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ZELENOGUR UNIVERSITY (Poland)
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HIGHER EDUCATIONAL INSTITUTION UNIVERSITY OF EDUCATIONAL MANAGEMENT NAPS (Ukraine)
EDUCATIONAL-SCIENTIFIC INSTITUTE OF FINANCE, BANKING MATTERS OF THE UNIVERSITY OF THE STATE FISCAL SERVICE OF UKRAINE (Ukraine)
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INSTITUTE FOR SOCIAL POLICY OF THE REGION (Ukraine)
With the participation and assistance of:
Batumi Educational University of Navigation (Georgia)
Sukhumi State University (Tbilisi, Georgia)

ASSOCIATION AGREEMENT: FROM PARTNERSHIP TO COOPERATION

collective monograph

Edited by
Maryna Dei
Olga Rudenko

2018

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The collective monograph is devoted to the actual issues concerning the implementation of the Association Agreement between Ukraine and the member states of the European Union. In particular, the monograph examines the theoretical and practical aspects of various spheres of joint activities, as a commitment to economic development in Ukraine.

Created for scholars, research workers, postgraduates and students of higher education institutions, as well as for all those interested in the implementation of the Association Agreement.

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INTRODUCTION

The association agreement is a contract between the European Union and a non-EU country, which creates a framework for cooperation between them. Its legal basis, which is defined in Article 217 of the Agreement on the Functioning of the EU (Lisbon Treaty), provides for «an association involving mutual rights and obligations, common actions and special procedures». The EU has more than 20 association agreements, mainly with its neighbors, ranging from Morocco to Ukraine.

It should be noted that the EU uses an association agreement to create «privileged references» with a non-member country. These privileged links can include the creation of a free trade zone between them or the creation of broader economic and political cooperation in areas of mutual interest, for example, in the fields of defense and security, migration, environmental protection and energy, science and education. Association agreements were originally created by the EU for the preparation of non-EU countries for subsequent accession. The very first such agreement was signed with Greece in 1961. But the EU has since used these agreements for broader reasons: from improving trade with non-member states, such as Morocco, to developing deeper and longer-term political relationships with countries that are not candidates for accession, such as Ukraine.

Article 217 of the Agreement on the Functioning of the EU provides for the three main criteria for an association agreement:

1. The agreement should create privileged links between the EU and a non-EU country, which is aimed at promoting broad cooperation between them.

2. Both the EU and the third country should have mutual rights and obligations in their partnership.

3. The agreement establishes institutions for the implementation and monitoring of agreements, such as the Association Council (the mini-serial level group) and the Association Committee.

In addition to these broad principles, association agreements usually have four other characteristics:

1. In exchange for specific access to the Single Market, a country that is not part of the EU is often forced to share part of the relevant EU rules – the so-called “EU acquis”.

2. They create opportunities for cooperation outside trade in areas of mutual interest, from defense and security, to the environment and energy, science and education spheres.

3. They include a provision regarding the observance of human rights and democratic principles.

At the same time, Ukraine is a priority partner for the European Union, also within the framework of the EU Eastern Partnership. The Association Agreement, including the deep and comprehensive free trade zone (DCFTA) between the EU and Ukraine, was signed between 2007 and 2011 and signed on March 21 and June 27, 2014. It replaces the earlier cooperation framework. The association agreement is the main instrument of rapprochement between Ukraine and the EU: it promotes deeper political ties, strengthening economic ties and respect for common values.

The parts of the Association Agreement were temporarily applied from November 1, 2014. This has increased cooperation between the EU and Ukraine in the field of human rights, fundamental freedoms and the rule of law; political dialogue and reform; movement of persons; and strengthening cooperation in a number of sectors, including energy; environment and climate; transport; Financial services; public finances, including anti-fraud; agriculture and rural development; fisheries and maritime policy; protection of consumers and civil society.

In July 2017, the process of ratifying the Association Agreement between the EU and its member states was completed, which enabled the Agreement to enter into law on September 1, 2017.

Ukraine is also a key partner country within the European Neighborhood Policy (ENP) and the Eastern Partnership, the latter including all EU countries, as well as Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. Regular discussions are held on issues of mutual interest, including during the EU-Ukraine summits, which are held every year.

As mentioned earlier, on September 1, 2017, the EU-Ukraine Association Agreement came into law. The Association Agreement, including its part of an in-depth and comprehensive free trade area (DCFTA), is the main instrument of rapprochement between Ukraine and the EU. DCFTA offers Ukraine a basis for modernizing its trade relations and economic development, by opening markets and harmonizing laws, standards and regulations in various sectors. This will help coordinate key sectors of the Ukrainian economy in accordance with EU standards.

Since 2014, Ukraine has embarked on an ambitious schedule of reforms aimed at stabilizing its economy and improving the livelihoods of its citizens. Ukraine and the EU jointly defined the agenda for reforms (the agenda of the Association). Fighting corruption, reforming the judicial system, constitutional and electoral reforms, improving the business climate and reform of public administration, including decentralization, are among the top priorities of the agenda.

Programs implemented and implemented include, inter alia:

- A civil society program aimed at strengthening its capacity to support and monitor the reform process.

- A program aimed at developing the private sector and stimulating economic recovery in Ukraine. Technical assistance is provided to improve the legal framework for SMEs (SMEs) and to promote the implementation of the Association Agreement, while the EU supports the creation of business advisory centers in the regions and facilitates SMEs' access to financing.

➤ A decentralization program that supports local government. Local authorities receive advice and support to increase transparency, accountability and responsiveness to the needs of the population. Increase the delivery of local administrative services throughout Ukraine.

➤ An anti-corruption program that supports newly established anti-corruption institutions, strengthens parliamentary oversight and the capacity of civil society and independent media to help fight corruption.

➤ Technical cooperation is aimed at enhancing the capacity of Ukrainian state authorities in developing and implementing key reforms and supporting the implementation of the Association Agreement.

➤ The Public Administration Reform Program, which will help create a new generation of Ukrainian civil servants, organize the government in accordance with European standards, introduce best practices in policy development and implement reforms in the key sector.

O Support for justice and law enforcement reform.

1. A program that promotes stability and nonconflict for election monitoring support and confidence building, special OSCE monitoring missions, internally displaced persons (IDPs) affected by the conflict of the population, restoration of governance and reconciliation of crisis-affected communities, and police reforms.

2. Further programs of the European Neighborhood, in areas of energy efficiency, public financial management and support of conflict-affected areas of eastern Ukraine under state control, to be adopted before the end of this year.

Concerning the collective monograph, it should be noted that the primary sections are in contact with the sections of the Association Agreement. The monograph consists of 5 sections, as follows:

The first section of the monograph is devoted to the research of the purposes and principles of the association. The authors made a comprehensive theoretical and legal and historical analysis of the main principles of the Association Agreement which reveals the meanings of the basic principles and objectives, as well as the characteristics of known legal doctrines.

The Section defines the general principles that will create the basis for the internal and external procedures of the Association between the EU and Ukraine, namely:

- Respect for the principles of democracy, human rights and freedoms, the rule of law;
- Ensuring respect for the principles of sovereignty and territorial integrity, inviolability of borders and independence, as well as the fight against the proliferation of weapons of mass destruction.

The key elements of maintaining and expanding the relationships between the EU and Ukraine, which will form the basis of such relationships, are the principles of free market economy, good governance, combating corruption and various forms of transnational organized crime and terrorism, promoting sustainable development and effective multilateral contacts.

Section II considers the strengthening of political dialogue and cooperation between the EU and Ukraine, taking into account the gradual convergence in the field of common foreign policy and the common security and defense policy. The section covers such issues as the objectives of the political dialogue, dialogue and cooperation on internal reforms, as well as foreign and security policy. Among other things, the authors' works are directed to the following issues:

- deepening of political association, increase of efficiency and degree of proximity in the sphere of politics and security;
- promoting international stability and security on the basis of effective multilateral relations;
- strengthening of cooperation and dialogue on international security and crisis management, in particular to respond to global and regional challenges and key threats;
- strengthening results-based and practical cooperation to achieve peace, security and stability on the European continent;

- increasing the level of respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of national minorities, the prevention of discrimination against individuals belonging to national minorities and respect for diversity, and the promotion of domestic political reforms.

Section III: Justice, freedom and security, deals with issues such as the rule of law and respect for human rights, the protection of personal data, cooperation in the field of migration, asylum and border control, the treatment of workers, mobility of labor, movement of persons, money laundering and financing of terrorism, cooperation in combating illicit drug trafficking, combating crime and corruption, cooperation in combating terrorism, and cooperation in the legal spheres. The doctrinal involves combating organized crime and money-laundering, reducing the supply and demand for illicit drugs and strengthening cooperation in the fight against terrorism are reflected.

The fourth section of the monograph contains a comprehensive study of a number of problems related to close economic integration within the Free Trade Area, which will be a powerful incentive for the country's economic growth. Attention is focused on the fact that the FTA will create opportunities for businesses in the EU and Ukraine and will contribute to real economic modernization and integration with the EU. This process should contribute to raising product standards, better serving citizens, and most importantly, willingness to compete effectively in international markets. It has been established that a deep and comprehensive free trade zone will become an instrument of economic integration, and in combination with a broad approximation of legislation to the EU standards, the FTA will ensure further economic integration into the internal market of the European Union. This means the elimination

of almost all tariffs and barriers in the sphere of trade involving goods, provision of services and investment (especially in the energy sector). When Ukraine adopts the relevant EU rules, the latter will provide access to markets, for example, in such areas as public procurement or heavy industry.

The team of authors, concluded that the FTA will provide a favorable climate for economic relations between Ukraine and the EU. New trade and investment opportunities will be created, competition will be stimulated. All this is vitally important for the restructuring and modernization of the economy. With regard to the consequences of the cancellation of customs duties, this experience shows that this short-term loss will fully pay off by increasing the revenues that the state will receive from indirect taxes that will be paid to companies that will use the new market opportunities, as well as a general improvement in the economic situation. In addition to the funds of international financial organizations, the EU will provide or support budget expenditures for legal and institutional reforms in trade-related areas.

In the fifth section of the monograph, economic and sectorial cooperation is disclosed, with regard to energy cooperation, macroeconomic cooperation, public finance management, taxation, statistics, ecology, transport, space cooperation, scientific and technical cooperation, industrial policy and enterprise policy, mining and metallurgy industry, financial services, corporate law, corporate governance, accounting and audit, information society, audiovisual policy, tourism, agriculture and rural development, fisheries and maritime policy, the Danube River, consumer protection, employment cooperation, social policy and equal opportunity policy, health, education, education and youth, culture, sport and physical activity, civil society, cross-border and regional cooperation, participation in projects and programs of European agencies on the basis of the gradual approximation of Ukrainian legislation to the rules of the EU, and, where appropriate, to international norms and standards.

The proposed collective monograph is a superb effort not only for scholars from Ukraine, but also for the work of researchers in Poland, Bulgaria, Georgia and Slovakia. We hope that this work will be useful to all who are interested in the problems of cooperation between Ukraine and the European Union, as well as the changes that will occur in Ukraine in the process of implementing the basic provisions of this Agreement.

