material and non-material damages, lost access to a number of public services, and suffered unlawful interference in their lives.

Access to justice for internally displaced persons depends on the availability of legal aid. Adequate provision of access of internally displaced persons to judicial protection is one of the components of the mechanism for restoring the rights and freedoms of persons affected by the military conflict.

Internally displaced persons are a vulnerable social group that needs support and assistance in various spheres of life. One of the main guarantees of observing the rights, freedoms and legitimate interests of internally displaced persons is free legal aid. After all, this is a type of state guarantee, which consists in creating equal opportunities for the protection of rights and access of persons to justice. The issue of access to free legal aid for internally displaced persons is one of the most acute problems affecting this category of the population (https://legalaid.gov.ua/novyny/pravovyj-zahyst-vnutrishno-peremishhenyh-osib/).

Secondary legal aid provides equal opportunities in access to justice. These are the following types of legal services: protection; representation of the interests of persons in courts, other state bodies, local self-government bodies, before other persons; drawing up procedural documents (https://zakon.rada.gov.ua/laws/show/3460-17#n80). Internally displaced persons have the right to receive all types of specified legal services. Legal services provided by lawyers and employees of the free legal aid system are free of charge for clients and are paid for by the state.

Since the beginning of the armed conflict, there has been a change in the priority of issues, for the solution of which internally displaced persons turn to free legal aid centers. If in February-May, 2022, internally displaced persons primarily decided on the issue of finding housing, receiving social benefits and humanitarian aid, then in the future, for internally displaced persons, labor relations, restoration of documents, compensation for material damage as a result of the armed conflict, the procedure for establishing death on temporarily occupied territory.

At the end of 2022, the most common legal issues with which internally displaced persons addressed free legal aid centers were: restoration of lost documents; receiving social assistance as an internally displaced person; solving the issue of men going abroad as accompanying persons; alienation or purchase and sale of real estate under martial law, as well as any other transactions with immovable and movable property; consultations on family issues: appointment

and payment of alimony, divorce; inheritance issues; resolution of issues related to the restoration of property destroyed as a result of military aggression; legal issues in the field of application of labor legislation.

In order to improve the work of free legal aid centers, the following is proposed: harmonization of domestic legislation and state institutions in accordance with the norms of international conventions and European standards regarding the legal protection of citizens; increasing the responsiveness of free legal aid centers to requests from citizens in general, and internally displaced persons in particular; simplification of the procedure for resolving legal issues of internally displaced persons; introduction into operation of centers for providing free legal assistance with free access to electronic databases of internally displaced persons and other services necessary for solving the legal problems of such persons; allocation within the system of legal aid of lawyers and legal advisers who will deal exclusively with legal problems of internally displaced persons. Access to justice includes the opportunity to participate in the proceedings; physical (territorial) availability of courts; financial availability of court procedures; access to legal aid, including free legal aid; reasonableness of the terms of consideration of the case; intelligibility of the language in which justice is administered (Lisova, 2021). The activity of the courts is one of the levers of ensuring the protection of the rights and freedoms of internally displaced persons.

Analysis of the activity of the courts allows us to conclude that there is a direct proportionality between the number of appeals received from internally displaced persons and the territory covered by the court's jurisdiction. For example, the largest number of internally displaced persons turned to the judicial authorities; city courts consider more appeals from internally displaced persons than district courts. It should be noted that there is a high number of appeals by internally displaced persons to judicial authorities, which indicates the need to maintain the focus of attention on improving the system of assistance to internally displaced persons by judicial authorities.

The analysis of cases decided by the judges of the courts of the Dnipropetrovsk region confirms that most often internally displaced persons apply for issues, including: obtaining the status of an internally displaced person; obtaining copies of court decisions of courts that remained in the temporarily occupied territory; conducting consideration of court cases under the jurisdiction of the temporarily occupied territory; resolution of court cases in the field of family legal relations: divorce, determination of the child's place of residence, establishment of paternity, collection of alimony, etc.; recognition of a person as deceased or missing; an appeal to resolve the question of jurisdiction in case of loss of materials of a civil case or another category of cases; resolution of inheritance issues; appointment of social assistance or other social benefits; damage or destruction of property by the russian military, causing death or bodily injury as a result of missile attacks; establishment of other legally significant facts (https://www.kiis.com.ua/materials/pr/20160111_Shpiker-report/Rep_Internews.ukr.pdf).

So, we can note that the spectrum of issues with which internally displaced persons turn to judicial authorities is quite wide, despite the existence of alternative dispute resolution methods.

The results of social studies, which are regularly conducted in Ukraine

among internally displaced persons, show that the rights of such persons are violated mainly in the sphere of receiving social benefits and benefits guaranteed by the state. 52 % of the respondents drew attention to this, another 58 % of the respondents noted that their loved ones faced such difficulties (Kolesnyk, 2022, pp. 257-259). State-guaranteed rights and freedoms are in the vast majority of cases ensured by relevant institutions and organizations. The conditions of war, namely active hostilities, problems with electricity, communication, threats to life make it difficult for citizens to access justice. However, there are more opportunities to participate in court proceedings remotely, outside the courtroom using one's own means of communication (Kravchenko, 2022, pp. 191-194).

The issue of introducing the possibility of remote justice reached its peak in February-March 2020, when the whole world was concerned about the spread of the acute respiratory disease COVID-19, caused by the SARS-CoV-2 coronavirus. Currently, the remote form of participation in the court process appears to be the only safe option for the population to more or less exercise their right to judicial protection (Nalyvaiko, 2021, pp. 31-36). Facilitating access to justice through information and communication technologies is especially relevant for internally displaced persons.

Legal principles of the status of internally displaced persons. Ukrainians were forced to leave their homes to avoid armed conflicts and violence. Some of the victims sought asylum in the European Union, the United States, Canada, and other countries, but most of the refugees became internally displaced. Thus, the number of internally displaced persons from the Donetsk and Luhansk regions, as well as the Autonomous Republic of Crimea, currently exceeds one million people and was formed as a result of several waves of migration directly related to the frequency and intensity of hostilities. The absence of real prospects for the rapid restoration of state control over all territories will result in a further increase in the scale of internal population migration.

Determining the status of internally displaced persons is relevant and necessary in order to effectively solve the problems of this population category and regulate the consequences to which this form of forced migration leads. Internally displaced persons are people or groups of people who have been forced to leave their homes or places of residence in order to escape the consequences of armed conflict, situations of violence, human rights violations or natural or man-made disasters, and who have not crossed an internationally recognized the state border of the country (https://documentsddsny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement).

Refugees and internally displaced persons are forced to leave their places of residence for the same reasons. But refugees are persons who cross the border, and internally displaced persons will remain on the territory of their countries (Tyshchenko, 2014, pp. 124-126). Such a category of persons was recorded for the first time in Ukraine during the time of independence. Currently, the legal framework for the protection of the rights and freedoms of IDPs and the population of the occupied territories is already quite developed. In this field, a specialized law was adopted – "On Ensuring the Rights and Freedoms of Internally Displaced Persons", which should be used as a starting point when developing a policy on IDPs (On ensuring the rights and freedoms of internally displaced persons: Law of Ukraine dated October 20, 2014).

The development of political decisions and political programs that should

solve the problems of IDPs is included in a number of articles of the law. This law is fundamental to the legal status of internally displaced persons. The approval of such a normative legal act is undoubtedly a legal achievement of the state, which seeks to soften the negative consequences of armed conflict, temporary occupation, human rights violations, as well as to provide priority assistance to those citizens of Ukraine who, in order to realize their rights to safe living conditions and health I was forced to move out of the danger zone. Separately, it should also be noted the Resolution of the Cabinet of Ministers dated March 31, 2016, which approved the Recommendations of the parliamentary hearings on the topic "The state of compliance with the rights of internally displaced persons and citizens of Ukraine living in the temporarily occupied territory of Ukraine and in the temporarily uncontrolled territory in the area of the anti-terrorist operation". This document is primarily of a guiding framework nature and needs to be further translated into the format of current legal documents and programs.

As for the organization of direct practical activities to protect the rights of IDPs and solve their problems, the reference point here is the Comprehensive State Program for Support, Social Adaptation and Reintegration of Ukrainian Citizens who have relocated from the temporarily occupied territory of Ukraine and areas of anti-terrorist operations to other regions of Ukraine. Normative acts were also adopted to ensure the legal status of internally displaced persons: Resolution of the Cabinet of Ministers of Ukraine No. 505 dated October 1, 2014 "On providing monthly targeted assistance to internally displaced persons to cover living expenses, including payment of housing and communal services" and resolution "On approval of the Procedure for the use of funds received from individuals and legal entities for the provision of one-time monetary assistance to injured persons and internally displaced persons" No. 535 dated October 1, 2014.

The first involves the provision of monthly targeted assistance to IDPs to cover the costs of housing and housing and communal services. General assistance for one family cannot be provided for more than 6 months. The second regulated the use of funds received from foreign donors. One of the key elements of this scheme is the further use of such funds for one-time assistance to IDPs. This resolution provides for consideration of requests for assistance for IDPs by special commissions. At the same time, in the current legislation, the interaction of authorities and local self-government with public associations, whose activities are aimed at solving the problems of IDPs, is only outlined and requires the development and implementation of more specific and detailed mechanisms (Nalyvaiko & Cherednichenko, 2020).

A balance must be observed here in actions on a partnership basis. But today this principle is only a desired reference point, and the real reality testifies to the reproduction of traditional relations, when civil society is listened to only in the presence of protest activity and certain actions, or when the processes become weakly controlled. Therefore, the current legislation regarding the legal status of internally displaced persons needs significant revision in the direction of specifying programmatic, institutional, organizational-management and financial support for its implementation (Nalyvaiko, Bochkovy & Minakova, 2022, pp. 130-136).

Problems of implementing the powers of local self-government bodies

on the integration of internally displaced persons in conditions of power decentralization. Local self-government bodies (LSGBs) occupy the main place in guaranteeing the rights and interests of internally displaced persons (IDPs) and are the closest to their problems and needs. Society and communities expect local self-government bodies to actively participate in solving the problems of IDPs. The Ukrainian state in general and public authorities in particular are responsible for persons who find themselves in difficult living conditions, therefore the quality of protection of IDPs is an indicator of social orientation in general. The lack of coordinated activities of local self-government bodies within a single district or region leads to a fragmented, inconsistent solution to the problems of IDP integration. The lack of communication and exchange of experience between local self-government bodies of different territorial communities, the use of different approaches or the general disregard for the need to ensure the rights, interests and needs of IDPs make their full integration in communities impossible. In addition, a certain inconsistency of the regional policy regarding IDPs undermines the authority of local self-government bodies in general. It is relevant to study the real capabilities of local self-government bodies to respond to the problems of IDP integration.

The conclusions of this research are based on the results of a survey of local self-government experts who directly implement tasks related to the integration of internally displaced persons. The survey was held in selected communities and included several blocks of questions: regarding the impact of the reform of power decentralization on the expansion of local government's ability to promote the integration of IDPs; regarding the awareness of local government in the problems of IDPs and motivation in solving them; regarding the understanding of the responsibility of local government for the integration of IDPs; regarding the existing experience of supporting IDPs; about the main problems in this area. The purpose of scientific research is to substantiate the legal and practical problems of implementing the powers of local self-government bodies on the integration of internally displaced persons in conditions of decentralization of power, as well as to develop a proposal for their solution in the future.

According to Art. 18 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" dated April 15, 2014, citizens of Ukraine are guaranteed full observance of their rights and freedoms provided by the Constitution of Ukraine, including social, labor, and electoral rights and the right to education, after leaving the temporarily occupied territory.

This important norm obliges all public authorities to take all measures to ensure the rights and freedoms of people and citizens of internally displaced persons. As a result of decentralization, the regulatory array of constitutional and legislative powers is expanding. Discretion objectively arises on the basis of the specified powers – first, in the form of the need for detailing and concretization of the specified powers, with the aim of their further fuller and proper implementation by local government organizations, their officials and officials, as well as with the aim of regulating new types of social relations, which arise in the course of life activities of the territorial community and its members within the framework of relations that have already developed and

are stable.

The discretionary powers of local government are deterministic, that is, they arise and are carried out under the influence of the teleological dominance of local self-government – the resolution of a wide range of issues of local importance in the interests of the territorial community and its members. (Baymuratov & Boyars'kyi, 2019, pp. 31-41).

One of the manifestations of the discretionary powers of local self-government bodies is the right to determine and shape the content of local policies in long-term and short-term strategic and planning documents – target programs. Those responsible for the development of the target program must: clearly imagine local problems in the relevant field, resource and other opportunities of the community; to know why and for whom the program is being developed (beneficiaries, interested parties); to understand the causes of certain troubles and ways to overcome them; predict possible risks and negative consequences; calculate the program budget and funding sources (it can be not only the local budget, but also, for example, grant funds), determine the necessary non-financial resources; to determine the indicators by which it will be possible to assess whether the program has achieved its goals (Stashchuk & Lysenko, 2020).

IDPs can be stakeholders and beneficiaries of such plans. Local self-government bodies and regional state administrations choose different approaches to formulating policies in the field of IDP integration: special integration programs (as comprehensive policies related to various aspects of IDP integration); programs and measures in certain areas (for example, targeted programs on access to housing, employment promotion, social protection, etc.); programs and measures to support integration at the local level, not at the regional level. Some State Administrations and Local Governments have demonstrated a complex and holistic vision of the integration of IDPs. However, some regions have only one-off or fragmented measures, such as free meals or gifts for IDP children, which are mostly related to the social protection of vulnerable populations, rather than policies with a long-term impact on the integration of IDPs (https://www.humanitarianresponse.info/files/documents/files/05_2021_nrc_idp_integration_policies_ukr.pdf).

The main problem is low motivation and initiative of LGUs to take measures to strengthen the integration of IDPs; lack of stable communication between state authorities, local self-government bodies, local self-government institutions and IDPs; lack of financial resources and low institutional capacity of LGUs to influence the integration of IDPs. At the same time, the legal possibilities of local government in this area are almost unlimited.

A lack of understanding of the local government's role, necessity and responsibility in solving the problems of integration of IDPs dominates. According to the experts of the pilot communities, the decentralization of power had a tangible impact on expanding the powers and responsibilities of communities and on the level of responsibility of local self-government bodies, but the resources for their implementation are insufficient. The mechanism of implementation of individual powers is still unclear in certain areas, but this is a nationwide trend. Decentralization of power creates conditions for ensuring the rights of IDPs and persons affected by the conflict, but it is not effective enough. At the same time, the decentralization of power did not significantly affect the

motivation of local self-government bodies to create conditions for the integration of IDPs, help in solving their problems.

The reason for this is the lack of state subsidies and own financial resources. Non-material support for IDPs is not actively carried out by local self-government bodies, and support through mechanisms that are already in place is provided on a general basis. In particular, the delegation of powers from state bodies to local self-government bodies to provide basic administrative services (registration of place of residence, issuance of passport documents, state registration of legal entities and individuals, entrepreneurs, citizen associations, registration of acts of civil status, property rights, resolution of land issues, etc.) expands their opportunities to ensure the interests of IDPs, but among the problems noted in this area are a lack of financial resources and bureaucratic procedures at the level of state authorities. The problem of forming local budgets is ambiguous, as there is no balance between the scope of powers and resources for their implementation. The budget of the surveyed communities provides for expenditures for the implementation of programs for the support and protection of IDPs and persons affected by the conflict. At the same time, in the pilot communities, individual special measures to ensure the rights and interests of IDPs are almost never organized, so they have the opportunity to realize their needs on the same level as other residents.

It is expedient to further strengthen the abilities of local government specialists to assess and take into account the different circumstances in which IDPs find themselves, the specific problems they face. This will allow to improve and harmonize the fragmented policy in the field of integration of IDPs at the local level, which was formed, in particular, due to a lack of experience and expert support. Local self-government bodies and officials keep track of the number of IDPs who have moved to communities and analyze the dynamics. The prevailing understanding is that central executive bodies and local self-government bodies should be responsible for persons affected by the conflict. At the same time, there is a mostly everyday understanding of the reasons for such responsibility, rather than a political and legal one (local self-government bodies must be responsible for every person in general, and their fate cannot be indifferent to local governments; IDPs are full-fledged citizens in the community; IDPs become part of the community, but such persons have many problems).

There are also opposing views and arguments (the issue of providing for the needs of IDPs is a state issue; local self-government bodies should support IDPs in the case of guaranteed state assistance with the provision of financial resources for LGUs). The assessment of the state's activities in ensuring the rights of IDPs and persons affected by the conflict in general is ambiguous. It is emphasized that the state (through state bodies) should independently carry out more positive actions for the benefit of IDPs. There is an opinion that the state unjustifiably shifted responsibility to the communities, which indicates a misunderstanding of the goals and significance of the policy in the field of integration of forced migrants. The transfer of responsibility to state bodies and the unclear understanding of the responsibility of local self-government bodies for the integration of IDPs are monitored. Whereas IDPs themselves become an important resource of the community, work and pay taxes to the local budget, participate in the

development of the community.

It is worth noting that communities have experience in implementing state and regional (local) programs to support IDPs, in particular in the field of health care, providing social services, creating a modular transit town for IDPs, providing IDPs with permanent housing). Local self-government bodies evaluate the effectiveness of the implementation of state programs to support IDPs positively, but note the feasibility of their improvement. In communities, the needs and interests of IDPs are studied mainly through interaction with public organizations that represent IDPs; holding meetings and sessions, round tables, conferences, public events to discuss ways to solve the problems of protecting and ensuring the rights of IDPs; independent study of individual needs, in particular in solving the housing issue, etc.

Residents of communities can use such legal means of participation in local self-government as: submitting electronic petitions, exercising the right to appeal, public consultations and public hearings. But the IDPs themselves do not initiate such forms of participation and, if they join, then only on the same level as other residents of the community. IDPs use only certain means of influence on local authorities, both indirectly (through interaction with public organizations) and directly (through coordination councils on IDP issues). The problem is that the tools of local democracy created in communities are almost unknown to residents and are not often used. Social and administrative services of local self-government bodies are aimed at satisfying all categories of the population, including IDPs. Social and administrative services are provided to all vulnerable categories of the population, although experts state insufficient regulation of this activity at the state level. IDPs receive social and administrative services on a common basis and with the help of common approaches.

Local self-government bodies hardly apply an individual approach to IDPs, services are provided without taking into account the specifics of their situation. An exception is positive actions in the provision of educational services for internally displaced children (extraordinary enrollment in educational institutions and provision of tickets to communal children's health camps). Specialists of local self-government bodies state that comfortable and safe movement of vehicles and pedestrians is ensured in the interests of less mobile population groups (buses are equipped with ramps, pedestrian paths are equipped with tactile lines, ramps are provided in public places, call buttons, social taxis are available to order). At the same time, no emphasis is placed on internally displaced persons with disabilities.

The organization of family recreation and leisure (entertainment programs, space for collective development, open days, decorative and applied forms of activity, collective creative works, evenings of rest, patriotic education, inclusive spaces for people with disabilities) is carried out for all residents of the community on equal terms. Ensuring equal access for everyone is positive, but local self-government bodies are recommended to implement additional measures to inform, create conditions and involve IDPs and other vulnerable population categories. However, no educational, scientific, cultural or educational projects, educational programs, which, in particular, affect the better integration of IDPs, have been created in any pilot community (according to the interviewed experts). This shows that local self-government bodies are not fully aware of the projects implemented by public organizations, educational

institutions and other entities.

The pilot communities lack the experience and practice of implementing programs to promote the youth movement and youth activism, which is a rather popular direction of human capital development in communities. The development of social entrepreneurship, among the beneficiaries of which IDPs can be identified, requires the attention of local self-government bodies. The creation of centers for training and retraining, in particular, in the interests of veterans of the ATO and OOS, IDPs, is relevant in those communities where displaced educational institutions operate. Such centers can be opened on the basis of a memorandum between higher education institutions and local self-government bodies, and educational services can be partially paid for from the local budget (for retraining or advanced training of specialists in areas relevant to the community).

The reform of decentralization of power is quite successfully implemented in Ukraine. There are many examples of effective implementation of new opportunities on the ground due to the redistribution of funding and increased autonomy in solving urgent community problems. At the same time, local bodies of state executive power and local self-government bodies do not have sufficient information about the state of integration of IDPs into the socio-economic and cultural life of the regions due to ineffective communication with the latter. This situation is relevant for the whole country.

The development of the practice of concluding agreements on the cooperation of territorial communities with the aim of implementing a single, comprehensive approach to the integration of IDPs in communities, improving the quality of providing services to them, and effective implementation of national legislation in this area is relevant. The subject of such an agreement may be the implementation of a joint target project – a set of joint activities carried out by local self-government bodies at the expense of local budgets and other sources not prohibited by law.

Therefore, the recommendations for improving the implementation of the powers of local self-government bodies on the integration of internally displaced persons in the conditions of decentralization of power are as follows:

– communication and exchange of experience between local self-government bodies of different territorial communities in the field of ensuring the rights, interests and needs of IDPs contribute to a consistent and comprehensive regional policy on the integration of IDPs in communities, will increase the quality of services provided to them;

– in order to obtain sufficient information about the state of integration of IDPs into the socio-economic and cultural life of the region and to ensure effective communication with the last local self-government bodies, it is advisable to create appropriate social groups – Viber, Telegram, Facebook, etc.;

– to introduce forms of participatory democracy in communities, which include public hearings, public expertise, public monitoring, activities of public councils, local initiatives, public media control, etc. Their advantage is accessibility for IDPs and, as a result, establishment of feedback from IDPs;

– local self-government bodies in host communities to develop and adopt comprehensive regional strategies, action plans and/or a program for the

integration of IDPs, and/or to establish/expand integration measures within other programs (for example, to ensure access to housing programs, improvement of existing housing conditions , access to employment, etc.);

– to monitor the effectiveness of integration programs and activities, in particular regarding the number of IDPs participating in such programs/events (both candidates and recipients), financial indicators regarding the lack of funds for the full implementation of the program, etc.;

– expedient management of gender statistics in the community by local self-government bodies and the use of gender-oriented approaches in making management decisions, implementation of gender-oriented budgeting, support for gender education and enlightenment, etc. The application of an end-to-end gender approach in the activities of local self-government bodies in the interests of IDPs requires additional training of experts.

Conclusions. 1. As a result of decentralization, the regulatory array of constitutional and legislative powers expands. On the basis of these powers, the discretion of local self-government bodies objectively arises. One of the manifestations of the discretionary powers of local self-government bodies is the right to determine and shape the content of local policies in long-term and short-term strategic and planning documents at their own discretion. Territorial communities (directly or through local self-government bodies formed by them) approve local budgets, socio-economic and cultural development programs, as well as target programs aimed at solving specific community development problems. Stakeholders and beneficiaries of such plans are internally displaced persons. Measures and policies of local authorities, which are carried out for the integration and support of IDPs, have a general and special character, but they ensure the interests of the whole community in direct proportion.

2. The main problems of implementing the powers and responsibilities of local self-government bodies on matters related to IDPs and persons affected by the conflict are as follows: local self-government bodies do not fully implement their capabilities in the field of IDP integration; specialists are not sufficiently aware of the capabilities of local self-government bodies in general, there is a lack of initiative and understanding of the goal of IDP integration; there is a dominant tendency to transfer responsibility for the integration of IDPs to the state (state bodies) and a lack of understanding of one's responsibility; IDPs are perceived as an additional burden for which the state does not provide funding, rather than as a prospect for the community; the problems of implementing projects and programs for the benefit of IDPs are focused on the lack of financial resources and unwillingness to take measures if the state does not provide subsidies to the local budget; no individual approach is applied and almost no positive actions are applied to balance the situation of IDPs in the community.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

Global Protection Cluster. (2010). Handbook for the Protection of Internally Displaced Persons. URL : http://www.refworld.org/docid/4790cbc02.html.

Zavorotchenko, T. M. (2013). Harantiyi realizatsiyi konstytutsiynykh politychnykh prav i svobod lyudyny y hromadyanyna v Ukrayini [Guarantees of realization of constitutional political rights and freedoms of man and citizen in Ukraine]. *Journal of the Kyiv University of Law*, no. 4, pp. 94-99. [in Ukr.].

Cabinet of Ministers of Ukraine. (2016). Deyaki pytannya Ministerstva z pytan' reintehratsiyi tymchasovo okupovanykh terytoriy Ukrayiny [Some issues of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine] : Resolution No. 566. Regulation No. 376. URL : https://zakon.rada.gov.ua/laws/show/376-2016-% D0%BF#Text. [in Ukr.].

Pastukhova, L. V. (2009). Yevropeys'kyy mekhanizm zabezpechennya prav lyudyny [European Mechanism for Ensuring Human Rights] : manual. Simferopol : Tavria, 224 p. [in Ukr.].

Fedorenko, B. L. (2016). Konstytutsiyne pravo Ukrayiny [Constitutional law of Ukraine] : textbook. Kyiv : Lira-K, 616 p. [in Ukr.].

Pravovyy zakhyst vnutrishn'o peremishchenykh osib [Legal protection of internally displaced persons]. (2016). Legal Aid Coordination Center. URL : https://legalaid.gov.ua/novyny/ pravovyj-zahyst-vnutrishno-peremishhenyh-osib/.[in Ukr.].

Verkhovna Rada of Ukraine. (2011). Pro bezoplatnu pravovu dopomohu [On free legal aid] : Law No. 3460-VI. URL : https://zakon.rada.gov.ua/laws/show/3460-17#n80. [in Ukr.].

Lisova, Yu. (2021). Yak zabezpechuyet'sya dostup do pravosuddya? [How is access to justice ensured?]. Public space. URL : https://www.prostir.ua/?news=yakym-chynom-zabezpechuyetsya-dostup-do-pravosuddya. [in Ukr.].

Internews Ukraine. (2016). Report based on the results of an all-Ukrainian survey of internally displaced persons and residents of host communities. URL : https://www.kiis.com.ua/ materials/pr/20160111_Shpiker-report/Rep_Internews.ukr.pdf.

Kolesnyk, A. I. (2022). Problemy dostupu do pravosuddya v umovakh viyny: teoretyko-pravovyy analiz [Problems of access to justice in conditions of war : theoretical and legal analysis]. In United by science: perspectives of interdisciplinary research: Mat. IX All-Ukrainian science and practice conf. Kyiv, pp. 257-259. [in Ukr.].

Kravchenko, M. O. (2022). Deyaki aspekty dostupu do pravosuddya v umovakh voyennoho stanu [Some aspects of access to justice under martial law]. In S. V. Kivalov (Ed.), The European choice of Ukraine, the development of science and national security in the realities of full-scale military aggression and global challenges of the 21st century" (to the 25th anniversary of the National University "Odesa Law Academy" and the 175th anniversary of the Odessa School of Law): in 2 volumes: materials of International scient.-pract. conf. (Odesa, June 17, 2022). Odesa : Helvetica Publishing House, vol. 2, pp. 191-194. [in Ukr.].

Nalivayko, L. R. & Minakova, E. V. (2021). Ensuring the access of internally displaced persons to electoral rights at the local level (based on the experience of the 2020 local elections): a theoretical and practical aspect. *Bulletin of the Dnipropetrovsk State University of Internal Affairs, Special issue (*2), pp. 31-36.

Convention and protocol relating to the status of refugees. UNHCR. URL : http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocolrelatingstatus-refugees.html.

United Nations Guiding Principles on Internal Displacement. United Nations. URL : https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf? OpenElement.

Tyshchenko, N. I. (2014). Internally displaced persons in Ukraine as a problem of today. *Young Scientist*, 10 (2), pp. 124-126.

Pro zabezpechennya prav i svobod vnutrishn'o peremishchenykh osib [On ensuring the rights and freedoms of internally displaced persons] : Law of Ukraine, dated October 20, 2014. (2015). *Verkhovna Rada Information*, is. 1, Art. 1. [in Ukr.].

Pro Rekomendatsiyi parlament·s'kykh slukhan' na temu [On the Recommendations of the parliamentary hearings on the topic] : "The state of compliance with the rights of internally displaced persons and citizens of Ukraine who live in the temporarily occupied territory of Ukraine and in the temporarily uncontrolled territory in the area of the anti-

terrorist operation" : Resolution of the Verkhovna Rada of Ukraine dated March, 31. (2016). *Verkhovna Rada Information*, is. 1, Art. 1. [in Ukr.].

Pro nadannya shchomisyachnoyi adresnoyi dopomohy vnutrishn'o peremishchenym osobam dlya pokryttya vytrat na prozhyvannya, u tomu chysli na oplatu zhytlovo-komunal'nykh posluh [On the provision of monthly targeted assistance to internally displaced persons to cover living expenses, including the payment of housing and communal services] : Resolution of the Cabinet of Ministers of Ukraine No. 505 dated October 1, 2014. (2014). *Official Gazette of Ukraine*, is. 80, Art. 22. [in Ukr.].

Pro zatverdzhennya Poryadku vykorystannya koshtiv, shcho nadkhodyat' vid fizychnykh ta yurydychnykh osib dlya nadannya odnorazovoyi hroshovoyi dopomohy postrazhdalym ta vnutrishn'o peremishchenym osobam [On the approval of the Procedure for the use of funds received from individuals and legal entities for the provision of one-time monetary assistance to victims and internally displaced persons] : Resolution of the Cabinet of Ministers of Ukraine No. 535, dated October 1. (2014). *Official Gazette of Ukraine*, is. 85, Art. 27. [in Ukr.].

Nalyvaiko, L. R., & Cherednichenko, O. Yu. (2020). Pravovi zasady statusu vnutrishn'o peremishchenykh osib [Legal principles of the status of internally displaced persons] : monograph, 416 p. [in Ukr.].

Nalyvaiko, L. R., Bochkovy, O. V. & Minakova, E. V. (2022). Problems of implementing the powers of local self-government bodies on issues related to internally displaced persons in conditions of decentralization of power (according to the results of the survey of pilot communities). *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs*, no. 1, pp. 130-136.

Pro zabezpechennya prav i svobod hromadyan ta pravovyy rezhym na tymchasovo okupovaniy terytoriyi Ukrayiny [On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine] : Law of Ukraine dated April, 15. (2014). *Verkhovna Rada Information*, is. 26, Art. 892. [in Ukr.].

Baimuratov, M. O. & Boyarskyi, O. O. (2019). Dyskretsiyni povnovazhennya orhaniv mistsevoho samovryaduvannya u sferi zakhystu prav lyudyny: metodolohichni pidkhody do rozuminnya ta vyznachennya [Discretionary powers of local self-government bodies in the field of human rights protection: methodological approaches to understanding and definition]. *Publichne Pravo*, 2 (34), pp. 31-41. [in Ukr.].

Stashchuk, I., & Lysenko, V. (2020). Rozvytok hromady = rozvytok hromadyans'koho suspil'stva: tsil'ovi prohramy [Community development = civil society development: targeted programs]. URL : https://www.stepngo.in.ua/longread-mistsevi-programy/. [in Ukr.].

Norwegian Refugee Council. (2021). Report on regional integration programs for internally displaced persons. URL : https://www.humanitarianresponse.info/files/documents/files/05_2021_nrc_idp_integration_policies_ukr.pdf.

Лариса НАЛИВАЙКО, Роберт МакҐІ

ПРОБЛЕМИ ДОСТУПУ ДО ПРАВОСУДДЯ ТА ПРАВОВОЇ ДОПОМОГИ ВНУТРІШНЬО ПЕРЕМІЩЕНИХ ОСІБ

Анотація. Наголошено, що у лютому 2022 року українці зіткнулися з безпрецедентною військовою агресією з боку російської федерації, яка призвела до численних порушень прав людини та міжнародного гуманітарного права. Відновлення порушених прав і свобод потребує системних зусиль правоохоронних органів та судової системи Української держави, оскільки переважній більшості внутрішньо переміщених осіб завдано матеріальних і нематеріальних збитків, втрачено доступ до низки державних послуг, зазнали протиправних дій. втручання в їх життя.

Доступ внутрішньо переміщених осіб до правосуддя залежить від наявності правової допомоги. Належне забезпечення доступу внутрішньо переміщених осіб до судового захисту є однією зі складових механізму відновлення прав і свобод осіб, які постраждали внаслідок військового конфлікту. Автори підкреслюють, що внутрішньо переміщені особи є вразливою соціальною групою, яка потребує підтримки та допомоги в різних сферах життя. Зауважено, що однією з основних гарантій дотримання прав, свобод і законних інтересів внутрішньо переміщених осіб є безоплатна правова допомога.

Проаналізовано проблеми реалізації повноважень місцевого самоврядування щодо

інтеграції внутрішньо переміщених осіб. Доведено, що децентралізація влади створює умови для забезпечення прав ВПО й осіб, які постраждали від конфлікту, але недостатньо ефективно. Децентралізація влади суттєво не вплинула на мотивацію органів місцевого самоврядування щодо створення умов для інтеграції ВПО, допомоги у вирішенні їх проблем. Відсутній баланс між обсягом повноважень і ресурсами для їх реалізації. Доцільним є подальше посилення спроможностей фахівців ОМС оцінювати та враховувати різницю обставин, в яких опинилися ВПО, специфічні проблеми, з якими вони зіткнулись. Це дозволить удосконалити і гармонізувати фрагментарну політику у сфері інтеграції ВПО на місцевому рівні, що сформувалась, зокрема, через брак досвіду і експертної підтримки.

***Ключові слова**: внутрішньо переміщені особи, права і свободи, органи місцевого самоврядування, децентралізація влади, інтеграція, воєнний стан.*

Submitted: 23.01.2023
Revised: 07.03.2023
Accepted: 14.03.2023

UDC 340
DOI 10.31733/2786-491X-2023-1-210-217

Guus MEERSHOEK©
D.Sc., Lecturer
(Dutch Police Academy, Twente University),
Netherlands

CREATING MODERN, COMMUNITY-ORIENTED POLICE: SOME DUTCH EEXPERIENCES

Abstract. The Netherlands differ in many respects (historically, geographically, economically) from Ukraine. Consequently, the experiences of the Dutch police are different too. Nevertheless, those experiences may be useful to Ukrainian colleagues.