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PART I
GENERAL PRINCIPLES,
ACTIVITY OF PUBLIC AUTHORITIES

1.1. LEGAL COMMUNICATION AND TRANSLATION STANDARDS IN THE EU INTERNAL MARKET

In the realities of the European Union (hereafter: EU), language is not only an object of cultural heritage, but also an object and instrument of economic activity that the EU is interested in. The ability to communicate in many languages brings benefits to individual people as well as organizations and enterprises. It stimulates creativity, helps to overcome cultural stereotypes and go beyond the traditional way of thinking. In a word, multilingualism is of great economic importance. In addition, it promotes mobility - people who know languages are more capable to go abroad to study or work. It is beneficial for individuals, enterprises and for the competitiveness in the internal market¹.

The main reason and purpose of communication of entities participating in the internal market is the need to shape their legal situation with the purpose to achieve economic benefits. Language requirements on the one hand significantly limit the freedom of expression, but on the other hand, guarantee participants the freedom to use principles that are the same for everyone and that allow everyone to assert their rights equally. The aim of the article is to identify and to present these areas of legal communication in the EU, which in a special way bind the proper functioning of the freedoms of the internal market with the issue of multilingualism in the European Union. For the purposes of this article, it was assumed that these not yet build a coherent system, and include institutional relations, services, judicial networks, recognition of professional qualifications and court translation.

Article 10 (3) of the Treaty on European Union (hereafter: TEU)² states that every citizen has the right to participate in the democratic life of the EU. It is closely related to Art. 11 (1) TEU, which obliges the institutions to provide citizens and representative associations with expressions of opinion and public exchange of views in all areas of the EU's activities. In order to increase the participation of citizens in the democratic life of the Union, and thus contribute to its legitimacy, the Union must therefore ensure the possibility of using languages as a tool to achieve the objectives indicated by these regulations. These rules are based on the concept of dual legitimacy, partly from national parliaments, partly with EU citizens in the European Parliament elections. Such participation is possible if citizens can use their mother tongue, or at least the official language of the country of residence. That is why all language versions of legislative texts are equally authentic, and this concept is further strengthened by art. 24 (4) Treaty on the Functioning of the European Union (hereafter: TFEU) stipulating that every EU citizen may write to any institution or body in one of the languages indicated in Art. 55 (1) TEU and receive a reply in the same language.

According to art. 342 TFEU³, rules concerning the languages of the EU institutions, without prejudice to the provisions contained in the Statute of the Court of Justice of the European Union (hereafter: CJEU), are determined by the Council, acting unanimously by means of regulations. The method of unanimous decision-making became largely replaced through the Treaty of Lisbon by majority voting, it was decided to maintain this procedure in this specific cases. Based on Art. 6 of Regulation 1/58⁴, the Council gave the institutions the competence to determine in their internal rules of procedure how the language system should be applied. The Regulation regulates, among other things, communication between an EU institution and a Member State as well as a person under the jurisdiction of a Member State, stating that communication with EU institutions may be conducted in one of the official languages chosen by the broadcaster and that the institution's reply should be in the same language as a question addressed to her. Similarly, documents that an EU institution sends to a Member State or a person under the jurisdiction of a Member State are drawn up in the language of that country. According to Art. 4, regulations and other generally binding documents are prepared in the official languages, while pursuant to Art. 5, The Official Journal of the European Union should be published in the official languages. The Regulation 1/58 establishes equality of EU official languages and preserves multilingualism in the EU. In order to increase the role of languages which are official languages only in a given region of a Member State, but not official EU languages, the EU Council adopted a Conclusion⁵ that, on the basis of an administrative agreement between the EU Council and a Member State, and at the expense of a Member State, translations of such EU legal means into that language by this Member State must be carried out. This translation will then be added to the archives of the Council of the EU and published on its website, which will, however, clearly state that it has no legal status. In addition, the Conclusion provides for the translation of statements in that language at Council meetings and communications addressed to the Council and, on the basis of further administrative arrangements concluded with other EU institutions, to these institutions.

¹ CJEU, Judgment of 23 Juli 1999, C-42/97, European Parliament v. Council, [1999] ECR I-869.

² Treaty on European Union (TEU), consolidated version, OJ C 83, 30.03.2010, p. 13

³ Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47-390.

⁴ Regulation No 1 determining the languages to be used by the European Economic Community, OJ 17, 6.10.1958, p. 385-386.

⁵ Council Conclusion of 13 June 2005 on the official use of additional languages within the Council and possibly other Institutions and bodies of the European Union, OJ 2005, C 148, p. 1.

The European Commission (hereinafter: EC) referred for the first time to the issue of languages in the Communication of 2005, which set out a new framework strategy for multilingualism⁶ perceiving languages as the most direct expression of culture and cultural diversity. The multilingualism defined in it referred „to a person's ability to use several languages and coexistence of different language communities in one geographical area" and served to define a new EC policy area that promotes conditions conducive to the full expression of all languages. According to the strategy, the European Commission's multilingual policy has three objectives: encouraging foreign language learning and promoting linguistic diversity in society; promoting a dynamic multilingual economy; and providing citizens with access to EU legislation, procedures and information in their own language. It was acknowledged that responsibility for the implementation of this policy lies with the Member States. It was ensured, however, that the EC would take all measures to raise awareness of multilingualism and improve the coherence of actions taken at various levels.

In 2008, the EC issued another Communication entitled „Multilingualism: an asset for Europe and a common commitment"⁷ that indicates the goal of raising awareness of the value of linguistic diversity in the EU and encourages the removal of barriers to intercultural dialogue and mobility. The EC seemed to pursue two different objectives: first, to preserve linguistic diversity, while increasing competitiveness by deepening the relevant knowledge of national languages and secondly - to promote learning in an increasing number of languages. In the same year, the EU Council adopted a resolution on a European strategy for multilingualism⁸, which replaced the existing framework strategy. The new strategy sets out five objectives that must be achieved by the Member States and the EU institutions in their respective competences. These are: promoting multilingualism to strengthen social cohesion, intercultural dialogue and European construction; strengthening language learning throughout life; better promotion of multilingualism as a factor of competitiveness of the European economy as well as the mobility of people and their ability to be employed; promoting linguistic diversity and intercultural dialogue by increasing translation assistance, encouraging the circulation of activities and disseminating ideas and knowledge in Europe and around the world; and promoting EU languages around the world. These assumptions are reflected and based on the primary and secondary law as well as the activity of the EU Court of Justice.

According to the Services Directive⁹ the Member States do not only have to mutually accept documents produced by another Member State's authority serving equivalent purpose, but they have to accept non-certified translations of these documents. Certified translations can only be required in exceptional cases, if provided for in other EU instruments or where such a requirement is justified by an overriding purpose supporting the public interest, including public order and security. The Directive does not prejudice the Member States' right to ask for translations, introduces, however a prohibition on formality limiting this rights significantly. This right to require translations for certain documents was acknowledged by the CJEU as not violating the principle of free movement of services provided this is justified by an overriding reason of general interest and is proportionate.

In case C-490/04¹⁰, the CJEU was asked to rule on the compatibility with the Treaty provisions of a German regulation requiring foreign employers employing workers in Germany to translate into German certain documents and to maintain them at the place of work for the duration of the workers' stay. The CJEU admitted that the obligation constitutes a restriction on the freedom to provide services because it involves additional expenses and additional administrative and financial burden for undertakings established in another Member State. In other words, those undertakings do not find themselves on an equal competitive position with employers established in the host Member State. However, the CJEU ruled on that the obligation may be justified by a general-interest objective, that is the social protection of workers, since it enables the competent authorities of the host Member State to monitor compliance with relevant national provisions. Because the regulation required only few documents to be translated and did not involve a heavy financial or administrative burden for the employer, it does not go beyond what is necessary to achieve the social protection of workers.

EU Citizens have the freedom to travel, work and reside anywhere in the EU, the consequence of which is the burden of cross-border affairs on the judiciary in the Member States. Access to information and legislation in many languages is becoming more and more important. The Publications Office of the European Union via the EUR-Lex portal¹¹ provides access to EU law in the 23 official languages of the Member States. This service includes online access to the Official Journal of the European Union, treaties, applicable legal provisions and those in preparation, case law and a set of consolidated legislation, as well as references to other sources of information, such as registers of institutions and other websites regarding EU and Member States' legislation.

⁶ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A New Framework Strategy for Multilingualism, COM/2005/0596 final, Brussels, 22.11.2005.

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Multilingualism: an asset for Europe and a shared commitment, COM (2008) 566 final, Brussels, 18.9.2008.

⁸ Council Resolution of 21 November 2008 on a European strategy for multilingualism, OJ C 320, 16/12/2008, 1 et seq.

⁹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ L 376, 27.12.2006, p. 36–68.

¹⁰ CJEU, Judgment of 18 Juli 2007, C-490/04, Commission of the European Communities, v. Federal Republic of Germany, ECLI:EU:C:2007:430.

¹¹ <http://eur-lex.europa.eu/> (10-12-2017).

In order to increase mutual trust between Member State authorities, specialized programs have been adopted. The Criminal Justice Program¹², established for the years 2007-2013, sought, inter alia, to promote judicial cooperation based on the principle of mutual recognition and trust, to promote compliance of standards applied in the Member States, aimed at improving judicial cooperation and exchange of information. One of the priorities of this program was to train judicial staff to improve knowledge of legal instruments and EU policy, to raise language awareness of lawyers and to develop knowledge of legal and judicial systems of other Member States. Language training included the development of joint training modules and the use of modern technologies and teaching methods in oral and written translation. There was established an exchange program that financed the organization of internships or judges and prosecutors of one Member State in the courts of another. The program's task was also to contribute to the improvement of language skills by supporting the development of on-line training and the creation of legal terminology glossaries. The Civil Justice Program¹³ covering also the years 2007-2013 was aimed, inter alia, at promoting judicial cooperation based on the principle of mutual recognition and trust and removing obstacles to the smooth functioning of cross-border civil proceedings in the Member States. It also involved the training of judicial staff to improve the exchange of information and networking between the legislative, executive and judiciary bodies, the legal professionals, as well as language training. As a continuation of the two above-mentioned programs, the European Parliament and the EC adopted on 17 December 2013 the Justice Program, established for the period 2014-2020¹⁴. It aims to support the EC's efforts to create a EU area of justice and rights, focusing on activities with increased added value at EU level. They are of particular importance to every citizen in Europe because they offer specific financial support to various specialized thematic organizations in the field of justice, fundamental rights and equal opportunities. The Justice Program is intended to support judicial cooperation in civil and criminal matters, training of judges, prosecutors and representatives of other legal professions as well as adequate access to justice for citizens and entrepreneurs in the EU¹⁵.