After the end of the National Socialist occupation (1940-1945), the Dutch population and police wanted to forget that time as quickly as possible, to reconstruct their economy, but that turned out to be unwise: for decades a taboo on that past hindered a good relationship between the police and the citizens. That relationship was finally not restored by politicians, but by a new generation of police chiefs who learned from police abroad, in particular the Anglo-Saxon police. An important tool for improving the relationship turned out to be training police personnel in social skills: citizens require more from the police than enforcing laws. The ability to mediate in conflicts and to help finding psychosocial support strengthens policing enormously. A particular issue turned out to be dealing with misbehaving police officers.

Frontline police-managers were given a special responsibility in counteracting misbehavior, but misbehaving police officers must also be able to count on correct treatment. Organized crime poses a particular threat to society and good policing in particular. In the fight against organized crime, the police learned that the administration is an indispensable ally, but that it is important too to preserve focus and that the population must be made resilient against the lure of this kind of crime. In modern policing, a special responsibility rests on the shoulders of police chiefs: they must seek a balance between the vertical relationship with the competent authorities and the horizontal relationship with the citizens.

***Keywords:** police relationship with citizens, police integrity, combating organized crime, police history.*

a.j.j.meershoek@utwente.nl

Introduction. The Dutch admire how Ukraine defends itself against a ruthless aggressor. There is large public support, both for delivering weaponry and for the reception of refugees. My profession is conducting research into the police and training police students and ordinary students in public safety issues.[1] I realize that as long as the russian aggressor has not been expelled from the country, the time for reflection has not yet come. But perhaps it does do no harm to take meanwhile note of some Dutch experiences with building a police force that is community-orientated and a pillar of a constitutional democracy. It can help to accelerate the integration of Ukraine in the community of European liberal democracies in the near future.

Analysis of recent research and publications. The Netherlands and Ukraine have different pasts. The Netherlands is a small country with a long tradition of international trade. In the twentieth century, it was only briefly confronted with the terror and devastation by totalitarian regimes. The occupation by Nazi Germany lasted five years and only in the second half of the occupation repression was fierce and destructive. The worst hit was the Jewish part of the population. Apart from the German occupation, the Dutch have been able to develop and renew their public institutions and social organizations in peace over the past two centuries. There were no revolutions or major uprisings, only some local riots and a few national strikes. But despite all these differences with Ukraine, the experiences with the formation of a modern, community oriented police force may still be of interest to Ukrainian colleagues.

The purpose of the article is to discuss Dutch experience of police and possibility of its' application in Ukraine.

Formulation of the main material. Five lessons that the Dutch police have learned since the Second World War seem to me valuable.

1. Coming to terms with the past. During the German occupation, the occupational government had tried to transform the Dutch police into their own model and to spread within the organization the national socialist ideology. He succeeded to use the police for important national socialist goals, including the deportation of the Jews and the fight against resistance, but the transformation of the police organization was only partially successful. Nevertheless, at the liberation in 1945, the Dutch police had got a military character. The Dutch government, which returned from exile in London, needed a properly functioning police in the chaotic situation after the liberation. The devastated country had to be rebuilt. The new government, therefore, left the police largely intact. Police officers who had joined National Socialist organizations or had collaborated in prominent positions with the occupier were fired, but the vast majority of the personnel were able to stay. The past was forgotten as quickly as possible, both by the population that longed for peace, stability and prosperity and certainly also by the police who felt ashamed. Within the police, having been trained by the occupational government according to German standards and having

[1] Much in this contribution is based on my experience within the Dutch police. It may therefore be relevant to know that I wrote a dissertation about the Amsterdam police during the German occupation (Meershoek, Dienaren van het gezag. Amsterdam, 1999), worked in the second half of the nineteen-nineties in a CID, focused on organized crime from countries of the former Soviet Union and subsequently researched, among various other police related topics, preserving integrity within the police.

cooperated in German repressive measures were taboo, only known by some colleagues and small circles of citizens. Nobody thought of such a thing as a Truth Commission such as that set up in South Africa after apartheid (G 2007).

However, the population did not forget what they had endured during the occupation by their own police. Although citizens did not know what individual police officers could be blamed for, they did blame the police force as a whole for the past. Citizens feared the police. They complied but kept the police at a distance and were not inclined to inform the police about matters of interest. Young people who had not experienced the war and who came of age in the 1960s, were the first to adopt a different attitude toward the police and public authorities in general and they promptly came into conflict with the police. To make matters worse for the police, they quickly enjoyed the sympathy of the general public. The police became socially isolated in the 1970s. Even the government was not inclined to come to their aid. In the end, it was a younger generation of police officers who, out of dissatisfaction with that negative image, would start to systematically improve police interaction with citizens and to rebuild their legitimacy (Ibidem, p. 389-492).

It was not until the 1980s, forty years after the end of the German occupation, that the taboo on the war past of the police was broken. Then the last colleagues retired who had entered the police force during the war and had received training according to German standards. Once outside the discipline of the corps, they dared to reproach each other for actions and non-actions. These allegations soon caught the attention of journalists, and after these turned to the subject, historians followed suit (Aartsma, & Huizing, 1986). Then the process of coming to terms with one's own past slowly began. Not only with the past of the German occupation, but also other parts of police history that had simply been avoided too, for which one should not be ashamed, which could have been instructive.

2. Orientation on citizens. In the 1960s, the Dutch police became entangled in fierce conflicts with protesting youths. As a legacy of the German occupation, the Dutch police had a distant relationship with civilians. They justified this attitude by appealing to an idea of professionalism dating from the 1920s, considering themselves as strict enforcers of the law. Citizens had to accept their authority at face value, were not allowed to commit private justice and had to trust that the police would clear up crimes and bring the perpetrators to justice. From the 1960s onwards, citizens no longer accepted such a treatment, disregarded the police and settled less and less for such a passive role. They became more assertive and self-reliant and frequently protested if they disagreed with governmental policies. To regain legitimacy it became important for the police to know what citizens expected of them and to estimate what appeal they could make to citizens' efforts to contribute to public safety. Instead of instructing citizens, police had to work with citizens. More recently, the advent of the mobile phone and social media have made this even more necessary.

It was a new generation of police officers who succeeded to move the police forces to adopt the new attitude towards citizens. These officers were better educated and had joined the police in the 1960s, were disturbed by the low level of education of the police leadership and started experimenting with

 ISSN 2786-491X (Print)

new working methods with the patrolmen on the street. The ideas were provided by American police researchers who started, from the 1970s onwards, promoting new strategies like team policing, problem orientated policing and community policing. Listening to the safety wishes of citizens, rebuilding legitimacy and trust and ultimately benefiting from the information that citizens were prepared to provide. As these officers rose to leadership positions from the 1980s, they also began to adapt the organization to the new approach: decentralization, teamwork, consultation of the public and the reduction of specialized functions.[2]

In the early 1990s, the entire Dutch police force was reorganized and community policing became the dominant guiding principle of police work. The most radical change, however, took place in an insidious manner, as a result of the influx of women into the police force. From the early 1970s, the police had started recruiting women, but until well into the 1980s women remained a small minority, in subordinate positions. But with their rise in the organization, however, internal manners changed and the police became sensitive to more or less disregarded crimes and offenses such as domestic violence, sexual harassment, rape and stalking. The police culture changed, there became more room for reflection and attention for colleagues who had suffered physical or mental injuries in police work. Increased internal safety and administrative support strengthened the resilience of police officers on the beat and in this way improved policing.

3. Professionalization of police training. Police work is a profession, it requires training and education, and above all knowledge of human behavior and social problems. Police are faced with unpredictable emergencies that can easily escalate into violent confrontations. They should to be able to assess what motivates various kinds of citizens and how they can effectively and constructively be addressed. From the 1970s, the emphasis in police training therefore shifted from knowledge of laws and rules to teaching social skills like the ability to mediate small scale conflicts and to diagnose mental disorders. Since then, police students are for example confronted during police training with people with mental problems and confused behavior. After all, they will often come into contact with such citizens in their daily practice. They must be able to mediate between quarreling citizens and know which social and medical emergency services they can call on. As a result, specialized police training at for example the police traffic school and the detective school gradually came to an end. Police aspirants are of course still trained in these skills, but these kinds of training are now part of the general training. More and more police officers return in the course of their careers to the police training centers: lifelong learning.

In the 1980s, the Dutch police were confronted with large demonstrations and fierce, often violent confrontations with squatters. It was discovered that the traditional, military approach of public order policing had the opposite effect of what was intended. The new goal became de-escalating, in order to give citizens the opportunity to exercise their right to demonstrate, but also to ensure a

[2] Their idea were formulated in a famous report: Projectgroep Organisatiestructuren, *Politie in Verandering.* Den Haag, 1977. A video, subtitled in English, in which the protagonists of this transformation relate their experiences, can be found on YouTube: https://www.youtube.com/watch?v=7PVETB_1Caw.

peaceful course of the demonstrations. The so-called mobile units, responsible for public order policing, which consist of regular police officers who have undergone special training and are recruited from the regular police service in the event of riots, are directed by specially training staff and act systematically, based on specific scenarios, geared to the expected situation and the intended effect. They are supported by colleagues who are specially trained to collect (undercover) intelligence, or to preserve friendly contact with the demonstrators or to arrest the most aggressive among the latter. Everything is aimed at controlling the crowd and managing potentially violent situations (Adang et al., 2011).

An important recent development in police training is the integration with police practice. This development is partly prompted by the need for public savings and the need for an accelerated deployment of police aspirants, but also by new didactic methods: learning on the job. Training is not only important for the police students, but also for colleagues on the street, who can thus more easily adapt to new developments in the police profession.

4. Tackling derailing police-officers. There is no such thing as a police force without derailing employees. Police officers have special powers and are allowed to use these in complicated circumstances. Regularly, something goes wrong the intended result is not achieved. Sometimes there is a temptation to use those powers improperly. When the Dutch police were first confronted in the 1970^{s} with widely publicized misconduct by police officers, the initial reaction of the leadership was to deny it. Pride in their own force prevented them from facing reality. This attitude was unsustainable and forced the police leadership to take systematic repressive and preventive action against misconduct. A first step was to formulate a code of conduct that was up to date and that could also be observed by the executive staff. A police officer could accept a cup of coffee; not an alcoholic drink. There was formulated a financial limit on small gifts that could be accepted. And such gifts had to be reported. Police officers were expected to behave properly in their free time. In the internal discussion that the implementation of the new rules provoked, the concept of the so-called moral compass of policemen came to play a key role. Police officers were required to have such an inner sense of what is right and wrong in the job. Failures within policing could be discussed.

Over time and after a few painful affairs, it became clear that not only patrolmen who are exposed to pressure or temptation on the street, should be taken into consideration, but that policed managers also bear responsibility, both in the origins and in the prevention of derailments by their personnel. They should set an example of good behavior, pay attention to colleagues who are overburdened or get into trouble, also privately, be not afraid to step in the comfort zone of colleagues, hold these accountable for their behavior and intervene if they receive signals of derailments. Ensuring police integrity became an important task for police managers.

Police officers who not properly use their special powers should be addressed and in serious cases punished disciplinarily, sometimes even with dismissal or judicial prosecution. However, discipline must be carefully enforced, not only because sometimes police officers are wrongly suspected of misconduct, but also when it turns out that they have actually misbehaved. The police have a strong group culture, mutual loyalty is essential for good

performance. The downside of that loyalty is that threatened police teams can fall back on a "blue code of silence" but can also easily expel "black sheep" undeservedly from the group. Being expelled from the group can have a major impact on police self-esteem. A good police force is able to have difficult discussions (Meershoek et al., 2020).

5. Effectively combating organized crime. Organized crime undermines democracy and the rule of law. The Netherlands began to deal with this in the 1970s, when the use of drugs among young people was gaining popularity. The drugs were secretly imported: hashish and marijuana mainly from Morocco; the heroin mainly from Afghanistan. Smuggling professionalized and soon fell into the hands of criminal organizations. At that time, the Dutch police were no match for these. Legal evidence could only be collected by penetrating the criminal organizations with undercover agents and experience with that was lacking. The police started to rely on American colleagues who were affiliated towards the American army that was stationed in Germany and who had more experience with this way of acting. However, American law allowed its police to use more far-reaching investigative methods than Dutch law. During the criminal prosecution, therefore, Dutch police officers could not speak openly about the American support that they had received. In court, they threatened to fall into perjury. The solution was found by playing openly and provoking the judge to rule on a carefully planned infiltration campaign. This eventually led to jurisprudence of the European Court of Justice, the so-called Tallon arrest, which still provides legal guidance and judicial support for fighting organized crime (Wever, 2020).

In the course of the 1980s, it became clear that criminal justice was not enough to curb organized trafficking in drugs. The demand for drugs was too great. For suppliers who were arrested and prosecuted, replacements quickly stood up to serve the customers. The government then sought a solution by tolerating coffee shops where customers could buy soft drugs. Hard drugs such as heroin and cocaine were not tolerated there. The government hoped that by tolerating the consumption of soft drugs it could prevent young people from consuming hard drugs. The goal became making separating the illegal market in soft drugs from that in hard drugs. The police could then focus on the greatest evil: trafficking in hard drugs.

Around 1990 it became clear that criminal organizations were buying pubs, restaurants and other real estate and making improper use of important public service providers such as lawyers, notaries and banks. In order to prevent criminal organizations from laundering criminal money and building up positions of power in society, it became necessary for the police to obtain the cooperation of other parts of the administration. In threatened sectors of the economy, change of ownership of property was made subject to a permit by the government. The government could refuse such a permit if the buyer's past history showed that he had been involved in criminal affairs.

Fighting trafficking in drugs didn't bring the hoped for success. Shortly before the turn of the century, the government started to reduce the number of coffee shops. Citizens complained about the nuisance in the immediate vicinity of the shops and the many visiting foreign customers. Controlling the trade in soft drugs remains a difficult task to this day. Some administrators advocate further legalization along the Canadian model, in the hope of regaining control.

Others have no confidence in this and advocate stricter police repression and the closure of more coffee shops. At the same time, it became clear that the illegal market in hard drugs, especially in cocaine, is growing and is a breeding ground for violent, internationally active organized crime. Successful judicial action against these organizations is possible, as became clear during some trials, but these successes do not lead to a reduction in the illegal market. The government is diligently looking for ways to make society resilient to the temptations to use these drugs.

Conclusions. The Dutch police has learned that building a police force that is a strong pillar of a democratic constitutional state requires an enduring effort. Society is permanently changing, crime, disorder and feelings of unsafety are changing with it and a police force that wants to continue to act lawfully must constantly adapt to these changes. The impulses for renewal come from various sides: from judges who rule in criminal cases, from citizens expressing their wishes and desires and from the competent authorities with instructions.

A modern police force should cherish two relationships: one horizontal, one vertical. Service to the citizens and service to the government. The police leadership is required to maintain a balance between both. That is already difficult in a stable, prosperous society such as the Netherlands. All the more admiration is due to the Ukrainian colleagues who are striving for this under much more difficult circumstances.

For those who are interested in the Dutch police and its past, there are two video's, prepared for Dutch police training, that have English subtitles and English voice over:

1) https://www.youtube.com/watch?v=mmfvrYUgSMs;
2) https://www.youtube.com/watch?v=7PVETB_1Caw.

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

References

Aartsma, K. & Huizing, B. (1986). De zwarte politie. Weesp. [in Dutch].

Adang, O. & Bierman, S. [et al.], (2011). Managing collective violence around public events: an international comparison. Amsterdam.

Ibidem, p. 389-492.

Meershoek, G. (1999). Dienaren van het gezag. Amsterdam. [in Dutch].

Meershoek, G. (2007). De Gemeentepolitie in een veranderende samenleving. Amsterdam, pp. 227-321. [in Dutch].

Meershoek, G., Slagmolen, N. & Smit, A. (2020). Zorg voor politiële integriteit. Den Haag. [in Dutch].

Projectgroep Organisatiestructuren (1977). Politie in Verandering. Den Haag. [in Dutch].

Punch, M. (2009). Police corruption. Deviance, accountability and reform in policing. Devon.

Reenen, P. van (2016). Politiechefs. Den Haag. [in Dutch].

Two police officers initiated the discussion with a series of articles in a national police magazine that were later collected in a book: K. Aartsma, B. Huizing (1986). De zwarte politie. Weesp.

Schaap, D. (2018). The police, the public and the pursuit of trust. Den Haag.

Wever, J. (2020). Geschiedenis van de Nederlandse drugsbestrijding (1961-2011). Den Haag. [in Dutch].

Гус МЕЕРШУК

СТВОРЕННЯ СУЧАСНОЇ, ОРІЄНТОВАНОЇ НА ГРОМАДУ ПОЛІЦІЇ: ДЕЯКИЙ ГОЛЛАНДСЬКИЙ ДОСВІД

Анотація. Нідерланди багато в чому відрізняються від України (історично, географічно, економічно). Отже, досвід нідерландської поліції теж різний. Проте цей досвід може бути корисним українським колегам.

Після закінчення націонал-соціалістичної окупації (1940-1945) голландське населення та поліція хотіли якнайшвидше забути той час, відновити свою економіку, але це виявилося нерозумно: десятиліттями табу на минуле заважало хороші стосунки між поліцією та громадянами. Зрештою ці стосунки відновили не політики, а нове покоління начальників поліції, які навчалися в поліції за кордоном, зокрема в англосаксонської поліції. Важливим інструментом для покращення стосунків виявилося навчання поліцейських соціальних навичок: громадяни вимагають від поліції не лише дотримання законів. Здатність бути посередником у конфліктах і допомогти знайти психосоціальну підтримку надзвичайно зміцнює поліцейську діяльність. Особливою проблемою виявилася робота з неналежною поведінкою поліцейських.

На поліцейських на передовій покладається особлива відповідальність у протидії неправомірній поведінці, але поліцейські, які поводяться неналежним чином, також повинні мати можливість розраховувати на коректне поводження. Організована злочинність становить особливу загрозу суспільству та, зокрема, ефективній поліцейській діяльності. У боротьбі з організованою злочинністю поліція зрозуміла, що адміністрація є незамінним союзником, але також важливо зберігати зосередженість і що населення має бути стійким до спокуси такого роду злочинів.

У сучасній поліції особлива відповідальність лежить на керівниках поліції: вони повинні шукати баланс між вертикальними стосунками з компетентними органами та горизонтальними стосунками з громадянами.

Ключові слова: *взаємовідносини поліції з громадянами, доброчесність поліції, боротьба з організованою злочинністю, історія поліції.*

Submitted: 03.03.2023
Revised: 16.03.2023
Accepted: 07.04.2023

UDC 341.3 : 341.4
DOI 10.31733/2786-491X-2023-1-218-229

Vasyl BEREZNIAK ©
D.Sc. in Law,
Senior Research Fellow
(Dnipropetrovsk State University of Internal Affairs), Ukraine

Alla DEMICHEVA ©
Ph.D. (Law),
Associate Professor
(Dnipropetrovsk State University of Internal Affairs), Ukraine

Ricardo Daniel FURFARO ©
Post D.Sc. in Law
(University of Business and Social Sciences),
Argentina

VIOLATIONS OF HUMAN RIGHTS BY THE RUSSIAN FEDERATION DURING FULL-SCALE ARMED AGGRESSION AGAINST UKRAINE

Abstract. The full-scale military aggression of the russian federation against Ukraine has resulted in massive human rights violations, war crimes and crimes against humanity. In the conditions Ukrainian law enforcement agencies, human rights organizations document war crimes committed by russian soldiers, and the Ukrainian authorities sue the russian federation and its leadership in international courts. In the national legislation, the Criminal Code of Ukraine provides for criminal liability for committing certain types of war crimes and crimes against humanity.

For the empirical substantiation of violations of IHL norms by russia in relation to Ukraine, the method of cabinet research was used, which consisted in the collection, study, systematization and analysis of secondary sources of information on the violation of human rights by Russia. The study was conducted from the moment of the beginning of the full-scale armed aggression until December, 2022, the object was the statements of the Ukrainian authorities and their individual representatives regarding russia's violations of the rules and laws of warfare; conversations between the russian occupiers intercepted by the Security Service of Ukraine; Report of the Office of the High Commissioner for Human Rights; weekly reports of the International Organization for Migration; platforms "Children of War", Warcrimes.gov.ua, russiancrime, reports of human rights organizations, materials of Ukrinform periodicals etc.

Keywords**:** *international humanitarian law, war crimes, crimes against humanity, full-scale military aggression, international armed conflict, human rights, human rights violations.*

© Berezniak V., 2023
ORCID ID: https://orcid.org/0000-0001-5690-4736
vasiliybereznia k@ gmail.com

© Demicheva A., 2023
ORCID ID: https://orcid.org/0000-0002-2997-3020
demicheva.alla@gmail.com

© Furfaro R., 2023
ricardofurfaro@yahoo.com.ar

Introduction. The russian federation's full-scale attack on Ukraine led to serious and massive violations of international human rights law and international humanitarian law, which led to catastrophic consequences for the citizens of Ukraine. Their right to life is massively violated, Ukrainians lose their health, property, suffer terrible treatment, etc. In such conditions, effective legal mechanisms for the protection of human rights are absolutely necessary. Ukrainian law enforcement agencies, international and national human rights organizations are documenting war crimes committed by russian soldiers during the ongoing armed conflict, and Ukrainian authorities are suing the russian federation and its leadership in international courts, appealing to international humanitarian law and international human rights law. Therefore, the purpose of the article is to review the international regulatory and legal mechanisms that ensure human rights in conditions of armed conflict and provide empirical arguments for their violation by the russian federation as an aggressor state in relation to Ukrainian citizens in the period from February 24, 2022 to December 30, 2022.

Analysis of recent research and publications. *Theoretical foundations: normative regulation of human rights observance in international armed conflict.* It is well known that international humanitarian law (IHL) is a system of internationally recognized legal norms and principles that apply during armed conflicts, establish the rights and obligations of subjects of international law to prohibit or restrict the use of certain means and methods of armed struggle, ensure the protection of victims of conflict and determine liability for violations of these norms (Order of the Ministry of Defense of Ukraine No. 164 of 23.03.2017). The main tasks of IHL are to protect civilians and those who have ceased to participate in armed hostilities (wounded and imprisoned persons); to regulate the means and methods of warfare. Modern IHL was created on the basis of three main areas: "Geneva Law, The Hague Law, and UN efforts to ensure the observance of human rights during armed conflicts. Objects protected by IHL and prohibited from attack include certain medical units; sanitary transport vehicles; civilian objects; cultural property; installations and facilities containing dangerous forces; objects essential to the survival of the civilian population; civil defense objects; non-defended areas; demilitarized zones; sanitary and safe zones and areas; neutralized zones; hospital zones and areas; and the natural environment. The categories of persons protected by IHL include persons not taking an active part in hostilities, including members of the armed forces who have laid down their arms, who ceased to be combatants due to illness, injury, detention, etc.; the wounded and sick, as well as people with disabilities; prisoners of war; women and children.

There are discussions in academic circles about the correlation and priority of international humanitarian law and international human rights law (IHRL). We can note that IHL does not supplant or replace IHRL; both are applicable during armed conflict. In its General Comment No. 36 (2018), the Human Rights Committee reiterated that IHRL and IHL complement each other. However, the norms and provisions of the latter take precedence in times of armed conflict as more special, more adapted to the conditions of war. IHL protects the same human rights as HRBA, but in the context of armed conflict, IHL is more effective and has a preventive nature.

The attack of the russian federation has led to serious and widespread

violations of IHL and IHRL, the spread of war crimes and crimes against humanity, which has resulted in catastrophic consequences for the enjoyment of virtually all human rights by the people of Ukraine. In order to investigate the most serious crimes of this kind, the International Criminal Court (ICC) was established in 1998, which operates on a permanent basis and investigates and prosecutes persons accused of genocide, war crimes and crimes against humanity. The ICC's activities are based on the Rome Statute, which in Articles 7 and 8 provides an understanding of the concepts of "war crimes" and "crimes against humanity". Thus, war crimes are considered to be serious violations of IHL, for which individuals are criminally liable at the national and international levels. Article 8 "War Crimes" defines a broad list of them (Rome Statute of the International Criminal Court). Crimes against humanity are defined in the Rome Statute as crimes that have a seriously destructive effect on the human person, humiliate or degrade the condition of one person or group of persons. They are among the most serious crimes of concern to the international community as a whole, entail the responsibility of individual perpetrators and require the cessation of behavior that is unacceptable under generally accepted rules of international law recognized by the major legal systems of the world (Elements of Crimes. Published by the International Criminal Court). Article 7 provides an extensive list of them. The Criminal Code of Ukraine (CC of Ukraine), Chapter XX Criminal Offenses against Peace, Security of Mankind and International Law and Order, provides for criminal liability for certain types of war crimes and crimes against humanity, in particular for violation of the laws and customs of war (Article 438 of the CC of Ukraine); planning, preparation or unleashing and waging of aggressive war (Article 437 of the CC of Ukraine); propaganda of war (Article 436 of the CC of Ukraine); genocide (Article 442 of the CC of Ukraine), etc. Ukraine signed the Rome Statute back on January 20, 2000, but has not yet ratified it, although it had a direct international obligation to do so after the Association Agreement with the EU in 2014. However, Article 124 of the Constitution of Ukraine explicitly states that Ukraine may recognize the jurisdiction of the International Criminal Court under the conditions set out in the Rome Statute of the ICC. In addition, the Criminal Procedure Code was supplemented by Section IX-2 "Peculiarities of Cooperation with the International Criminal Court" (Berezniak V.S. On the Peculiarities of the Jurisdiction of the International Criminal Court, 2022). In March 2022, 39 states parties to the ICC filed an appeal to the ICC Prosecutor regarding the situation in Ukraine, which resulted in a decision to open an investigation into the situation in Ukraine from November 21, 2013 to the present. The ICC is competent to prosecute persons responsible for war crimes, genocide and crimes against humanity. On March 17, 2023, ICC judges issued an arrest warrant for russian president Putin and russian Children's Ombudsman Lvova-Belova, who are suspected of deporting children from the occupied territories of Ukraine to russia. Other international actors to which the state of Ukraine appeals regarding russia's violation of IHL are the International Court of Justice (ICJ) and the European Court of Human Rights (ECtHR). On February 26, 2022, Ukraine filed a lawsuit with the ICJ regarding russia's violation of the Convention on the Prevention and Punishment of the Crime of Genocide and a request for interim measures. In the case of Ukraine v. russia, Ukraine states that russia's claim that it invaded Ukraine to prevent genocide is not true. In a special Statement, the

Ministry of Foreign Affairs of Ukraine explained that russia has distorted the very concept of genocide and its most serious treaty obligations to justify its invasion of Ukraine and its own gross human rights violations. The top military and political leadership of the russian federation has publicly attempted to justify its own aggression against Ukraine as a means of preventing and punishing the genocide that is allegedly taking place in our country. This brazen manipulation has no real basis, as the whole world knows. Ukraine strongly denies russia's allegations of genocide and rejects any attempts to use such manipulative claims as an alleged pretext for unlawful aggression (Statement of the Ministry of Foreign Affairs of Ukraine on russia's false and insulting accusations of genocide as a pretext for its unlawful military aggression). On March 16, 2022, the ICJ ruled on the request submitted by Ukraine to determine provisional measures in the case of genocide charges under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. russian federation), in particular to stop russian military actions on the territory of Ukraine (Questions and Answers: Order of the International Court of Justice on provisional measures in the case of Ukraine v. russian federation). In other words, in March 2022, it was only about provisional measures as urgent, not about jurisdiction or the merits of the case. On July 1, 2022, Kyiv submitted a memorandum to the ICJ under the Convention on the Prevention and Punishment of the Crime of Genocide, in which Ukraine demands "accountability and full reparation for the damage caused by russia's gross violations of international law". In July, 2022, the European Commission published a statement on its website supporting Ukraine's efforts to bring a case against Russia in the ICJ under the Convention on the Prevention of Genocide. On August 18, the European Union submitted information to the Court in the case of Ukraine v. russia regarding allegations of genocide, as according to the Statute and Rules of Court, a public international organization may, on its own initiative, provide the Court with relevant information on cases it is considering (Information furnished by the European Union under Article 34, paragraph 2, of the Statute of the Court and Article 69, paragraph 2, of the Rules of Court). In the last months of 2022, 26 influential countries joined Ukraine's case against russia.

Ukraine has also used another legal mechanism – an appeal to the European Court of Human Rights (ECHR). A press release of June 28, 2022 states that the ECHR has received a completed application form in the interstate case Ukraine v. russia (X) (application no. 11055/22), which consists of the Ukrainian government accusing the russian federation of massive and gross human rights violations by russians in their military actions on the territory of Ukraine, in particular, in violation of the European Convention on Human Rights under Articles 2, 3, 4, 8, 9, 10, 11, 13 and 14 and in accordance with Article 1 of Protocol No. 1 (protection of property), Article 2 of Protocol No. 1 (right to education), Article 2 of Protocol No. 4 (freedom of movement) and Article 3 of Protocol No. 4 (prohibition of expulsion) of the Convention (Inter-State case Ukraine v. russia (X): receipt of completed application form and notification to respondent State. Press Relese).

Currently, there are a number of interstate applications filed by Ukraine against the russian federation for consideration by the Court. As of September 23, 2022, according to the ECtHR, twenty-three governments and one non-

governmental organization have applied for permission to intervene as a third party in the proceedings in Ukraine v. russia (X) (application no. 11055/22) (Multiple third-party intervention requests in inter-State proceedings Ukraine v. russia (X)). In 2022, the Government of Ukraine filed several additions to the inter-state application Ukraine v. russia (X). As of February, 2023, 26 countries and 1 non-governmental organization had joined the case. Nevertheless, on September 16, 2022, russia withdrew from the European Convention for the Protection of Human Rights and Fundamental Freedoms, which was the result of russia's expulsion from the Council of Europe in March of the same year. The State Duma of the russian federation decided in June that russia would not comply with the ECHR's decisions. Therefore, the ECHR retains the competence to consider applications against the russian federation regarding its actions that occurred before September 16, 2022, the ECHR does not accept new applications against the russian federation, and the position of a judge from the russian federation has also been abolished. Thus, at present, the ECHR decisions are effective in terms of formalizing russia's war crimes against Ukraine.

Thus, modern international law consists of two separate parts of international norms, which contain the legal obligation of the state to observe human rights. The first is international human rights law (general field), the second is international humanitarian law (special field), which comes into effect during armed conflicts and is designed to protect war victims. There are inalienable, fundamental human rights that are stipulated by international human rights law and must be ensured under any conditions, including during armed conflict. Ukraine uses legal mechanisms to hold the russian federation accountable for violating the norms and customs of warfare.

Formulation of the main material. *Violations of IHL by the russian federation: Empirical Perspectives.* To empirically substantiate the violations of IHL by russia in relation to Ukraine, the method of desk research was used, which consisted of collecting, studying, systematizing and analyzing secondary sources of information on human rights violations by russia. This method allows us to obtain systematic and complete information on the topic. The research was conducted from the beginning of the full-scale armed aggression until the end of 2022, The research was based on statements by the Ukrainian government and its individual representatives regarding russia's violations of the rules and laws of war; conversations between russian occupiers intercepted by the SBU; the Report of the Office of the High Commissioner for Human Rights; weekly reports of the International Organization for Migration; the Children of War platform, Warcrimes.gov.ua (Office of the Prosecutor General), russiancrime (NGO "Opora"), reports of human rights organizations (Human Rights Watch); Ukrinform materials, periodicals, social networks, etc. Here are some of the results of the secondary analysis, which indicate systematic violations of IHL by russia.

Violation of the right to life. The fundamental human right to life is being violated in the context of war: for example, in just one day on February 24, 2022, 57 Ukrainians died and 169 were injured (the healthcare system is working steadily). According to the Ministry of Internal Affairs, since the beginning of the full-scale war, more than 7,000 civilians have been killed and 5,500 injured as a result of hostile shelling in Ukraine (data as of August 2022). The Report of the Office of the High Commissioner for Human Rights

(OHCHR) refers to violations of IHL and IHRL that occurred during the ongoing armed attack by the russian federation on Ukraine from February 24 to September 18, 2022 and is based on the work of the UN Human Rights Monitoring Mission in Ukraine. In particular, it is noted that during the reporting period, OHCHR recorded 14532 civilian casualties in the country: 5916 killed and 8616 injured. This included 5,916 killed (2,306 men, 1,582 women, 156 girls and 188 boys, as well as 35 children and 1,649 adults of unknown gender), and 8,616 injured (1,810 men, 1,327 women, 187 girls and 259 boys, as well as 217 children and 4,816 adults of unknown gender). OHCHR believes that the actual numbers are significantly higher, as information from some areas of intense fighting has been delayed and many reports are still awaiting confirmation (Ukraine: civilian casualty update 19, September, 2022. Office of the High Commissioner for Human Rights (OHCHR). According to the UN, 8006 civilians were killed and 13287 civilians were injured during the year of war (Civilian casualties in Ukraine from February 24, 2022 to February 15, 2023). As of 12/30/2022, the Children of War platform records 487 dead children and 954 wounded. 248 children are considered missing, 9441 (Children of War) have been deported. The exact number of affected children cannot be determined at this time due to active hostilities and the temporary occupation of part of the territory of Ukraine.

Intentionally directing attacks against the civilian population as a whole or against individual civilians not taking a direct part in the hostilities; intentionally carrying out an attack with the knowledge that such an attack will result in incidental loss of life or injury to civilians or damage to civilian objects (Rome Statute). In a report released in late June, the humanitarian organization Médecins Sans Frontières (MSF), which provides assistance to war wounded throughout Ukraine, concluded that the fighting was being conducted with outrageous disregard for the principle of distinguishing and protecting civilians. Civilians have been shot at during evacuation or attacked while trying to leave the war zone; indiscriminate bombing and shelling has killed and maimed people living and hiding in residential areas; the elderly have been subjected to ill-treatment, attacks, and their particularly vulnerable status has been completely ignored by the attacking forces (no mercy for civilians. Troubling accounts from the MSF medical train in Ukraine).

Attacking or shelling of unprotected and non-military objectives, towns, villages, dwellings or buildings by any means. According to KSE economists, at least 15.3 thousand high-rise buildings, 115.9 thousand private houses, 1991 shops, 593 pharmacies, 188.1 thousand private cars, 9.5 thousand buses, 492 trams and trolleybuses, and 511 administrative buildings were damaged, destroyed, or seized. As of the end of December, 2022, the total amount of direct damage to infrastructure reached $143.8 billion, 150 thousand residential buildings were damaged (the total amount of direct damage to infrastructure increased to $114.5 billion. Kyiv School of Economics). The International Organization for Migration (IOM) publishes weekly reports on the situation in Ukraine. For example, the report for the end of September 2022 states that rocket attacks on the Kharkiv thermal power plant and Zaporizhzhia nuclear power plant (ZNPP) caused massive water and power outages in several regions. Concerns are growing about a potential international nuclear disaster. The International Atomic Energy Agency (IAEA) has called for the establishment of

a security zone around ZNPP (Regional Ukraine crisis response situation report September 28, 2022. The International Organization for Migration (IOM).

Violations of the prohibition of rape, sexual slavery, forced prostitution or any form of sexual violence. The OHCHR Report notes an increasing number of allegations of conflict-related sexual violence, although it remains difficult to properly assess the extent of violations as survivors are often unwilling or unable to be interviewed. Many referral pathways do not work, and law enforcement agencies have limited capacity to address such cases, which have occurred in different regions of Ukraine, including Kyiv. In Chernihiv region, women and girls make up the majority of victims of rape, including gang rape (Situation of human rights in Ukraine in the context of the armed attack by the russian federation 24 February – 15 May, 2022).

Violations of the protection of civilians in time of war, in particular during occupation. The most important rule of the Fourth Geneva Convention, as well as of the entire IHL, is the protection of civilians, which is violated by the russian federation. The article on the prohibition of causing physical injury to persons under the power of the hostile party has been violated. In the occupied territories of Kherson and Zaporizhzhia regions, russian troops tortured civilians, illegally detained them, and committed acts of enforced disappearance against them. Human Rights Watch staff described 42 cases (as of August, 2022) in which russian occupation forces either committed acts of enforced disappearance against civilians or otherwise arbitrarily detained them, many of them tortured (Ukraine: Torture and Disappearances in the Occupied South). OHCHR documented and verified allegations of unlawful killings, including summary executions of civilians in more than 30 locations in Kyiv, Chernihiv, Kharkiv and Sumy regions, committed while these areas were under the control of russian armed forces in late February and March (Situation of human rights in Ukraine in the context of the armed attack by the russian federation 24 February – 15 May, 2022). In almost all major cities and towns where russian army units were based, they set up such places of detention for civilians and tortured them.

Forced displacement and filtering of Ukrainians. In the report "We had no choice: 'Filtration' and the Crime of Forced Displacement of Ukrainian Civilians to russia" Human Rights Watch documented the displacement of Ukrainian civilians by interviewing dozens of civilians from the Mariupol area. The total number of Ukrainian civilians transferred to russia remains unclear, and many have been displaced and transported in a manner and under conditions that make their transfer illegal and enforced. In mid-August, russian media reported that more than 3.4 million Ukrainians, including 555,000 children, had entered russia from Ukraine ("We had no choice": "Filtration" and the Crime of Forced Displacement of the Ukrainian Population to russia. Summary and recommendations in Ukrainian). Forced displacement is a war crime and a potential crime against humanity, and includes displacement in circumstances where a person agrees to move only because they fear consequences such as violence, pressure or detention if they stay, and the occupying power uses this coercive environment to move them.

Violation of the rights of prisoners of war, violation of human dignity, and humiliating and degrading treatment. The provisions of the Third Geneva Convention prohibit physical and psychological torture and inhuman treatment of prisoners, regardless of their past actions. The OHCHR report states that the

Mission has viewed numerous videos available on the Internet, which depict interrogations, intimidation, insults, humiliation, ill-treatment, torture and summary executions of prisoners of war (Situation of human rights in Ukraine). Russia denies UN human rights monitors access to places of detention. From an SBU audio interception of a conversation between russian soldiers: "We caught two people. We started to stab them – no luck. We took one to the forest, the other one we interrogated. They shot, well, kind of killed him. He said what he said! Okay... They put his leg under the wheel, drove on – what the fuck did he say!" (russians continue to grossly violate international rules for the treatment of prisoners of war (audio). Security Service of Ukraine). The Verkhovna Rada Commissioner for Human Rights, Dmytro Lubinets, addressing international organizations, wrote in a telegram channel about the released soldiers of the Azov regiment: "Ukrainian prisoners of war lost dozens of kilograms of weight while in russian captivity, and the point here is not that they were poorly fed, but that they were tortured by starvation. The guards ate normal food in front of the starving prisoners, who survived for months on what could hardly be called food. The soldier described in detail what the Ukrainians were fed there – mixed fodder cooked without salt. Salt was forbidden. So that you didn't get minerals. Sugar was also banned" (Dmytro Lubynets. Telegram channel). According to the Rome Statute, intentional killing, torture or inhuman treatment can be qualified as crimes against humanity.

Violation of restrictions on methods and means of warfare. The Hague and other specialized conventions limit the methods and means of warfare. Since February, 2022, russian troops have repeatedly used cluster munitions, which are inherently indiscriminate, in attacks across the country. Russia's use of cluster munitions, thermobaric "vacuum" bombs, and anti-personnel mines in Ukrainian cities is a violation of the Hague Conventions and customary international humanitarian law. The use of phosphorus munitions and incendiary bombs by the russian military in Ukraine violates the Convention on Certain Conventional Weapons. The New York Times wrote in June, 2022 that russian troops are playing out a strikingly barbaric and old-fashioned war strategy, and have struck Ukrainian cities and towns with a volley of rockets and other munitions, most of which can be considered relatively crude relics of the Cold War, and many of which have been widely banned under international treaties. The attacks repeatedly and widely used weapons that kill, maim and destroy indiscriminately, in violation of IHL. These strikes have resulted in the deaths and injuries of civilians, including children, and the destruction of critical infrastructure. The New York Times identified and classified more than 210 munitions prohibited by IHL, primarily cluster munitions, which could pose a serious danger to civilians for decades after the war ends (What Hundreds of Photos of Weapons Reveal About russia's Brutal War Strategy. The New York Times).

Depriving Ukrainians of their homes. An estimated 15 million Ukrainians have fled their homes, fleeing the war to other regions of Ukraine or abroad. According to a recent study by the International Organization for Migration, as of July, more than 6.6 million people in Ukraine were internally displaced. This figure is 15 % of the total population of Ukraine. 90 % of them are women and children. Almost 3 million Ukrainians remain in the EU countries. According to the EU Supports Ukraine community, 8.6 million Ukrainians have crossed the

border with the EU from Ukraine and Moldova during the six months of full-scale war. 5.8 million Ukrainians have returned home. It is also noted that 4.1 million Ukrainian citizens have been granted temporary protection status in various EU member states, and more than 500,000 Ukrainian children have gone to European schools (EU supports Ukraine). According to the first data from IOM teams, over 600,000 people left Ukraine in the first five days after the outbreak of hostilities and escalation of fighting. The population movements have seriously affected the humanitarian and protection situation throughout the country and in neighboring countries, leading to numerous protection concerns, including trafficking, exploitation and violence, gender-based violence, lack of documentation, psychosocial stress and trauma, family separation, and the use of harmful coping mechanisms (IOM flash appeal for Ukraine and neighboring countries March – August, 2022).

Looting, seizure of civilian property, plundering of settlements or areas, which is another war crime committed by the russian military. From a conversation intercepted by the SBU: "So, in short, it is not criminalized that we are looting. It is authorized. putin has authorized it. He issued a decree that looting is allowed... Here we have a senior officer who went on a rampage..., looted TVs, washing machines, a grill for 250 thousand... everything! If we don't take it, others will" (putin personally gave the occupiers permission to loot in Ukraine (audio). Security Service of Ukraine). The Security Service of Ukraine and the National Police have a lot of evidence that looting among the occupiers has become widespread.

Russia's crimes against the Ukrainian language and culture. The destruction of cultural heritage sites is a war crime under Article 56 of the Regulations Regarding the Laws and Customs of War on Land, which is an annex to the IV Convention relative to the Laws and Customs of War on Land of 1907, a special Convention for the Protection of Cultural Property in the Event of Armed Conflict with the 1954 Protocol. In addition to these, there are customary rules of international humanitarian law that also ensure the protection of cultural property during armed conflict.

On the online platform "Destroyed Cultural Heritage of Ukraine" created by the Ministry of Culture and Information Policy of Ukraine, as of April 1, 2023, the number of damaged and destroyed cultural heritage sites and cultural institutions of Ukraine recorded in the database was 553, including libraries, memorial monuments, museums, religious buildings, and historic buildings (Destroyed Cultural Heritage of Ukraine). Dozens of museums and private collections were looted.

As part of the struggle for symbolic space, Ukrainian books are being destroyed and Ukrainian-language education in the occupied territories is being banned. On October 13, 2022, in his report "russian policy of linguistic violence in the occupied territories of Ukraine as a way to dismantle the constitutional order of Ukraine and an element of genocide of the Ukrainian people", Commissioner for the Protection of the State Language Taras Kremin noted the displacement of the Ukrainian language from all spheres of public life in the occupied territories. Between February, 24 and October 1, 2022, more than 200 cases of linguistic violence against the Ukrainian language have already been recorded. Discrimination, persecution and repression against Ukrainian citizens on the basis of language is one of the components of putin's policy of genocide

of the Ukrainian people (Commissioner presented a report on the russian policy of linguistic genocide in the occupied territories of Ukraine). The manifestations of linguistic violence include the occupation administrations' use of only russian to inform citizens; coercion to use russian, prohibition of the use of Ukrainian in public communications; prohibition of media and Internet resources providing information in Ukrainian; displacement of Ukrainian as the language of education; prohibition of the use of Ukrainian at public events; destruction of literature and printed materials in Ukrainian, etc. Thus, the prohibition of deliberate attacks on buildings intended for religious, educational, artistic, scientific or charitable purposes, on historical monuments, hospitals and places of concentration of patients has been violated. There is a deliberate destruction of the Ukrainian language and art.

Thus, the russian federation violates all fundamental human rights and the rules of warfare, ignoring both IHL and international human rights law, which is reflected in public sources.

Conclusions. International law has developed mechanisms that protect the legitimate rights and interests of states and allow us to talk about its protective function, which is carried out by influential international actors. The ongoing full-scale war has resulted in a wide range of human rights violations against both civilians and combatants, including the rights to life, liberty and security of person. The very fact of russia's invasion of Ukraine constitutes a crime of aggression under the ICC, as well as a violation of the UN Charter. The majority of reported civilian casualties were caused by the use of explosive weapons with a wide area of effect, including heavy artillery, multiple launch rocket systems, missiles and airstrikes. The actual numbers are much higher, as reporting from some areas of intense fighting has been delayed and many reports are still awaiting confirmation. Some human rights violations may also be war crimes. These may simply be different dimensions of the same phenomena. Where war crimes are involved, human rights are also involved, including the right to life, which is one of the fundamental rights guaranteed in a democratic society, the prohibition of torture and other ill-treatment, etc.

Conflict of Interest and other Ethics Statements

The autors declare no conflict of interest.

References

"We had no choice": "Filtration" and the Crime of Forced Displacement of the Ukrainian Population to russia. Summary and recommendations in Ukrainian. URL : https://www.hrw.org/sites/default/files/media2022/08/ukraine0922summaryrecs_ukr.pdf. P. 2.

Berezniak, V. (2022). On the peculiarities of the jurisdiction of the International Criminal Court: analysis of certain provisions of the Rome Statute. *Scientific Bulletin of Dnipropetrovs'k State University of Internal Affairs*, vol. 1, pp. 155-160.

Children of war. (2022). URL : https://childrenofwar.gov.ua/.

Civilian casualties in Ukraine between February 24, 2022 and February 15, 2023. https://www.ohchr.org/sites/default/files/documents/press/hrmmu-civilian-casualties-24feb2022-15feb2023-ru.pdf.

Destroyed cultural heritage of Ukraine. URL : https://culturecrimes.mkip.gov. ua/.

Dmytro Lubynets. Telegram channel. URL: https://t.me/dmytro_lubinetzs/975.

Elements of Crimes. Published by the International Criminal Court. URL : https://www. icc -cpi. Int/sites/ default/files/ElementsOfCrimesEng.pdf.

EU supports Ukraine. URL : https://invite.viber.com/?g2=AQAkxJ9koOvSuE8 CXIRBLTwiKrb OIR FfGxxmv37yYG% 2Fz9HN 9rKhKCVhsxDuyVBZ.

Healthcare system is working steadily – Viktor Liashko. 24.02.2022. URL : https://moz.gov.ua/article/news/sistema-ohoroni-zdorov%E2%80%99ja-pracjue-stabilno%E2%80%93-viktor-ljashko.

Information furnished by the European Union under Article 34, paragraph 2, of the Statute of the Court and Article 69, paragraph 2, of the Rules of Court. URL : https://www.icj-cij.org/public/files/case-related/182/182-20220818-PRE-01-00-EN. pdf.

Inter-State case Ukraine v. russia (X): receipt of completed application form and notification to respondent State. Press Release. ECHR 220 (2022) 28.06.2022. URL : https://hudoc.echr.coe.int/eng-press#{%22fulltext%22:[%22v.%20Russian%22],%22 sort%22:[%22kpdate%20Descending%22]}.

IOM flash appeal for Ukraine and neighboring countries March – August, 2022. URL : https://crisisresponse.iom.int/sites/g/files/tmzbdl1481/files/uploaded-files/IOM%20Flash% 20Appeal%20for%20Ukraine%20and%20Neighboring% 20_ pdf.

Ministry of Defense of Ukraine. Order of 23.03.2017 No. 164 "On Approval of the Instruction on the Procedure for Implementation of International Humanitarian Law in the Armed Forces of Ukraine" as amended. Official website of Ukrainian legislation. URL : https://zakon.rada.gov.ua/laws/show/z0704-17#Text.

Multiple third-party intervention requests in inter-State proceedings Ukraine v. russia (X). Press Release. ECHR 292 (2022) 23.09.2022. URL: https://hudoc.echr.coe.int/eng-press#{%22fulltext%22:[%22v.%20Russian%22],%22sort%22:[%22kpdate%20 Descending%22]}.

No mercy for civilians. Troubling accounts from the MSF medical train in Ukraine. URL : https://www.msf.org/no-mercy-civilians-ukraine-war.

putin personally gave permission to the occupiers to loot in Ukraine (audio). Security Service of Ukraine. URL: https://ssu.gov.ua/novyny/dozvil-na-maroderstvo-v-ukraini-okupantam-dav-osobysto -putin-audio.

Questions and Answers: Order of the International Court of Justice on provisional measures in the case of Ukraine v. russian federation. Just Security. URL: https://www.justsecurity.org/80814/qa-icj-order-on-provisional-measures-ukraine-russia-ua/.

Regional Ukraine crisis response situation report September 28, 2022. The International Organization for Migration (IOM). URL : https://www.iom.int/ sites/g/files/tmzbdl486/files/situation_reports/file/iom-regional-ukraine-response-external-sitrep-28 092022. pdf.

Rome Statute of the International Criminal Court. Official translation. URL : https://zakon. rada.gov.ua/laws/show/995_588#Text.

Russians continue to grossly violate international rules for the treatment of prisoners of war (audio). Security Service of Ukraine. URL : https://ssu.gov.ua/novyny/rosiiany-prodovzhuiut-hrubo-porushuvaty-mizhnarodni-pravyla-povodzhennia-z-viiskovo-polonenymy-audio.

Situation of human rights in Ukraine in the context of the armed attack by the russian federation February 24 – May 15, 2022. Office of the High Commissioner for Human Rights (OHCHR). URL : https://www.ohchr.org/sites/default/files/documents/countries/ua/ 2022-06-29/2022-06-UkraineArmed Attack-EN. pdf.

Statement of the Ministry of Foreign Affairs of Ukraine on russia's false and insulting accusations of genocide as a pretext for its unlawful military aggression. URL : https://www.kmu.gov.ua/news/zayava-mzs-ukrayini-shchodo-nepravdivih-ta-obrazlivih-zvinuvachen-rosiyi-v-genocidi-yak-privodu-dlya-yiyi-protipravnoyi-vijskovoyi-agresiyi.

The Commissioner presented a report on the russian policy of linguistic violence in the occupied territories of Ukraine. URL : https://mova-ombudsman.gov.ua/news/na-mizhnarodnii-konferentsii-ievropeiskoi-federatsii-movnykh-instytutsii-mova-ta-mihratsiia-upovnovazhenyi-predstavyv-dopovid?fbclid=IwAR12Y7azIIdKzMYtq1jYjJoG6 UEdJDCaXK3uEExmeX2KE7V34ldrWANmd.

The Ministry of Internal Affairs announced the statistics of killed and wounded civilians during the war. URL : https://www.pravda.com.ua/ news/2022/09/2/7365887/.

The total amount of direct damage to infrastructure increased to $114.5 billion. Kyiv School of Economics. September, 2022. URL : https://kse.ua/ua/about-the-school/news/zagalna-suma-pryamih-zbitkiv-infrastrukturi-zrosla-do-114-5-mlrd/?F

bclid=IwAR0ODopADhqRwTPCd7t_9dK9cdFGGpe2oomqqCtMk _vPWElt23Byvz.
Ukraine: civilian casualty update September 19, 2022. Office of the High Commissioner for Human Rights (OHCHR). URL : https://www.ohchr.org/en/news/2022/09/ukraine-civilian-casualty-update-19-september-2022.
Ukraine: Torture and disappearances in the occupied south. War crimes of russian troops in Kherson and Zaporizhzhia regions. URL : https://www.hrw.org/uk/news/2022/ 08/03/ukraine-torture-disappearances-occupied south.
What Hundreds of Photos of Weapons Reveal About russia's Brutal War Strategy. The New York Times. June 19, 2022. URL : https://www.nytimes.com/interactive/2022/06/19/ world/europe/ ukraine -munitions-war-crimes.html.

Василь БЕРЕЗНЯК, Алла ДЕМИЧЕВА, Рікардо Даніель ФУРФАРО

ПОРУШЕННЯ РОСІЙСЬКОЮ ФЕДЕРАЦІЄЮ ПРАВ ЛЮДИНИ В УМОВАХ ПОВНОМАШТАБНОЇ ЗБРОЙНОЇ АГРЕСІЇ ПРОТИ УКРАЇНИ

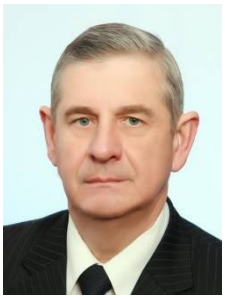
Анотація. Повномасштабна військова агресія російської федерації проти України призвела до масових порушень прав людини, воєнних злочинів та злочинів проти людяності. В умовах, що склалися, українські правоохоронні органи, правозахисні організації документують воєнні злочини, скоєні російськими військовослужбовцями, а українська влада подає позови проти російської федерації та її керівництва до міжнародних судів. У національному законодавстві Кримінальний кодекс України передбачає кримінальну відповідальність за вчинення окремих видів воєнних злочинів та злочинів проти людяності.

Для емпіричного обґрунтування порушень норм МГП росією щодо України було використано метод кабінетного дослідження, який полягав у зборі, вивченні, систематизації та аналізі вторинних джерел інформації про порушення прав людини з боку росії. Дослідження проводилося з моменту початку повномасштабної збройної агресії до грудня 2022 р. Об'єктом дослідження стали заяви української влади та її окремих представників щодо порушень росією правил і законів ведення війни; перехоплені Службою безпеки України розмови російських окупантів; доповідь Управління Верховного комісара ООН з прав людини; щотижневі звіти Міжнародної організації з міграції; платформи «Діти війни», Warcrimes.gov.ua, russiancrime, звіти правозахисних організацій, матеріали періодичних видань «Укрінформ» тощо.

Ключові слова: *міжнародне гуманітарне право, воєнні злочини, злочини проти людяності, повномасштабна військова агресія, міжнародний збройний конфлікт, права людини, порушення прав людини.*

Submitted: 24.12.2022
Revised: 02.02.2023
Accepted: 24.04.2023

UDC 343.97 : 316.6 (159.9)
DOI 10.31733/2786-491X-2023-1-230-238



Yurii NIKITIN ©
D.Sc. in Law, Professor, *(State Tax University, NNI Law)*, Ukraine

Iryna NIKITINA ©
Ph.D. (Psychological Sciences), Associate Professor, *(National University of Food Technologies)*, Ukraine

WAR AS A MEAN OF POLITICAL CRIME AND NATIONAL SECURITY THREAT: PSYCHOLOGICAL AND CRIMINOLOGY ASPECTS

Abstract. The article examines war as a means of political crime and threats to national security: a psychological and criminological aspect. The authors examine in detail the current state of the impact of the war on the security of Ukraine. The causes of war as a means of political crime and a threat to the national security of the state have been identified. It is emphasized that combating political crime, which causes military conflicts (hybrid wars), as a threat to national security, should be aimed at preventing determinants not only in a specific state, region, but also in the world community.

Keywords: *political crime, war, threats, security, crime prevention.*

Introduction. The development of civil society, the improvement of the legal mechanism of social relations, the preservation of the health and safety of the nation, the opportunity to improve one's professional knowledge and be competitive in the labor market in recent years have been significantly influenced by contradictions of a political, economic, ideological, and cultural nature. Today, Ukraine lives in the conditions of a state of war, which is accompanied by significant complications of the criminogenic situation due to the intensification of threats to both the general criminal order and factors of extreme situations that affect the national security of the state. The strengthening of manifestations of ideological, political (geopolitical, regional), socio-cultural, religious confrontations led to a certain destruction of structural management, as well as objects of social interactions with the processes of self-organization of social subsystems. This is caused by the unleashing of an unprovoked full-scale war by the russian federation against sovereign Ukraine. Taking this into account, the criminological science has a task at the systemic level to identify, work out and methodologically and methodically describe and forecast the determinants of political crime and the altered criminogenic state, their manifestations and impact on social relations (Nikitin & Nikitina, 2019). The focus of attention is directed to the national security and criminological policy of the state, in the synthesizing plane regarding the prevention of determinants

© Nikitin Yu., 2023
iunika1047@gmail.com
© Nikitina I., 2023
iunika1115@gmail.com

of criminal activity, which is accompanied by the impact of war on the criminogenic state of society.

Analysis of recent research and publications. The problems of political crime, the impact of war on the criminogenic state of society, ensuring the safety of a person, society, and the state were dealt with to one degree or another by domestic scientists: A. Babenko, I. Bogatyrev, V. Vasylevich, S. Denisov, G. Didkivska, O. Dzhuzha, V. Yevdokimov, N. Zelinska, O. Kostenko, O. Kolb, S. Kulyk, Yu. Kuryliuk, O. Lytvynov, G. Maliar, V. Topchii, V. Tykhyi, V. Shakun, as well as foreign ones: F. Hagan, L. Shelley, K. Aromaa, S. Nevala, J. Shaw, E. Harris. N. Schneider and others. Psychological aspects regarding the characteristics of the socio-legal nature, the mechanism of committing political crime, are contained in the works of O. Bandurka, I. Voronov, V. Golina, H. Gorshenkov, I. Dobronravova, V. Dryomin, M. Kozyreva, O. Kostenko, O. Litvak, O. Lytvynov, M. Melnyk, A. Muzyka, Yu. Orlov and others. However, the studies of the mentioned scientists, although they are distinguished by their conceptual thoroughness, still refer to certain aspects of this problem, and until now this problem has not found its proper solution.

The purpose of this article is to study war as a means of political crime and a threat to national security: psychological and criminological aspects.

Formulation of the main material. When studying the determinants of crime, first of all, it is necessary to determine their current state, which is mutually determined both with certain changes in Ukrainian society and with interaction (political, economic, social, cultural, etc.) with other states. The regularities of the development of social relations, as well as international legal relations, are significantly interconnected. This involves both modernization of national legislation and corresponding changes in the country's Constitution. In addition, there is a need to reform social and legal control over crime, as well as a system-coordinated mechanism of subject prevention and countermeasures against it (Zelinskaya, 2003; Shelley, 1996; Aromaa & Nevala, 2004).

When talking about the criminogenic state of society, one cannot ignore such a problem as political crime. According to G. Maliar, political crime is "a deliberate socially dangerous act, provided for by international legal acts and/or criminalized by national legislation, which is committed for a political motive and is one of the illegal forms of struggle for power in the state or at the international level" (Maliar, 2010, p. 5). Attention is focused on the political motive and the struggle for power both inside the country and outside its borders.

A slightly different point of view is held by Yu. Orlov, who notes that "Political crime is an intentional socially dangerous act provided for by the law on criminal liability, aimed at obtaining and maintaining state power, changing its individual components (bodies, officials, development programs, ideology, etc.), as well as public opinion about the functioning of such power" (Orlov, 2014, p. 154). Thus, from his point of view, political crime has an internal property (intrastate) rather than an external one. Socially dangerous behavior manifests itself through terrorist acts, mass riots, group violation of public order.

Foreign criminologists F. Hagan and N. Schneider follow a similar position. In their view, political crime is a socially threatening form of action by the ruling elite against opposition forces and individuals for power or keeping it

through violence, bribery, ideological manipulation, etc (Hagan, 1997; Schneider, 1992).

The analysis of these points of view gives reason to emphasize that the common goal between them is the acquisition and/or retention of power. The difference lies in the fact that if the provision of this goal is threatened by external factors, that is, they go beyond the borders of a specifically defined country and, in the opinion of the subject, are not aimed at ensuring, maintaining his power and threaten this process, his intentions and actions can be directed to eliminate them and outside the country. And in the event that further actions fall under the signs of a socially dangerous criminal act, then, from our point of view, it should be qualified both according to national and international legislation. Therefore, we share the point of view of H. Maliar.

Political crime is a socially threatening form of action by the ruling elite against opposition forces and individuals in the struggle for power or keeping it through violence, bribery, ideological manipulation, etc. It manifests itself in the following forms:

– first, it is internal, it is the political criminality of the government against its people;

– secondly – international, manifestations of criminal offenses against the government itself (crimes against the national security of the state, terrorist acts).

The third is worldwide. The motive is to protect one's power, ideology, way of life by attacking groups of citizens, united or mixed in terms of national composition, against any persons on the territory of another country. This can be done both ideologically and militarily (changing the borders of the territory or the state border; opposition to the democratically elected government; violation of the order established by the Constitution) (http. rada.gov.ua).

In particular, to ensure this criminal offense, the Criminal Code of Ukraine provides for responsibility for calls for such actions (Article 110 of the Criminal Code of Ukraine); financing of actions committed for the purpose of violent change or overthrow of the constitutional order or seizure of state power, change of territory or state border of Ukraine (Article 110-2 of the Criminal Code of Ukraine); extreme actions, criminal repression, encroachment on the life of a state or public figure (Article 112 of the Criminal Code of Ukraine).

Criminalization of social relations occurs due to the destabilization of the socio-economic status of a significant number of the population. And if a significant number of people who are employed in the informal (shadow) economy survive at the expense of any work and do not have institutionalized social systems, they lose their cultural and psychological relationship with their society. And this leads to a conflict of interests with other individuals, conflict interaction and, as a result, its criminogenic variants. The weakness of national identity is also an important factor. Representatives of ethnic groups living compactly in the border regions, succumbing to the propaganda of the neighboring state, begin to identify themselves with its people. The separatist movement is growing. The weakness of the state is used by the repressive political power of the neighboring country, which does not share the political preferences (views) of the ruling party of the country and opposes it by inciting citizens to disobedience, rallies, holding illegal referendums on the declaration of independence of a certain region and in further ideological and political adherence to its ideology. And if the desire for political control over one's power,

ideology, way of life, and even the loss of the sovereignty of another state is not achieved, but there is a threat of losing one's power, as an extreme manifestation – a military attack is carried out, which leads to social and economic decline, the death of people (a whole generation), and in the final result, achieving one's goal – preserving one's power. In this aspect, it is appropriate to emphasize that military conflicts (hybrid wars), which are accompanied by active military actions, should be included in the category of social disasters.

War is an extreme situation that affects the life of a person, society, the state, and in a general sense, the national security of the state. The basis of this means of achieving the goal is violence, as a result of the socio-political activity of a circle of persons (political figures, parties, movements, regional communities, etc.) or state power, which sees as its goal the enslavement of socio-political stability in another state, economic progress, improvement of social – cultural level of the population. Such activity acquires the characteristics of political crime. Subjects of political crime bear criminal responsibility not for political views, but for the committed criminal offense.

So, for example, in order to preserve its power and spread it to other territories, starting from 2014, after the annexation of the Autonomous Republic of Crimea by the russian federation, military operations in the east of Ukraine and the subsequent illegal declaration by terrorist groups of the so-called LPR and DPR, the russian federation with On February 24, 2022, it started a full-scale war with Ukraine. This caused the forced resettlement of a large number of people from temporarily occupied territories, where, due to hostilities and disorganization, state authorities and law enforcement agencies cannot fully exercise their powers defined by the legislation of Ukraine. When people find themselves in an extreme situation, due to the weakening of social control, they cannot receive adequate medical care, pensions, protect their property, business, or receive compensation for the reconstruction of destroyed infrastructure. The actions of russian terrorists destroyed the infrastructure of Kharkiv, factories in Mariupol, which caused technological and man-made disasters that affected people's health. The shelling and capture of the Chernobyl NPP and the Zaporizhia NPP and the damage to the power connection of the Khmelnytsky NPP and the Rivne NPP, according to the statement of the Director General of the International Atomic Energy Agency (IAEA) Rafael Mariano Grossi, are potential risks to the nuclear security of Ukraine. Later, the russian authorities threatened to use nuclear weapons. The fauna and flora of the Black Sea region were also damaged (more than 500 Black Sea dolphins died). The destruction of power generating stations and networks, civil infrastructure led to a blackout not only in Ukraine, but also in neighboring Moldova.

It should be emphasized that crime in the temporarily occupied territories has its own characteristics, which are due to the impossibility of the effective existence of institutions of state bodies and civil society (Bogatyrev et al., 2020, p. 216). This led to the deterioration of the criminogenic situation, which is caused by the intensification of threats to the general criminal order (criminalization of economic relations; legalization of shadow capital; illegal trade in weapons, narcotics; hostage-taking, murder, theft, etc.). Violation of norms of International Humanitarian Law, laws and customs of war shows that the committed criminal offenses must be procedurally documented, identified and the guilty persons brought to criminal responsibility. It should be

emphasized that if the state loses control over threats, they will affect not only the social security of society, people's health, environmental security, food security, material well-being of the country, but also other states (the European Union, the Middle East, Africa) and their citizens, the safe existence of all mankind. As a result of such actions of the russian federation against Ukraine, the Parliamentary Assembly of the Council of Europe recognized russia as a state sponsor of terrorism (Strasbourg, November 23, 2022), the Parliamentary Assembly of NATO countries also recognized russia as a terrorist state (Madrid, November 21, 2022), and the UN General Assembly made a proposal for a reparation mechanism for Ukraine.

One of the components of political crime is terrorism, as one of the most dangerous forms of political activity. As noted by criminologists A. Schmid and A. Jongman, almost 65% of acts of terrorism in the world are carried out for political reasons (Schmid, & Jongman, 1998, p. 32). The UN General Assembly has repeatedly adopted resolutions regarding national, religious and international terrorism, but has not decided on its generalized legal definition.

In our opinion, political terrorism should be considered as an action of the government (totalitarian regime) to suppress the will of its people, political parties, movements, and leaders. It can also manifest itself as the action of citizens, parties, and movements who disagree with the current government (regime) while defending their rights and freedoms. The combination of these two opposite political motives is precisely what stands in the way of defining such a coordinated socially dangerous act as terrorism. At the same time, the international community is increasingly expressing an opinion about the impossibility of using violent terrorist actions to achieve national, political, religious and criminal goals. This, in particular, is emphasized in the final document of the "G8" ministerial meeting (Paris, 1996): "In the international community, the mood in favor of condemning terrorism in any of its manifestations and forms, regardless of motives, is strengthening", as well as in the Resolution of the UN Security Council dated January 20, 2003, No. 1456: "Any acts of terrorism are found to have no justification for crimes, regardless of their motive, whenever and by whomever they are committed, and are subject to unquestionable condemnation, especially in cases where they are indiscriminate or when civilians suffer from them". Today, the russian federation has violated the principles of peaceful, non-violent resolution of political problems generally accepted by the leading countries of the world, and by itself. As a result, it was excluded from this international organization.

The analysis of legal and psychological literature made it possible to distinguish the methods that political terrorism uses to achieve a criminal goal, these are:

a) murders (individual, mass), beatings, torture, rape;

b) taking hostages in order to make political or economic demands;

c) the use of various types of weapons (the threat of using nuclear weapons);

d) use of cyber attacks, information technologies, space means, etc.

The task is to cause the greatest damage to the social and economic infrastructure of the state, regardless of human casualties and the health of the population, to cause panic and despair among the population in the ability of the legitimately elected authorities to control the situation and ensure the livelihood,

safety and healthy lifestyle of the population.

The military component of terrorism consists in the implementation of subversive-terrorist war, participation in armed conflicts with the use of all types of weapons and means of mass destruction. And as a result, countries are involved in armed confrontations with territorial groups (paramilitary formations of political terrorism, in particular, the Wagner military formation, where state affiliation is carefully hidden) (Kozyrev, 2018, pp. 442-443).

Therefore, war as a means of political crime has a terrorist orientation and, in order to maintain power, manifests itself in the form of seizing foreign territories, hostages, sabotage, robbery, violence, murder, genocide, ecocide, humanitarian catastrophe, and the threat of nuclear danger.