The need to take into account linguistic discrepancies, in order to meet the needs of legal transactions and to take into account the right to translation and interpretation by citizens and legal practitioners, lay at the foundation of the E-Justice Portal¹⁶ in 2010. The aim was to ensure the quality of multilingual justice information in the EU. The e-Justice Portal is aimed mainly at citizens and businesses, but also at lawyers and the judiciary. The information is available in all official EU languages (except Irish). The site also includes references to glossaries and multilingual thesauri. IATE (InterActive Terminology for Europe)¹⁷ is a multilingual terminology database used for translations in European institutions, containing a search engine for phrases and phrases used in all areas of the European Union's activities. The proper use of this database requires knowledge of the target language at a specialist level, which makes this tool useful for professional translators and less appropriate for the general public, judicial authorities and legal practitioners. It is also worth mentioning the Glossary of the European Judicial Network (EJN) in civil and commercial matters¹⁸, which contains concise definitions of expressions used on subpages, helpful in understanding the content read, but being not binding legal definitions. In contrast, the multilingual thesaurus EUROVOC¹⁹ is a comparative set of vocabulary from various fields of EU activity, enabling indexing of documents in the documentation systems of EU institutions and their users. The EC also actively supported access to good quality interpreting and translation, among others by supervising and financing the establishment of the European Association of Interpreters (EULITA)²⁰, launched at the Antwerp conference in November 2009.

The presence of qualified interpreters and translators in criminal proceedings has been recognized as an important element of a fair trial and protection of the rights of suspects. In this area, European Parliament Directive 2010/64/EU of 20 October 2010 on the right to interpretation and translation in criminal proceedings²¹ is an attempt to extend language rights related to the exercise of certain rights included in the Charter of Fundamental Rights of the European Union (hereinafter: CPP)²² specifying the minimum obligations of the Member States to ensure the right to court as protected by the CPP and the European Convention on Human Rights (hereinafter: ECHR)²³. According to the CPP and the ECHR, any trial without an interpreter for an accused who does not know the language of criminal proceedings is an obvious violation of EU law and international law. The protection of the rights of persons accused

¹² Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme Criminal Justice, OJ L 58, 24.2.2007, p. 13–18.

¹³ Decision No 1149/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme Civil Justice as part of the General Programme Fundamental Rights and Justice, OJ L 257, 3.10.2007, p. 16–22.

¹⁴ Regulation (EU) No 1382/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020, OJ L 354, 28.12.2013, p. 73–83.

¹⁵ The budget for this program is EUR 378 million in 2014-2020.

¹⁶ <https://e-justice.europa.eu/home.do?plang=pl&action=home> (10.12.2017).

¹⁷ <http://iate.europa.eu/switchLang.do?success=mainPage&lang=pl> (10.12.2017).

¹⁸ http://ec.europa.eu/civiljustice/glossary/glossary_en.htm (10.12.2017).

¹⁹ <http://eurovoc.europa.eu> (10.12.2017).

²⁰ <http://www.eulita.eu> (10.12.2017).

²¹ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, p. 1–7.

²² Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, p. 391–407.

²³ Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14. Rome, 4.11.1950, http://www.echr.coe.int/Documents/Convention_ENG.pdf (10-12-2017).

in criminal proceedings has thus been identified as a fundamental right in the EU. According to the Directive, the right to interpretation and translation must be given to persons who do not understand the language of the criminal proceedings. This right must be exercised from the moment a person becomes aware of being suspected or accused of committing a crime until the end of criminal proceedings, including conviction and appeal proceedings. Article 5 of the Directive also refers to the question of the practical availability of qualified court interpreters. According to its content, Member States should take specific measures to ensure the quality of interpretation, which is to serve, *inter alia*, establishing a register or registers of independent translators who are qualified. The Directive has transformed the general provisions of the ECHR and the CPP into a specific duty of the competent authority, which must check and take into account the language needs of the suspect or accused person. Member States are required to make a translation available to interested persons and to allow suspects and accused persons to communicate with their lawyer on matters relating directly to any hearings at any stage of the proceedings. They must also provide suspects or accused persons with a translation of the relevant documents referred to in the Directive, concerning deprivation of liberty, charges and rulings. They are entitled, however, to provide a higher level of protection²⁴.

Although the Professional Qualifications Directive (hereafter: PQD)²⁵ is silent on translations, the common practice of the Member States is to require certified translations of documents for the respective procedures. However, the case-law of the CJEU set limits on the freedom of Member States to require certified translations of all documents to be submitted to the authorities when the requirement is disproportionate and cannot be justified by overriding interests. In the Case C-298/99, the CJEU did not give detailed reasoning for its position, but pointed out that the obligation to submit a certificate of nationality and to provide certified translations of all documents relating to the application for recognition cannot be regarded as necessary or be justified by overriding reasons in the public interest²⁶.

In 2009, the Commission adopted a Code of Conduct²⁷ based on best practices of Member States' in order to promote the implementation of the PQD. The Code covers, *i. a.*, language requirements, according to which translations may only be necessary if genuinely needed for processing an application and certified or approved translations must be confined to essential documents only including professional qualification, certificate of acquired rights, personal information, certificates on professional experience. Certified translations of standard documents, such as identity cards or passports, may not be required. The Code indicates to be the best practice the not-requiring of translation in the case of professional qualifications whose denomination is clearly indicated in the PQD. Moreover, the Member States must accept certified translations issued in another Member State and cannot insist on the presentation of certified translations prepared by sworn translators under their own jurisdiction. The PQD was modernized, accordingly, in 2013 by Directive 2013/55/EU²⁸.

The standardization of qualifications or references to qualifications is a vital step to reduce translation burdens in the EU internal market. In 2008, the EC issued a Recommendation on the European Qualification Framework (EQF)²⁹. The EQF is a common European reference framework which links states' qualifications systems together, acting as a translation device to make qualifications more readable and understandable across different states' systems in Europe. Under the EQF, learning outcomes are divided into different levels, making it easier for workers to describe their competences and employers to interpret applicants' qualifications. It proved to be a strong support for action to simplify European tools for recognition of skills and qualifications³⁰.

Any economic activity in another Member State, either as an economic entity or as a self-employed person, or getting employment in another Member State, presupposes, in the majority of cases, the accomplishment of certain administrative procedures before the national authorities. Depending on the activity concerned, applicants are expected to submit official documents issued by their state of origin translated into the national language of the host country. The practice of asking for certified translations of all documents to be submitted to the authorities so that their exact meaning could be detected with certainty has been, however, limited. Even if translation of documents is regarded to be necessity in administrative procedures, requiring certified translation might be identified as an unnecessary administrative burden, unless justified by overriding reasons.

The above overview of language aspects related to EU law reflects a balance between the interest of maintaining linguistic diversity on the one hand and ensuring the smooth functioning of the internal market, on the other hand. It is safe to say that the EU is turning to linguistic diversity on two levels. One of them is the level of the individual whose certain language-related rights are strongly protected and whose linguistic interests should be

²⁴ CJEU, Judgment of 15 October 2015, *Covaci*, ECLI:EU:C:2015:686.

²⁵ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (Text with EEA relevance), OJ L 255, 30.9.2005, p. 22–142.

²⁶ CJEU, Judgment of 21 March 2002, *Commission of the European Communities v Italian Republic*, ECLI:EU:C:2002:194.

²⁷ CODE OF CONDUCT APPROVED BY THE GROUP OF COORDINATORS FOR THE DIRECTIVE 2005/36/EC ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS, Official Journal of the European Union - L 255, 30.09.2005.

²⁸ Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') Text with EEA relevance, OJ L 354, 28.12.2013, p. 132–170.

²⁹ Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (Text with EEA relevance), OJ C 111, 6.5.2008, p. 1–7.

³⁰ Public consultation, European Area of Skills and Qualifications, http://ec.europa.eu/dgs/education_culture/more_info/consultations/skills_en.htm (10-12-2017).

promoted as a matter of policy. The second level is the level of countries whose competences to foresee internal market legislation are not questioned in principle. For this reason, there is no coherent concept regarding legal communication and translation standard in the internal market, but only a regulatory patchwork requiring further coordinated action.

1.2. FOREIGN EXPERIENCE OF IMPLEMENTATIONS OF INNOVATIONS IN THE ACTIVITY OF THE BODIES OF PUBLIC ADMINISTRATION

The beginning of the XXI century almost for all western countries was marked by the search and introduction of the new models of public administration. The implementation of innovations was caused by the inefficient use of taxpayers' money, the decline in quality of services provided to the population with the simultaneous enlarged scope of public sector, instability of economic and social development, internationalization and globalization of processes of development, worsening of corruption, sharp decline in population confidence in the state and bureaucracy for its inability to be flexible and operational while making decisions, the increase of dataflows and technologies etc.

Consequently, the aims and directions of innovations were centered on the important issues in relation to: the boundaries between public and private sectors; policy and management; combating corruption; reduction in expenditures on the state apparatus; planning of state institutions, that would meet special needs and interests of citizens; the provision of balance between centralization and decentralization; the efficient collaboration with numerous formally autonomous and functionally independent organizations that make up a public sector; measuring effectiveness of the state bodies activity; duties and responsibility of civil servants with respect to accountability and ownership.

These defined problems of theory and practice of public management were brought to the forefront and generated serious discussions among specialists and politicians both at the end of the XX and at the beginning of the XXI centuries. Every country searched for its own ways of solution to the problems. At the same time the efficiency of introduction of innovations (reforms), taking place in western countries depended on many criteria, including cultural, legal, historical and political ones.

On the whole, by the nature and contents of innovations in the field of public management, we can conditionally distinguish the two groups. The first group is "Anglo-Saxon countries" (Great Britain, the United States, Australia, New Zeland, Ireland), which can be characterized by the prevailing culture of negotiations and agreements, rationalism and aspiration for the economic efficiency of public management, the developed local self-government, as well as by the large political influence of the public. The second group comprises "Continental countries", that in turn can be divided into three sub-groups.

The first sub-group comprised the conditionally "south-continental" European states (France, Italy, Spain, Belgium, Luxemburg, the Netherlands, Portugal, Greece). The common distinctive feature for all of them is large influence of central government on development of the country, the detailed legal division and regulation of powers between the different levels of public management, legal rationalism, strong political influence of bureaucracy, relatively stable government service. France became the trailblazer and some sort of a model for innovations in the system of public administration that was the first to use them at the beginning of 1980s. The aim was determined by the aspiration to democratize the state administration and to promote its efficiency, to deconcentrate powers and responsibilities, to increase the productivity as well as to improve the planning, competition etc.

The issues of socio-economic development were passed from the central authority to the competence of administration in 22 regions and 96 departments. The Law of 1982 changed the names of prefects, which were appointed by the central government, to the special authorized agents of the Republic [1]. The decentralization of 1982 extended the functions of local formations (especially in the part of control over the municipal planning and development). Nevertheless, the distribution of powers between the levels of subnational units of self-government (regions, departments and communes) remains unclear and generates partial duplications of functions executed by different levels and units of self-government.

Thus, a requirement in co-ordination after introduction of innovative reforms increased [11, pp. 59-89]. At the moment government regulation of public management is carried out in the following way: on July, 13 1983 the Law on the rights and duties of civil servants was passed; on January, 11 1984 - the Law that determines the status of central government service; regulations on the local public service were defined by the Law of January, 26 1984; government medical service - by the Law of January, 6 1986. The priority activity of public service in France of 1990s was aimed at revitalization the functioning of state administration that promoted the development of centers of responsibility, projects of different services etc. Thus, since 1991 the attention has been focused on normative entrenchment of moral standards as well as the norms of professional ethics of civil servants; corresponding institutions have been created to supervise over the observance of these norms.