Along with this, noting the consequences of natural disasters, technological and man-made disasters, as a result of a military conflict (hybrid war), for the livelihood and healthy lifestyle of the population, it is necessary to bear in mind not only the presence of the threats themselves, which arise as a result of the caused vulnerable factors (flooding, fires, shock waves, destruction of fauna and flora, destruction of power grids, gas leakage, radiation or chemical contamination of the territory, etc.), but also a negative psycho-traumatic effect on the health and feelings of a large number of people, which in interaction with a person's subconscious desire for survival can to influence his goal by any means to survive and, in particular, during the war. The Oxford explanatory dictionary singled out two main meanings of the term "terror". First, it is an extraordinary state of fear. Secondly, a person or thing that is the cause of extreme fear (Oxford Advanced Leader's Dictionary Oxford University Press, 1995). In this aspect, one can agree with M. I. Piren's opinion that from the point of view of political psychology, the goal is not so much the physical destruction of political opponents as the demoralization of living people by "creating neurotic stress in society" (Piren, 2003, p. 239).

And, if in the case of a causal relationship, in the form of a dynamic interaction, a corresponding physical influence is observed, then in the case of a statistical regularity, a single reason does not affect the birth of illegal behavior. In this case, its criminogenic influence is carried out not physically, but informationally, that is, by the transfer of certain information by the subject of the criminal offense. Informational processes in interaction with the mental unity of the subject form the direct subjective cause of the criminal offense, which is the motivation. Determinants of criminal offenses are concentrated both in anticriminogenic information and in criminogenic information that a person receives in the course of life, that is, in the course of a certain period of time. Therefore, the effect of one or another reason on the motive for committing a criminal offense must be determined from the whole mass of these reasons, as a statistical aggregate of their entire complex (Bogatyrev et al., 2020, p. 94-99).

Thus, the study of the determinants of crime, in particular political crime, as a social phenomenon in the modern conditions of existence of society and the world order, involves taking into account the connection of crime in the state with more globalized social phenomena and processes in the world (Topchii et al., 2021; Nikitin, 2009).

An equally important aspect that needs to be paid attention to as a consequence of criminal offenses during military conflicts (hybrid war) is the

health of society and, in particular, mental disorders of people of various manifestations, such as PTSD – syndrome. Scientific research on the impact on the state of social relations, human health and the study of post-traumatic stress syndrome PTSD, as a consequence of military actions, began as early as the 40^{s} of the last century (Kardiner's 1941 research). In the late 80^{s} and early 90^{s} of the 20th century, American and Soviet researchers dealt with the problems of PTSD syndrome, which was due to the similarity of the problems of Vietnamese and Afghan veterans. In the future, it gained relevance in connection with Russia's military operations in Moldova (90^{s} of the 20th century) and the North Caucasus (1994-1998).

According to research by scientists and, in particular, psychologists, one of the psychological features of people with PTSD syndrome is increased (more acute) perception. Such individuals want to feel non-standard, sharp sensations when communicating with other people, but at the same time remain safe. Such a psychological state is observed in persons who took a direct part in the war, and can be considered as a person's ability to extrapolate through himself, his experience of social-psychological or medical-psychological consequences of psycho-traumatic situations that a person suffered during hostilities. The presence of a real threat to a person's life and health, caused by significant psycho-emotional and extreme stress on his psyche, can lead to certain changes in the structure of personal characteristics and mental state. Such indicators as hysteroidity, psychasthenia, schizoidism, aggravation, paranoia, psychopathy are increasing. So, it can be emphasized that participation in military operations affects a person's mental state in a certain way. And this should be taken into account when communicating.

Along with this, such persons may also experience a decrease in active social communication, as an indicator of the "social introversion" scale, which indicates the need for their support in communication, further learning of new professions, and social support in adapting to life in peacetime. To do this, it is necessary to apply test and psychological programs aimed at increasing emotional stability, reducing psycho-emotional tension, neuroticism, aggressiveness, conflict, anxiety, worry and increasing social adaptation, improving mood. And as our research shows, this should be done not online, but offline – through live communication. The existing problem – post-traumatic stress syndrome – must be solved now, in the modern conditions of the war, and the further post-war peaceful existence of Ukraine.

Conclusions. Thus, war as a means of political crime and a threat to the national security of the state is connected with the maintenance of power. Its modern manifestation is characterized by scale, brutality, the involvement of a large number of people and has a structured and organized character. The military actions are aimed not only at aggravation and destabilization of the internal political situation in Ukraine, but at the achievement of a more significant (aggressive) goal of the russian federation authorities – seizing or redistributing power in Ukraine, changing laws, violently changing the state system, imposing one's way of life, morals, religions, etc.

Combating political crime, which causes military conflicts (hybrid wars), should be determined at the systemic level, worked out and methodically and methodically described in order to implement prevention and countermeasures by subjects not only in a specific state, region, but also in the world community.

Such decisions must be made on the basis of objective and systematic information about this or that crime, obtained through criminological management, statistical, sociological, psychological and other empirical data. Statistical and sociological data coming from global, national, regional divisions should be considered through the lens of the social nature of criminogenic phenomena, which will contribute to determining their effectiveness.

A clearly defined and socially conscious national identity is the key to the penetration of the nation's culture and traditions in ensuring the national security of the state.

Conflict of Interest and other Ethics Statements
The autors declare no conflict of interest.

References

About the National Security of Ukraine. Law of Ukraine Dated June 21, 2018, no. 2469-VII. *Bulletin of the Verkhovna Rada*, 2018, no. 31, art. 241. URL : http://rada.gov.ua/ lavs/chow/ 2469-19#Text.

Aromaa, K., & Nevala, S. (2004). Crime and Crime Control in an Integrating Europe. Helsinki.

Kryminolohichni zasady uchasti Ukrayiny v mizhnarodniy systemi zapobihannya zlochynnosti [Criminological Principles of Ukraine's Participation in the International Crime Prevention System] : Monograph. V. Topchii, G. Didkivska, Yu. Nikitin, etc. Vinnytsia, *TVORY LLC*, 2021, 376 p. [in Ukr.].

Criminology: an Academic Textbook: [Bogatyrev, I., Kolb, O., Topchii, V., etc.] According to General Ed. Doctor of Law, Professor, Honored Worker of Science and Technology of Ukraine Bogatyrev, I. Chernivtsi: Tekhnodruk, 2020, 336 p.

Hagan, F. (1997). Political Crime: Ideology and Criminology. Prentice Hall, p. 6.

Kozyrev, M. (2018). Political Psychology: Teaching. Village Lviv, Lviv. DUVS, 648 p.

Maliar, G. (2010) Politychna zlochynnist' yak ob'yekt kryminolohichnoho doslidzhennya [Political Crime as an Object of Criminological Research] : Autoref... Dis. Ph.D. law sciences: 12.00.08. K., 19 p. [in Ukr.].

Modern Criminal Legal System of Ukraine: Realities and Prospects Monograph. Yu. V Baulin, M. Buromenskyi, V. Gilin and others, under the General Editorship of Academician of the National Academy of Sciences of Ukraine Yu. Baulina. K.: *VAITE,* 2015, 688 p.

Nikitin, Y., & Nikitina, I. (2019). Methodology of Scientific Research and its Significance for Criminology and Crime Prevention. *Legal Ukraine*, no. 6, pp. 16-20.

Nikitin, Yu. (2009). The Criminal Legal System of Ukraine as a Subsystem of Ensuring the Internal Security of Ukrainian Society, pp. 569-595.

Orlov, Yu. (2014). Characteristics of the Motivation of a Political Crime. *Bulletin of the Criminological Association of Ukraine*, no. 6, pp. 147-161.

Oxford Advanced Leader's Dictionary Oxford University Press, 1995, p. 1233.

Piren, M. (2003). Fundamentals of Political Psychology. Education Manual. K., Millennium.

Schmid, A., & Jongman, A. (1998). Political Terrorism. Oxford, N.Y., p. 32.

Schneider, H., (1992). Criminology of Riots. *International Journal of Offender Therapy and Comparative Criminology,* vol. 36, no. 3, pp. 175-185.

Shelley, L. (1996). Policing Soviet Society. London, N.Y.

Zelinskaya, N. (2003). Politychni zlochyny v systemi mizhnarodnoyi zlochynnosti [Political Crimes in the System of International Crime] : monograph. Odessa.

Юрій НІКІТІН, Ірина НІКІТІНА

ВІЙНА ЯК ЗАСІБ ПОЛІТИЧНОЇ ЗЛОЧИННОСТІ ТА ЗАГРОЗИ НАЦІОНАЛЬНІЙ БЕЗПЕЦІ: ПСИХОЛОГО-КРИМІНОЛОГІЧНІ АСПЕКТИ

Анотація. У статті досліджується війна як засіб політичної злочинності та загрози національній безпеці: психолого-кримінологічний аспект. Наголошено, що при дослідженні детермінант злочинності потрібно сконцентрувати увагу на визначенні їх сучасного стану, який взаємообумовлений як із певними змінами в суспільстві України, так і взаємодією (політичною, економічною, соціальною, культурологічною тощо) із іншими державами. Закономірності розвитку суспільних відносин, а також міжнародно-правові зв'язки суттєво взаємопов'язані між собою. Це передбачає як модернізацію національного законодавства, так і відповідні зміни в Конституції країни. Потребує і реформування соціально-правового контролю за злочинністю, а також системно-узгодженого механізму суб'єктного запобігання та протидії їй. Показано, що війна – це екстремальна ситуація, яка впливає на життєдіяльність людини, суспільства, держави, а в узагальненому вимірі – національну безпеку держави. Основа цього засобу щодо досягнення мети – насильство, як результат суспільно-політичної діяльності кола осіб (політичних діячів, партій, рухів, регіональних спільнот тощо) або державної влади, яка своєю метою вбачає зневілювання соціально-політичної стабільності в іншій державі, економічного прогресу, підвищення соціально-культурного рівня населення. Така діяльність набуває ознаки політичної злочинності. Суб'єкти політичної злочинності несуть кримінальну відповідальність не за політичні погляди, а за вчинене кримінальне правопорушення.

Політична злочинність являє собою суспільно загрозливу форму дії правлячої еліти проти опозиційних сил та окремих осіб у боротьбі за владу або утримання її шляхом насилля, підкупу, ідеологічної маніпуляції тощо. Вона проявляється у наступних формах: 1) внутрішня – це політична злочинність влади щодо свого народу; 2) міжнаціональна – прояви кримінальних правопорушень проти самої влади (злочини проти національної безпеки держави, терористичні акти); 3) міжнародна. Мотив полягає у захисті своєї влади, ідеології, способу життя шляхом посягання груп громадян, єдиних чи змішаних за національним складом, на осіб на території іншої країни. Це може здійснюватись як ідеологічним, так і військовим шляхом (зміна меж території або державного кордону; протидія демократично обраному уряду; порушення правопорядку, встановленого Конституцією).

Обгрунтовано, що протидія політичній злочинності, яка спричиняє воєнні конфлікти (гібридні війни), повинна визначатись на системному рівні, опрацьовуватись та методологічно і методично описуватись з метою впровадження заходів запобігання та протидії відповідними суб'єктами не тільки в конкретній державі, регіоні, а і світовому співтоваристві. Такі рішення мають прийматися на основі об'єктивної та системної інформації про ту чи іншу кримінальність, отриману шляхом кримінологічного менеджменту, статистичних, соціологічних, психологічних та інших емпіричних даних. Статистичні та соціологічні дані, що надходитимуть зі світових, національних, регіональних підрозділів, слід розглядати через призму соціальної природи криміногенних явищ, що і сприятиме визначенню їх результативності.

Ключові слова: *політична злочинність, війна, загрози, безпека, запобігання злочинності.*

Submitted: 10.01.2023
Revised: 18.02.2023
Accepted: 21.04.2023

UDK 347.6
DOI 10.31733/2786-491X-2023-1-239-248

Olha YAVOR ©
Ph.D. (Law), Professor
(National Law University named after Yaroslav the Wise),
Ukraine

TOPICAL ISSUIES OF RESOLUTION OF DISPUTES REGARDING THE DEPRIVATION OF THE RIGHT TO INHERITANCE OF ONE OF THE SPOUSES, A MARRIAGE BETWEEN WHICH IS RECOGNIZED VOID BY THE COURT DECISION

Abstract. According to the current civil legislation, after the death of one of the spouses, his share in the right of joint ownership is inherited on a general basis. Modern judicial practice contradictoryly applies certain legislative provisions of the institution of inheritance by one of the spouses, the marriage between which is invalid or recognized as such by a court decision. The very procedure of such inheritance is characterized by a number of problematic issues faced by the second of the spouses who survived.

In the course of the study, it was found that in order to remove one of the spouses from the right to inherit by the court, a decision of the state registration authority to cancel the marriage record is necessary. If the marriage is recognized as invalid on the basis of a court decision, in order to be removed from the right to inherit, a decision of a court that has entered into legal force on recognizing the marriage as invalid is necessary. The decision to remove a person from the right to inherit concerns only a clearly defined circle of heirs and a specific testator, and does not deprive them of claiming inheritance after the death of other testators.

To conduct a detailed analysis of inheritance by one of the spouses, the marriage between which is invalid or recognized as such by a court decision, the article analyzes special sources of inheritance law.

Keywords: *inheritance by law, inheritance relationship, inheritance, obligations of heirs, deprivation of the right to inherit, spouses, judicial procedure, right of representation, invalid marriage, certificate of inheritance.*

Introduction. Questions of the inheritance of spouses of a part in the common property of the spouses, the inheritance of spouses by law, the will of the spouses have always been relevant and debatable among scientists. Married spouses accumulate certain property and other material benefits to meet the interests of the family, children and relatives. After the death of one of the spouses, there are many moments that the one of the spouses who remains alive faces.

To date, the legal doctrine has not yet formed a unified approach to understanding the essence of the inheritance rights of spouses. Therefore, the issue of inheritance by one of the spouses after the second spouse, the marriage between which is invalid or recognized as such by a court decision, remains relevant.

ORCID iD: https://orcid.org/0000-0002-5461-6498
yaroslava2527@gmail.com

Analysis of recent research and publications. The question of removal from the right to inheritance has never been ignored by scientists. The works of O. Bykova (2005), Yu. Zaika (2007), R. Stefanchuk (2007), E. Fursy (2004), A. Kukharev (2017), E. Michurin, and other scientists. However, the question of the peculiarities of the consideration and resolution of civil cases on the removal from the right to inherit one of the spouses, the marriage between which is invalid or recognized as such by a court decision, is currently understudied.

The purpose of the article is to clarify the problematic issues encountered by judicial practice when considering and solving civil cases to eliminate one of the spouses from the right to inherit, the marriage between which was declared invalid.

Formulation of the main material. In todays conditions, more and more attention is paid to the development of issues of inheritance law, and as a result, the expansion of the rights of the testator. As Yu. Zaika correctly points out, the right of inheritance is closely connected with the right of ownership, since inheritance allows the owner to exercise his right to dispose of property (Zayka, 2007, p. 7). In other words, in this case, it is not the person or his death that determines, but the property remaining after death, his post-anative fate (Stefanchuk, 2007, p.547). Ukrainian legislation in its development on inheritance law is becoming more perfect and efficient, but there are also a number of problematic issues when considering cases to protect the rights of the testator and bona fide heirs.

The basis of the legal regulation of inheritance relations is the Constitution of Ukraine (https://zakon.rada.gov.ua/laws), the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (https://www.echr.coe.int), the Civil Code of Ukraine, the Laws of Ukraine "On Notaries", "On International Private Law", Family Code of Ukraine (https://zakon.rada.gov.ua/laws). In judicial practice, the clarification of the decisions of the Plenum of the Supreme Court of Ukraine No. 7 of May 30, 2008 "On judicial practice in cases of inheritance" (https://zakon.rada.gov.ua/laws) and the letter of the High Specialized Court of Ukraine for the consideration of civil and criminal cases No. 24-753/0 /4 -13 7 of May 16, 2013 "On the judicial practice of considering civil cases on inheritance". Thus, according to the order of the Ministry of Justice of Ukraine No. 296/5 dated February 22, 2012 "On approval of the procedure for performing notarial acts by notaries of Ukraine", a certificate of ownership of a part in the common property of the spouses in the event of the death of one of them is issued by a notary at the place of opening of the inheritance (https://zakon.rada.gov.ua/laws).

If we consider the legal nature of hereditary legal relations during inheritance by law, we can see that they are closely related to family legal relations, and, being material relations, they are in an indisputable state. Accordingly, in order to implement inheritance legal relations, it is necessary to go through a notarial procedure, for example, certification of an agreement on changing the order of inheritance, certification of an agreement on the division of property of the spouses by issuing a certificate of the right to a part in the common property of the spouses both during life and in the event of the death of one of them (Art. .34 of the Law of Ukraine "On Notaries"), etc. If, during the performance of notarial proceedings, a dispute arises about

substantive law, then such family, inheritance relations are the subject of consideration by the court.

Disputes arising from inheritance legal relations are considered exclusively in civil proceedings.Inheritance disputes traditionally belong to complex categories of civil cases, since the court should establish the presence of all heirs, the fact of their acceptance or non-acceptance of the inheritance, renunciation of the inheritance, determine the proper defendants in the case, the presence of hereditary property and its location, the legal grounds for applying to the court and recognition of the right ownership of hereditary property in court, the time of opening the inheritance and accepting it by the heirs in order to resolve the issue: the norms of which code should be applied: the Civil Code of the Ukrainian SSR 1963 or the Civil Code of Ukraine; the presence of a preliminary appeal of the heir to the notary and receipt of a justified refusal to perform a notarial act, etc.; the validity of the claims and the availability of appropriate evidence to support them (I. Chernytska, 2017, p.142). In addition to other jurisdictional bodies, the notary is obliged to explain the relevant rights and obligations to citizens, enterprises and organizations (Article 5 of the Law of Ukraine "On Notaries") (https://zakon.rada.gov.ua/laws). Accordingly, the notary helps the heirs and explains to the heirs their rights and obligations when performing notarial acts. Upon receiving the appropriate explanations from the notary, the heirs have the right to familiarize themselves with the inheritance case and the composition of the inheritance.

Analyzing judicial practice in the consideration and resolution of civil cases on removal from the right to inheritance, problematic issues arise, when considered by courts of this category, requiring their theoretical and legislative solutions. According to the norms of civil law, it is possible to single out the main grounds according to which a person can be removed from the right to inherit: firstly, by the will of the testator (part 2 of article 1235 of the Civil Code of Ukraine); secondly, imperative grounds, clearly regulated by the legislation of Ukraine (Article 1224 of the Civil Code of Ukraine).

According to Part 2 of Art. 1235 of the Civil Code of Ukraine (hereinafter referred to as the Civil Code of Ukraine), the testator may, without giving reasons, deprive any person from among the legal heirs of the right to inherit. In this case, this person cannot obtain the right to inherit (https://zakon.rada.gov.ua/laws). In this case, the deprivation of the right by the will of the testator can occur either directly or indirectly. Direct deprivation of the right to inherit is the right of a person to deprive any legal heir of the right to inherit, regardless of the motives for such deprivation. An heir deprived of the right to inherit by the will of the testator will not receive the testator's property even when part of the property is not covered by the will. Such part of the property passes to other heirs under the law, not deprived of the right to inherit. In another case, with a side method, the testator, by silence (not mentioning) about the heir, deprives him of the inheritance, but only in that part of the property covered by the will.If there is property left that is not specified in the will, then the legal heir may inherit it in equal shares with other legal heirs. In addition, if the heirs under the will refuse to accept the inheritance, then the indirectly eliminated heir under the law will be called to inherit under the law.

Judicial practice determines that there are frequent cases of contesting

wills and recognizing them as invalid not only by heirs of the first stage of inheritance, but also by heirs by right of representation, if they were indicated in the will as heirs. For example, the testator canceled their inheritance rights with a new will. Accordingly, the court needs to establish the facts whether there are grounds to consider the second will invalid. According to Article 57 of the Civil Procedure Code of Ukraine, evidence is any factual data, on the basis of which the court establishes the presence or absence of circumstances substantiating the claims and objections of the parties, and other circumstances relevant to the decision of the case. These data are established on the basis of explanations of the parties, third parties, their representatives interrogated as witnesses, testimonies, written evidence, physical evidence, including sound and video recordings, expert conclusions. Thus, the Kramatorsk City Court of the Donetsk Region, in accordance with the conclusion of an absentee forensic psychiatric examination, found that at the time of drawing up the second will, the testator suffered from dementia, and could not understand the meaning of his actions and manage them. Due to the fact that the fact of the insolvency of the testator to be aware of his actions at the time of signing the second will was proved by the collected evidence, the court satisfied the claims of the plaintiff and declared the second will invalid (decision of the Kramatorsk city court of the Donetsk region of May 17, 2017 in case / 5194/16-c), (https://reyestr.court.gov.ua).

According to Article 1224 of the Civil Code of Ukraine, persons who intentionally took the life of the testator or any of the possible heirs or attempted on their lives do not have the right to inherit. Persons who deliberately prevented the testator from making a will, amending it or canceling the will and thereby contributed to the emergence of the right to inherit from themselves or from other persons or contributed to an increase in their share in the inheritance are not entitled to inherit. Parents do not have the right to inherit by law after a child in respect of which they were deprived of parental rights and their rights were not restored at the time of opening the inheritance. Parents (adoptive parents) and adult children (adopted), as well as other persons who evaded the obligation to maintain the testator, do not have the right to inherit under the law, if this circumstance is established by the court. Persons whose marriage is invalid or recognized as such by a court decision do not have the right to inherit by law after each other (https://zakon.rada.gov.ua/laws). By a court decision, a person may be removed from the right to inherit by law if it is established that he evaded helping the testator, who, due to advanced age, serious illness or injury, was in a helpless state. E. Fursa proposes to amend Art. 1241 of the Civil Code of Ukraine by establishing the possibility of depriving the right to a mandatory share by inheritance of persons receiving a significant pension or income from entrepreneurial activity, as well as when they are financially secure. In addition, according to the author, it should be possible to replace the right to an obligatory inheritance share by a life maintenance agreement between a person endowed with this right and a testamentary heir (Fursa, 2004, c.9).

The legislation of Ukraine provides for the possibility of recognizing potential heirs as unworthy in case of their dishonest behavior towards the testator and, accordingly, deprivation of the right to receive an inheritance. As a result of the recognition of one of the heirs as unworthy, his part is proportionally divided among the other heirs.

Today, of scientific interest is the deprivation of the right to inherit by law

after each other of a person whose marriage is invalid or recognized as such by a court decision (part 4 of article 1224 of the Civil Code of Ukraine). The grounds for the invalidity of a marriage may be violations of the legal conditions for marriage, the presence of negative conditions, the presence of obstacles to registering a marriage (Yavor, 2014). According to family law, the spouse or spouse, other persons whose rights have been violated in connection with the registration of this marriage, parents, guardian, custodian of a child, guardian of an incapacitated person, prosecutor, body of guardianship and guardianship, if the protection requires the rights and interests of a child, a person recognized as incapacitated, or a person whose legal capacity is limited (Family Code of Ukraine, 2002). As you can see, the plaintiffs can be heirs who are not included in the circle of relatives, but they are given the right to apply to the court to declare the marriage invalid, as persons whose rights have been violated in connection with the registration of the invalid marriage.

Legislative regulation of family relations identifies three categories of grounds for declaring a marriage invalid:

1. Circumstances that do not require judicial establishment. If they exist, the marriage may be declared invalid in an administrative order. These are circumstances such as:

– simultaneous stay of a person in another registered marriage (part 1 of article 39 of the Family Code of Ukraine);

– registration of marriage between persons who are relatives of the direct line of kinship, as well as between siblings (part 2 of article 39 of the Family Code of Ukraine);

– registration of marriage with a person recognized as legally incompetent (part 3 of article 39 of the Family Code of Ukraine).

These are so-called completely invalid marriages. As you can see, this category includes marriages that violate the three principles of marriage: monogamy (marriage registered with a person who is simultaneously in another registered marriage), legal capacity of persons wishing to enter into marriage (marriage registered with a person recognized as legally incompetent), and the absence between they are closely related (marriage registered between persons who are relatives of the direct line of kinship, as well as between siblings).

In the presence of the above circumstances, the body of state registration of acts of civil status, at the request of the interested person, cancels the corresponding marriage record.

2. Circumstances, the establishment of which is the exclusive competence of the court, but subject to their establishment, the court is obliged to recognize the marriage as invalid. These are the following circumstances:

– registration of marriage without the free consent of a woman or a man (part 1 of article 40 of the Family Code of Ukraine). The consent of a person is not considered free, in particular, when at the time of registration of the marriage he suffered from a severe mental disorder, was in a state of alcoholic, narcotic, toxic intoxication, as a result of which he did not realize the full significance of his actions and (or) could not control them, or if the marriage was registered as a result of physical or mental abuse. It should be noted that the legal presumption as a legal fact also plays an important role here: the courts proceed from the availability of free consent to marriage, until otherwise established (http://www.reyestr.court.gov.ua);

– fictitious marriage, its conclusion by a woman and a man or one of them without the intention of creating a family and acquiring the rights and obligations of spouses (part 2 of article 40 of the Family Code of Ukraine).

3. Circumstances under which the court may, at its discretion, declare the marriage invalid. So, according to Article 41 of the Family Code of Ukraine, a marriage can be declared invalid by a court decision if it was registered:

– between the adopter and the child adopted by him, if this was not preceded by the cancellation of the adoption;

– between cousins and sisters between aunt, uncle and nephew, niece;

– with a person who hid his serious illness or illness dangerous for the second spouse and (or) their descendants;

– with a person who has not reached marriageable age and who has not been granted the right to marry.

When deciding a case on recognizing a marriage as invalid, the court takes into account the extent to which this marriage violated the rights and interests of the individual, the duration of the joint residence of the spouses, the nature of their relationship, as well as other circumstances of significant importance.

An analysis of the above groups of circumstances indicates that the emergence of marital relations is based on a legal presumption: if the participants in the marriage procedure do not declare the presence of obstacles to marriage, such obstacles are considered absent. State bodies only certify a legal fact and, within the powers granted by law, should not interfere in the sphere of personal relations of spouses (Tonievich, 2013, p. 159).

It should be noted that the legal literature quite often criticizes the model chosen by the legislator for resolving the issue of the consequences of violation of the conditions of marriage. Particularly sharp criticism is heard against the possibility of declaring a marriage invalid in an out-of-court procedure, provided for by the Family Code of Ukraine, by the bodies of state registration of acts of civil status. The main argument of lawyers regarding the out-of-court procedure for recognizing the invalidity of a marriage is that the relevant facts, which are the basis for the invalidity of a marriage, require proof, and for this the judicial procedure is optimal (Bykova, 2005, p. 10).

It is hardly possible to agree with their legal position. The above distribution of the circumstances with which the law relates the invalidity of a marriage is not arbitrary. It was made by the legislator according to the criterion of the significance and materiality of the violation committed during the marriage – from the most serious ones that cannot be eliminated to those that are not absolute and can be subordinated to more significant social values.

The invalidity of a marriage is traditionally defined as the termination of legal relations between persons whose marriage was registered in violation of the requirements established by law from the moment the marriage was registered. The general legal consequence of declaring a marriage null and void is that the marriage is considered to have never existed, and the persons who entered into it are considered to have been previously unmarried. The spouses do not have any personal and property rights arising from marriage, and hence the right to inherit from each other. By law, the legislator refers only a person who is in a registered marriage to the heirs. Persons whose marriage is declared invalid do not have the right to have a common surname; there is no right of joint joint ownership; if a person received alimony from someone with whom he was

in an invalid marriage, the amount of alimony paid is considered received without sufficient legal grounds and is subject to return; a person who settled in the living quarters of another person in connection with the registration of an invalid marriage with him did not receive the right to reside in it and may be evicted (Family Code of Ukraine, 2002). At the same time, the court decision on recognizing the marriage as invalid may enter into force both before and after the opening of the inheritance. A notary may refuse to perform a notarial act to issue a certificate of inheritance to a conscientious spouse, to a share in common joint property, after the death of one of the spouses, until a decision is made to recognize the marriage as invalid.

The demand for removal from the right to inherit may be presented only after the opening of the inheritance. In the vast majority of cases, the relevant claim is filed within the period established for the acceptance of the inheritance. However, it is impossible to exclude the filing of such a claim even after the expiration of a six-month period, when all heirs have been issued certificates of the right to inheritance and the inheritance property is actually in their possession. In this case, the plaintiff must raise the question not only of removal from the right to inherit, but also the recognition of certificates of the right to inheritance as invalid and the recovery of property. Since the legitimate grounds for acquiring inherited property are removed from the right to inherit, the rules governing the return of unjustifiably acquired property (Chapter 87 of the Civil Code) are subject to application (Kukharev, 2017, p.16).

As explained by the High Specialized Court of Ukraine for Civil and Criminal Cases in paragraph 4 of the letter "On Judicial Practice in Considering Civil Cases on Inheritance" dated 16.05.13 No. 24-753 / 0 / 4-13, the removal of heirs from the right to inherit law and testament is possible only on the basis of a court decision. The validity of the claims and the availability of appropriate evidence to support them are important, since the practice of considering cases on removal from the right to inherit indicates that claims are usually unfounded, therefore, the courts refuse to satisfy them (https://zakon.rada.gov.ua).

To remove one of the spouses from the right to inherit, a decision of the state registration authority to cancel the marriage record is required. If a marriage is recognized as invalid on the basis of a court decision, in order to be removed from the right to inherit, a decision of a court that has entered into legal force to recognize such a marriage as invalid is necessary.

An invalid marriage under certain circumstances can be recognized as valid (part 5 of article 39, part 3 of article 40, part 3 of article 41 of the IC of Ukraine). Also, an invalid marriage can become the basis for the emergence of legal consequences, for example, the rights and obligations of parents and children (Article 47 of the IC of Ukraine), the emergence of the rights of a "conscientious" spouse (Article 46 of the IC of Ukraine), etc. Taking into account the principles of justice, good faith and reasonableness, the legislator wishes to protect the rights of a conscientious spouse whose marriage has been declared invalid. So, if a person did not know and could not know about the obstacles before registering the marriage, he has the right to divide the property acquired in an invalid marriage as common joint property of the spouses (Family Code of Ukraine, 2002); if the marriage is declared invalid after the death of one of the spouses, then for the other of the spouses who survived it and did not know about the obstacles before registering the marriage, the court may recognize the

right to inherit the part of the spouse who died in the property that was acquired by them during the time this marriage. Conceptual provisions on the protection of the rights of conscientious spouses have not been developed by the domestic family law doctrine, and there are also no effective models of mechanisms for exercising and protecting the rights of conscientious spouses. We believe that the protection of the rights of conscientious spouses can be facilitated by preventive measures aimed at encouraging spouses to properly perform their duties (Kolisnychenko, 2020).

So, as an exception to the general rule, it provides for the possibility of the right to inherit by law on the basis of a court decision by one of the spouses, the share of the deceased spouse, if he did not know and could not know about the obstacles to registering a marriage, and the marriage was declared invalid after the death of one of the spouses. spouses (Spasibo-Fateeva et ail., 2016, p. 490). The court can make an appropriate court decision only if the following conditions are met: 1) the marriage was declared invalid by a court decision (Article 41 of the UK); 2) the marriage is declared invalid after the death of one of the spouses; 3) one of the spouses who survived the other did not know and could not know about the obstacles to registering the marriage (good faith of one of the spouses), (Spasibo-Fateeva et al., 2016, p. 597).

The legal consequences of the removal from the right to inheritance under Article 1224 of the Civil Code of Ukraine are different. Elimination of the right to inherit by law, under part 5 of article 1224 of the Civil Code of Ukraine, makes inheritance impossible, the heir loses the right to inherit after the testator. The law provides for cases when, by a court decision, a person may be removed from the right to inherit, namely: if it is established that a person evaded assistance to the testator, who, due to advanced age, serious illness or injury, was in a helpless state (Decree of the Supreme Court dated June 30, 2020 in case No. 521/19609/16-c), (https://reyestr.court.gov.ua). According to Part 4 of Article 1224 of the Civil Code of Ukraine, the legislator emphasizes that even when the physical death of a person occurs, this is not an obstacle to recognizing the marriage as invalid after his death, and as a result, one of the spouses, the marriage between which is invalid or recognized as such, does not have the right to inherit By the tribunal's decision.

Recognition of the right of ownership to hereditary property in court is an exclusive way to protect one of the spouses, which should be applied if there are obstacles to registration of inheritance rights in a notarial order, despite the fact that a notary may be refused to perform a notarial action to issue a bona fide one of spouses. spouses of a certificate of the right to inheritance, to a part in joint joint ownership, after the death of one of the spouses, until a decision is made to recognize the marriage as invalid.

Conclusions. Elimination of the right to inherit heirs by law and by will is possible only on the basis of a court decision. If the marriage is declared invalid after the death of one of the spouses, then for the other of the spouses who survived it and is not aware of the obstacles to marriage before registering the marriage, the court may recognize the right to inherit the part of the deceased spouse in the property that was acquired by them during an invalid marriage. In this case, a conscientious one of the spouses does not lose hereditary rights, but only acquires as the heir of the first stage of inheritance under the law. Consequently, one of the spouses who is alive, exercising his rights as an heir,

has the right to apply for the acceptance of the inheritance (or refusal to accept it), as well as an application for the issuance of a certificate of the right to a part in the common property of the spouses.

Given the above, there is ambiguity in the inheritance of a part in the common property of the spouses by a conscientious one of the spouses. Issues that arise in practice regarding the procedure for the inheritance of a part of a deceased spouse by a bona fide one of the spouses and other heirs must be resolved in compliance with the requirements of the current legislation and taking into account judicial practice. Of course, the formation and observance of a clear chronology of actions in the inheritance procedure will only contribute to its implementation, taking into account the interests of all its participants, reducing and preventing litigation when resolving the issue of issuing certificates of ownership of a part in the common property of the spouses and certificates of the right to inheritance (Garo et al., 2022, p.24).

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

References

Bykova, O. (2005). Ukladennya ta rozirvannya shlyubu vidpovidno do zakonodavstva Ukrayiny [Conclusion and dissolution of marriage according to the legislation of Ukraine] : autoref. thesis ... candidate law Sciences: 12.00.03, National Academy of Sciences of Ukraine, Institute of State and Law named after V. M. Koretskyi. Kyiv, 20 p. [in Ukr.].

Chernytska, I. (2017) Deyaki aspekty roz·hlyadu ta vyrishennya tsyvil'nykh sprav pro usunennya vid prava na spadshchynu [Some aspects of consideration and resolution of civil cases on removal from the right to inheritance]. *Actual problems of jurisprudence*, 3 (11), pp. 141-147. URL : http://appj.wunu.edu.ua/index.php/appj/article/viewFile/183/182. [in Ukr.].

Tsyvil'nyy kodeks Ukrayiny [Civil Code of Ukraine]. (2003). *Vedomosti Verkhovna Rada of Ukraine* (VVR), no. 40-44, Article 356. URL : https://zakon.rada.gov.ua/laws/show/435-15# [in Ukr.].

Konstytutsiya Ukrayiny [Constitution of Ukraine]. (1996). *Vedomosti of the Verkhovna Rada of Ukraine* (VVR), no. 30, Article 141. URL : https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2 %D1%80 [in Ukr.].

Convention on the Protection of Human Rights and Fundamental Freedoms of 1950. URL : https://www.echr.coe.int/documents/convention_eng.pdf.

Decision of the Court of Appeal of the Kirovohrad region dated May 15, 2014 in case no. 22-ts/781/1127/14. URL : http://www.reyestr.court.gov.ua/Review/38842168.

Decision of the Kramatorsk City Court of the Donetsk Region dated May 17, 2017, case no. 234/5194/16-ts. URL : https://reyestr.court.gov.ua/Review/66613574.

Simeynyy kodeks Ukrayiny [Family Code of Ukraine]. (2002). Vedomosti Verkhovna Rada of Ukraine (VVR), no. 21-22, Article 135). URL: https://zakon.rada.gov.ua/laws/show/2947-14 [in Ukr.].

Fursa, E. (2004) Spadkovi pravovidnosyny v notarial'niy ta sudoviy praktytsi [Inheritance legal relations in notarial and judicial practice] : autoref. thesis ... candidate law of science Kyiv, p. 20. [in Ukr.].

Garo, H., Hrytsenko, L., Motylyuk, O. & Sanduleyeva, V. et al. (2022). Inheritance disputes in the event of the death of one of the spouses: how to protect the client's interests?. Kh.: Faktor-media, 2022, 144 p. [in Ukr.].

Spasibo-Fateeva, I., Pecheny, O. & Krat V., et al. (2016). Kharkivs'ka tsyvil'na shkola: hrani spadkovoho prava [Kharkiv civil school: facets of hereditary law] : monogr.; under ed. I. V. Spasibo–Fateeva, 608 p. [in Ukr.].

Kolisnychenko, A. (2020) Dobrosovisnist' yak odyn iz osnovnykh pryntsypiv rehulyuvannya simeynykh vidnosyn [Good faith as one of the main principles of regulating family relations]. URL : http://legalclinic.nlu.edu.ua/ufaqs/czyvilne-pravo-ta-czyvilnyj-proczes-korporatyvne-pravo-medychne-pravo/ [in Ukr.].

Kukharev, O. (2017). Aktual'ni pytannya sudovoho vyrishennya sporiv pro usunennya vid prava na spadshchynu [Current issues of court resolution of disputes about removal from the right to inheritance]. *Bulletin of the National Association of Lawyers of Ukraine,* 5 (33), pp. 9-18. [in Ukr.].

Zakon Ukrayiny "Pro notariat" [Law of Ukraine "On Notary"]. (1993). Vedomosti Verkhovna Rada of Ukraine (VVR), no. 39, Article 383. URL: https://zakon.rada.gov.ua/laws/show/3425-12# [in Ukr.].

Zakon Ukrayiny "Pro mizhnarodne pryvatne pravo" [Law of Ukraine "On Private International Law"]. (2005). *Vedomosti Verkhovna Rada of Ukraine* (VVR), no. 32, Article 422. URL : https://zakon.rada.gov.ua/laws/show/2709-15. [in Ukr.].

Letter of the Higher Specialized Court of Ukraine for consideration of civil and criminal cases no. 24-753/0/4-13-7, dated May 16. (2013). On judicial practice of consideration of civil cases on inheritance. URL : https://zakon.rada.gov.ua/laws/show/v-753740-13.

Resolution of the Plenum of the Supreme Court of Ukraine no. 7 dated May, 30 (2008). On judicial practice in inheritance cases. URL : https://zakon.rada.gov.ua/laws/show/v0007700-08#.

Resolution of the Supreme Court of June 30, 2020, in case no. 521/19609/16-ts. (2020). URL : https://reyestr.court.gov.ua/Review/90169009.

Stefanchuk, R. (2007). Osobysti nemaynovi prava fizychnykh osib (ponyattya, zmist, systema, osoblyvosti zdiysnennya ta zakhystu) [Personal non-property rights of natural persons (concept, content, system, features of implementation and protection)] : monograph. Resp. ed. Y. Shevchenko. K. : KNT, 626 p. [in Ukr.].

Tonievich, E. (2013). Pravovi naslidky nevykonannya narechenym i narechenoyu obovyazku proyty medychnyy ohlyad i povidomyty odyn odnoho pro stan svoho zdorov'ya [Legal consequences of bride and groom not fulfilling the obligation to undergo a medical examination and inform each other about their state of health]. *Bulletin of the High Council of Justice*, 2 (14), pp. 158-171. [in Ukr.].

Yavor, O. (2014). Nediysnyy shlyub yak defektnyy yurydychnyy fakt [Invalid marriage as a defective legal fact]. *Comparative and analytical law*, vol. 6, pp. 116-119. URL: http://www.pap.in.ua/6_2014/36pdf. [in Ukr.].

Zayka, Yu. (2007). Spadkove pravo v Ukrayini: Stanovlennya ta rozvytok [Inheritance law in Ukraine: Formation and development] : monograph, 2nd edition. K. : KNT, 288 p. [in Ukr.].

Ольга ЯВОР

АКТУАЛЬНІ ПИТАННЯ ВИРІШЕННЯ СПОРІВ ЩОДО ПОЗБАВЛЕННЯ ПРАВА НА СПАДКУВАННЯ ОДНОГО З ПОДРУЖЖЯ, ШЛЮБ МІЖ ЯКИМИ Є НЕДІЙСНИМ АБО ВИЗНАНИЙ ТАКИМ ЗА РІШЕННЯМ СУДУ

Анотація. Відповідно до діючого цивільного законодавства після смерті одного з подружжя його частка в праві спільної сумісної власності спадкується на загальних підставах. Сучасна судова практика суперечливо застосовує окремі законодавчі положення інституту спадкування одним з подружжя, шлюб між якими є недійсним або визнаний таким за рішенням суду. Сама процедура такого спадкування характеризується низкою проблемних питань з якими стикається другий з подружжя, який залишився живим.

В ході дослідження встановлено, що для усунення від права на спадкування одного з подружжя судом необхідне рішення органу державної реєстрації щодо анулювання запису про шлюб. У разі визнання шлюбу недійсним на підставі рішення суду, для усунення від права на спадкування необхідне рішення суду, яке набрало законної сили, про визнання шлюбу недійсним. Прийняття рішення про усунення особи від права на спадкування стосується лише чітко визначеного кола спадкоємців та конкретного спадкодавця, та не позбавляє цю особу права претендтаувати на спадщину після смерті інших спадкодавців.

Для проведення детального аналізу спадкування одним з подружжя, шлюб між якими є недійсним або визнаний таким за рішенням суду, у статті аналізуються спеціальні джерела спадкового права.

Ключові слова: *спадкування за законом, спадкові правовідносини, спадщина, обов'язки спадкоємців, позбавлення права на спадкування, подружжя, судовий порядок, право представлення, недійсний шлюб, свідоцтво про право на спадщину.*

Submitted: 17.01.2023
Revised: 20.03.2023
Accepted: 14.04.2023

UDC 343.6
DOI 10.31733/2786-491X-2023-1-249-256

Volodymyr SHABLYSTIY ©
D.Sc. in Law, Professor
(Dnipropetrovsk State University of Internal Affairs),
Ukraine

Valentyn LIUDVIK ©
Ph.D. (Law), Associate Professor
(Dnipropetrovsk State University of Internal Affairs),
Ukraine

DISTINGUISHING THE ENDANGER BY THE MOTHER OF A NEWBORN CHILD THAT CAUSED THE DEATH OF THE CHILD FROM RELATED CRIMINAL OFFENSES BY SIGNS OF THE SUBJECTIVE PART

Abstract. The article deals with the judicial practice of the qualification of leaving a newborn child in danger by the mother, which caused the death of this child. It has been established that there are no uniform approaches to determining whether the mother has a condition caused by childbirth, since the conclusions of a complex forensic psychological and psychiatric examination do not always give a clear answer to this question. Analysis of court verdicts under Art. 117, ch. 2, 3 Art. 135 of the Criminal Code of Ukraine indicates that it is not mandatory to appoint a complex forensic psychological and psychiatric examination for this category of criminal proceedings, which does not contribute to proving the circumstances that affect the degree of severity of the committed criminal offense, and allows to distinguish the components of the specified criminal offenses.

In the case of leaving a newborn child in danger by the mother, if the mother was not in a state determined by childbirth, which caused the death of this child, the subjective part consists only in the direct intention of the act. The mental attitude of the mother to the death of her newborn child when left in danger is characterized by criminal wrongful self-confidence or criminal wrongful negligence. If the mother has an indirect intention to cause the death of her newborn child, her actions must be qualified according to clause 2, part 2 of Article 115 of the Criminal Code of Ukraine. It is proposed to enshrine in the conclusion of the Grand Chamber of the Supreme Court of Ukraine the provision according to which the intentional killing by the mother of her newborn child should be qualified under Art. 117 of the Criminal Code of Ukraine, if it is committed in the presence of a special mental and physical condition of a woman, which reduces her ability to manage her actions during childbirth or immediately after it.

Keywords: *abandonment in danger, newborn child, condition due to childbirth, criminal liability.*

Introduction. Part 2 of Art. 135 of the Criminal Code of Ukraine provides for criminal liability for knowingly leaving a newborn child without assistance by the mother, if the mother was not in a condition due to childbirth. In part 3 of this article, causing the death of a person or other serious consequences as a

© Shablystiy V., 2023
ORCID iD: https://orcid.org/0000-0003-0210-1772
vo-1_shablisty@ukr.net

© Liudvik V., 2023
ORCID iD: https://orcid.org/0000-0002-3385-6046
k_kpk@dduvs.in.ua

result of such actions is recognized as a particularly aggravating circumstance. According to its objective and subjective characteristics, the above-mentioned act in the case of causing the death of a newborn child is related to such criminal offenses as intentional killing by the mother of her newborn child during childbirth or immediately after childbirth (Article 117, Criminal Code of Ukraine, 2001) and intentional homicide of a minor child (Clause 2, Part 2, Article 115, Criminal Code of Ukraine, 2001). In the theory of criminal law and investigative judicial practice, there are currently no clear criteria for distinguishing these components of criminal offenses according to subjective characteristics, in particular, the form and type of guilt, the emotional state of the mother during childbirth or immediately after childbirth.

O. Shevchenko notes that a special psychophysiological state is not present in all cases of pregnancy and childbirth, and consists in changes in physiological, mental and psychological states that lead to a limitation of a person's ability to realize the actual properties of his actions and/or control them. Therefore, in every case of intentional murder by the mother of her newborn child, it is necessary to conduct a comprehensive forensic psychological and psychiatric examination to establish the presence or absence of a special psychophysiological condition (Shevchenko, 2014).

At the same time, judicial practice shows the lack of uniform approaches to determining whether the mother has a state caused by childbirth, since the conclusions of a complex forensic psychological and psychiatric examination do not always give a clear answer to this question, but formulate it, in particular, noting that the mother was in a state emotional tension, which is caused by the physiological processes of childbirth (https://zakononline.com.ua/court-decisions/show/71196826), which allows law enforcement agencies and the court to arbitrarily interpret such a conclusion. These and other problematic issues of distinguishing leaving a newborn child in danger by the mother from related criminal offenses on the basis of the subjective part determined the expediency of their research.

Analysis of recent research and publications. The works of P. Andrushka, I. Gorelik, O. Gorelik, S. Druk, K. Marisyuk, P. Orlov, L. Ostapenko, O. Sosnina are devoted to the issue of criminal responsibility for leaving a newborn child in danger by the mother and related criminal offenses , O. Starka, M. Havronyuk, O. Shevchenko, N. Yarmysh and other domestic and foreign scientists. However, a unified approach to solving the issues of distinguishing leaving a newborn child in danger by the mother from related criminal offenses has not been worked out to date.

The purpose of the article is to generalize theoretical materials and materials of court practice in terms of determining the subjective signs of leaving a newborn child in danger by the mother in order to distinguish this act based on the specified signs from related criminal offenses.

Formulation of the main material. Criminal liability for leaving in danger is provided for in Article 135 of the Criminal Code of Ukraine. Such an offense is not something novel in the world. Thus, in particular, criminal liability for leaving in danger is provided for in Art. 144 of the Criminal Code of the Republic of Lithuania (Lykhova, 2012, p. 11), in § 221 of the Criminal Code of the Federal Republic of Germany (https://www.gesetze-im-internet.de), in Art. 223-3 of the Criminal Code of France (https://www.legifrance.gouv.fr), etc.

Sometimes criminal responsibility for leaving children in danger is contained in independent criminal law regulations. So, in particular, Art. 158 of the Criminal Code of the Republic of Lithuania "Child Abandonment" provides for the criminal liability of the father, mother, guardians, or other legal representatives of the child, for leaving a minor child unable to take care of himself without the necessary care in order to get rid of him (Lykhova, 2012).

Endangerment must be distinguished from other criminal offenses. As mentioned, the form and type of guilt, the emotional state of the mother during childbirth or immediately after childbirth should be recognized as signs of the subjective part of leaving a newborn child in danger by the mother, which should be distinguished from related criminal offenses.

When leaving in danger, the person's fault is expressed in the form of intent to the committed act and carelessness to the consequences. At the same time, to the consequence in the form of the death of a person, in particular, a newborn child, as well as other serious consequences, the attitude of the guilty person can be characterized only by carelessness... the inaction of the person who himself put the victim in a life-threatening condition or took advantage of his condition, knowingly allowing the death of the latter or other serious consequences, provided that the occurrence or non-occurrence of these consequences depends on the given person, it is necessary to qualify according to the articles providing for responsibility for intentional killing or causing bodily harm (Mykytchyk & Babanina, 2009).

In the case of the mother leaving a newborn child in danger, if the mother was not in a state determined by childbirth, which caused the death of this child, the subjective part consists in the direct intention of the act, that is, the mother's awareness of the fact of leaving her newborn child without help for the presence of the obligation and the possibility of providing such assistance and the desire to leave the child without this assistance. A subjective attitude to the act in the form of indirect intent, in our opinion, is impossible in this composition of the criminal offense.

As for the mental attitude of the mother towards the death of her newborn child when left in danger, it is characterized either by predicting the abstract possibility of such death with a frivolous calculation of its non-occurrence (the mother is counting on specific circumstances capable of averting the death of her child), or by not predicting the death of her newborn child in the presence of the obligation and the possibility of such a prediction.

A classic example of the investigated criminal offense is the following. V. became pregnant in November 2007, and after nine months of fetal life, on August 13, 2008, in the period from 01:30 a.m. until 2 a.m. gave birth to a viable male child in a forest clearing near the Rubizh cafe, located at 26 km 113 m of the Zhytomyr-Mohyliv-Podilskyi highway. After that, V., not being in the condition due to childbirth, realizing that her newborn male child was in a helpless life-threatening condition and deprived of the opportunity to take measures for self-preservation, allegedly left him at the place of birth without any help, although she was obliged to she had to take care of her newborn child, she had to take the necessary measures to avert danger to the child's life. V.'s criminal inaction caused the death of a newborn child, which occurred as a result of an intracerebral injury in the form of hemorrhages under the hard and soft

brain membranes, in the ventricular system of the brain, in the soft tissues of the head, which were formed as a result of the passage of the fetus through the birth canal of the mother without provision of medical assistance during self-help (Criminal case № 1-62/09).

In the cited court verdict, the mother foresaw the abstract possibility of the death of her newborn child, because she left her alone at night without medical and other necessary help, but she recklessly counted on the non-occurrence of this death, because she gave birth to the child in a warm season and left her in a place where quite often there are people who can help her child.

At the same time, in judicial practice, there are not only sentences that raise doubts about the correctness of the qualification of the actions of mothers who caused the death of their newborn children.

So, N., being in a state of pregnancy, deliberately hiding her pregnancy from her relatives and her surroundings, not being registered with a medical institution, intending to leave a newborn child in danger, around 07 o'clock in the morning on September 8, 2014, in the toilet room, which is located on the territory of her household, in the absence of outsiders, she gave birth to a full-term and living female child during a physiological delivery. After that, N., contrary to the requirements of Part 2 of Art. 150 of the Civil Code of Ukraine, according to which the mother has the duty to take care of her child's health, disregarding moral and legal norms obliging to provide assistance to a person who is in a life-threatening condition, realizing the socially dangerous nature of her activity, understanding , that the baby is in a life-threatening condition and is deprived of the opportunity to take measures for self-preservation due to a helpless state, did not provide the necessary help to the newborn child if it was possible to provide such help, hid the newborn child under wooden boards near the toilet, did not take measures to save it life, returned to the premises of the house and did not inform close relatives and other persons about the delayed delivery and birth of the child. The conclusion of the forensic medical examination established that the death of a newborn child of a female article occurred as a result of mechanical asphyxiation from the closing of the respiratory tract by foreign contents. There is a causal relationship between mechanical asphyxia from airway obstruction by foreign contents and the death of a newborn child. Substances of plant origin and particles of mineral origin present in the respiratory tract of a newborn child are particles of plants, dust, earth, particles of other minerals, which were inhaled by the lungs of the child who was breathing while lying on his stomach, facing the ground under the boards (Criminal Case No. 385/1814/18).

According to the court, the actions of N. are qualified under Part 3 of Art. 135 of the Criminal Code of Ukraine as leaving the newborn child in danger by the mother, which caused its death.

In our opinion, in this case, the subjective attitude of N., who was not in the condition caused by childbirth, towards the death of her newborn child consists of indirect intent. N. planned in advance, before the birth, to hide the birth of the child from other people and chose such a method, in which she realized that she was leaving the child without proper medical and other assistance in such a place, where it is difficult for outsiders to see or hear the child, in such a position, which is difficult for even an adult to breathe, predicted the inevitability or real possibility of the death of this child and consciously

assumed it, because she did not count on the quality of specific circumstances capable of averting the death of her child. Based on the above reasons, in our opinion, N.'s actions should be qualified under Clause 2, Part 2, Art. 115 of the Criminal Code of Ukraine as intentional killing of a minor child.

One of the main subjective criteria for distinguishing leaving a newborn child in danger by the mother, which caused the death of this child, from the criminal offense provided for in Art. 117 of the Criminal Code of Ukraine, there is an absence of a condition caused by childbirth in the mother.

Analysis of court verdicts under Art. 117, ch. 2, 3 Art. 135 of the Criminal Code of Ukraine indicates that it is not mandatory to appoint a complex forensic psychological and psychiatric examination for this category of criminal proceedings, since many of these sentences do not contain references to the conclusions of such examinations.

So, for example, by the verdict of the Ulyanovsk District Court of the Kirovohrad Region, O. was convicted under Art. 117 of the Criminal Code of Ukraine under such circumstances. In April 2018, O. learned from physiological signs that she was pregnant. The term of pregnancy was not established. She did not go to medical facilities, and she had an intention to kill the child she was carrying in her womb. On September 7, 2018, around 12 p.m., O., being 35-36 weeks pregnant and not being registered at a medical institution regarding this pregnancy, felt pains in the lower abdomen – cramps, after which the water broke, but the last one went to the medical staff did not contact the institutions, did not call anyone for help, but instead, when the attempts began, she deliberately left the premises of the house to the toilet, which is located on the territory of the household. Later, O., being in the toilet room and realizing that childbirth was about to begin, taking into account the stressful state of her well-being, which was caused by a difficult financial situation, decided to take the life of her newborn child immediately after giving birth (Criminal Case № 385/1814/18).

Proceeding from the constitutive part of the above sentence, O.'s intention to kill a newborn child arose long before childbirth, which excludes the influence of the condition caused by childbirth on the adoption of this decision. Moreover, it follows from the verdict that when making a decision regarding the qualification of the act, the court was guided exclusively by such an objective feature as the time of the commission of the criminal offense – immediately after childbirth. Such a decision formally does not contradict the provisions of clause 21 of the Resolution of the Plenum of the Supreme Court of Ukraine "On judicial practice in cases of crimes against life and health of a person" dated 07.02.2003 No. 2, according to which the intentional killing by the mother of her newborn child should be to qualify under Art. 117 of the Criminal Code, if it is committed during childbirth or immediately after it. Taking these actions after some time after giving birth in the absence of qualifying signs provided for in Part 2 of Art. 115 of the Criminal Code, bears responsibility for part 1 of the specified article (https://zakon.rada.gov.ua/laws/).

At the same time, the given decision does not correspond to the general theory of criminal law regarding the qualification of the intentional killing by the mother of her newborn child, according to which, when distinguishing this criminal offense from the intentional killing of a minor child, one should take into account the moment of the intention to kill the newborn and the presence of

the condition of the child's mother caused by childbirth .

This approach to the qualification of the specified act was enshrined in clause 22 of the Resolution of the Plenum of the Supreme Court of Ukraine "On judicial practice in cases of crimes against life and health of a person" dated 04.01.1994 no. 1 (expired), according to which intentional murder the mother of her newborn child should be qualified under Art. 96 of the Criminal Code of Ukraine, if it is committed in the presence of a special mental and physical condition of a woman, which reduces her ability to manage her actions during childbirth or immediately after it (https://zakon.rada.gov.ua/laws/).

In our opinion, the consolidation of the above provision is also appropriate in modern conclusions of the Grand Chamber of the Supreme Court of Ukraine regarding the norms of criminal law.

Returning to the last of the above judgments of the courts, we note that, taking into account the moment when O. had the intention to kill her newborn child (before childbirth), the absence of a conclusion of a comprehensive forensic psychological and psychiatric examination regarding the presence of a state caused by childbirth in O., its actions, in our opinion, should be qualified under Clause 2, Part 2, Art. 115 of the Criminal Code of Ukraine as intentional killing of a minor child.

Regarding the establishment of the presence or absence of a condition caused by childbirth in the mother of a newborn child, that is, a woman's mental and physical condition, which reduces her ability to control her actions during childbirth or immediately after it, there is currently no single method for determining such a condition in Ukraine, and the available in the materials of criminal proceedings, the conclusions of the complex forensic psychological and psychiatric examination allow their ambiguous interpretation, which affects the qualification of the committed act.

Yes, N. was convicted under part 2 of Art. 135 of the Criminal Code of Ukraine for leaving a newborn child in danger by the mother, if the mother was not in a condition due to childbirth. N.'s defender appealed this decision of the court of first instance to the appellate court, citing the fact that the court ignored paragraph 5 of the conclusion of the comprehensive forensic psychological and psychiatric examination No. 144/157 dated 21.02.2017, according to which N. was in a state of emotional tension, which was caused by the physiological processes of childbirth, and the testimony of a forensic psychiatric expert and a psychological expert that the state of emotional tension caused by childbirth and the state caused by childbirth are one and the same, it is a state in which a woman is under the time of childbirth and a certain time after childbirth. N. was in this state at the time of committing the incriminated actions. The appellate court rejected the appeal of defense counsel N., referring to the testimony of experts who noted that the condition caused by childbirth is a physiological process of a normal woman during childbirth. Being in a state caused by physiological childbirth is normal. Every woman is in a state of emotional tension during childbirth, and this is a normal physiological state, and this state stops when labor stops. No disorders of mental activity were found in N. (https://zakononline.com.ua/court-decisions/show/711968263).

Conclusions. In judicial practice, there are no uniform approaches to determining whether a mother has a condition caused by childbirth, since the conclusions of a complex forensic psychological and psychiatric examination do

not always give a clear answer to this question, which allows law enforcement agencies and the court to arbitrarily interpret such conclusions. Analysis of court verdicts under Art. 117, ch. 2, 3 Art. 135 of the Criminal Code of Ukraine indicates that it is not mandatory to appoint a complex forensic psychological and psychiatric examination for this category of criminal proceedings, which does not contribute to proving the circumstances that affect the degree of severity of the committed criminal offense, and allows to distinguish the components of the specified criminal offenses.

In the case of leaving a newborn child in danger by the mother, if the mother was not in a state determined by childbirth, which caused the death of this child, the subjective part consists only in the direct intention of the act. A subjective attitude to the act in the form of indirect intent in this part of the criminal offense is impossible. The mental attitude of the mother to the death of her newborn child when left in danger is characterized by criminal wrongful self-confidence or criminal wrongful negligence. If the mother has an indirect intention to cause the death of her newborn child, her actions must be qualified according to clause 2, part 2 of Article 115 of the Criminal Code of Ukraine.

We propose to enshrine in the conclusion of the Grand Chamber of the Supreme Court of Ukraine the provision according to which the intentional killing by the mother of her newborn child should be qualified under Art. 117 of the Criminal Code of Ukraine, if it is committed in the presence of a special mental and physical condition of a woman, which reduces her ability to manage her actions during childbirth or immediately after it. Confirmation of the presence of such a condition at the time of the murder should be the conclusion of a comprehensive forensic psychological and psychiatric examination.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Kryminalnyy kodeks Ukrayiny vid 05 kvitnya 2001 [Criminal Code of Ukraine dated April 5, 2001]. URL : https://zakon.rada.gov.ua/laws/show/2341-14#Text [in Ukr.].

Shevchenko, O.V. (2014). Osoblyvyy psykhofiziolohichnyy stan zhinky yak obovyazkova oznaka subyekta zlochynu, peredbachenoho st. 117 KK Ukrayiny [The special psychophysiological condition of a woman as a mandatory feature of the subject of the crime provided for in Art. 117 of the Criminal Code of Ukraine]. *Visnyk Kryminolohichnoyi asotsiatsiyi Ukrayiny,* no. 6, pp. 98-107. [in Ukr.].

Kryminalna sprava № 742/760/17. Apelyatsiynyy sud Chernihivskoyi oblasti [Criminal case no. 742/760/17. Court of Appeal of Chernihiv region]. URL : https://zakononline.com.ua/court-decisions/show/71196826 [in Ukr.].

Lykhova, S. (2012). Criminal liability for violation of human security under the legislation of the member states of the European Union: monograph. K. : Ed. journal "Law of Ukraine", 88 p. [in Ukr.].

Criminal Code of the Federal Republic of Germany. URL : https://www.gesetze-im-internet.de/stgb/__221.html [in Ger.].

Criminal code of France. URL : https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006165288/#LEGISCTA000006165288 [in Fr.]

Mykytchyk, O.& Babanina, V. (2009) Subyektyvna storona zalyshennya v nebezpetsi [The subjective part of abandonment is at risk]. *Advokat*, no. 5. pp. 26-30. [in Ukr.].

Kryminalna sprava № 1-62/09 [Criminal case no. 1-62/09]. Arkhiv Zhytomyrskoho rayonnoho sudu Zhytomyrskoyi oblasti. [in Ukr.].

Kryminalna sprava № 140/72/15-k [Criminal case no. 140/72/15-k]. Arkhiv Nemyrivskoho rayonnoho sudu Vinnytskoyi oblasti. [in Ukr.].

Kryminalna sprava № 385/1814/18 [Criminal case no. 385/1814/18]. Arkhiv Ulyanovskoho rayonnoho sudu Kirovohradskoyi oblasti. [in Ukr.].

Pro sudovu praktyku v spravakh pro zlochyny proty zhyttya ta zdorovya osoby: Postanova Plenumu Verkhovnoho Sudu Ukrayiny vid 07.02.2003 r. № 2 [On judicial practice in cases of crimes against life and health of a person: Resolution of the Plenum of the Supreme Court of Ukraine dated February 7, 2003 no. 2]. URL : https://zakon.rada.gov.ua/laws/ show/v0002700-03#Text [in Ukr.].

Pro sudovu praktyku v spravakh pro zlochyny proty zhyttya i zdorovya osoby: Postanova Plenumu Verkhovnoho Sudu Ukrayiny vid 01.04.1994 r. № 1 [On judicial practice in cases of crimes against life and health of a person: Resolution of the Plenum of the Supreme Court of Ukraine dated April 1, 1994, no. 1]. URL : https://zakon.rada.gov.ua/laws/show/ v0001700-94#Text. [in Ukr.].

Володимир ШАБЛИСТИЙ, Валентин ЛЮДВІК

ВІДМЕЖУВАННЯ ЗАЛИШЕННЯ В НЕБЕЗПЕЦІ МАТІР'Ю НОВОНАРОДЖЕНОЇ ДИТИНИ, ЩО СПРИЧИНИЛО СМЕРТЬ ДИТИНИ, ВІД СУМІЖНИХ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ ЗА ОЗНАКАМИ СУБ'ЄКТИВНОЇ СТОРОНИ

Анотація. У статті розглядається судова практика кваліфікації залишення матір'ю новонародженої дитини в небезпеці, що спричинило смерть цієї дитини. Встановлено, що єдиних підходів до визначення наявності у матері пологового стану не існує, оскільки висновки комплексної судової психолого-психіатричної експертизи не завжди дають чітку відповідь на це питання. Аналіз судових вироків за ст. 117, гл. 2, 3 ст. 135 КК України вказує на необов'язковість призначення комплексної судової психолого-психіатричної експертизи за цією категорією кримінальних проваджень, що не сприяє доведенню обставин, що впливають на ступінь тяжкості вчиненого кримінального правопорушення, та дозволяє виділити склади вказаних кримінальних правопорушень.

У разі залишення новонародженої дитини матір'ю в небезпеці, якщо мати не перебувала в стані, обумовленому пологами, що спричинило смерть цієї дитини, суб'єктивна сторона полягає лише в прямому умислі діяння. Психічне ставлення матері до загибелі новонародженої дитини в умовах небезпеки характеризується злочинною неправомірною самовпевненістю або злочинною недбалістю. У разі наявності у матері непрямого умислу на спричинення смерті новонародженої дитини її дії мають кваліфікуватися за п. 2 ч. 2 ст. 115 Кримінального кодексу України. Пропонується закріпити у висновку Великої Палати Верховного Суду України положення, згідно з яким умисне вбивство матір'ю своєї новонародженої дитини має кваліфікуватися за ст. 117 КК України, якщо воно вчинене за наявності особливого психічного та фізичного стану жінки, що знижує її здатність керувати своїми діями під час пологів або безпосередньо після них.

Ключові слова: *залишення в небезпеці, новонароджена дитина, обумовлений пологами стан, кримінальна відповідальність.*

Submitted: 14.02.2023
Revised: 14.03.2023
Accepted: 04.04.2023

UDC 343.373
DOI 10.31733/2786-491X-2023-1-257-265

Dmytro KAMENSKY ©
D.Sc. in Law, Professor
(Berdyansk State Pedagogical University),
Ukraine

STOCK MARKET MANIPULATION AS A COMPLICATED WHITE-COLLAR CRIME: AMERICAN AND UKRAINIAN APPROACHES

Abstract. The article deals with the separate problems of the formation, interpretation and improvement of the provisions of domestic and American legislation on criminal liability for manipulation on the stock market. An author's attempt was made to determine the role of the criminal law in ensuring the proper functioning of the stock market. The main economic factors of the criminalization of actions consisting in manipulation on the stock market have been clarified. In the context of state mechanisms for regulating relations in the market economy, relevant regulatory provisions in Ukraine, the USA, and separately in the European Union are analyzed. Emphasis is placed on the legislation and law enforcement practice of the USA as the country that historically has the greatest practical experience of combating prohibited manipulative practices on the stock market.

According to the results of a critical comparison of the norms of the Criminal Code of Ukraine on stock market manipulation with the corresponding American ban, the casuistic nature and ambiguity of the content of the former was revealed. It was established that special regulatory legislation does not improve the situation on the markets, but on the contrary, creating legal uncertainty, repels potential investors in securities.

It was also concluded that the current version of the CC regarding manipulation on the securities market is casuistic (a general meaning is given to an individual case without proper generalization), vague (which is an inevitable consequence of overly imprecise wording) and difficult to understand (confusing). The correct direction of de lege ferenda is recognized as a radical simplification of the criminal law, with observance of both established traditions of domestic legislative technique and effective practices of regulation of stock market relations in economically developed countries.

Keywords: *criminal offense, stock market, manipulation, information, securities, deception, public danger.*

Introduction. After several centuries of gradual development, a few crises and several financial turmoils, stock markets are no longer associated in public mind merely with the artificial capital, and while serving as basis for the market economy, have become real mechanisms for attracting investment, evaluating proprietary rights for assets.

Indeed, over the past three decades, the history of stock market establishment and development in Ukraine has provided numerous examples of the global best practices' transfer with regards to stock exchanges' supervision and organization, depository and clearing infrastructure etc. However, in reality, though stock market is the driving force of the global

ORCID iD: https://orcid.org/0000-0002-3610-2514
dm.kamensky@gmail.com

economy, it poorly performs the functions of deployment, allocation and channeling financial resources into Ukraine with the goal of stimulating economic growth and attracting foreign investment. Despite a few positive examples of integration into global capital markets (in particular, the recent provision with the access to the Ukrainian state bonds for foreign investors via the Clearstream international depository and also admission of the U.S. Treasury Bonds and Apple stocks into Ukraine), Ukrainian stock market has been plagued by significant distortions and imbalances, it remains underdeveloped and unattractive for both domestic and foreign investors. This is clearly evidenced by economic data collected in the course of the past several years (Kamensky et al., 2020, p. 1680).