In 1995 the tasks of the state reform were aimed in general at modernisation of state services, with the main focus of government bodies placed upon the consumer of services. The main directions of reformation provided for: the increase of efficiency of the state through the improvement of human resources management; the improvement of budgetary process; reformation of administrative agency at the central level; the improvement of law-drafting work; the increase of responsibility of services; the improvement of management of the state enterprises; the realization of effective policy concerning real estate; taking into account the European and international standards of the state

reform; strengthening the internal efficiency of state administration through the use of informative and of communication technologies. With the aim of rapprochement between the government bodies and the citizens, there were certain measures taken to improve the relations between administrations and consumers of state services, to optimize the administrative procedures, in particular the payments for services, to improve the quality of services, to simplify the access of citizens to the public government bodies via the Internet [8, pp. 71-75]. The government, formed in 1997, continued the activity in the marked directions and extended the limits of introduction of innovations, obliging the government to apply them (optimization of the amount of civil servants, clear and explicit description of competence of every ministry, rationalization of their work and government as a whole) [8, p. 82].

For today the basic element of bureaucratic career in France is a guarantee for the gradual superannuation or seniority promotion in a government body. Promotion envisages a rise in wages (depending on the work experience and estimations received). The job promotion can be realized in two ways. Firstly, it can be done by including officials in the annual list for promotion that is prepared after the decision of administrative parity commission has been made on the basis of the annual estimations received by the official, taking into account a time-in-service as well. Secondly, - on the basis of professional selection that is conducted by means of special examination [2]. In general, the system is oriented towards the conditions when a man gets a job in the public service, he stays at this work all his life, with the possibility of gradual promotion. [7, pp. 60-61].

However, along with the typical procedure for promotion in France, there is a special order aimed at the expedited increase in a class or in a grade within the most prominent officials, that allows to strengthen the influence of subjective factors on the process of staffing officials. There are two ways of exceptional career: the first one provides for the creation of special conditions for perspective officials by the heads of establishments, giving the former the possibility to prematurely prepare for competitive examinations, reserving for them certain position; while the second one envisages a business trip to the international organization abroad, retaining the right to promotion [6, p. 53].

As in many other developed countries, France has the institute of "political" officials, comprising the positions of directors and members of ministerial cabinets, directors of administrative departments, general commissars as well as secretary-generals of departments. The appointment of these officials is conducted either by the decision of the government or the minister. In case of the dismissal of the government, political servants also resign [12].

Trade unions protect the rights of the official. Thus, since 1968 annual agreements on the salary scale are signed together with the government department on the state service affairs and the trade union of officials. There is a rule for the maintenance of the attained advantages, under which officials that already on the staff at the moment of acceptance of changes keep the privileges in the field of payment and retirement [7, p. 62].

For creating the professional corpus of officials in France, there are special educational establishments, with the International Institute of Public Management (IIPM) and the National School of Administration (Ecole Nationale d'Administration, ENA, founded in 1945) considered to be the most prominent ones.

Unlike the USA and Germany, where the concept of specialization of the official in the state apparatus dominates, in France there are the prevailing provisions about the necessity of extensive training for performing both administrative and technical functions. The officials should possess quite high level of general culture and the ability to execute the most various tasks [6, p. 462].

As for today in France there are the implemented principles concerning the management team and their labour remuneration defined by the work results. The size of bonus on results can be up to 20 % from the annual salary. The assessment of success of the top civil servants' activity is conducted by their direct executives based on the annual results. The basic criteria of estimation comprise the indexes of efficiency and effectiveness set as for the beginning of a year, which does not in any way influence the possibility of promotion [4, pp. 105-109].

Modern France widely implement informative and communication systems that improve the cooperation of public bodies, assist their openness and transparency, simplify the processes of receiving informative services by the citizens.

Being formed under the intensive processes of centralization, the French model of public service institutionalized in the epoch of absolute monarchy, at the time of emergence of professional bureaucracy and its isolation from society. However, the introduction of innovations in the public management in France changed the supercentralized and closed association of officials into the professional, transparent and open system oriented to co-operating with citizens.

The second sub-group of "continental countries" comprises the so-called "German-speaking countries" (Germany, Austria and partly Switzerland). The legal culture of these countries determines many constituents of public management and quite specific bureaucracy. Another distinctive feature is the considerable regulative influence of the center on the development of territories, whereas it is combined with the co-operative mechanisms of organization of the territories management and their considerable freedom in effective realization of their duties. The behavior of civil servants appears here as the combination of strictness and flexibility in application of public law. At the local level the value of activity efficiency is not denied by means of the usage of market mechanisms. The considerable influence on public administration makes efforts to protect the values of the social and legal state.

In general, the introduction of innovations in the public management in Germany, Austria and Switzerland was less extensive. It can be explained, firstly, by existence of the traditionally developed local self-government that

eliminated the problems of decentralization and deregulation, secondly, by relatively stable development of society in 1980-90s, by the absence of substantial crises. Nevertheless, Germany conducted certain reform of local self-government, while Austria - in the field of public service.

The third sub-group of countries is presented by "Northern Continental countries" (Denmark, Finland, Iceland, Norway, Sweden). In these countries, while conducting reforms, there were certain efforts to combine the "managerial", traditional and modern "communicative" administrative cultures. The authorities of central government bodies here are combined with considerable powers of local organs and the active role of population in the process of making decisions locally. Although, we can easily define considerable differences related to the degree of manifestation of different administrative cultures.

We will try to define the general indexes of introduction of innovations in the public management of different countries. The first mutual characteristics is that almost all governments agreed on partial or radical reduction of the public sector apparatus. Though it was done in different time and with different intensity.

The second one is the attempt of introduction of market mechanisms, institutes and options in organization and activity of state institutions, in particular the principles of economy, competitiveness, efficiency and effectiveness.

The third index was the aspiration to change relations between a civil servant and citizen, to promote the confidence of citizens to the state and its executive structures. The development of the system of services, the increase of their quality, the provision of their availability became one of main tasks of reforming the public management.

The fourth general tendency is the transition to decentralization and deconcentration of the state-administrative structures and functions. These innovations resulted in the increase of independence of local authorities and the increased number of subjects that execute previously traditional state functions. In this respect there is the change in relations between the different levels of management: national, regional and local to the benefit of the last two. Whereby considerable attention is paid to the development of local self-government.

The fifth one also included alteration of the mechanisms of making administrative decisions and realization of the state policy by the means of the increase of the mobility level of public structures and functions, the development of their adaptive ability to correspond to the constantly changing environment, the emergence of the innovative culture and creating the orientation on the developing strategy and policy.

The sixth mutual direction was the improvement of mechanisms of accountability and control over the activity of public structures, organizations and civil servants with the increase of freedom in their activity. In the wide sense the considerable part of supervising powers was passed to the level of public, that stipulated the formation of new relations between central and local authorities and civil society. As the result the relationships with public transformed into one of the basic constituents of activity of public organizations and their officials.

The seventh was the attempt to improve the criteria of estimation of activity of civil servants and state organizations, directing them toward effectiveness, but not toward the activity or the amount of actions.

Currently the Common Assessment Framework is widely applied for the estimation of efficiency and the quality of providing services to the population on the part of regional and local organs of management in many developed countries.

The generalized estimating equation (GEE) is a result of a long-term collaboration of many European countries (Great Britain, Austria, Germany, Portugal and Finland) in the field of upgrading of administrative activity. This methodology was offered to help the administrative agencies in the EU countries for the introduction and use of technologies of quality management in the sphere of public and local administration. The primary purpose of GEE is to provide simple and easy to use system for the estimation of efficiency of activity of organizations of the public sector, including a local level, in the countries of Europe.

GEE comprises nine criteria on the basis of which the quality and efficiency of administrative activity of different public organs are estimated in relation to solution of the local problems, namely: leadership; policy and strategy; management of human resources; external partnerships and resources; the management of processes and changes; results oriented to the clients/ citizens; results oriented to officials; influence on society; key working characteristics.

All these criteria are aggregated in the so-called "model of exemplary administration". By the means of this model the executing structures have the opportunity to estimate not just "quality" of the conducted policy at the political level, but also the management aimed at the achievement of qualitative and effective work of organization as well as how its policy is formulated, the tasks are solved in the field of analysis, the study of prospects of development and strategic planning. The concept of estimation of organization activity is totally different from public policy that is carried out beyond the sphere of its responsibility.

Basic characteristics of organization having substantial value within the framework of estimation of efficiency of its work include: exemplary quality of providing services; initiation of changes; management in the field of modernisation and organization of making alteration; operations within the framework of legislative, legal and normative bases; democratic responsibility/accountability; effectiveness and economic efficiency [3].

The value of criteria is estimated by the expert method using the five-point scale.

The usage of the "benchmarking" method (an estimation on the basis of base indexes) is one of the most important instruments of estimation and the increase of efficiency of the work of organizations at the local level. This method was implemented in the local administration from the business sphere and based on the following supposition

- "efficiency starts with measuring, and everything that can be measured must be done" [9]. It proved to be the effective strategy of improvement of work of the local government and became known as the "model of business administration". When in 1998 the European Union made a decision on the start of realization of initiative in relation to upgrading the local government, then during the following 10 years all public organizations gradually passed to the estimation of the services on the basis of core indexes.

The estimation on the basis of core indexes is the instrument for improvement the work by studying the best practices and understanding the processes that lie in its basis. The application of this estimation includes three fundamental stages:

1. Understanding what services are provided by the local organization.
2. Comparing the results of organization with the results of other similar structures, subject to analysis.
3. Development and realization of measures, necessary for overcoming the gap between the organization and those that attained the best results in this field of activity.

The above-mentioned approaches to the estimation of management quality received quite wide dissemination in many developed countries.

Nevertheless, it is impossible to deny the fact that introduction of innovations is not yet completed in any developed country, although this process has been going on for many decades after they were first talked about and introduced. It generates convincing proofs that administrative transformations change into permanent element public administration under the conditions of unstable post-industrial society. It is worth noting that most of them are aimed at the change of the nature and style of administrative activity in accordance with the problems of modern social and economic development, the competitive relations and requirements of providing social efficiency and effectiveness of public management.

However, to define the social result of management and estimate the social effect it caused, is very difficult. There is a need for criteria on the basis of which it would be possible to measure the management efficiency and express reliable and reasonable judgements concerning it.

The criterion in the universally recognized sense is defined as a "sign, on the basis of which a fact, determination or classification is estimated; measure". In fact, it is possible to define the criteria of social efficiency as signs, boundaries, parties, management phenomena, through the analysis of which it is possible to determine the level and the quality of management, its accordance to the necessities and interests of society.

Some authors claim that criteria of social efficiency have summarizing character and expose the administrative phenomena and their qualities from the point of view of the contribution to historical existence of the country and its people, to the real well-being and prosperity of people [5; 10]. At the same time, they distinguish the criteria of general social efficiency of public management, that expose the results of functioning of the system, i.e. the combination of subject and guided objects of the public management, or, in other words, the administrative system. Such criteria, on one hand, are objectively related to the necessities, interests and aims of social development (both national and regional), and on the other hand - give an opportunity to see (and to measure) the level of achievement (implementation, realization) of the defined aims and urgent necessities, interests and goals of citizens. On their basis, it is possible to define the most important things: connection of public management with the interests of society and preparedness of the state to providing the dynamics and harmoniousness conditions and development of society.

Wherein the social efficiency and social effectiveness of public management present two coherent sides of administrative activity. "Social effectiveness" as a category of scientific analysis represents, first of all, concrete results of activity of public bodies in the social sphere. It is fixed by the means of the system of criteria that represent the success of different types of activity (state of birth-rate, death rate etc.). "Social efficiency" as a scientific category is a key criterion for modernization of public administration and the achievement of social effect, that results in the increase of the level of confidence, respect, solidarity, partnership between the government and society. Thus, socially effective policy is one, which is positively estimated and perceived by the citizens.

"Social justice" appears to be the unique state-public mechanism that transfers the vectors of socio-economic development from the way of economic crisis and slump on the tracks of the economic growth and prosperity, and vice versa. For example, at the stage of economic growth, public policy in a greater degree must be oriented to the increase of social efficiency of administrative activity, on the basis of realization of the principles of equalizing (commutative) justice. At the stage of economic recession and stagnation, public policy must be oriented to the strengthening of social effectiveness of administrative activity on the basis of distributive social justice. Consequently, "social efficiency", "social effectiveness", "social justice" of public administration appear to be the important basis for the selection of key criteria and indexes of modernisation of the system of public management.

Thus, the social effect, the organs of public administration are oriented on, envisages not only permanent maintenance of the certain level of functioning of the guided phenomenon, process and relations, but also the maintenance in the latter the sources and tendencies of active increase of the attained level, that is the provision of its development.

The criteria of social effectiveness of public administration of the national level in the developed countries include the following: the level of labour productivity, which correlates with the world parameters by its corresponding types; the rates and scales of the increase of the national wealth, that is calculated by the UNO methodology; the level of welfare of people in the calculation per capita along with splitting the incomes of different categories, and again

compared with the standards of the developed countries; efficiency, safety and reliability of public relations, their replication with the increasing positive result [12].

Moreover, there is the universally recognized methodology of the World Bank (standard indicators, criteria, indexes), according to which the development of different countries and their comparison are determined. Next the spheres and levels of social vital functions within the states differentiate the summarizing criteria of general social effectiveness of public administration in some country. Thus, if we have a look at the processes, taking place in the economy of the countries that develop dynamically, it appears that the main engine of progress is the increase of production on the base of the latest scientific and technical achievements.

In general, the innovations in the activity of public administration, implemented in the developed countries of the world, allowed to make the public administration and public sector more sensible to economic conjuncture, more competitive and economic. Moreover, responsibility and accountability of state institutions before citizens, granting the participation of the latter in the process of making and realization of policy, remain the topical problem for many countries.

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1.3. Resource potential provision for regions in Ukraine as a term for promotion of cooperation with the European union

For achieving the aims of Ukraine's development in harmony and according to the principles of the Association Agreement between Ukraine and the countries-members of the European Union, the resource potential of its territories and their local government realization plays an important role. The formation of regional development processes starts with analysis of available resources, determination of factors and terms for their efficient application. Climate and environment, economy, social, ecological, humanitarian, cultural and other fields of vital functions of regions in Ukraine and resources for their provision have many similar features with neighbor (and not only) countries – members of European Union. Obviously broadening of joint activity approaches and promotion of processes for closer cooperation have to be grounded on reliable resource provision for development; its theoretical and methodological determination, formation, substantiation and resource management could be the issues of joint scientific and practical interest.

As for definition of concept “potential” there are several different points of view in scientific literature that are used depending on objective of research. Application of summarized concept “potential” seems to be appropriate, i.e. an aggregate of certain resources, in particular means, reserves, resources either available or that could be mobilized, driven into action, used for achievement of certain objective, plan realization, solution of any task; skills of a single person, society or state as for certain activity. During development processes abovementioned resources obtain dynamical form of existing, thus potential is a result of controversial interaction of multiple factors and conditions; in many cases their vectors are alternatively directed and have different inertia of motion. Not only an advantage (as in any other division and specialization of public activity) appears in potential, but also disadvantages: price increase for resources, non-competitiveness of certain means etc. Positive aspect is that while resources utilization they could be combined rationally, creating natural resources, economical, infrastructural and other types of potentials as advantages for territory development.

While analyzing content and structural essence of development potential for territories in region we have extracted two types – development potential for territories in region and development potential for local government.

Development potential for territories in region was determined as a systematic aggregate of resources, their reserves and potential capability for their growth; it is aimed for direct participation in creation of conditions for permanent flow and dynamic equilibrium of parameters for territory development processes, support of inner stable balance provision in their motion, appropriate correlation of utilization for objectives' achievement in transition of territorial communities towards sustainable and balanced development.

Each type of potential is composed from correspondent resources that possess certain specific character. Both internal (human resources, organizational, structural, informational, scientifically, technical, institutional, investment resources) and external resources are required for their rational application in development processes for regions.

Determination of various components for resource development of regional territories should be anticipated by their classification. It represents division and specification of complex aggregate into separate groups, their specification, determination of common features and characteristics. Division of potential into systematized components allows revealing common and distinctive features of its components, specific characteristics, relations, dependences and specifications that help to deepen knowledge on their application.

Resource systematization to one degree or another is applied towards each system of regions – economic, social, ecological, managerial etc.; it forms features and characteristics of their development potential that concentrates within three levels of relations:

- created resources, their relations and features that were accumulated as a result of establishment and flow of vital activity processes in systems of the regions – development potential of territories in this aspect is identified with their direct resources;
- non-used capability of existing resources of the territories that evidence real reserves of potential development while its evaluation;
- facility of activity aimed for further development of systems in regions is considered as means to increase volume and quality of potential in future.

Complex interactions and inter-dependences of systems in region and their various and transient components require coordinated and managerial actions of local authorities for self-development; directions of such actions could be outlined by determination of existing potential in strategically vital fields and aggregate of means for influence on its formation, preservation, application and growth. Creation of terms for development process provision by components of resource potential is grounded on consideration and substantiation their required complexness and combination of resource facility in region; further equilibrium resumption and growth of resources have to be realized grounding on innovation scientific and methodological provision and with assistance of instruments for its realization. Means that effect mostly to systems of development potential for territories in region are complementary and interrelated regulators. Their various combinations could be applied for each independent territory; in time they could be renovated or updated depending of development objectives. Choice of means aggregate depends on changes in approaches and expected outcomes for development.

In order to arrange appropriate management for existing, updated of newly created resource potential for provision of process development at territories one require as much as possible data on functioning of potential components, its current status, type structure and peculiarities that would allow to respond on issues concerning its adequacy, quality and other features.

Resource provision of territory development is a particular function of local government; its high-grade realization depends on its own potential. In generally accepted perception potential of local government also represents instruments, methods, grounds and other factors that are able to impact to activity and development of objects managed and their personnel. At the same time, presented existing perception of local government potential is distinguished by insufficient concrete nature and incompleteness that do not promote its deeper understanding as “subject-object” in region development, understanding of its role, determination of sufficiency and capability for application while provision authority impact towards development processes provision.

During research for instantiation of local government role in territory development it gained the following definition: local government potential is considered to be an aggregate of territory resources and local government resources, variety of elements of their different nature, means and instruments of their interaction, that would be able to provide execution of main function of local government – achievement of territorial community development objectives in the context of noosphere conception. Besides, local government resource potential was considered also as ideological, legislatively determined construction that impact towards all other types of development resources while “launching” its processes.

Adequacy, scientific correction and conceptual significance of proposed definition is provided by quality and concrete nature in studying of wide range of literature with their authors's definitions of potentials, their practical measurements, comparison and separation of the most significant features of development potential, analysis of its alternative in various fields, systems and organizations and its limits. Proposed hereby definition of local government resource potential allows to reveal deeply its components and to conduct concrete description of its role, place and significance in development objectives achievement.

While working out regional development strategy core accent should be stressed on increase of quality and growth of resources directly in local government authorities as for their ability to unification, organization and agreement of activity at the territory trusted in all fields, systems and subjects of economy, accumulation, combination

and optimization of resource allocation according to priority directions for provision of high quality lifestyle, creation of condition for development, formation and support of vital activity processes flow and increase of competitive advantages of the territory. In fact, talk is about whether local government authorities are able to solve issues on development and that is the core criteria for authority competitiveness and its ability to lead, project, organize and manage development processes.

During analysis of each type of local government, one can mention that in fact non from the aggregate of existing types and elements of territory resource basis neither completely nor even partially is not able to self-organization and goal-directed impact towards development of the region. For creation and application of any element of potential it is required to possess and involve into development processes “over-potential” that create conditions and organize motion of social development processes. Potential of local government authorities directly has to possess itself such a feature in local government, and special attention should be paid to this fact while working out regional development strategies. Division of local government resources in territories into resources of managing and managed systems was conducted in order to review and determine potential.

Material resources with predominantly part of material, productive and market features that are measured in physical units and provide processes of production by means on production of commodity, services, working out and realization of productive activity projects and products and service realization were classified as material resources of managed systems.

Resources of managing system are predominantly intangible. As intangible resources in potential development one should consider knowledge, intellectual, innovative, institutional, informational, administrative, human resources etc. They promote formation of strategic thinking in local government authorities and all subjects of economic management, activity of civil society representatives, gaining by them workmanship, professional competency, corporate culture, spiritual morality and other characteristic features of social ability that obtain important role in formation and management in development processes.

They should be considered as elements of energetic of development that promote production of material resources in territorial communities and their reserves and form capability of local government authorities as energetic mean of synergetic impact towards condition and flow of development processes.

It characterizes local government authorities’ potential as one with higher degree in impact on processes in territory development. Its formation and mode of impact realization towards condition of development at managed territory are featured by system and purposefulness. Participation mission of local government authorities in development processes is executed via realization of competencies of public officials and local government authorities of all ranges at this level and their capability to efficient governance.

However, strategic objectives on provision, accumulation and rational utilization of intangible resources are not defined clearly in content of reform activities for local government in Ukraine. Objectives of development in part of systematic accumulation, preservation and optimal application of intangible resources in all directions of regions’ activity are absolutely non-solved.

While presenting definition for concept “local government resource potential” we highlight that all the resources are evenly connected between each other and correspond to features of local government itself and its function. They create intellectual basis for execution of nowadays tasks and further strategies of development. Their aggregate is not determined by mechanical adding of separate components. Certain consequence exists at the stage of their composition’s formation and determination of content for resource provision of development processes (pic.1). However they operate simultaneously and some of them are alternative.

In order to summarize and analyze composition and condition of resource potential for territory development in certain regions and to determine its peculiarities for each type of intangible resources, it would be rational to use the following logic of its research: to determine theoretical grounds for appearance, to propose terms, features and parameters of the resource, its correlation to other types of resources, to outline formation of tendencies and dynamics. Lack of abovementioned data will not allow revealing fully regularities and tendencies of sustainable territory development and their peculiarities, because they are constantly grounded not on development of specific resources of potential, but on their aggregate, rational combination, ability for structure and construction of certain organizational forms and technologies of application.