Legitimate price-making on organized financial markets has always been a key condition for their normal functioning and stable development. Focusing activities of market participants on the natural fluctuations of supply and demand contributes to their smoothing and indicates the balance of the market. In this regard, a necessary condition for the formation of an adequate market price is free competition between counterparties, that is, the functioning of a competitive stock market. Instead, manipulation of prices on the securities market as a targeted influence on the financial market disrupts its stability, leads to its "rocking", the formation of artificial prices and the emergence of economic disparities, and also allows obtaining, obviously at the expense of misleading other market actors, of unjustified profits, while causing material damage to its participants and third parties.

Analysis of recent research and publications. Various criminal law aspects of stock market manipulation as a white collar criminal offense have been actively studied by such Ukrainian criminal law scholars such as P. Andrushko, O. Dudorov, R. Movchan, Ye. Streltsov, R. Volynets.

Among American commentators, who have addressed specific issues related to American stock market manipulation, one can name S. Buell, C. Dice, L. Dervan, F. Peccora, E. Podgor, N. Poser, S. Thel and many others.

The author of this article has also previously written that the development of the stock market is determined by a number of factors, including the state of legislative support of countermeasures against relevant offenses. Crimes and other torts on the stock market (distribution of manipulative and insider practices nature, issuance of "junk" securities, fictitious emissions, etc.) create grounds for mistrust on the part of investors, increase investment risks and, as a result, worsen investment climate, complicate formation of a modern market economy in Ukraine, encroach on the interests of the owners of securities and other stock market participants, contribute to the laundering of "dirty" income, etc. (Kamensky & Dudorov, 2019, p. 185).

Under such circumstances, there is no doubt about the necessity to ensure proper functioning of the Ukrainian stock market, including high-quality criminal law "tools" and with the help of better understanding of how stock market functions and is being protected in Western economies.

The research paper's objective is to determine, within comparative method framework, legal grounds and implications of the statutory provisions on stock market manipulation under Ukrainian and American criminal law. Collaborating on a set of pragmatic conclusions is also an objective for this paper.

Formulation of the main material. Among the most criticized aspects of the previous model of the stock market (which existed before the Great Depression) was the monstrous manipulation of stock prices. The vast majority of criticisms of stock exchanges and brokerage firms made during the Senate investigation of 1933-1934 were based on documented cases of full-scale manipulation. The very drafting of the Securities Act of 1934 was largely determined by such manipulations. The adoption of any new law in this area does not mean that individuals will not try to find loopholes, which will allow them to violate it with impunity, or will not invent fundamentally new ways that are not addressed by the law, and therefore do not fall under its influence.

Against the background of the events described above, American (and also global) financial crisis of 2008-2009, associated with full-scale speculation in the field of mortgage lending, should be considered as and event, which already had a sad precedent in the history of the development of the American stock market. Probably those harmful, so to speak, dark forces of the stock market, reinforced by self-serving motives and the desire to obtain quick extra profits, which preceded the stock market crash of 1929 and the Great Depression associated with it, and which F. Pekora, the former chief of the Stock Exchange Commission, mentioned in his famous treatise, again received their manifestation – already in a different macroeconomic environment, under other normative "coordinates" of federal regulation and in a different society, but, nevertheless, with a similar system of determinants and a similar intensity (Pecora, 1939).

A few words about the relevant European experience. The agreement on the association of Ukraine with the EU in terms of stock market reform stipulates that our country will ensure the gradual alignment of its current and future legislation in this area with EU norms. European acts, which directly relate to criminal and administrative law in matters of market abuse are EU Directive No. 2014/57/EU of April 16, 2014 "On criminal sanctions for market abuse" (hereinafter – Directive 2014/57) and the Regulation of the European Parliament and Council No. 596/2014 dated April 16, 2014 “On market abuse”.

Art. 5 of Directive 2014/57 reveals key elements of criminally punishable market manipulation. These include: a) entering into a deal, placing an order to trade, or any other activity that: (i) provides false or misleading signals as to the supply, demand, or price of a financial instrument or commodity spot contract; (ii) secures the price of one or more financial instruments or a commodity spot contract at an abnormal or artificial level; except in situations where the reasons for such activity for the person who executed the transaction or trade order are lawful and those trade agreements or orders are in accordance with accepted market practice at the place of trade; b) entering into an agreement, placing an order to trade or any other activity or conduct that affects the price of one or more financial instruments or a commodity spot contract that uses a sham method or any other form of deception; c) dissemination of information through mass media, including the Internet, or by any other means, which gives false or misleading signals about the supply, demand for, or price of a financial instrument or commodity spot contract, or keeps the price level of one or more financial instruments or a commodity spot contract at an abnormal or artificial

level, if the persons who made such dissemination receive for themselves or another person a benefit or profit from the dissemination of such information; or d) transmitting false information or making false or misleading statements or any other activity which manipulates calculation of the benchmark (https://eur-lex.europa.eu).

Overall, the possibility that stock markets (both developed and emerging) can be manipulated is an important issue for the regulation of trade and the market efficiency. One of the reasons the Securities and Exchange Commission (SEC) was established by Congress in 1934 was to eliminate stock market manipulation. While manipulative activities seem to have declined on the main exchanges, it is still a serious issue in the over-the-counter (OTC) market in the United States as well as in emerging financial markets.

American researchers correctly refer to the fact that manipulation can occur in a variety of ways, from actions taken by insiders that influence the stock price (e.g., accounting and earnings manipulation such as in the Enron case) to the release of false information or rumors in Internet chat rooms. Moreover, it is well known that large block trades can influence prices. For example, by purchasing a large amount of stock, a trader can drive the price up. If the trader can then sell shares and if the price does not adjust to the sales, then the trader can profit. Of course, one should expect that such a strategy would not work. Selling shares will depress the stock price, so that, on average, the trader buys at higher prices and sells at lower prices. This is the unraveling problem, which seems to rule out the possibility of trade-based manipulation (Aggarwal & Wu, 2006, pp. 1915-1953).

From a legal point of view, price manipulation is a manifestation of unscrupulous business practices on the securities market and, at the same time, a type of stock market offense. In essence, manipulation of the securities market creates an impact on the exchange rate (calculated) price of assets that circulate on the stock market, due to short-term or long-term transactions of a large volume. At the same time, it is necessary to realize that given the existing gaps in the current legislation, certain methods of manipulation may be recognized as completely legal. In addition, manipulation of the securities market is an extremely latent crime, and in practice it is difficult to establish all legal features of its composition.

It is also important to realize that artificial price control and not illegality is the key feature of manipulation. Manipulation in the securities market can generally be interpreted as the action of any participant or group of participants aimed at establishing artificial price control, which includes purchase and sale of securities with the purpose of creating a false or misleading appearance of active trading or with the aim of raising or lowering price in order to encourage other market participants to buy or sell a security, which, in turn, leads to a purposeful change in the exchange rate of the stock instrument in relation to its normal indicator (Savyn, 2010, pp. 52-54).

In other words, this is an artificial, "manipulator" controlled hype around the instruments which rotate in the stock market (Kamensky, 2018, pp. 42-46).

It is worth mentioning that in American regulatory laws the term "manipulation", which has historically been subject to interpretative inquiry by courts and law enforcement agencies, has not yet received a unified interpretation. The legislative history, which in the US has traditionally been

adhered to by both law enforcement agencies and directly interested participants in legal relations, demonstrates that the US Congress passed both Securities Acts seeking to realize two main goals: first, to protect legitimate interests of those investors (i.e., owners of securities papers), who were deprived of their monetary contributions due to the stock market crisis of 1929 and, secondly, to protect the public interest by preventing cases of "stock" fraud, as well as preventing other dubious manipulative schemes in the stock market, which lead to the emergence, exacerbation and the prolongation of various economic cataclysms, which, in turn, negatively affect national economic security and general well-being of society (Thel, 1990, p. 392).

I. Klepytskyi's points out that in the USA, as well as in Europe, the norms on market manipulation actually complement the norms on fraud. They are especially relevant and remain in demand in situations where there are no certain signs of fraud (established material damage, selfish or other personal interest, a causal connection between the act and the damage caused) or it is impossible to prove offense elements within the limits of criminal proceedings. The very fact of price and market manipulation requires application of criminal punishment. Instead, domestic ban enshrined in Art. 222-1 of the Criminal Code, does not fulfill, as it seems, its main task, which is more or less successfully implemented by its foreign "analogues": it does not fill the gaps in the provision on fraud, taking into account the specifics of securities trading on the stock market (Klepitsky, 2016, p. 97).

Now directly to the issue of specific American legislation and its practical implementation. As one can see, the boundaries between criminal and civil liability for violation of securities legislation in the USA are somewhat blurred and not specified enough. Taking this into account, and also referring to the fact that in the American judiciary it is a common practice to consider a criminal and a civil offense at the same time, using a single "set" of legal grounds, we are witnessing somewhat confusing, insufficiently specified and at the same time strict mechanisms for bringing violators of the stock market to legal liability. The confrontation between the accused (the defendant) and the prosecutor (the court) often acquires imprecise characteristics in the process of investigating white-collar crime, because a person can enter into a plea agreement, and in the event of a guilty verdict, he can be punished conditionally, not very severely, or vice versa, within the maximum amount allowed by the corresponding sanction. Against such background, legislative description of dispositions and sanctions of Art. 222-1 and 232-1 of the Criminal Code looks more clear and predictable for application than the "confused" (vague) approach by the American legislator.

A little bit of relevant legal history here. In 1942, attention of the lawyers of the Boston regional branch of the SEC was drawn to the activities of a businessman who made statements with negative forecasts about the company's earnings, while simultaneously buying its shares. However, the Securities Act of 1933 provided for liability for fraud in the sale of shares, but not in their purchase. Prosecuting such swindler for common fraud was problematic. As a result, based on Art. 10 of the Stock Exchange Act of 1934, the US Securities and Exchange Commission has approved Rule 10b-5.

Rule 10b-5 enacted in order to implement and detail § 10(b) of the Act prohibits, inter alia, engaging in any act, practice, or course of business conduct

that would constitute fraud or deception against any person. As we can see, such prohibition is extremely vague in its content. In contrast to Art. 9 of the Act of 1934, which indicates intentional behavior, this rule does not even specify the form of a person's subjective attitude to the committed act.

In general, the practice of applying Rule 10b-5 is instructive and leads to the following conclusion: it is extremely difficult to formulate the most understandable and at the same time clearly defined prohibition in the field of economic fraud, especially fraud on the stock market. Such legal drafting requires patience and consultations both with law enforcement members and market participants.

Pursuant to § 240.10b-5 of Title 17 of the USCFC, any person who uses a deceptive scheme or makes a false statement or withholds material information in connection with the purchase or sale of securities is subject to criminal or civil liability. Criminal prosecution under § 10(b) of the 1934 Act and Rule 10b-5 requires establishment of mandatory elements, which are similar in principle to the elements of the corresponding civil offense. Thus, for a successful civil action based on the provisions of Rule 10b-5, the court must establish that the defendant: 1) distorted or concealed; 2) a material fact; 3) knowingly; 4) in connection with the purchase or sale of a security; 5) that the plaintiff openly relied; 6) such reliance probably caused material damage to the plaintiff. If these mandatory elements of a civil action are present, a criminal prosecution on the same grounds may be instituted under § 32(a) of the Act of 1934, cited above, if the prosecution has evidence that the wrongdoer's actions were intentional.

From the standpoint of determining the grounds for the application of criminal liability, one should consider such a widespread scheme of manipulation as "marking the close". A trader immediately before the end of trading buys (or sells) a security at an overestimated (or underestimated) price. As a result, market participants (or special market software bots with participant identification technology) receive false information about the value of the security, which can lead to an erroneous operational decision and, as a result, cause material losses. The next day, another trader sells such security at an inflated price, sharing the profit with the "manipulator" (or giving some other kind of reward) (Hammel & Malionek, 2007, p. 281).

Actions become even more dangerous when trade takes place "on the decline" and is accompanied by aggressive short sales. It is extremely difficult to classify such activity as fraud, and in most cases it is impossible to prove it at all. In addition, it should be taken into account that speculation in the market is generally a useful thing, because it ensures liquidity of assets. At the same time, as a rule, a deal profitable for one participant turns out to be a loss for another – it is obvious that new funds are not created by the participants. No less obvious is the fact that a bidder seeks to make a profit and at the same time foresees the inevitability of losses for another bidder.

And now to the Ukrainian side of the issue at hand. The objective element of the crime provided for in Art. 222-1 of the Criminal Code, consists of taking actions that have elements of manipulation on the stock exchange. At the same time, elements of such actions must be established by the law on state regulation of the securities market. Currently, this is the Law "On State Regulation of the Securities Market in Ukraine". According to Art. 10-1 of this Law, the following

actions, among others, have been recognized as price manipulation on the stock market: 1) carrying out or attempting to carry out operations or submitting an application for the purchase or sale of financial instruments that provide or can provide information about the supply, purchase or price of a financial instrument, which do not correspond to reality, and are committed individually or by a group of persons and lead to the establishment of prices other than those that would exist in the absence of such transactions or bids; 2) carrying out or attempting to carry out transactions or submitting an application for the purchase or sale of financial instruments by committing intentional illegal actions, including fraud or use of insider information; 3) dissemination of information through mass media, including electronically, or by any other means, which leads or may lead to misleading market participants regarding the price, demand, supply or trading volumes of financial instruments on the stock exchange, which do not correspond to reality, in particular, the dissemination of inaccurate information, in the event that a person, who has disseminated such information, knew or should have known that such information was inaccurate; 4) purchase or sale of financial instruments before the closing of the trading session of the stock exchange in order to mislead market participants regarding the prices that have developed at the end of the trading session; 5) repeatedly during the trading day carrying out or attempting to carry out operations or submitting an application for the purchase or sale of financial instruments that do not have an obvious economic sense or an obvious legal purpose, if the owner of such financial instruments does not change as a result of such trading.

It becomes obvious that such regulatory material is too difficult to understand. The use of vague wording in it such as "attempt to carry out transactions", "obvious economic sense", "substantial deviation from the price" definitely does not help with the effective application of Art. 222-1 of the Criminal Code. In accord with this, V. Gatselyuk writes that the description of the considered criminal law ban does not correspond to the established methods of legislative technique and the principles of criminal law (Gatselyuk, 2011, pp. 103-107).

Conclusions. Several general conclusions can be drawn from the material presented in this article.

First, a critical comparison of the rule of the Criminal Code of Ukraine on stock market manipulation with the corresponding American ban reveals the casuistic nature and content ambiguity of the former. Special legislation here does not improve the situation on the markets – on the contrary, by creating legal uncertainty, repels potential investors in securities. Therefore, correct approach would be simplification of the wording of Art. 222-1 of the Criminal Code, following the canons of the domestic legislative technique, and its application as a practice in economically developed countries with a powerful stock market, namely: to be guided not only by formulas and methods of determining manipulative signs, but primarily by pragmatic considerations about ensuring normal operation of the stock market, its protection against illegal encroachments.

Second, in the USA, over a period of more than 80 years, at the legislative, law-enforcement, and doctrinal levels, considerable experience has been gained in countering stock manipulation abuses, in particular, a separate category of court precedents has been formed, which law enforcement officers are guided

by. This experience is worth a careful study on the issue of borrowing by Ukrainian theory and practice, with mandatory consideration of the fact that Ukraine belongs to the Romano-Germanic legal system with its distinct features. In particular, American model of criminal law protection of stock market relations is characterized by the fact that federal legislation does not contain a single criminal law prohibition with a defined content, capable of more or less clearly describing the elements of manipulation abuse, essentially giving away this necessary in each case specifics on the "buy-back" of the rule-making of the SEC, as well as the precedent practice of federal courts. The latter interpret, apply and oblige the participants of the relevant legal relationship to interpret regulatory rules of the SEC on manipulative practices as *de facto* criminal law prescriptions. This, as it seems, is the key difference between the American practice and the pan-European and, in particular, domestic approaches, which provide (with varying degrees of specification) for establishing crime-related elements of manipulative behavior exclusively within the limits of a separate norm of the national criminal law.

Finally, a general conclusion is suggested that the current enforcement of the Criminal Code on market manipulation is casuistic (an individual case is given a general meaning without proper generalization), futile (as an inevitable consequence of too imprecise wording) and unclear (confused). And therefore, the only correct direction can be a radical simplification of the criminal law, following the established traditions of the domestic legislative technique, and its application in the way it is done in economically developed countries with a powerful stock market – namely, to be guided by non-mathematical formulas and methods of determining signs of manipulation, and above all common sense and pragmatic goals in terms of ensuring normal operation of the stock market.

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

References

Aggarwal, K. & Wu, G. (2006). Stock Market Manipulations. *The Journal of Business*, 79 (4), pp. 1915-1953.

Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive). URL : https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=uriserv:OJ.L_.2014.173.01.0179.01.ENG.

Gatselyuk, V. (2011). Ryzyky blanketnoho sposobu vyznachennia oznak obiektyvnoi storony skladu zlochynu (v konteksti kryminalizatsii manipuliuvannia na fondovomu rynku) [Risks of the blanket method of determining the signs of the objective side of the crime (in the context of the criminalization of stock market manipulation)]. *Kryminalnyi kodeks Ukrainy: 10 rokiv ochikuvan:* tezy dopovidei ta povidomlen uchasnykiv Mizhnarodnoho sympoziumu, 23-24 veresnia 2011 r. Lviv: Lvivskyi derzhavnyi universytet vnutrishnikh sprav, pp. 103-107.

Hammel, J. & Malionek, R. (2007). Is "Deceptive" Conduct Only Misstatements or Omissions? *New York Law Journal,* vol. 88, pp. 278-289.

Kamensky, D., Dudorov, O., Movchan, R., Voznyuk, A. & Makarenko, T. (2020). Insider trading in the global economic environment: elements of criminal liability. *International Journal of Management,* 11 (12), pp. 1679-1688.

Kamenskyi, D. (1990). Zakonodavstvo ES pro vidpovidalnist za pravoporushennia na fondovomu rynku: aktualnyi dosvid [EU Law on liability for stock market offenses: current experience]. "*Aktualni problemy prava ta shliakhy yikh vyrishennia" :* Zbirnyk

materialiv Vseukrainskoi naukovo-praktychnoi internet-konferentsii Kalmiuski pravovi chytannia. 10 hrudnia 2018 r., Mariupol: DonDUU, pp. 42-46 [in Ukr.].

Kamenskyi, D. & Dudorov, O. (2019). Insaiderska informatsiia ta kryminalnyi zakon: vid amerykanskykh realii do ukrainskykh perspektyv [Insider information and criminal law: from American realities to Ukrainian perspectives]. *Yurydychnyi naukovyi elektronnyi zhurnal*, 3, pp. 185–201. URL: http://www.lsej.org.ua/3_2019/52.pdf. [in Ukr.].

Klepitskiy, I. (2016). Market manipulation: the law does not work. *The Law,* vol. 10, pp. 92-98.

Pecora, F. (1939). Wall Street Under Oath: The Story of Our Modern Money Changers. New York: Simon and Schuster, 311 p.

Savin, A. (2010). Fighting with insider trading and market manipulation. *Stock Market,* vol. 2, pp. 52-54.

Thel, S. (1990). The Original Conception of Section 10(b) of the Securities Exchange Act. *Stanford Law Review*, vol. 42, pp. 385-464.

Дмитро КАМЕНСЬКИЙ

МАНІПУЛЮВАННЯ НА ФОНДОВОМУ РИНКУ ЯК СКЛАДНИЙ БІЛОКОМІРЦЕВИЙ ЗЛОЧИН: АМЕРИКАНСЬКИЙ ТА УКРАЇНСЬКИЙ ПІДХОДИ

Анотація. У роботі розглядаються окремі проблеми становлення, тлумачення і вдосконалення положень вітчизняного та американського законодавства про кримінальну відповідальність за маніпулювання на фондовому ринку. Зроблено авторську спробу визначити роль кримінального закону в забезпеченні належного функціонування фондового ринку. З'ясовано основні економічні чинники криміналізації дій, які полягають у маніпулюванні на фондовому ринку. У контексті державним механізмів регулювання відносин ринкової економіки проаналізовано відповідні нормативні положення в Україні, США та окремо в Європейському Союзі. Наголос зроблено на законодавстві і правозастосовній практиці США як країни, яка історично має найбільший досвід практичної протидії забороненим маніпулятивним практикам на фондовому ринку.

За результатами критичного порівняння норм КК України про маніпулювання на фондовому ринку з відповідною американською забороною було виявлено казуїстичний характер і неоднозначність змісту першої. Установлено, що спеціальне регулятивне законодавство не покращує ситуацію на ринках, а навпаки, створюючи правову невизначеність, відштовхує потенційних інвесторів у цінні папери.

Також було сформульовано висновок про те, що нинішня редакція КК щодо маніпулювання на ринку цінних паперів є казуїстичною (окремому випадку надається загальний зміст без належного узагальнення), невизначеною (що є неминучим наслідком надто неточних формулювань) та складною для сприйняття (заплутаною). Правильним напрямком *de lege ferenda* визнано радикальне спрощення кримінального закону, із дотриманням як усталених традицій вітчизняної законодавчої техніки, так ефективних практик регулювання відносин фондового ринку в економічно розвинутих країнах.

***Ключові слова**: кримінальне правопорушення, фондовий ринок, маніпулювання, інформація, цінні папери, обман, суспільна небезпека.*

Submitted: 14.02.2023
Revised: 24.03.2023
Accepted: 07.04.2023

UDC 341.1/8
DOI 10.31733/2786-491X-2023-1-266-284

Daria BULGAKOVA ©
D.Sc. in Law, Ph. D. in International Law, Postdoc. in Technology Law *(National Yang Ming Chiao Tung University, Law School),* Taiwan

Valentyna BULGAKOVA ©
Pedagogue-Methodist of Highest Category, Ukraine

THE PROCESSING OF PERSONAL DATA IN ACCORDANCE WITH THE PRINCIPLE OF PROPORTIONALITY UNDER EU GENERAL DATA PROTECTION REGULATION

Abstract. The processing of personal data is regulated by Article 8 of the Charter of Fundamental Rights of the European Union. At the same time, Article 52(1) of the Charter recognizes that restrictions may be imposed on the exercise of this right, and such restrictions must be provided for by law and comply with the principle of proportionality. Thus, according to Recital 4 of the General Data Protection Regulation (GDPR), personal data must be processed in accordance with the principle of proportionality. The lack of specificity regarding how this principle is applied and guided in the field of personal data processing regulation creates a problem of legal uncertainty that requires further clarification on this issue. This study explores the conceptual meaning and specifics of the principle of proportionality, which guides the processing of personal data for the best protection.

The study examines how this principle has evolved from the human rights framework to the personal data protection field. The analysis presented in this study offers a new understanding of the principle of proportionality under the GDPR, emphasizing the need for a specific legal mechanism under which the doctrine can adequately serve as a tool for protecting individual data. However, it is worth noting that this legal mechanism can only legitimately operate if it meets specially developed legal criteria. The designed model consists of two key components: First, even if there is a legal basis, if it does not meet the requirement of strict necessity, the processing is considered disproportionate due to the uncertainty of the legal basis. Secondly, if the data protection measures are inadequate, the automatic processing adversely affects the interests of the individual, and therefore, the proportionality principle is not met.

Keywords: *GDPR, fundamental human right to personal data protection, automotive data processing, balance of interests, purpose limitation, necessity.*

Introduction. The principle of proportionality is a fundamental principle formulated among several other legal principles in the European Union (EU) law. It is based on an unwritten nature and is defined as the highest norm in the system of legal sources in the legal structure of EU law. This fact has led to the following main characteristic of the principle of proportionality: that it is a measured criterion for the legality of any form of activity (Długosz, 2017). Moreover, the principle of proportionality is frequently applied in the Court of

© Bulgakova D., 2023
ORCID iD: https://orcid.org/0000-0002-8640-3622
dariabulgakova@yahoo.com

© Bulgakova V., 2023
ORCID iD: https://orcid.org/0009-0009-6463-5228
krotona24@gmail.com

Justice of the European Union (CJEU), particularly in cases related to legal restrictions of fundamental human rights, especially concerning the right to personal data protection; for example, in the ruling of the European General Court (Fifth Chamber) on Case Marine Harvest ASA v European Commission of 6 October 2017 it is stated: "(...) It should be noted, first, that the principle of proportionality requires that measures adopted by EU institutions do not exceed the limits of what is appropriate and necessary to attain the objectives legitimately pursued by the legislation in question; where there is a choice between several appropriate measures, recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued. It follows that fines must not be disproportionate to the aims pursued to compliance with the competition rules, and that the amount of the fine imposed on an undertaking for an infringement of competition law must be proportionate to the infringement, viewed as a whole, account being taken of the gravity of the infringement (...)". In this respect, the research underlines that the personal data protection of individuals has always been a fundamental requirement in the primary legislation of the EU.

Personal data protection is a distinct and stand-alone in the EU legal order guaranteed under Article 8 of the Charter of Fundamental Rights of the European Union (CFREU). Regardless, any processing of personal data shall constitute an interference with this right. As highlighted in the Opinion of Advocate General Saugmandsgaard Øe of 19 July 2016 in (CJEU) Joined cases C-203/15 and C-698/15, Tele2 Sverige AB v. post-och telestyrelsen and Secretary of State for the Home Department v. Tom Watson, Peter Brice, Geoffrey Lewis, – the processing of data processing subject resembles the requirement "provided for by law". And, following the Opinion of Advocate General Cruz Villalón of 14 April, 2014 in (CJEU) Case C-70/10, Scarlet Extended SA v. Société belge des auteurs compositeurs et éditeurs (SABAM), – to be lawful, the interference must comply with the condition to involve the principle of proportionality listed in Article 52 (1) of the CFREU. Thus, a study has been identified series of judgments of the CJEU, which refer to Articles 8 and 52 of the CFREU involving intervention and deliberation of a European constitutional framework to data protection field of the study.

The connection between the principle of proportionality and personal data processing has significantly developed since its reflection and clear establishment in the Regulation (EU) 2016/679 on the Protection of Natural Persons with Regard to the processing of Personal Data and On the Free Movement of Such Data and Repealing Directive 95/46/EC (General Data Protection Regulation) (GDPR). Specifically, in the Recital 4 with the reference to the criterion of principle proportionality measurement stating: "The processing of personal data should be designed to serve mankind. The right to the protection of personal data is not absolute, and it must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and observes the freedoms and principles recognized in the Charter as enshrined in the Treaties, in particular the respect for private and family life, home and communications, the protection of personal

data, freedom of thought, conscience and religion, freedom of expression and information, freedom to conduct a business, the right to an effective remedy and a fair trial, and cultural, religious and linguistic diversity". This establishment provides solid legal support through fundamental rules and conditions for processing all personal data categories which extends globally. The research is guided solely by the right to personal data protection. However, the study also acknowledges the relationship with the right to privacy, particularly when additional information is needed to identify an individual, when processing is limited to only the necessary amount of data required for person's designation and does not extend beyond that.

The increasing use of technologies has brought significant challenges, which require technology-neutral regulation that can be adapted to various forms of automation. According to the (EU) Report on Artificial Intelligence of 2018, extensive data analysis and integration have become possible with the help of data generated through various sources such as websites, weblogs, videos, text documents, and services. However, processing categories of personal data poses challenges. It is evident that due to differentiation of data categories, processing cannot be a 'standard' and due to technological progress uses automated processing format requiring proportional consideration to the protection of data on the table. In May, 2021, the United Nations Educational, Scientific, and Cultural Organization published a Science Report on the Biometric Impact, highlighting the crucial importance to protect personal data processed by automatic means. The Report noted that data characteristics are already being used for a person's official digital presentation in the global data space underscoring the need for collaboration between scholars and legislators. The Report also emphasized the significance of legal research in the data area calling for qualitative and quantitative studies that could contribute to the normative adoption and improvement.

Analysis of recent research and publications. Scholars argue that the importance of guaranteeing the right to personal data protection in primary EU law cannot be underestimated (Brkan, 2016). This is also highlighted in (Spadaro, 2016), where the author defines the CJEU's intervention as a crypto-federal constitutional application. In that respect, scholar Pogrebnyak has identified legal conditions that need to be considered when applying the principle of proportionality (Pogrebnyak, 2017). Among those are: 1) the legitimacy and materiality of the purpose – meaning that the purpose of the restriction must be legitimate and substantial; 2) the law on restrictions must make it possible to establish the goal mentioned in the first condition – indicating that the legal framework should enable the establishment of the purpose defined; 3) restrictions must be justified – meaning that the restrictions imposed must be reasonable and necessary; 4) regulations should not impose restrictions that cannot be met – implying that the regulations should not impose restrictions that are impossible to meet; 5) onerous restrictions should be used – stating that only necessary restrictions should be applied. Finally, the research assumes that the effect of the principle of proportionality covers the entire legal system, not just individual areas. Scholar Tsakirakis has pointed out that the application of the principle of proportionality involves legal ambiguity as to which rights and

interests need to be balanced, how they should be balanced, and who is responsible for carrying out this weighing – whether it should be the judge or the legislator (Tsakirakis, 2011).

Foreign researchers have compared the principle of proportionality with the American method of weighing interests. While they have emphasized some differences, there are significant contradictions between. As discussed in the work of Cohen-Eliya and Porat, the concept of proportionality in contrast to American law differs from that in EU law (Cohen-Eliya & Porat, 2010). In American law, proportionality involves both procedural and substantive means of ensuring a fair trial, which has led scholars and lawyers to view the discussed principle as a doctrine of the rule of law. In contrast, US and Canadian law use proportionality to protect constitutional rights and freedoms as the basis for verifying the state's actions and the constitutionality of legal acts that may violate, repeal, or restrict fundamental rights. The state's task is to recognize this process as constitutional while considering legitimacy, optimality, and effectiveness proportional to the objectives pursued, with minimal limitations on constitutional rights and freedoms.

This position not only aligns with the belief of scholars that proportionality is based on the concept of the proper substantive legal procedure originating from American constitutional law but also supports the connection with the rule of law, making proportionality a necessary component of it. However, researchers lack to find a common characteristic when comparing proportionality with the American doctrine of weighing arguments. Scholars conclude that the latter doctrine is formed opposite to the understanding of proportionality. Thus, this study demonstrates the difference as the theory of weighing arguments does not unnecessarily protect rights against restrictions as it is weighed against the public interest, which is fundamental in the EU law. In this regard, there is a suitable place to be for the opinion of another researcher who says that under international law, there is no workable recognized shaping (Lubin, 2020).

Consequently, according to Jizeng's position legislative power must adopt relevant rules to designate the rule of law and ensure justice and resolve disputes that may arise from the exercise of power (Jizeng, 2016). This will lead to a balance between fair and effective governance on the one hand and the protection of citizens from abuses of power on the other. It means that the principle of proportionality is related to the rights of individuals, extends to law making and law enforcement, and is determined by the criterion of assessing the legality of public authority decisions (Newton, 2018).

Petersen's research identified three elements that make up the classical German theory of the principle of proportionality relevant to the discussion (Petersen, 2020). The first element is the measures' appropriateness, meaning that the state's actions must consistently interfere with human rights. For example, any restrictive measure or sanction imposed should reasonably reduce the number of offenses. The second element is the necessity of such measures. When assessing the interference, it should be determined whether these measures are necessary and if there are no alternative measures that could be applied instead. The third element is the affiliation of the measures. This

involves confirming that state measures are suitable for the goal that is expected to be achieved. For instance, if the state introduces electronic tax registers to verify taxpayers, it can be agreed that this measure is appropriate for the purpose. In this regard, in the study view, if biometric data of citizens is collected within the framework of maintaining these registers, then the biometric verification method is related to the purpose of taxation. However, the collection of any other personal data is not necessary.

According to Amankwaa's new theoretical doctrine of personal data processing has emerged due to the significant transformation of individuals' digital footprints, mainly due to the widespread use of big data (Amankwaa, 2020). The benefits of automated processing have enabled users to create content independently and manage connections between their and other people's digital footprints through machine governance, including biological footprints. Additionally, for the implementation provisions concerning the processing of special categories of personal data, Member States should consider the principle of proportionality, especially when it comes to biometric data processing (Bulgakova, 2022). The application should be under the particular condition of assessing the necessity (Bulgakova, 2022). Otherwise, it makes a disproportionate correlation with the biological nature of human origin (Bulgakova, 2022).

Also, Hildebrandt argues that the rise of big data has transformed how individuals interact with digital technologies, allowing them to create and manage personal data content and their connections with others through machine governance and footprints (Hildebrandt, 2016). This has resulted increased coordination and inclusion of users in algorithmic processes, particularly in public e-service matters that require personal information. Cloud computing technologies have further increased the storage and processing capabilities of both private and public organizations, as well as individuals, allowing for the effective processing of large amounts of data which require appropriate legal protection.

The literature review shows, that the EU has designed the principle of proportionality to protect individuals who may be facing the power of authorities concerning data. Therefore, its application is a prerequisite for regulatory intervention to be suitable for achieving the intended goals. Hypothesising, the proportionality should only be applied to correlate the processing of personal data and cannot prioritize an authority's general interest over an individual's freedom. Additionally, it should only be applied in a manner relevant to the pursued goal. If a measure is found to be disproportionate to the objective, it will be deemed invalid. The negative impact on those whose interests is affected may outweigh the positive result obtained for the personal data protection. Hence, the research is directed to open up that uncertainty and displays for consideration two statements. The first statement of the problem lies in the uncertainty of the application mechanism of the principle of proportionality and applicable relevant criteria when the data processing subject shall comply with. That is because the protection of personal data characterizes as not absolute and considers the studied principle as a measure to coordinate processing and minimize the risks for the fundamental right. Secondly, because the characteristics of the principle of proportionality employed by scholars are extensive, the personal data protection field of the study

deems lack of proportionality criteria appropriate for personal data.

A study designates that personal data's legal nature is only protected following adequate correlation with specific criteria of the principle of proportionality. Otherwise, it is at risk of being processed disproportionately, meaning that GDPR provides no evident protection. Therefore, the overall problem embodies the legal uncertainty about the legal mechanism of application of proportionality in personal data processing and the legal lack of clarification of the principle of proportionality conceptually to the personal data processing peculiarities. Expressly, the research raises doubts about the effectiveness of the introduced protection mechanism in the GDPR Recital 4. In this regard, the research problematic is the extent to which the principle of proportionality applicable for personal data processing as per Recital 4 of the GDPR.

The purpose of the article is to investigate the features of personal data processing in accordance with the principle of proportionality under the general data protection regulation. Consequently to the statement of the problem, the article addresses the following questions:

1) What is the characterization of the principle of proportionality in the EU legal system, and what criteria are appropriate for the personal data protection field?

2) Why is the processing of personal data shall be according to the principle of proportionality?

3) How is the legal mechanism for applying the principle of proportionality designed and how GDPR employs it?

A methodology is deemed significant because it guides the preparation of the research and ensures that the study is critically approached and original. The proposed research defines a critical approach together with a well-structured scholars' accomplishments to address designated issues and contributes with findings. Also, the research utilizes hypothesizing as a fundamental scientific method, enabling the formulation of ideas and original points of view. The research design interprets facts, revises theories and legislation, and identifies practical applications through case studies.

The principle of proportionality and its interference with data protection processing are studied utilizing the method of normative analysis (Saks & Spellman, 2016). For this intend, the study integrates Hutchinson and Duncan's double steps strategy involving the initial selection sources of law, evaluating, and dissecting them (Hutchinson & Duncan, 2012). Perceived legitimacy is a crucial concept projected through a combination of the principle of proportionality and GDPR Recital 4. Those tools are vital as it allows for theoretical criticism within the boundaries set by the law. Notably, the study focuses on the formal-legal method in relation to Recital 4 of the GDPR and data processing singularity, emphasizing the necessity appeal to legal norms for processing personal data requirements. Hence, interpretation of specific legal norms leads to recommendations, call to legislative amendments or additions to existing legal norms. The research design is crucial in expressing the uniqueness of theoretical research and obtaining qualitative and quantitative results employing qualitative approach to understand the nature of the principle of proportionality and personal data protection conceptions and them theoretical

basses, while quantitative data measures phenomes for generalization. Therefore, four categories of tools are used: data selection, process-writing, analysis, and sampling.

Formulation of the main material. This research focuses on exploring how the principle of proportionality correlates to personal data processing and its role in ensuring individuals' right to data protection. The study is divided into two sections to address those issues. The first section, titled "The Legal Relationship between the Principle of Proportionality and the Right to Personal Data Protection Based on the Fundamental Framework of the European Union", examines how the principle of proportionality is applied within the framework of data protection laws. The second section, "The Legal Mechanism of Application of the Principle of Proportionality in the GDPR", explores the specific mechanisms and unique criteria of the studied principle within the GDPR for the personal data processing set. Through this double-step solution, the study comprehensively understands the principle of proportionality and its role in personal data protection.

The Legal Relationship between the Principle of Proportionality and the Right to Personal Data Protection based on the Fundamental Framework of the European Union. For a significant period, the European Community did not prioritize the legal regulation of personal data protection (Krivogin, 2017). However, the lack of positive norms regarding the protection of fundamental human rights in the EU's legal system was compensated by the human rights system of the Council of Europe, particularly by the Convention for the Protection of Human Rights and Fundamental Freedoms (1950).

The right to personal data protection were established in two essential documents: in Article 12 of the Universal Declaration of Human Rights of 1948 and Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. According to the modern theory of international law, the right to personal data protection is closely linked with the concept of humanity. The relevance of data protection in a particular situation determines this link. When machine-like techniques are used to process personal data, legal protection is provided through the right to data protection, specifically by protecting an individual's authentic characteristics. This reduces the essence of humanity to a new level of human rights techniques.

International documents that establish the grounds and procedural requirements have become crucial as for example, the United Nations General Assembly Resolution's International Covenant on Civil and Political Rights (1966) in Article 17 included the right to personal data protection. This played a significant role in shaping the current European vision on data protection and is recognized as a fundamental right of the individual under the primary law of the EU. Therefore, a study argues that this understanding of the right to personal data protection is shaped by internationally adopted documents and has influenced the European approach to data protection. In addition, the European legal guarantee for the right to personal data protection has been established in documents with supreme legal force within the EU. These documents include the Treaty on the Functioning of the European Union (TFEU), the Treaty on the European Union (TEU), and the CFREU. This

 ISSN 2786-491X (Print)

aspect has become a crucial for the Union's primary legal system, which was reformed by signing the Lisbon Treaty. As a result, the legal importance of fundamental law has been established in this area and implemented to constituent personal data protection legislation.

Reasonably, according to TFEU Art. 16(1), everyone is entitled to personal data. This right holds significant weight, mainly because the legal norms of the EU system take precedence over the norms of Member-States' legal systems. This universal notion encompasses the norms and sources of both legal systems, which may conflict with one another (Taylor, 2015). P. Balboni emphasizes the need to enshrine the right to personal data protection in primary law. This implies that the right must be entertained when drafting and adopting other EU regulations (Balboni, 2019). Similarly, the Union's institutions must apply the principle of proportionality to the right to personal data protection. Furthermore, rules must uphold the special effects provided in TEU Article 39 for special policies outside the EU. Besides, TEU Article 6(1) explicitly states that the Union acknowledges of the rights, freedoms, and principles enshrined in the CFREU has equal legal value to the Treaties. For instance, provisions of CFREU Title VII govern the interpretation and application of these rights, freedoms, and principles. Despite this, it is conceivable to argue that the CFREU should be considered something other than a fundamentally new document that significantly alters the European system of fundamental values and principles. Even during its development, the CFREU must be viewed as an act reflecting the already achieved progress in fundamental human rights and the principle of proportionality.

Forward of the principle of proportionality to the right to data protection is also supported by the CJEU's practice and is based on constitutional traditions. Hence, the European Parliament, in conjunction with the Council of Europe and the European Commission, has identified two distinct legal categories related to individual rights: the right to privacy and the right to personal data protection. The separation is reflected in the CFREU Article 7, addressing the right to privacy, and Article 8, focusing on the right to personal data protection where both as well as all fundamental human rights safeguarded by Article 52(1) of the CFREU, which directly proclaims the principle of proportionality oversight. Accordingly, the CFREU emphasizes the importance of affiliation data protection and the principle of proportionality, with the limitation of purpose being one of its core components. As a result, data processing must be carried out without manipulation, for clearly defined intent, with the free 'will' of the person concerned or under other legal bases.

The principle of proportionality comes into play when an individual's rights are limited, and the discretion of those in power affects the individual's legal interests. In the case of personal data, individuals should be aware of the potential risks and have their legitimate interests promptly complied while also considering the legal capabilities of others and the public interests in society, as seen from the case CJEU, C-201/14, Smaranda Bara and Others v. Casa Naţională de Asigurări de Sănătate and Others of 1 October, 2015.

The EU legal order places conditions on limitations to exercise the right to personal data protection, and any such limitation must be subject to the principle

of proportionality test. This can be achieved using pseudonymization techniques regardless to the data processing to minimize interference with individual autonomy while achieving the greatest public interest (Cheung, 2020). However, the study notes that the proportionality test is not simply weighing conflicting interests; it is always result-oriented (Gill-Pedro, 2020).

The study has established that the framework of proportionality extends beyond the administrative domain, as the power of actions is also subject to regulation. The research highlights this crucial distinction by arguing that, firstly, proportionality expresses the notion of limiting public power, including the power of the state and local bodies, their officials, and entities delegated to public authority where the power is separated from the state and not delegated by the law. Secondly, assessing proportionality's impact on the individual is not a data protection issue but instead falls under the processing requirements for data processing subjects. It is because the proportionality is not a legal concept outside the scope of actions of power or the power that is substantiated in public relations, where one participant is a subject of power, and the other is a subject of administrative service rather than the subject of realisation of the right to personal data protection.

Lastly, the principle of proportionality applies to both bodies and officials who carry out public administration/processing. The administrative-legal regulation's foundation is the relationship which can take both positive and negative forms, such as operational activities and jurisdictional activities. This allows the research to distinguish the scope of various public disputes. Constitutional and legal disputes arising in connection with maintaining procedural order, human rights, and the power of higher authorities relate purely to the administration of justice. In contrast, administrative-legal or public-law disputes arise concerning implementing public administration. Therefore, proportionality may also be used to manage administrative-legal relations of power-subordination for compliant data processing performance by data processing subject.

Consequently, in the view of the abovementioned, the legislator has linked the concept of proportionality with the assessment of the legality of decisions made by those in power, with the primacy of the individual's rights and legitimate claims taking precedence over the interests of the bodies and representatives of power.

The Legal Mechanism of Application of the Principle of Proportionality in the GDPR. To analyse the relationship between the principle of proportionality and GDPR in light of previous discussion, this study proposes examining the necessary components for lawful processing, such as legitimacy and balanced interests. The analysis emphasizes the importance of ensuring the legitimacy of restrictions on fundamental human rights, which must be provided for by law and proportional to the goal outlined in the law. When data processing interferes with the right to personal data protection, any intervention must be justified, necessary, and proportionate. The right to personal data protection is a non-absolute legal category in the theory of EU law, making it difficult to establish clear boundaries for this right within the robust legal framework of the EU. Thus, the examination asserts that any legal restrictions on this fundamental right must

be met following by the proportionality principle.

In legal theory, the principle of proportionality is invoked when there are limits and restrictions on a particular right. This is because such constraints can exceed the necessary limits and pose a risk of taking extreme measures to achieve the restrictive enough involved interest. However, this vital principle also applies even if there are no restrictions to confirm that the specified right is fulfilled and lawfully exercised. The study argues that any restriction of rights, despite their objective necessity, should be reasonable and proportionate, and the associated burden should not be excessive. The breakdown concludes that impediments are only justifiable if they do not prohibit the lawful exercise of fundamental human rights and if a particular restrictive measure has the most negligible impact on a right.

The adoption of the Lisbon Treaty was a significant milestone in data protection law, as it not only elevated the CFREU to the level of primary law but also established the right to personal data protection. Another significant development was the adoption of the GDPR, which modernized EU data protection legislation to safeguard this right in the context of digital, economic, and social challenges. Consequently, the principle of proportionality serves as a mechanism for ensuring that any action taken is lawful and considers balancing the public and private interests in this legal relationship. This principle effectively limits the power and usability of data processing, prioritizing the protection of this fundamental right before, within, and after processing. Moreover, the investigation arguments that this scientific reflection is not only correct but also is the only one based on the fundamental concept in the CFREU Article 52(1), which states that "Any limitation on the exercise of the rights and freedoms recognized by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognized by the Union or the need to protect the rights and freedoms of others". This provision implies to data protection and is inseparable from it. Therefore, it is clear from the research that the principle of proportionality plays a fundamental role in the framework of the right to personal data protection serving a legal regulator for the automotive data processing.

The GDPR not only preserves but also enhances data subjects' core principles and rights. It introduces new obligations that require organizations to implement data protection by design and, by default, appoint a data protection officer, comply with data portability, and confirm proportionality. Member States are prohibited from issuing and enforcing data collection and processing rules that conflict with EU provisions, resulting in consistent data protection regulations throughout the EU and shall promote legal certainty for operators (data processing subject) and individuals (data subjects). However, M. Macenaite noted that exceptions and specific requirements for processing certain categories of personal data might apply (Macenaite, 2017). This evolution prompts a re-examination of the principle of proportionality in light of GDPR standards and conformity, particularly regarding modern automatic data processing. The application of proportionality is crucial, especially when discretions to the right enshrined in CFREU Article 8 are necessary for the

unique identification of an individual, as such an invasion is regulated by GDPR Article 9. Therefore, abides the normative application of the principle of proportionality within the GDPR is essential.

Proportionality plays a crucial role in the rulemaking of the modern research field. The GDPR compasses compliance with the principle of proportionality, as renowned in Recital 4. This principle serves two critical functions: first, it regulates the exercise of the right to personal data protection broadly, and second, it provides a legal mechanism for the guidance to comply with fundamental criteria due to the limitation of the right to data protection for the necessity to process it regardless intrusions of the data processing subjects. In essence, proportionality regulates legal relations when automatic data operations are involved. Additionally, it acts as a safeguard for interests of both, when data processing subject interested in compliant actions and data subjects interested in realisation guarantee of the right to data protection before, within, and after its processing, especially when data processing is necessary for the interests of a party other than the individual whose data is being processed. Which means interests of one side (data processing subjects) are often prevail over the interests of the other side (data subject), therefore, principle of proportionality serves as a measurement between. Furthermore, the GDPR rules can be challenging for parties, and in this respect the principle of proportionality beneficial to mitigate the risks posed to data, and non-compliant processing with rules set. Thus, this principle is essential to assure that parties shifting align with legal requirements and respect fundamentalism. Hence, the legal mechanism of the proportionality application into data processing is needed.

The legal mechanism for proportionality is crucial and based on several key findings. Firstly, it directly influences rulemaking by serving as a guide for regulatory activities and provide a compliance test for businesses. Compliance with proportionality is essential in the legal theory and practice, as it helps businesses consider the content of GDPR principles when adopting regulations for data protection. Secondly, proportionality helps to clarify the rule of law in a studied branch by forming a methodological framework for interpreting the legal norms of GDPR and combining them with the content of the legal system. Thirdly, a proportionality expects to resolve conflicts and gaps in the legal relationship. The principle used by the analogy of law based on its conceptual criteria, which aid to resolve disputes involving data processing especially where there is no clear rule to regulate legal relations or there is lack of specific norms. This also allows the Data Protection Authority (DPA) and national courts to resolve disputes concerning both rulemaking and supervision. The legal mechanism for proportionality is critical and takes precedence over its multi-functional stage structure. Its application, among other things, helps businesses to comply with GDPR principles, clarifies the rule of law in the studied branch, and guides the resolution of disputes involving personal data processing. Thus, applying the proportionality principle allows interested parties to realize wished results in the observance of the law and comply with the right to personal data protection and legitimate interests granted to a person.

Hence, it is essential to prioritize the application of proportionality in theory and practice for obedience and decide stakes because the principle creates

a framework for the law enforcer and outlines the legitimacy based on what a confrontation must be resolved. In the view of the research, a criterion of lawfulness must be applied primary under GDPR Article 6 (1), which states: "*Processing shall be lawful only if and to the extent that at least one of the following applies: a) data subject has given consent to the data processing for one or more specific purposes; b) processing is necessary for the performance of a contract; c) processing is necessary for compliance with a legal obligation to which the controller is subject; d) processing is necessary in order to protect the vital interests of the data subject or of another natural person; e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority; f) processing is necessary for the purposes of the legitimate interests, except where such interests are overridden or fundamental rights and freedoms of the data subject which require personal data protection*".

The breakdown assumes that legal norms are subject to proportionality, rendering the formalist understanding of legality impractical. As a result, authorities are bound to act solely on the legal basis established in a specific norm, within their given jurisdiction and following the guidelines set forth in the referenced article. Processing can only be carried out within the framework of GDPR as per Recital 40, and officials must first evaluate the data subject's action as stipulated. For instance, GDPR, Recital 41 requires determining whether the processing was carried out within or outside the GDPR, whether the data processed falls under a particular category of data with respect to GDPR Article 9 (1) (2), and whether the requirements are based on standard norms for personal data. A balanced/proportional interference occurs via the automatic emergence of data employment. In other words, the observance of the law should not be an end and should not be formalist, which is, tied to the letter of the law (Marchant et al., 2011, p. 127). Instead, the parties should use and understand the law as a tool to ensure the broadest possible field of freedom for individuals.

In determining applicable restrictions to an individual, proportionality is applied where the content of the provisions allows for identification selecting the least burdensome option. Implementing the principle, as mentioned earlier, would reinforce compliance with the normative actors' requirements in the setup above. This is supported by the European Commission's Guide (2017) to the Case Law of the European Court of Justice on Articles 49 TFEU, assuming that rule-making acts can be challenged. The application mechanism is manifested not only in the fact that it allows eliminating gaps but also configures that the subject of power in any situation acted to the proportionality accordingly. Here, the role of courts is difficult to overestimate. The application mechanism is necessary for law execution, especially in justice. Due to that, it is expedient to study the resource of the discussed principle not only in the theoretical aspect but also as a compass developed within justice ruling. This benefit should be distinguished. Tracing the doctrinal achievement of the resource to complete the mechanism in the legal and practical field has a direct connection with the principle of justice because it simultaneously protects the rights, freedoms, and interests of individuals from unlawful interference, and at the same time provides a balance between private and public interests by minimizing interference for the sake of achieving the public interest (Cheung, 2020).

Further, the functional perspective of the application mechanism can be

viewed through the lens of proportionality. When there is a dispute between a subject of power and a natural person regarding decisions, actions, or omissions, the court uses proportionality as the criterion for review. The application of proportionality is not limited to human rights law. However, it extends to all legal substantive and procedural relations where there is interference with the legal capacity of individuals. The study suggests fundamental regimes should align with democratic principles and be subject to elected officials. Transparency and accountability frameworks are required, as set out in GDPR Article 5, Recitals 13, 39, 58, 78, 85, and 100. Alike, proportionality is also vital when there is a significant impact on private life, it is necessary for the exercise of power, and when public power needs to be limited. Personal data protection restrictions and mandatory mechanisms are accompanied by the principle of safeguarding the fundamental rights. However, if there are no viable alternatives to interference, the application of proportionality should be minimized.

To outline, the concept of personal data processing accordingly to the principle of proportionality, can be viewed narrowly and broadly. In the narrow sense, it relates to one element of its content, such as balancing legitimate interests. In contrast, in the broad sense, it encompasses all content elements, irrespective of the purpose of processing. The application of proportionality performs several functions, including sectoral rulemaking, gap-solving, and data protection execution. It determines its resource allocation based on the importance of protecting fundamental human rights and the legitimate interests of individuals while also guaranteeing the rule of law and democracy. Proportionality is complex and includes several criteria, such as the necessity and balance of conflicting interests and the determinability of the purpose of data processing. Unlike the principle of subsidiarity, which regulates the exercise of powers by the EU, the proportionality seeks to set limits on the actions taken by EU institutions to achieve the objectives of the Treaties, as outlined in TEU Article 5. Also, the proportionality execution is set out in Protocol (No 2) on applying the principles of subsidiarity and proportionality annexed to the Treaty.

Accordingly, based on the previous discussions and findings presented in the preceding sections, the study has illustrated a functional Table titled "The Legal Mechanism of Application of the Principle of Proportionality in the GDPR" (Table 1), developed and designed by Bulgakova, who pays a special attention to the special categories of personal data under GDPR Article 9 (1) (2) because its limits right to personal data protection due to exceptions provided regardless escape from the strict prohibition to process distinct categories of data, as for example biometric, and therefore calls to apply the studied principle following its appropriate legal mechanism designed for data protection field of the study (Bulgakova, 2021).

 ISSN 2786-491X (Print)

Table 1

The Legal Mechanism of Application of the Principle of Proportionality in the GDPR

Guarantees	The Hierarchy of Provisions	Legal Criteria of Proportionality Application		
Values 	Treaty on European Union Articles 2 & 6	Union is founded on the values of respect for human dignity, freedom, the rule of law and respect for human rights	The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union which shall have the same legal value as the Treaties	These values are common to the Member-States
The Application of the Principle of Proportionality 	Charter of the Fundamental Rights of the European Union Article 52	Any limitation must be provided for by law; and shall be exercised under the conditions, and within the limits defined by Treaties	Respect the essence of rights and freedoms and limitations made only if they are necessary, and are the subjects of the principle of proportionality	Genuinely meet objectives of general interest recognized by the Union; As well as the need to protect the rights and freedoms of others
The Right to Personal Data Protection 	Treaty on the Functioning of the European Union Article 16 Charter of the Fundamental Rights of the European Union Article 8 GDPR Recital 4	Personal data must be processed fairly; It is because the right is not an absolute, and must be considered in relation to its function in society and be balanced against other fundamental rights in accordance with the principle of proportionality	For Specified Purposes	Execution is held based on the consent or other legitimate basis laid down by law; and in the process of carrying out activities which fall within the scope of EUL

Guarantees	The Hierarchy of Provisions	Legal Criteria of Proportionality Application		
Automatize Data Processing ⇨	GDPR Articles 5 & 6 and 9 (1) (2)	Lawfulness, Fairness and Transparency	The Necessary Processing; Purpose Limitation	Execution is held based on the consent with specified purpose and could not be incompatible to data minimization and storage limitation requirements

Source: (Bulgakova, 2021)

The offered legal mechanism is advantageous in both theoretical and practical senses, as it enables private parties, rulemaking activities, and other actors to select the least burdensome compliance approach while complying with data protection during data processing. By operating the mentioned Table 1, parties involved in specific legal relations, can effectively realize data processing rather than relying solely on abstract provisions of the law. A key hint is establishing a legal mechanism for applying the principle of proportionality, as described in the table "The Legal Mechanism of Application of the Principle of Proportionality in the GDPR" in the legislation. This is important because without such a mechanism, data processing subjects may collect and use personal data for identification or other purposes without proper legal oversight. The legal mechanism should provide adequate safeguards for individuals as well as ensuring that the processing is compliant with GDPR and fundamental framework and assessing the interests of all parties involved. Moreover, to ensure the responsible and legal processing of personal data, it is important to follow the principle of proportionality, which involves adhering to relevant legislation. A study suggests that limitations must be put in place to minimize the risk of interference, and the proportionality is valuable to determine whether any interference is proportionate. This safeguard should be implemented for the responsible use of automotive technology paying attention on the device used for processing, whether its storage centralized or decentralized and to prioritize the data subject's rights. Finally, the research contends that the legislator needs to adequately address the fact that personal data can be processed with or without the individual's knowledge. Therefore, specific processing rules should be implemented proportionately for each data characteristic separately.

Conclusions. The principle of proportionality is essential to ensure the comprehensive protection of the right to personal data. Since the CFREU gained legal force, data protection has achieved a clear and effective constitutional status with binding application in EU law. The study argues that the CFREU protects personal data by guaranteeing the corresponding right and applying the principle of proportionality. This is justified because

the EU law strictly protects personal data as a fundamental value and assures its enactment through the studied principle. Member States must implement these limits for data processing subject, and national remedies are essential in respecting them.

The principle of proportionality ensures that data protection legislation complies with EU law restrictions, and any exemptions or restrictions must be necessary and proportionate. This creates a transparent system for protecting personal data in the EU. In this regard, the theory of data protection law distinguishes several complex elements related to the principle of proportionality performance. These elements include: a) the necessity of application and absence of any alternative measures – indicating that the state's actions must be necessary and there should be no alternative measures that could be applied instead; b) compliance with the legitimate purpose – meaning that the state's actions must be consistent with the legitimate purpose of interfering with human rights; c) the negative result of the interference for the right to personal data protection must be less than the positive result for the public interest – stating that the negative impact on an individual must be less than the positive impact on the public interest.

Moreover, the principle of proportionality can be applied successfully, regardless of how personal data is utilized. However, it is important to consider the original purpose for which the data was collected because reusing personal data for different purposes may not comply with the principle of proportionality. For example, if the level of protection for the data is low, then it is processed disproportionately. In practice, for example, the reusing of personal data may be conducted by a database processor under company holding or at the behest of law enforcement agencies. However, this may lead to a legal paradigm shift regarding interference technology with the law because the processor is held under emerging technological transformation rather than the person concerned. This could also result a bias which needs to be better regulated and requires further legal intervention.

According to a study, it is important to distinguish the purpose of data processing and the legal means of achieving it. For example, in the case of biometric data, the legitimate purpose should be unique identification, which must be sufficient for determining whether personal data processing is prohibited or allowed under GDPR Article 9. The norm outlined in GDPR Recital 4 should be considered to ensure that this purpose is achieved. The study suggests that the necessity of data processing must be assessed as a precondition for proportionality, depending on the demands of the data processing subject, business. It also highlights that overreliance on personal data for identification purposes can compromise the protection of such data as the result of the restrictions. Accordingly, a study recommends that a business shall achieve data processing only if the running is decentralized and, hence, proportional not only to the business interest but also to the legitimate interest of a person. Exclusively by doing so, data credentials will be reached proportionally. Therefore, it is crucial to ensure that the principle of proportionality is applied appropriately and in line with GDPR Recital 4 stipulations to protect personal data and prevent excessive processing.

It is crucial to note that the processing of personal data must be prohibited if it does not comply with the proportionality computation of the affected legitimate interest. In other words, proportionality measurement must prevent the processing of personal data that does not meet the legitimate interest affected.

To clarify, the proportionality shall be based on a determination criterion. This means, taken for example, biometric data processing, the collection of unique characteristics mandate to be based on the necessity to achieve unique identification and collect data on the manner regardless whether that requires only one characteristic, such as a finger or face, or both. This is a critical measure that ensures compliance with proportionality and provides legal protection. For instance, in the first situation where only one characteristic is required, it is crucial not to over-collect data as that may result in the processing of data for other purposes, which is incompatible with the legitimate interest of the person. On the other hand, in the second situation where multimodal data usage is required, there is a more significant level of legal protection since both types of data were collected where centralized processing is with multimodal biometric data, unlike in the first situation.

To regulate the legitimate ways of personal data processing, the legislator has proposed authorization of a person concerned to agree with data processing action as one of the methods of proportionality application. However, a study argues that consent is not solid ground and lacks additional eligibility. The research suggests that consent goes against necessity, and businesses may abuse data processing installations by obtaining agreements. On the other hand, if a person expresses a desire for designation, but there is no immediate need, there will be contradictions. In such cases, the principle of proportionality should be applied. The study proposes that only the parties' mutual agreement should be relevant when there is no necessity. If there is a necessity but impossible to reach an agreement, personal data processing cannot be enforced based on human freedoms and human dignity respect. Otherwise, such processing is disproportionate, and the goal will be achieved, but the human resource will be levelled.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

Amankwaa, A. (2020). Trends in forensic DNA database: transnational exchange of DNA data. *Forensic Sciences Research*, 5 (1), pp. 8-14. Doi : https://doi.org/10.1080/20961790.2019.1565651.

Balboni, P. et al. (2019). Accountability and Enforcement Aspects of the EU General Data Protection Regulation. Methodology for the Creation of an Effective Compliance Framework and a Review of Recent Case Law [notes]. *Indian Journal of Law and Technology*, no. 15, 102 p.

Brkan, M. (2016). The Unstoppable Expansion of EU Fundamental Right to Data Protection. Little Shop of Horrors? *Maastricht Journal of European and Comparative Law*, *23*(5), pp. 812-841. Doi : https://doi.org/10.1177/1023263X1602300505.

Bulgakova, D. (2021). Application of the Principle of Proportionality on Biometric Data Processing in European Union Law. University of International Business and Economics (UIBE), Law Faculty, Doctoral of Laws Degree Dissertation, pp. 1-371.

Bulgakova, D. (2022). Case Study on the Fingerprint Processing in a Workplace under GDPR Article 9 (2, b). *Teisė*, no. 124, pp. 22-38. Doi : https://doi.org/10.15388/Teise.2022.124.2.

Bulgakova, D. (2022). The Protection of Commodified Data in E-Platforms. *Analytical and Comparative Jurisprudence,* 1 (2022), pp. 208-212. Doi : https://doi.org/10.24144/2788-6018.2022.01.39.

Cohen-Eliya, M., & Porat, I. (2010). American balancing and German proportionality: The historical origins. *International Journal of Constitutional Law*, 8 (2), pp. 263-286. Doi : https://doi.org/10.1093/icon/moq004.

Długosz, J. (2017). The Principle of Proportionality in European Union Law as a Prerequisite for Penalization. *Przegląd Prawniczy Uniwersytetu Im. Adama Mickiewicza*, 7 (7), pp. 283-300. Doi : https://doi.org/10.14746/ppuam.2017.7.17.

Fuster Gonzalez, G. (2014). Fighting for Your Right to What Exactly – The Convoluted Case Law of the EU Court of Justice on Privacy and/or Personal Data Protection. *Birkbeck Law Review*, 2, 263 p.

Gill-Pedro, E., & Linderfalk, U. (2020) Proportionality in International Law: Whose Interests Count? *Nordic Journal of International Law. Acta Scandinavica Juris Gentium*, 89 (3-4), pp. 275-285. Doi : https://doi.org/10.1163/15718107-89030001.

Hildebrandt, M. (2016). Law as Information in the Era of Data-Driven Agency: Law as Information. *Modern Law Review*, 79 (1), pp. 1-30. Doi : https://doi.org/10.1111/1468-2230.12165.

Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do : doctrinal legal research. *Deakin Law Review*, 17 (1), pp. 83-119. Doi : https://doi.org/10.21153/dlr2012vol17no1art70.

Cheung, J. (2020). Balancing fundamental rights in private law through the double proportionality test. *Nottingham Law Journal*, 28 (2), p. 53.

Jasserand, C. (2018). Subsequent Use of GDPR Data for a Law Enforcement Purpose. *European Data Protection Law Review (Internet)*, 4 (2), pp. 152-167. Doi : https://doi.org/10.21552/edpl/2018/2/6.

Jizeng, F. (2016). Rethinking the Method and Function of Proportionality Test in the European Court of Human Rights, *Journal of Human Rights*, 15 (1), pp. 47-52.

Krivogin, M. (2017). Peculiarities of Legal Regulating Biometric Personal Data. *Law. Journal of the Higher School of Economics*, no. 2, pp. 80-89. Doi : https://doi.org/10.17323/2072-8166.2017.2.80.89.

Lubin, A. (2020) The liberty to spy. *Harvard International Law Journal*, *61*(1), pp. 185-243.

Macenaite, M. (2017). The "Riskification" of European Data Protection Law through a two-fold Shift. *European Journal of Risk Regulation*, 8 (3), pp. 506-540. Doi : https://doi.org/10.1017/err.2017.40.

Marchant, G., Allenby, B., & Herkert, J. (2011). The Growing Gap Between Emerging Technologies and Legal-Ethical Oversight The Pacing Problem (G. Marchant, B. Allenby, & J. Herkert, Eds.; 1st ed. 2011). Springer Netherlands. Doi : https://doi.org/10.1007/978-94-007-1356-7.

Newton, M. (2018). Reframing the proportionality principle. *Vanderbilt Journal of Transnational Law*, 51 (3), pp. 867-885.

Petersen, N. (2020). Alexy and the "German" Model of Proportionality: Why the Theory of Constitutional Rights Does Not Provide a Representative Reconstruction of the Proportionality Test. *German Law Journal*, 21 (2), pp. 163-173. Doi : https://doi.org/10.1017/ glj.2020.9.

Pohrebnyak, S. (2017). The Principle of Proportionality as the General Principle of Law, *Law of Ukraine: Legal Journal*, p. 39.

Saks, M., & Spellman, B. (2016). The Psychological Foundations of Evidence Law. New York University Press. Doi : https://doi.org/10.18574/9780814768785.

Spadaro, A. (2016). Between reference models and legal innovations. *Comparative and European Public Law*, no. 2, 297 p.

Taylor, M. (2015). Safeguarding the Right to Data Protection in the EU, 30th and 31st October, 2014, Paris, France. *Utrecht Journal of International and European Law*, 31 (80), pp. 145-152. Doi : https://doi.org/10.5334/ujiel.cw.

Tsakirakis, (2011). Proportionality: violation of human rights? *Comparative Constitutional Review*, 2 (81), pp. 48-50.

Vadi, V. (2015). The migration of constitutional ideas to regional and international economic law: the case of proportionality. *Northwestern Journal of International Law & Business*, 35 (3), 557 p.

Дар'я БУЛГАКОВА, Валентина БУЛГАКОВА

ОБРОБКА ПЕРСОНАЛЬНИХ ДАНИХ ВІДПОВІДНО ДО ПРИНЦИПУ ПРОПОРЦІЙНОСТІ ЗГІДНО ІЗ ЗАГАЛЬНИМ РЕГУЛЮВАННЯМ ЗАХИСТУ ДАНИХ У ПРАВІ ЕВРОПЕЙСЬКОГО СОЮЗУ

Анотація. Обробка персональних даних регулюється гарантованим статтею 8 Хартії Фундаментальних Прав Європейського Союзу. У той же час стаття 52(1) Хартії визнає, що на здійснення цього права можуть бути накладені обмеження, такі перешкоди повинні бути передбачені законом і відповідати принципу пропорційності. Так, згідно Recital 4 Загального Регулювання Захисту Даних (GDPR), персональні дані повинні оброблятися відповідно до принципу пропорційності. Слід зазначити, що відсутність конкретики щодо того, як цей принцип застосовується і спрямовується в поле регулювання обробки персональних даних, створює проблему у правовій невизначеності, що потребує подальших роз'яснень з цього питання. Це дослідження має на меті вивчити ресурс правового походження, концептуальне значення та специфіку принципу пропорційності, який спрямовую обробку персональних даних для найкращого захисту. Тому у дослідженні розглядається, як цей принцип еволюціонував від системи прав людини до сфери захисту персональних даних. Аналіз пропонує як широке, так і вузьке тлумачення принципу, а також заглиблюється в його теоретичну категоризацію в рамках міжнародного права. Дослідження спирається на правову основу, закладену в Договорі про Європейський Союз, Договорі про Функціонування Європейського Союзу та Хартії Фундаментальних Прав Європейського Союзу, які слугують традиційною основою для застосування принципу пропорційності у сфері захисту персональних даних. З огляду на важливість цих правових документів, ретельне вивчення принципу пропорційності має вирішальне значення і для забезпечення основоположного права на захист персональних даних, особливо щодо обробки персональних даних технологіями з автоматичним керуванням. Крім того, цей принцип є невід'ємною складовою захисту людської гідності і тому вважається основним компонентом законодавчого інтересу.