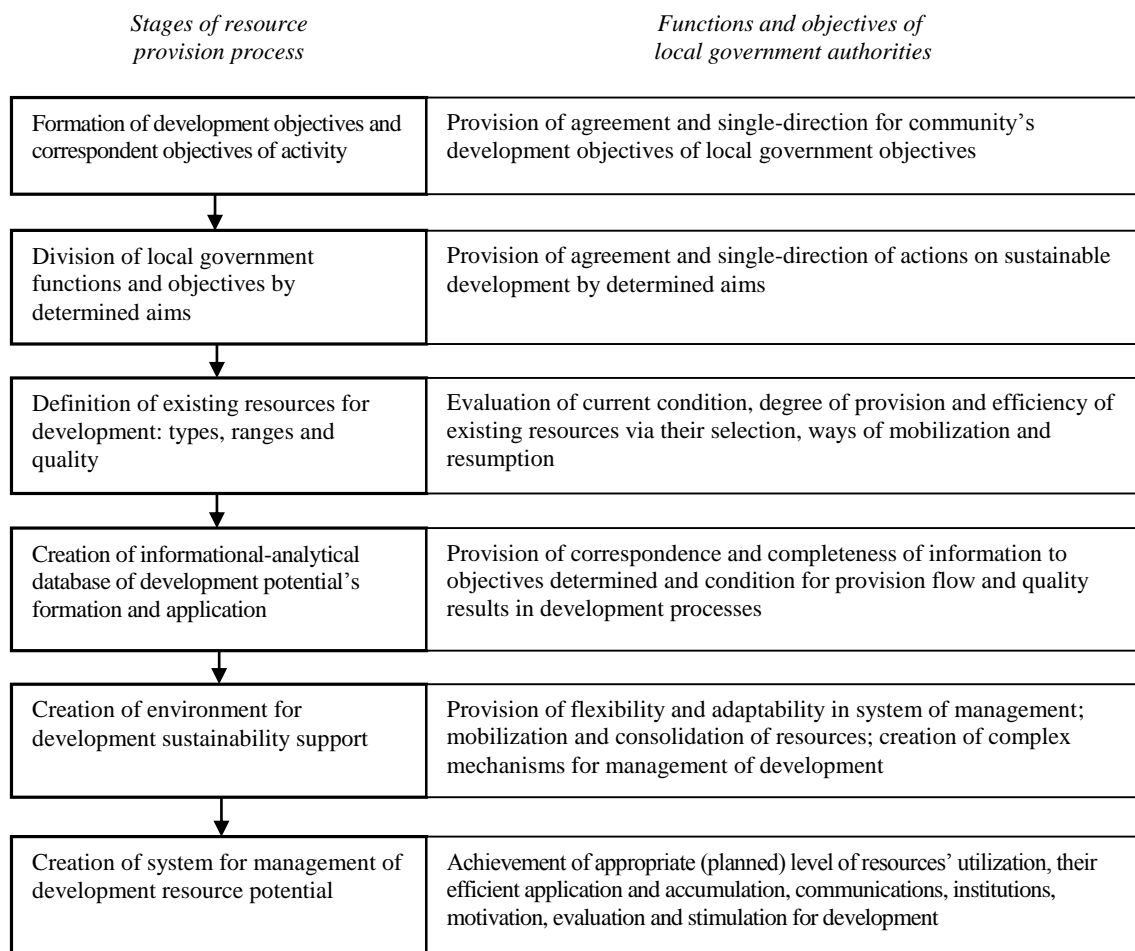
While selecting approaches for formation, improvement, rational application and expected output of resources one should consider that each group has own peculiarities. In processes of goods and services production, creation of new value resources do not exist isolated, but in certain aggregate depending on their valid and combined unification. At that their new qualities and peculiarities appear, and deal with wide range of structurally contextual and dynamic changes in organization of social existence.

Determined content of local government resource potential and its resources have certain stability, flexibility, balance, segmentation, structural organization and proportions; and determined concepts reveal its composition. They possess core character, regulatory and result impact ability that integrate them into system aggregate which forms, provides, controls and regulates flow of development processes.

Formation of local government resource potential as a basis for sustainable development of territories in region and its rational utilization require overall attention to types, correlation and relations between resources and appropriate skills on their management. Knowledge holds leading positions for development of society. Nowadays

special attention should be paid to intangible resources of development potential, without their application at development processes it seems impossible to improve quality of life. Stock of contemporary knowledge, capability of society to generate one, innovation and system in thinking, corporate and managerial culture, spirituality of managerial apparatus, its creative skills, efficient utilization of information and other intangible resources become powerful source and factor of sustainable, balanced development and require new approach to awareness of their vitality and possibilities for application. At that we talk about existing resources at territory and directly about local government authorities resources and their unused reserves and capability for further development. Just in aggregate they will be evidence about good governance and capability of local government authorities, public administration and officials to create conditions and continuous flow of development processes and their in time and qualified provision.

Structure of local government resource potential for territory development is presented at Picture 2. It demonstrates that each type of development potential resources is relatively independent, has own components, reflects its assignment and has its own load in organization and support of development processes. At the same time each resource is a part of general composition of resource potential of local government in regions where it is connected with its other resources by productive relations.



Pic. 1. Process of local government resource potential formation

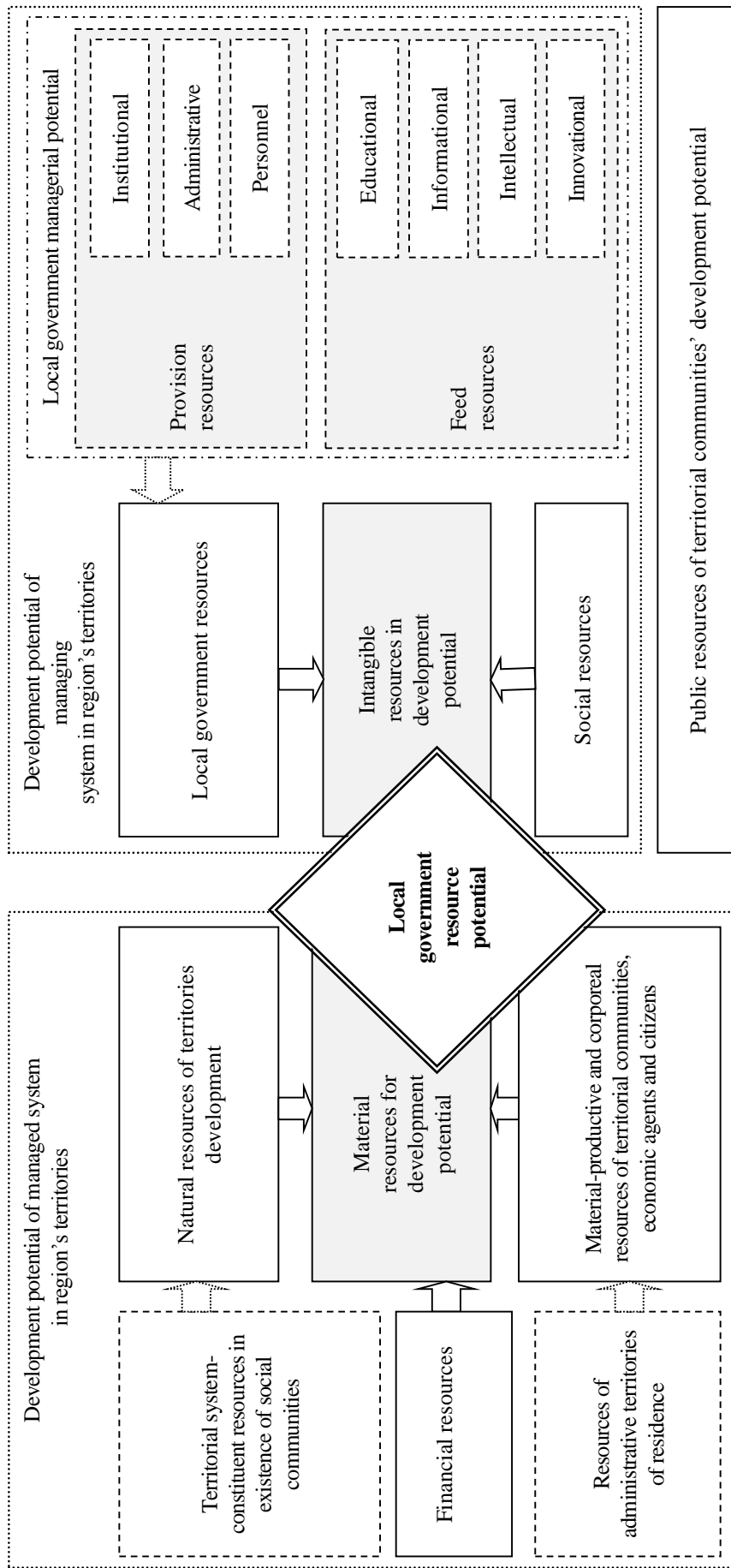


Fig. 2. Model of correlation between system components in local government resource potential

Harmonically interaction of development potential between managed and managing systems in territories of regions have to provide resource balance and resource self-sufficiency in all subsystems, liquidation of resource deficit and gaps between determined objectives of development and resource means for its realization.

Changes and dynamism of social development processes impact to conditions of resource potential formation, give to this process a character of cycling and requirement of certain changes at the cycle content during certain time period. Part of them could be transformed rapidly according to appearance of certain changes or new factors of development in managed systems.

While forming theoretical grounds and management concept of local government resource potential in regional territorial development one should consider and adapt existing laws of development to construction of its processes: law of unity and struggle between opposites, law of transition from quantity into quality; law of proportional development, law of time-saving, law of production efficiency, law of rationalization etc. – their consideration allows to gain confidence in appropriateness of chosen tendencies and approaches for development for its achievement; to create transparent, grounded and structured forms of activity of designers and executors of development strategies, local government leaders and officials, appointed to select efficient methods for provision and preservation of stable dynamics in development processes, and also accumulation of reserves for potential's growth.

Organization of construction and management for territories development processes and structure of administrative authorities have to be projected with application of target, system, structural and resource approaches, to foresee systematic addendums and updates of innovation content for executed functions and objectives in local government. Constant consideration of new aspects in inner managerial environment, focus on determination and support of development trajectories by growth of own resource potential in overall activity of departments and civil servants, information update about its current status and application and deepening of corporate social responsibility are required.

Well-timed improvement of institutional, analytical and organizational grounds for territorial development is also required. It leads to systematical supplement to content, review of resource potential management functions by obtaining more integrative and innovative character, communication, adaptability, transformation etc. Traditionally applied managerial principles could be supplemented by the preventive principle, principles of predictability, prevention, warning, limits and principles of aggregation that are not always used in day-to-day practice.

Requirement on further search of innovation methods and mechanisms applied in local government for provision high-grade, flexible and efficient activity, mechanisms, rational combination and utilization of resources, their reserves and capability for further development, reliable and contemporary scientific and methodological provision of methods and mechanisms applied has no alternatives.

Vital activity and development processes at region's territories are constantly impacted by factors of inner and exterior environment. Such impact can either present new opportunities for development or create threats, misbalances, extreme difficulties, and sense of hazard etc. Balance in functional processes of development has to be supported by following grounded rational structural proportions and correlations between used and renewable resources. Such correlations have to be determined at the stage of strategic planning and substantiation for development actions and hold to the following axioms:

- increase of needs in various types of resources has to be equal or lower than changes in outcomes of development;
- change in volume of used resources has to be correspondent to volumes of their creation and accumulation;
- proportion of used resources per unit of outcome could not be increased without arguments and correspondent change in their quality and efficiency increase;
- by availability to substitute deficit resources one have to use it obligatory;
- rates of utilization and renovation have to be equal;
- existing new sources for resources replenishment have to satisfy needs of planned activities by expected parameters of development completely and qualitatively;
- balance between utilization and renewal for each component in region's resource potential have to be provided by forward movement for development processes.

Key intangible resources of local government stimulate and create conditions for constant enhancement and improvement for all other types of resource potential development. Under the condition of their rational utilization at the contemporary stage power of their positive impact towards processes of regional territorial development can be almost unlimited.

1.4. DIALOGUE IN THE WORLD INTEGRATION PROCESSES

In today's conditions of European integration and interaction of countries, the problem of adequate communication acquires special significance in mutual understanding.

The study of the communicative space predetermines the creation of a basis for high functional efficiency in dealing with such issues as: the strategy of state security; regulation of the geopolitical and socio-political situation; political and legal regulation of public relations; economic cooperation; professional interaction; multicultural activity.

This determines the relevance of this work.

The global role of the communicative space in all spheres of human existence is now perceived as an axiom. It is represented in the development of the theory of dialogue as an important component of human existence. The terminology of documents, aimed at stability and globality, also testifies to the prospects for research of this theory: "constant dialogue", "regular dialogue", "all-encompassing dialogue", and, what is extremely important, "equal dialogue".

For many years the problems of the effectiveness of the dialogue are in the zone of increased attention of specialists in the fields of philosophy, political science, sociology, psychology, anthropology, linguistics, management and some other humanitarian fields. Of particular importance is the development of the concept of dialogue for the theory of communications, where knowledge acquired in the studies of these sectors is integrated. In the works of C. Frank, M. Buber, E. Levinas, M. Heidegger, H.-G. Gadamer, Yu. Lotman, M. Bakhtin and other scientists, the foundation of the theory of dialogue was created, later conceptualized by B. Bibler, L. Ozadovskaya, O. Petroe A. Mishuchnikov S. Potseluev, V. Demyankov and many other researchers in a number of concepts, related to the philosophy of dialogue; the dialogue of civilizations; political dialogue; dialogue of cultures; linguistics of dialogue.

This multi-vector orientation of scientific priorities with respect to the term "dialogue" led to discussions on the content of the dialogue. The term "dialogue" scientists, politicians, lawyers, psychologists, culturologists, linguists, managers fill with different meanings, because of what in professional discourses its meaning does not coincide. At the same time, the categorical significance of this concept, the frequency of its use presupposes a precise definition of the term. This indicates the need to identify the conceptual nature of the term "dialogue" and associated semantic reference points.

In the modern world, they often talk about dialogue, using this concept in all sorts of contexts. According to some researchers, the concept of "dialogue" has turned into "the central metaphor of our civilization" [1], and its content has gone beyond the traditional definition of dialogue meaningful as a conversation between two or more people.

The Philosophical Dictionary regards dialogue as one of the sources of philosophy and offers such a definition: "The conversation of two or more interlocutors concerned with the search for the same truth. Thus, the dialogue is the kind of conversation marked by the desire for a universal rather than a single (as opposed to a confession) or a private (as in a discussion)" [2].

In the philosophical and linguistic interpretation the concept of "dialogue" differs from the political interpretation, where it is presented as "a way of public expression of political views, opinions, assessments, styles of political thinking of subjects. In the process of political dialogue, agreement is reached between the actors, a program and mechanisms of political activity are developed" [3].

The literal translation from the Greek language of the term "dialogos" means "dia" (two) and "logos" (mind), which can be interpreted as two minds, two interlocutors, two positions, two words. The interaction of the interested "positions" is represented in the word, leads to a positive orientation of the dialogue, to mutual understanding. Oppositional, negative orientation creates a clash of different "positions" and, as a result, confrontation.

A completely different burden lies on the notion of dialogue in international business communication. As O. Petroe rightly observes: "Dialogue is the highest form of communication, and its defining features are: - the existence of the goal of dialogue; - the focus on finding the truth; - Truth, is equal value for all participants in the dialogue; - subject-subjective character; - equality of participants; - tolerance and responsibility; - exchange of the essential concepts of participants; - the birth of a new meaning in the positions of the participants in the dialogue; - the desire for a constructive result - to achieve mutual understanding and rational interaction in the field of communicative and practical activities; - measurable result of the dialogue" [4].

In order to prevent disagreements in understanding the meaning of key concepts, important international documents clarify the terms used.

Today, the concept of dialogue has become not just a trend: the scope of its use and meaning has expanded considerably. At the same time, M. Bakhtin's opinion on the role and value of this concept is still topical: "To be means to communicate in a dialogical way. When the dialogue ends, everything ends. Therefore, the dialogue, in essence, can not and should not end" [5].

At the state level, it is also realized that the solution of the most complex problems-the challenges of the present, affecting the interests and destinies of millions of people-is impossible without dialogue as the most humanistic and productive way of discussing issues of intercultural and intercivilizational relations.

Dialogue as a seed of a new paradigm of international relations was presented at the 55th session of the United Nations. In resolution 53/22 of 4 November 1998, the General Assembly decided to proclaim 2001 as the United Nations Year of Dialogue among Civilizations and invited Governments, the United Nations system, including the United Nations Educational, Scientific and Cultural Organization (UNESCO), and other relevant international and non-governmental organizations to develop and implement appropriate cultural, educational and social programs to promote the concept of dialogue between civilizations, including through organizing conferences and seminars and disseminating information and scholarly material on the subject, informing about the planned activities.

Later, in a special resolution 60/4 adopted by the United Nations General Assembly, within the framework of the concept of "dialogue" a new vector was identified - the "dialogue of civilizations" and its definition was defined: "Dialogue among civilizations is a process that goes on inside civilizations and on their which is based on universal

participation and a collective desire to learn, to discover and study concepts, to identify areas of common understanding and core values and to bring different approaches into a single whole through dialogue” [6].

The call of the General Assembly for a dialogue among civilizations, the identification of common value orientations, aroused a positive response all over the world and stimulated a number of initiatives aimed at encouraging diversity, reconsidering the concept of the enemy and emphasizing the importance of unity.

Ukraine is going through a stage of systemic transformations, connected with the formation of the European vector of development. Global transformation identifies qualitatively new priorities and aims at a different level of dialogicity. Orientation to a real, concrete result without dialogue is unthinkable. This thesis is basic in all parts of the Agreement on association with the EU. In this regard, I would also like to note that the synonym for the concept of “dialogue” in the document is the concept of “cooperation”, also aimed at mutual understanding and development.

The Agreement on Association with the EU presents a variety of types of dialogue. This is a political dialogue, dialogues on issues of law, freedom and security, domestic reforms, trade, economic and sectoral cooperation, combating crime, terrorism, and intercultural dialogue. Among the listed types attention is focused on political dialogue.

Political dialogue is one of the main conditions for the transformation of Ukraine's political system, because:

- 1) promotes the emergence of modern socio-political relations;
- 2) participates in the processes of integration of the political system, the weakening of socio-political conflicts, disagreements in the socio-political sphere;
- 3) represents the effectiveness of the ongoing reforms.

Therefore, among the objectives of the Agreement, an association with the EU has proclaimed the need to provide the necessary framework “to strengthen political dialogue in all areas that are of mutual interest”. Initially, the emphasis is on the following objectives of the political dialogue:

- (a) to deepen political association and increase political and security policy convergence and effectiveness;
- (b) to promote international stability and security based on effective multilateralism;
- (c) to strengthen cooperation and dialogue between the Parties on international security and crisis management, particularly in order to address global and regional challenges and key threats;
- (d) to foster result-oriented and practical cooperation between the Parties for achieving peace, security and stability on the European continent;
- (e) to strengthen respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of persons belonging to national minorities, non-discrimination of persons belonging to minorities and respect for diversity, and to contribute to consolidating domestic political reforms;
- (f) to develop dialogue and to deepen cooperation between the Parties in the field of security and defence;
- (g) to promote the principles of independence, sovereignty, territorial integrity and the inviolability of borders” [7].

Such global goals in the format of European integration of Ukraine develop new values, attitudes, political norms, institutions, methods of achieving goals.

Classical forms of political dialogue: controversy - a sharp, obvious struggle of opposing opinions on any political issues, and a discussion - the exchange of views on political issues, the search for a basis for concluding a political agreement in the process of discussion, are rethought and supplemented with new ones.

An effective format of dialogues at the international level is the holding of summits.

At the domestic level, political dialogue depends on the level of its conduct and the level of its participants and is implemented in the following forms:

- ministerial level - “(a) regular meetings at Political Directors, Political and Security Committee and expert level, including on specific regions and issues, between representatives of the European Union on the one hand, and representatives of Ukraine on the other; 29.5.2014 Official EN Journal of the European Union L 161/7;
- (b) taking full and timely advantage of all diplomatic and military channels between the Parties, including appropriate contacts in third countries and within the United Nations, the OSCE and other international fora;
- (c) regular meetings both at the level of high officials and of experts of the military institutions of the Parties;
- (d) any other means, including expert-level meetings, which would contribute to improving and consolidating this dialogue” [7].
- parliamentary level - “within the framework of the Parliamentary Associations” [7].

Negotiations and forums promote the forms of communication stated in the Agreement on Association with the EU: the exchange of information and best practices, and leads to the strengthening of the potential for cooperation, the creation of open, stable, dynamic relations both in the political system and between the political and social systems of society.

To actual forms of dialogue (including political ones), we consider it necessary to include an active passive dialogue between the media and a potential interlocutor (active from the media, passive by the potential interlocutor). It is the media that today form the worldview of the majority of citizens.

The problem of information is directly related to the problem of linguistic representation. In any dialogue, the main burden lies on the word. Dialogue always involves communication, which is done through the language. According to the point of view of H.-G. Gadamer, language determines the way a person lives in the world, his perception and thinking: "Language is a way of world interpretation ... Thinking always moves in a ridge, paved with language" [8]. Therefore, we consider it important in the theory of dialogue to note the growing significance of the word.

During periods of complex transitional epochs and states, the functional possibilities, the semantic and figurative capacity of a word, are qualitatively and very visibly increasing, and its power is increasing. It should be taken into account that the word acquires the opportunity to expand the coordinates of its content, which must be taken into account in the persuasion strategy.