Важливо зазначити, що принцип пропорційності є багатогранним поняттям, яке складається з кількох важливих компонентів. Аналіз, представлений у цьому дослідженні, пропонує нове розуміння цього принципу в рамках GDPR, підкреслюючи необдність у запровадженні конкретного правового механізму, згідно якого принцип пропорційності зможе адекватно слугувати інструментом для захисту даних особи. Однак варто зазначити, що цей правовий механізм може законно діяти лише тоді, коли він відповідає спеціально розробленим правовим критеріям, які можуть бути використанні для відповідності обробки персональних даних з GDPR. Окрім того, механізм застосування принципу пропорційності слугує основою для вдосконалення обробки персональних даних. Так, дослідження виявило дві фундаментальні основи, які лежать в основі принципу пропорційності: По-перше, будь-яка дія, що вживається щодо особи, повинна бути обмежена тим, що необхідно для досягнення мети. Це означає, що характер і обсяг дії, а саме обробки, повинні відповідати поставленій меті такої обробки. По-друге, інтереси, що виникли від осіб учасників такої обробки, повинні бути збалансовані пропорційно один до одного. Це важливо, оскільки право на захист даних і застосування принципу пропорційності гарантується на первинному рівні, тому що особливості застосування принципу пропорційності в законодавстві про захист персональних даних визначаються багаторівневою нормативно-правовою базою Європейського Союзу. Із запровадженням GDPR з'явилася нова модель інтерпретації. Ця модель складається з двох ключових компонентів: По-перше, навіть за наявності правової основи, якщо вона не відповідає вимозі суворої необхідності, обробка вважається непропорційною через невизначеність правової основи. По-друге, якщо заходи захисту даних є неадекватними, то автоматична обробка негативно впливає на інтереси особи, а отже, принцип пропорційності не виконується.

Ключові слова: *GDPR, основоположне право людини на захист персональних даних, автоматична обробка даних особи, баланс інтересів, обмеження мети, необхідність.*

Submitted: 16.02.2023
Revised: 28.02.2023
Accepted: 09.03.2023

UDC [342.951:347.775](477)
DOI 10.31733/2786-491X-2023-1-285-295

Oleksandr KRAVCHENKO ©
Ph.D. (Law)
(National University of Life and Environmental Sciences of Ukraine), Ukraine

INTERNATIONAL EXPERIENCE OF REGULATORY AND LEGAL PROTECTION OF COMMERCIAL BUSINESS SECRETS

Abstract. Scientific intelligence is devoted to the analysis of existing international legislation in the field of legal protection of trade secrets (TS). Searching for ways to improve legal and institutional mechanisms for the protection of commercial business secrets, as well as a comparison of existing regulatory and legal documents of foreign countries with the aim of implementing the best of them into national practice. On the basis of the conducted scientific research, we can state that in order to improve the legal protection of trade secrets (TS) in Ukraine, it is necessary to adopt the appropriate law on TS.

Today in Ukraine, business entities themselves regulate relations regarding the definition and protection of TS, by adopting the relevant local regulatory documents of the enterprise, institution or organization. Thus, regulatory and legal support in the field of protection of commercial secrets is the drawing up of certain local documents at the enterprise, institution or organization that ensure the protection and protection of TS – this is an order, statute, labour contracts and agreements, rules of internal procedure, which provide for the obligation refrain from disclosing it to third parties, and also establish responsibility for violation of these terms of the contract.

Among the subjects of authority related to the protection of TS in Ukraine, the following can be noted: the Cabinet of Ministers of Ukraine, the Ministry of Culture and Information Policy, the Ministry of Economic Development and Trade of Ukraine, the Ministry of Justice of Ukraine, the Ministry of Education and Science of Ukraine, the Ministry of Economic Development and Trade of Ukraine, bodies of internal affairs, in particular, bodies of the National Police, the State Fiscal Service of Ukraine, the Antimonopoly Committee of Ukraine, the Security Service of Ukraine.

We consider it expedient to adopt a separate law regarding the protection of commercial secrets in Ukraine, namely to regulate all aspects regarding the protection of TS.

Keywords: *commercial secrets, trade secret, confidential information, information, business, protection.*

Introduction. The scientific work is devoted to the analysis of the available international experience and legislation in the field of legal protection of trade secret. The problem in the field of TS protection of enterprises, institutions and organizations is to find reliable protection of commercially valuable information of a certain business, and especially during martial law. Among the subjects of authority related to the protection of TS in Ukraine, the following can be indicated: the Cabinet of Ministers of Ukraine, the Ministry of Culture and Information Policy, the Ministry of Economic Development and Trade of Ukraine, the Ministry of Justice of Ukraine, the Ministry of Education and Science of Ukraine, the Ministry of Economic Development and Trade of

ORCID iD: https://orcid.org/0000-0002-8870-7662
alex_23@i.ua

Ukraine, bodies of internal affairs, in particular, bodies of the National Police, the State Fiscal Service of Ukraine, the Antimonopoly Committee of Ukraine, the Security Service of Ukraine. We consider it expedient in relation to the protection of commercial secrets in Ukraine, based on international experience in the regulatory protection of TS, to adopt a specific law, namely to regulate all aspects of TS protection in our state.

Analysis of recent research and publications. The international experience of regulatory protection of trade secret was the subject of research by such researchers as Y. Kapitsy, G. Androshchuk. The state of regulatory protection of CT in Ukraine was covered by S. Gordienko, B. Gogol et al.

The purpose of the article is to find modern international legal measures for the protection of trade secret, for the possible use of this experience in practice in Ukraine.

Formulation of the main material. We have previously explored that English law uses three principles that apply to any trade secret (TS) infringement:

1) If the information is transferred on the basis of confidentiality, the person who received it does not have the right to use or disclose this information for the purpose of creating competition for the owner of the information;

2) If it is proven that the defendant intentionally or unintentionally disclosed confidential information without the consent of the owner, he is found guilty of violating the rights of the owner of the information;

3) A person who has received confidential information has no right to use it earlier than the owner of the information to occupy the most advantageous positions, even if the content of this information has been published or can be established by third parties through their own research.

It is assumed that the owner of the TS should have a certain advantage over all the rest of the persons and be sure that he will not be late at the start in the conditions of fierce competition. These principles have a generalized nature and can be changed and supplemented depending on specific cases, circumstances, etc. In case of violation of TS, the following measures are applied to the violator:

1) Issuance of a court decision, which may have an "interim" (serves only to prevent further damage until a final decision on the case is made) or "permanent" effect;

2) The defendant undertakes under oath to hand over to the plaintiff or destroy the physical objects in which the know-how or trade secret is embodied (the plaintiff can choose one or another measure at his own discretion);

3) Compensation for losses or lost profits resulting from a breach of confidentiality obligations.

The third remedy is damages caused by the breach of privacy. In English case law, the following categories of damages are known:

– simple or general, which can be easily established with sufficient precision;

– special ones, which can also be established with sufficient accuracy, but the court should pay special attention to them, since they are not so obvious;

– onerous, which can be considered as compensation for the improper methods by which the privacy violation occurred;

– "exemplary", the compensation of which should serve as a clear example and a warning for the defendant against similar violations in the future;

– conditional, when the plaintiff is supposed to be paid a specified amount

for the violation of his rights and interests, even if the plaintiff does not claim any compensation for damages at all.

In relations related to the creation of service inventions, special rules apply. If the secret is an official invention within the meaning of the Law on Official Inventions, then the official inventor is obliged to keep the secret until the invention is freely used. And a person who has acquired knowledge independently of the owner of the secret uses it freely in his own interests, and the person who has legally acquired knowledge from the owner of the secret, involuntarily enters into binding relations with him, which, as a rule, are formalized by a contract. The employee's actions regarding the transfer and use of illegally obtained knowledge are qualified as a violation of non-contractual obligations. We can summarize and note that in England there is quite good judicial practice for the legal protection of the owner of a trade secret from modern threats of various types. In Switzerland, it is a clear and sufficiently effective system of regulatory acts has developed, which forms the basis of the legal regime of fair competition (Kravchenko, 2019, p.160-161).

We have established that Swiss law provides for civil and criminal sanctions for violating the rules of fair competition. At the same time, the existence of a loss for a competitor (clientele) is far from always a condition for the onset of liability: actions that did not lead to loss, but threaten to cause it, may also be considered illegal. As for the fault of the infringer, it is considered by judicial practice as a condition of liability insofar as the initial criterion for its imposition is good trade practice or good will, that is, an objective criterion. Thus, the illegality and culpability of the violator's actions appear as a condition for liability for violation of the rules of fair competition. This means (if we take into account the legal definition of unfair competitive actions) their contradiction to the law and customs of good trade practice. Protection of violated (or threatened) interests of a competitor (clientele) takes place in a legal action. A lawsuit may be filed by a competitor or a client, as well as by other persons, in particular: economic and professional associations, other organizations of the federal or cantonal scale that protect consumer rights (provided that similar actions are within their competence according to the statute). And the person whose interests are violated (or whose interests are threatened with violation), as well as other listed persons, have the right to demand from the court a ban on unfair competitive actions (or, accordingly, their termination), a finding of the illegality of such actions, a refutation or other proof of the decision to the reduction of an indefinite (or limited) circle of persons. In addition, such a person has the right to file a lawsuit against the violator for non-contractual damage and to demand compensation for the material, economic and (or) moral damage caused. In addition to the civil sanctions provided in this way, the law establishes criminal sanctions: imprisonment or a fine of up to 100,000 Swiss francs (Kravchenko, 2019, p.162).

In this regard, part 1 of Article 273 of the Criminal Code of the Netherlands is of interest, which provides for liability for the person who intentionally discloses special information related to a commercial or industrial organization or an organization in the service sector in which the guilty person works or has worked, provided that she was obliged to keep the information secret. There is no doubt that the civil and labour legislation of Ukraine must clearly regulate the relationship between the employer and the dismissed employee regarding the latter's preservation of commercial secrets that became known to him during the

course of his employment (Kravchenko, 2019, p.162).

In Poland, the law "On Combating Unfair Competition" of 1993 provides for the protection of industrial secrets of the enterprise. In accordance with this Law, a production secret is understood as undisclosed technical, technological, commercial or organizational information of an enterprise, in relation to which the entrepreneur has taken measures to protect confidentiality (Kravchenko, 2019, p. 162-163).

It is interesting to note that in March 2019, the German Parliament adopted a law related to the protection of trade secret, which implements Directive (EU) 2016/943 of the European Parliament, including on the protection of trade secrets (Directive (EU) 2016/943). Sweden has a special law – the Act on Legal Protection of Trade Secret.

In 2016, the Defend Trade Secrets Act of 2016 (DTSA) was adopted in the United States of America. The law provides for the possibility of prosecuting employees and contractors for the disclosure of TS of a certain firm. If earlier each state established the rules for the protection of TS separately, now this issue is also regulated at the federal level. The Law applies to TS related to products and services used between states, as well as in foreign trade, etc. (Defend Trade Secrets Act of 2016).

G. Androshchuk notes in his scientific papers that experts especially single out the activities of the special services of the people's Republic of China, Japan, Israel, France, South Korea, and Taiwan on the territory of the United States. Foreign spies also seek to obtain classified information about the production and marketing policies of American corporations, whose activities primarily concern the defence complex, about the contracts concluded by them with US government departments, as well as measures to increase the export of high-tech products (Androshchuk, 2018, p. 43).

We have considered the issues of normative and legal protection of TS in Ukraine and the world in previous scientific investigations (Kravchenko, 2022, p.110-116; Kravchenko, 2022, p.45-52; Kravchenko, 2022, p. 29-31; Kravchenko, 2022, p. 211-220; Kravchenko, 2022, p. 175-181).

Accordingly, we established that commercial, industrial, economic espionage – obtaining information that has commercial value by illegal methods. In previous works, we focused in detail on the research of regulatory protection of commercial secrets in the world, and also touched on the issues of protection of TS from commercial, economic, industrial espionage (Kravchenko, 2015, p. 91-98; Kravchenko, 2016, p. 175-181; Kravchenko, 2017, p. 224-228; Kravchenko, 2017, p. 41-48; Kravchenko, 2017, p. 128-129).

As G. Androshchuk notes, the analysis conducted by American counterintelligence shows that in 58 % of cases, economic and industrial espionage was carried out on behalf of foreign companies, in 22 % – in the interests of foreign governments, and in 20 % – private and state foreign scientific centres and laboratories. At the same time, less developed countries, as a rule, strive to export technologies available on the commercial market, although for this they often have to violate the rules of export control. Developed countries, for their part, aim to obtain secret developments capable of increasing the power of their armed forces. In his opinion, recently there has also been a tendency to increase the number of thefts of individual ultra-modern components and nodes that can be used to modernize outdated weapons, intelligence and information systems (Androshchuk, 2018, p. 43).

Experts especially highlight the activities of the special services of the People's Republic of China, Japan, Israel, France, South Korea, and Taiwan on the territory of the United States. Foreign spies also seek to obtain confidential information about the production and marketing policies of American corporations, whose activities primarily concern the defence complex, about the contracts they have concluded with US government departments, as well as measures to increase the export of high-tech products. The evolution of economic espionage methods involves the development of adequate countermeasures. Therefore, economic counterintelligence is an integral part of the security service system – both at the state and corporate level. Its task includes control over information flows and possible ways of leakage (Androshchuk, 2018, p. 43).

G. Androshchuk reports in his research work that Bernard Benson – the inventor of new types of weapons, a millionaire who became rich by implementing patents for various types of weapons (a remote control system for torpedoes, the principle of flight of missiles with homing warheads, the "Delta" wing for supersonic aircraft, computer systems, etc. – more than 100 patents in total), speaking at a UNESCO conference, said that the accumulation of secrets in memory devices is a danger that can turn into a disaster, and called for immediate prevention. Almost 80 % of data leaks are due to simple carelessness or negligence. It is also about personal correspondence, which is one of the channels of leakage of important industrial secrets due to carelessness. In this regard, the military intelligence and security agencies of the USA started a mini-dossier on more than 25 million Americans who were considered potentially dangerous (Androshchuk, 2018, p. 43).

In Ukraine, there is no law on TS, and therefore the TS owner himself determines all aspects regarding the protection of TS at the firm or enterprise. Moreover, as already mentioned, the business entity is developing a number of documents to regulate labour relations with employees regarding the protection of TS, which was provided to him for the performance of certain work.

The specified means of corporate protection of commercial secrets establish the following:

1) Employees and officials who deal with TS are obliged to keep it confidential; persons who have gained access to it must be warned that such information is TS and are obliged to keep it confidential (not to disclose it to third parties), and also bear responsibility for failure to comply with this obligation. Such responsibility is provided for in the employment contract or a separate contract concluded with the employee;

2) The business entity that legally owns the TS must provide in the contract with its counterparties, who are granted access to it, the obligation to refrain from disclosing it to third parties and provide for responsibility for the violation of this agreement. One of the ways of fixing the obligation to preserve TS is to affix the secrecy stamp "TS" on the relevant documents;

3) The business entity that legally owns the TS must take the necessary measures to prevent unauthorized access by third parties to it, in particular, to prevent its leakage or loss. Failure to comply with these conditions can be an obstacle to reliable protection of TS of the economic entity. It can be said that this condition is mandatory for proof in court when certain disputes arise.

Thus, regulatory and legal support in the field of CI or TS protection is the

drawing up at the enterprise of certain local documents that ensure the protection and protection of TS – these are orders, statutes, labour contracts and agreements, rules of internal procedure, which provide for the obligation to refrain from disclosure to its third parties, and also establish responsibility for violation of these terms of the contract.

In our opinion, the above-mentioned normative and legal forms of protection of TS are very important, as they are the legal basis for holding the employee accountable if he disclosed information that constitutes TS. Business entities themselves regulate relations regarding the definition and protection of TS, by adopting the relevant local regulatory documents of the enterprise, institution or organization.

Therefore, local normative-legal regulation of TS is necessary not only at the level of normative-legal acts that make up the legislation on TS, but also at the local level – in the form of local acts of economic entities, etc.

B. Gogol states that Ukrainian legislation in the field of protection of rights to commercially valuable information is unsystematized and contradictory. Taking into account the above, we consider it expedient to enshrine in the legislation of Ukraine a single classification of all types of information that are subject to legal protection. For this, a comprehensive study of the legal regulation of information relations and relations regarding intellectual property objects is appropriate (Hohol, 2017, p. 116).

H. Gordienko believes that the ratio of information protected by intellectual property legislation and confidential information indicates: confidential information is not necessarily an object of intellectual property, however, information protected by intellectual property legislation can be recognized as confidential (Hordiienko, 2013, p. 234).

In turn, Yu. Kapitsa believes that the judicial practice of protecting the rights to commercial secrets and know-how in Ukraine shows significant shortcomings of the current legislation, which does not allow effective protection of rights within the framework of civil proceedings, in particular, due to the impossibility of providing evidence of rights violations in a civil procedure without the threat of their destruction by the defendant. Complicated or unresolved are compensation for property damage in connection with the violation of the rights to TS by an employee, the legal regime of official TS. The definition of trade secrets in the Central Committee of Ukraine does not comply with the provisions of the TRIPS Agreement and the Directive. The definition of the concepts of "disclosure of commercial secrets", "inclination to disclose commercial secrets", "collection of commercial secrets" by the Law of Ukraine "On protection against unfair competition", etc., is imperfect. An important factor is the lack of experience in protecting the rights to TS in organizations and enterprises. The main approaches to changes in the legislation of Ukraine regarding the protection of rights to TS and know-how are determined by the Concept of updating the civil legislation of Ukraine in 2020 and include the introduction of additions to Chapter 15 of the Civil Code of Ukraine regarding the definition of the concept of TS and its types – know-how and business information; replacement of Chapter 46 "Intellectual property right to commercial secrets" with Chapter "Intellectual property right to know-how"; provision that the specifics of the protection of rights to TS are determined by law. Changes should also be made to the Civil Code of Ukraine and Civil Code of Ukraine, the Law of Ukraine "On Unfair Competition", other

legislative acts that take into account the provisions of Directive (EC) 2016/943. With regard to the adoption of a special law on trade secret, in such a law, in addition to the implementation of the Directive, significant attention should be paid to the provisions that would contribute to the introduction of an effective system of protection of KT rights in organizations and enterprises, the use of, in addition to labour civil-law contracts with employees regarding specifics protection of the rights of TS, including settlement in contracts of issues of compensation for property damage for improper use of KT; determining the conditions for payment of compensation for violation of TS rights, etc. Taking into account the fact that business information is the object of informational legal relations and the regulation of relations regarding know-how is provided for by the legislation on intellectual property, as well as that the Directive does not include TS as objects of intellectual property law, it is possible to define a special law as of the law on the protection of commercial secrets against their unlawful acquisition, use and disclosure. This would follow the approaches of the Law of Ukraine "On Information", the Law of Ukraine "On Protection of Information in Information and Telecommunication Systems" and other legislative acts on various types of information (Kapitsa, 2021, p. 254).

Regulatory and legal measures to ensure TS in Ukraine, as well as the structure of legal relations in the field of TS protection, integration of CI and TS protection standards of Ukraine into EU standards, and other aspects regarding trade secret were the subject of our previous scientific studies (Kravchenko, 2018, pp. 75-79; Kravchenko, 2018, pp. 152-156; Kravchenko, 2019, pp. 91-93; Kravchenko, 2019, pp. 82-89; Kravchenko, 2019, p. 137-145; Kravchenko, 2022, p. 189-185; Kravchenko, 2022, pp. 98-104).

Now let’s consider domestic legislation in the field of TS protection, to identify possible gaps that need to be corrected to meet international TS protection standards, namely EU and US standards. The definition of trade secret is contained in the Civil Code of Ukraine (CCU) (the CCU, 2003) and in the Economic Code of Ukraine (CCU) (the ECU, 2003), but, in our opinion, needs improvement. In Art. 505 of the CCU states that TS 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, it has a commercial value and was the subject of measures adequate to the existing circumstances to preserve its secrecy, taken by the person who legally controls this information (the CCU, 2003). In Art. 162 of the Economic 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 (the ECU, 2003).

In our opinion, legal terms such as "owner of TS" (ECU) (the ECU, 2003), "person" (CCU) (the CCU, 2003) should be replaced by the term "owner of TS", as we proposed in the draft Law of Ukraine "On Trade Secret» (Kravchenko, 2019, add. A)

In Art. 505 of the CCU uses the term "person", but it is not clear which "person" the legislator means, namely: a legal entity or an individual. 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: TS 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.

In Art. 162 of the Economic Code states that a business entity that is the holder 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 (the ECU, 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 Economic Code, 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.

Now let's analyse the legislative framework of Ukraine regarding the CS in the field of information legislation. In accordance with Art. 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. Confidential information can be disseminated at the request (consent) of the relevant person in the order determined by him, in accordance with the conditions stipulated by him, as well as in other cases determined by law (On Information, 1992).

In Art. 7 of the Law of Ukraine "On Access to Public Information" states that confidential information is information, access to which is limited to a natural or legal person, except for subjects of authority, and which can be distributed in the order determined by them at their will in accordance with the provisions provided by them conditions (on Access to public information, 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 (on Access to public information, 2011).

In Art. 8 of the Law of Ukraine "On Access to Public Information" provides a definition of 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 recognized as secret (on Access to public information, 2011).

The analysis of information legislation of Ukraine regarding CS shows that

CI – a type of information with limited access, and TS – one of the secrets of classified information, which is a type of information with limited access.

Having analysed the legislation of Ukraine regarding the CS, we can note the following:

1) The owner of information that has a commercial value determines at its own discretion whether the information that has a commercial value will belong to TS or will be CI;

2) The owner of information that has commercial value establishes measures to protect this information and other aspects related to the protection of the specified information (organizational, legal, technical);

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

Summarizing the consideration of the distinction between CI and TS, we propose to clearly separate them at the legislative level. The analysis shows that 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 confidential information concerning an individual, TS is confidential information concerning legal entities, enterprises, institutions and organizations, which has a commercial value that positively affects the profit of economic entities.

Conclusions. In our opinion, the legislator should exclude from the definition of CI the mention of a legal entity, and formulate the definition of CI, 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.

Having conducted an analysis of international legislation in the field of CS, we can state that in order to eliminate gaps in this field, Ukraine needs to adopt an appropriate law.

Summarizing the results of the scientific investigation, we can state that in order to improve the legal protection of CS of business in Ukraine to the international standards of the EU, it is necessary to adopt a corresponding law on TS (like the one that was developed and proposed by us in previous scientific investigations (Kravchenko, 2019).

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

Kravchenko, O. (2019). Administratyvno-pravovi zasady okhorony komertsiinoi taiemnytsi v Ukraini [Administrative and legal principles of trade secret protection in Ukraine] : dys. . kand. yuryd. nauk: 12.00.07. Kyiv : 253p. [in Ukr.].

Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. (2016). OJ L 157, 15.6.2016, pp. 1-18. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L0943.

Defend Trade Secrets Act of 2016. (2016). URL : https://www.congress.gov/bill/114th-congress/senate-bill/1890/text.

Androshchuk, H. (2018). Ekonomichnyi shpyhunstvo: zrostannia masshtabiv ta ahresyvnosti (Chastyna I) [Economic Espionage: Growing Scale and Aggressiveness (Part I)]. *Nauka, tekhnolohii, innovatsii,* 3 (7), pp. 39-49. [in Ukr.].

Kravchenko, O. (2022). Dyverhentsiia mizh konfidentsiinoiu informatsiieiu ta komertsiinoiu taiemnytseiu v Ukraini [Divergence between confidential information and trade secret in Ukraine] : jurn. Riga, *Baltic Journal of Legal and Social Sciences,* vol. 2., pp. 110-116.

[in Latv.]. Doi : 10.30525/2592-8813-2022-2-18.

Kravchenko, O. (2022). Konfidenciāla informācija un komercnoslēpums kā ierobežotas pieejamības informācija Ukrainā [Confidentlal information and trade secret as restricted information in Ukraine] : jurn. Riga. *Baltic Journal of Legal and Social Sciences,* vol. 3., pp. 45-52. Doi : 10.30525/2592-8813-2022-3-6. [in Latv.].

Kravchenko, O. (2022). Okhorona konfidentsiinoi informatsii v Ukraini [Protection of confidential information in Ukraine]. *Ekolohichne pravo*, vol. 3-4. pp. 29-31. Doi : 10.37687/2413-7189.2022.3-4-4.6. [in Ukr.].

Kravchenko, O. (2022). Udoskonalennia okhorony komertsiinoi taiemnytsi ta konfidentsiinoi informatsii v Ukraini dlia intehratsii v Yevropeiske biznes-seredovyshche [Improving the protection of trade secret and confidential information in Ukraine for integration into the European business environment], *Nove ukrainske pravo,* vol. 6, tom 1, pp. 211-220. Doi : 10.51989/nul.2022.6.1.29. [in Ukr.].

Kravchenko, O. (2022). Intehratsiia standartiv okhorony komertsiinoi taiemnytsi Ukrainy do yevropeiskoho biznes-seredovyshcha [Integration of Ukraine's trade secret protection standards into the European business]. Zaporizhzhia : Amparo, pp. 175-181. Doi : 10.26661/2786-5649-2022-spec-1-25. [in Ukr.].

Kravchenko, O. (2015). Dosvid zarubizhnykh krain v pravovii okhoroni komertsiinoi taiemnytsi [Experience of foreign countries in the legal protection of trade secret]. *Informatsiina bezpeka liudyny, suspilstva, derzhavy*, 1 (17), pp. 91-98. [in Ukr.].

Kravchenko, O. (2016). Perspektyvy adaptatsii zakonodavstva Ukrainy do mizhnarodnykh standartiv okhorony komertsiinoi taiemnytsi [Prospects for adaptation of Ukrainian legislation to international standards of trade secret protection]. *Pravo Ukrainy,* vol. 2, pp. 175-181. [in Ukr.].

Kravchenko, O. (2017). Ekonomichne shpyhunstvo [Economic espionage]. *Publichne pravo,* 4 (28), pp. 224-228. [in Ukr.].

Kravchenko, O. (2017). Komertsiine shpyhunstvo [Commercial espionage]. *Visnyk Pivdennoho rehionalnoho tsentru Nats. akad. pravovykh nauk Ukrainy*, vol. 11, pp. 41-48. [in Ukr.].

Kravchenko, O. (2017). Promyslove shpyhunstvo. Pravove rehuliuvannia suspilnykh vidnosyn v umovakh demokratyzatsii Ukrainskoi derzhavy [Industrial espionage. Legal regulation of social relations in the conditions of democratization of the Ukrainian state] : materialy VII Mizhn. nauk.-prakt. konf. (Kyiv, 18–19.05.2017) / uklad. I. Holosnichenko, T. Chepulchenko, V. Priamitsyn. Kyiv : NTUU "KPI im. Ihoria Sikorskoho", pp. 128-129. [in Ukr.].

Hohol, B. (2017). Komertsiina taiemnytsia ta konfidentsiina informatsiia: okremi problemy spivvidnoshennia. Kiberbezpeka ta intelektualna vlasnist: problemy pravovoho zabezpechennia [Trade secrets and confidential information: separate problems of the ratio. Cyber security and intellectual property: legal enforcement issues] : materialy VII Mizhn. nauk.-prakt. konf. (Kyiv, 21.04.2017) / uklad. Furashev V., Petriaiev S. Kyiv : NTUU "KPI im. Ihoria Sikorskoho", pp. 112-116. [in Ukr.].

Hordiienko, S. (2013). Konfidentsiina informatsiia ta "taiemnytsi": yikh spivvidnoshennia [Confidential information and "secrets": their relationship]. *Chasopys Kyivskoho universytetu prava*, vol. 4, pp. 233-238. [in Ukr.].

Kapitsa, Yu. (2021). Zakhyst prav na komertsiinu taiemnytsiu ta nou-khau v Ukraini u svitli implementatsii dyrektyvy (IeC) 2016/943 ta praktyky zastosuvannia [Protection of trade secret and know-how rights in Ukraine in light of the implementation of Directive (EC) 2016/943 and application practice]. *Informatsiia i pravo,* 4 (39), pp. 70-79. [in Ukr.].

Kravchenko, O. (2018). Spôsoby prispôsobenia Ukrajiny medzinárodným štandardom právnej ochrany obchodného tajomstva [Ways of adaptation of Ukraine to international standards of legal protection of trade secret]. *Visegrad Journal on Human Rights*, vol. 5, pp. 75-79. [in Slovak].

Kravchenko, O. (2018). Schutz von Geschäftsgeheimnissen von Unternehmen, Institutionen und Organisationen vor Wirtschaftsspionage [Protection of trade secrets of enterprises, institutions and organizations from commercial espionage], *Rechtder Osteuropäischen Staaten,* vol. 4, pp. 152-156. [in Germ.].

Kravchenko, O. (2019). Protecția secretelor comerciale ale entităților comerciale împotriva actelor de concurență neloială, spionaj comercial, industrial, economic [Protection of trade secrets of business entities against acts of unfair competition, commercial, industrial, economic espionage], *Jurnalul juridic national: teorie si practica,* vol. 1 (35), pp. 91-93. [in Mold.].

Kravchenko, O. (2019). Regulatorische und rechtliche Maßnahmen zur Gewährleistung des Geschäftsgeheimnisses in der Ukraine [Regulatory and legal measures to ensure commercial secrecy in Ukraine], *Rechtder Osteuropäischen Staaten,* vol. 1, pp. 82-89. [in Germ.].

Kravchenko, O. (2019). Štruktúra právnych vzťahov v oblasti ochrany obchodného tajomstva na Ukrajine [The structure of legal relations in the field of trade secret protection in Ukraine], *Visegrad Journal on Human Rights,* vol. 3, pp. 137-145. [in Slovak].

Kravchenko, O. (2022). Intehratsiia standartiv okhorony konfidentsiinoi informatsii ta komertsiinoi taiemnytsi Ukrainy do standartiv Yevropeiskoho Soiuzu [Integration of the standards of protection of confidential information and commercial secrets of Ukraine to the standards of the European Union], *Pivdennoukrainskyi pravnychyi chasopys,* 4 (2), pp. 189-195. Doi : 10.32850/sulj.2022.4.2.29. [in Ukr.].

Kravchenko, O. (2022) Rozmezhuvannia poniat "konfidentsiina informatsiia" ta "komertsiina taiemnytsia " u stratehii informatsiinoi doktryny Ukrainy [Distinguishing the concepts of "confidential information" and "trade secret" in the strategy of Ukraine's information doctrine], *Pravovyi chasopys Donbasu,* vol. 4 (81), pp. 98-104. [in Ukr.].

Tsyvilnyi kodeks Ukrainy [The Civil Code of Ukraine], no. 435-IV. (2003). URL : https://zakon3.rada.gov.ua/laws/show/435-15/paran2312#n2312. [in Ukr.].

Hospodarskyi kodeks Ukrainy [Economic Code of Ukraine], no. 436-IV. (2003). URL : https://zakon2.rada.gov.ua/laws/show/436-15/page. [in Ukr.].

Pro informatsiiu [On Information], no. 48. (1992). URL : https://zakon.rada.gov.ua/laws/show/2657-12#Text. [in Ukr.].

Pro dostup do publichnoi informatsii [On Access to Public Information]. no. 32. (2011). URL : https://zakon.rada.gov.ua/laws/show/2939-17#Text. [in Ukr.].

Олександр КРАВЧЕНКО

МІЖНАРОДНИЙ ДОСВІД НОРМАТИВНО-ПРАВОВОЇ ОХОРОНИ КОМЕРЦІЙНИХ СЕКРЕТІВ БІЗНЕСУ

Анотація. Наукова розвідка присвячена аналізу наявного міжнародного законодавства в сфері нормативно-правової охорони комерційних секретів (КС). Пошуку напрямів удосконалення правових та інституційних механізмів охорони комерційних секретів бізнесу, а також порівняння наявних нормативно-правових документів зарубіжних держав з метою імплементації найкращого з них в національну практику. На базі проведеної наукової розвідки можемо стверджувати, що для удосконалення нормативно-правової охорони комерційної таємниці (КТ) бізнесу в Україні, потрібно прийняти відповідний закон про КТ.

На сьогодні в Україні суб'єкти господарювання самі регулюють відносини щодо визначення та охорони КТ, шляхом прийняття відповідних локальних нормативно-правових документів підприємства, установи чи організації. Таким чином, нормативно-правовим забезпеченням у сфері охорони комерційних секретів є оформлення на підприємстві, установі чи організації певних локальних документів, що забезпечують охорону та захист КТ – це наказ, статут, трудові контракти та угоди, правила внутрішнього розпорядку, які передбачають обов'язок утримуватись від розголошення її третім особам, а також встановлюють відповідальність за порушення цих умов договору.

Серед суб'єктів владних повноважень, що стосуються охорони КС в Україні, можна зазначити наступні: Кабінет Міністрів України, Міністерство культури та інформаційної політики, Міністерство економіки України, Міністерство юстиції України, Міністерство освіти і науки України, органи внутрішніх справ, зокрема органи Національної поліції, Державну фіскальну службу України, Антимонопольний комітет України, Службу безпеки України та ін.

Вважаємо за доцільне стосовно охорони КС в Україні прийняти закон, щоб врегулювати всі аспекти щодо охорони КТ бізнесу.

Ключові слова: *комерційні секрети, комерційна таємниця, конфіденційна інформація, інформація, бізнес, охорона.*

Submitted: 06.03.2023
Revised: 19.03.2023
Accepted: 29.03.2023

Scientific edition

PHILOSOPHY, ECONOMICS AND LAW REVIEW

Scientific journal

2023
Volume 3, no. 1

In English

Original layout – *Olena GALUSHKO, Andriy SAMOTUHA*

Editors – *Larysa MARTSENIUK, Olena GALUSHKO,*
Yevheniia KOVALENKO-MARCHENKOVA

Наукове видання

ФІЛОСОФСЬКИЙ, ЕКОНОМІЧНИЙ ТА ПРАВОВИЙ ОГЛЯД

Науковий журнал

2023
Том 3, № 1

Англійською мовою

Оригінал-макет – *Олена ГАЛУШКО, Андрій САМОТУГА*

Редактори – *Лариса МАРЦЕНЮК, Олена ГАЛУШКО,*
Євгенія КОВАЛЕНКО-МАРЧЕНКОВА

Підп. до друку 26.05.2023. Формат 70x100/16. Друк – цифровий, RISO.
Гарнітура – Times. Ум.-друк. арк. 24,05. Обл.-вид. арк. 18,50. Тираж – 50 прим.

Надруковано у Дніпропетровському державному університеті внутрішніх справ
49005, м. Дніпро, просп. Гагаріна, 26, rvv_vonr@dduvs.in.ua
Свідоцтво суб'єкта видавничої діяльності ДК № 6054 від 28.02.2018