The word is the most important tool for the formation of political, legal, administrative, cultural space. Correctly used word also helps to resolve a contentious issue and establish mutually beneficial cooperation. Considering the above, we pay attention to the language component of the dialogue. In connection with the processes of globalization, the language is enriched with new vocabulary. The use of borrowed words in the language has become commonplace. However, we have to state that in the dialogue between the authorities and the people, not all foreign words used are understandable to the general public, which casts doubt on the adequate perception of conceptually relevant information. Not only the correct formulation of arguments, but also linguistic, and in particular, terminological literacy is often key to the theory of dialogue. Lexical accuracy, objectivity, the use of terms in the meaning fixed in documents or dictionaries is directly related to the problems of dialogue and, more broadly, to the problems of communication.

As already mentioned, many documents of state significance contain definitions of basic terms. The transformation of the very term "dialogue" was also demonstrated. Principal differences of its use in various scientific paradigms and international practice are shown. However, not all documents contain such definitions. Therefore, special studies are needed to identify conceptual correspondences in a doublet linguistic expression or expression in a carrier language. The same can be said about the professional sphere. Frequently used world terminology in specific industries has a fundamentally different load than in ordinary speech. The scope of this article does not allow us to demonstrate concrete examples of such applications. This will be done in other publications.

Thus, in the course of the analysis, we found that the concept of "dialogue" in the context of the Association Agreement with the EU is related to an important and complex set of interrelated and interdependent processes that affect all spheres of human existence. In this connection, the need for further research has been revealed.

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1.5. PUBLIC-MANAGEMENT APPROACHES IN THE CONTEXT OF THE SOCIAL STATE FORMATION

The specifics of modern transformation processes actualize the problems of applying the latest public-management approaches in the implementation of the state social policy. The social state functioning shall be characterized by a fully developed system of providing social services and social security while preserving the market economic system. In the context of respecting the decentralization principles and delineation of powers, the priority is given to the application of the service approach in the implementation of the state social policy, aimed at developing network forms of managerial interaction, transparency and openness of public authority, sensitivity to citizens' requests, embodiment of the social partnership principles and mutual consideration of various social interests, involvement of non-governmental organizations.

The justification for the role and importance of the institution of a socially responsible state from the standpoint of public administration is the subject of numerous scientific studies. In particular, the works of such scientists as V. Bulba, V. Elahin, S. Koretska, M. Karhalova, M. Kravchenko, E. Libanova, L. Novak-Kaliaeva, T. Semyhina,

V. Skurativskiy, N. Khoma, P. Shevchuk and others are devoted to the problems of public-management aspects of the social policy implementation in Ukraine, mechanisms for protecting the citizens' rights.

Understanding the phenomenon of a social state involves taking into account various sociocultural dimensions and requires an interdisciplinary approach. Most modern researchers of the social state (G. Esping - Andersen, P. Pearson, G. Bonoli, E. James, B. Dikon, E. Guber, J. Stefens, F.G. Castells) believe that its specifics imply the allocation of several main types: liberal, conservative, social-democratic. All of them, representing conceptually different ideological principles based on the idea of social and political justice, thereby creating opportunities for cooperation between the state and civil society.

Another group of researchers (F. von Guyek, J. Shapiro, F. Fukuyama, V.J. Singer) interpret the social approach as an ineffective institution of social care and supervision of citizens, a factor limiting individual freedom, opposing the imperative of the social state to free expression of will and the interests of civil society.

Basically, the phenomenon of a social state is considered through the focus of a certain antinomy - a weak and ineffective welfare state versus a neoliberal doctrine that is considered more focused on the legal infrastructure of market institutions and the political traditions of civil society. At the same time, the fact that the European welfare state emerged due to the crisis of market institutions is left without attention, historically it arose as a reaction to the instability inherent in classical liberal capitalism. It is not just about the classical transformation of relations between the official economy and the state, in the context of which they become more interdependent due to active state intervention, but also about the positive trend of the social state aimed at overcoming the classical liberal tradition of annihilating the dimensions of justice, morality and the public sphere in whole[1].

It should be noted that the evolution of the process of theoretical substantiation and practical implementation of basic ideas of the welfare state concept passed gradually. Its formation took place at the turn of the nineteenth and twentieth centuries, and political approval did not take place until the second half of the twentieth century, when the welfare state acquired the basic principle of the constitutional system of most developed countries. Subsequently, it adapted to the new conditions while simultaneously viewing the minimum social standards in the direction of their increase. The strategy of the social state begins to be based on the principle of equal participation of state, associative and private responsibility.

Analyzing the problematic of the social states typology, one should point out the existence of different approaches based on the allocation of certain key criteria and that provide, on the one hand, certain methodological differences in the understanding of basic values, and on the other, appropriate approaches and mechanisms in the implementation of the social function of the state.

The most well-known are the classifications of social states proposed by R. Titmus, T. Tilton, N. Fernis, S. Leibfried, M. Ferreri and others. The key place is taken by G. Esping-Andersen's concept, emphasizing the following criteria: changes in stratification systems, degree of expansion of social rights and public-private organization of social security. The basis of this classification is an attempt to understand the essence of a social state for its political nature. To this end, the researcher uses the following parameters: the level of decomodification, stratification of society, state intervention, and allocates liberal, conservative-corporatist and social-democratic (universal, Scandinavian) types [2].

This typology assumes a distinction between various social policy strategies, that consist in the fact that the liberal regime directs social programs to the poor, the conservative preserves the status differences of social groups, including orientation to the traditional family structure and the traditional role of women, and the social-democratic regime guarantees both universalism of social rights, and the inviolability of individual autonomy. The corporatist model of the social state, within the framework of this classification, is transitional between the social-democratic and liberal models[3].

Over the past decades, significant structural and paradigmatic changes have taken place in national social protection systems, which necessitated the search for new approaches in the study of the social state problems.

In particular, one of the modern approaches of foreign researchers involves restricting the social states classification by the criterion of social security for the unemployed, namely, the coverage level, including the balance between insurance payments and depending on the poverty test, level of financial compensation; distribution of labor activation programs is taken into account. On the basis of these criteria selection, four modes of supporting unemployed in Europe are defined: sub-protective regime, liberal/minimal regime, employment-centered regime, universalistic regime[4].

The position of a group of researchers is interesting that analyzing the social function of the state, focuses on the importance not only of economic and social aspects, but also psychological ones, which makes it possible to identify the influence of various social protection systems on the social and psychological well-being of people and what their desire for self-realization is. On the basis of these criteria, five new types of social state are distinguished:

¹Пасько Я.І. Проблема модернізації держави добробуту у ракурсі світоглядних суперечностей представників лібералізму та комунітаризму [Текст] / Я.І. Пасько // Мультиверсум: Філософський альманах: [збірник наукових праць] / Ін-т філософії ім. Г.С. Сковороди НАН України. - К.: Український Центр духовної культури, 2006. - Вип. 58. - С.3.

²Esping-Andersen G. *The three worlds of welfare capitalism* [Текст] / G. Esping-Andersen. - Cambridge, 1990. - P. 28-30.

³Хома Н. Типологія моделей соціальної держави: аналіз основних підходів [Текст] / Н.Хома//Держава і право. – 2012. – Випуск 56- С. 619.

⁴McGinnity, F. *Welfare for the Unemployed in Britain and Germany: Who Benefits?*[Текст] / F. McGinnity-Edward Elgar Publishing, 2004. -P.12

the Dignity Suppressive State, the Human Instrumental State, the Social -deficit State, the Autonomy-limited State, the Dignity Enhancement State[5].

The classification proposed by Dutch scientists suggests the existence of three models of the social state, which differ in the features of the social contract between the state and its citizens. The first model is formed by the Beveridge tradition, which strengthens the role of the state. The second model provides for a social contract between the government and social partners that represent different groups of citizens. This reflects the Bismarck tradition that exists in many countries of continental Europe. The third model is based on individual responsibility, and the role of the state is mainly reduced to the promotion of private initiative. The first model is universal, the second - multilateral, the third – residual[6].

Modern approaches to the classification of models of the social state include a set of criteria: institutional, functional, economic, political, ideological, national, cultural, psychological, etc. None of them can be considered determinative, because only together they allow us to identify the architectonics of the social state at the present stage of its evolution and classify its models[7].

To understand the diversity of the social state phenomenon, it is important to take into account the nature of social partnership, the features of interaction between civil society, the state and business, the degree of state intervention in socio-economic processes, and the place of social policy among national priorities. Moreover, the peculiarity of the social model is determined not only by historical specifics and traditions, but also by national psychology, by the notions of social justice, political culture and the level of democracy development[8].

Certain changes that have occurred in recent decades in realizing the social policies of developed democracies are connected both with a significant transformation of public consciousness and social relations and the very basic institutions of the social state. This, in turn, was reflected through the introduction of the principle of decentralization, as a result of which a significant amount of authority for the implementation of social protection and social security activities passed to the competence of local authorities, the provision of part of social services is carried out on the principles of voluntary associate assistance.

Consequently, the effectiveness of social policy lies in the fact that the state should not set itself the task of achieving absolute social justice, but should provide social compensation, that will avoid conflicts due to uneven distribution of resources. New approaches in the state social function implementation are based on the belief that the basis of the activity of any citizen should be the personal responsibility for the development and improvement of both the whole society and each of its individual representatives, that on the other hand, gives him the opportunity to receive an overwhelming amount of material and cultural benefits of modern civilization regardless of their social status and economic status.

Such an approach presupposes the transformation of the "welfare state" into a "state of social investment," which not only alleviates social inequality, but opens new opportunities and encourages initiative and readiness to meet new challenges of time, contributes to the development of human capital[9].

The specifics of the social state formation in Ukraine testify to the predominance in the social protection system of a basically paternalistic approach that provides for the traditional orientation of citizens to receive social services precisely from the state as the dominant subject of social functions in society. For a long time, the state had a significant impact on the regulation of household incomes. This, in turn, affected the formation of the corresponding model of social behavior, was based on a sense of social justice, a collectivist way of life and, what is especially characteristic, a sense of the reliability of the state potential in organizing the social structure of society on the basis of declaring equality.

It is also necessary to point out the problem of the modern stage of modernization of the social services system, characterized by the transition to the market of social services in society and occurs in three directions: the development of the social services market; development of practical tools (regulatory framework for standards, social order, models for the provision of services, etc.); modernization of existing infrastructure[10].

Thus, the problematic of Ukraine's self-identification in the choice of the model of a social state, the unformed nature of the doctrine of the organization of the social sphere is directly related to the insufficient systematic nature of the modernization processes, determined by the chaotic nature of the reform steps in the social sphere. The problematic aspects of the implementation of social policy in Ukraine remain: the underdevelopment of the social insurance system; imperfection of the system of state social assistance; inadequate distribution of state social transfers, low targeting in the provision of social support and orientation to extensive coverage of the population, ineffective

⁵ChakKwanChan, GrahamBowpitt. Human Dignity and Welfare Systems. [Текст] /ChakKwanChan, GrahamBowpitt. - Bristol, The Policy Press, 2005. - PP. VIII. - P.199.

⁶Reinventingthewelfarestate / RuuddeMooij [Текст] TheHague: CPB, 2006. – P.158.

⁷Сеvрюков Д.Г. Сучасні підходи до класифікації моделей соціальної держави [Текст]//Д. Г. Сеvрюков // Форум права. -2012. -№4. - С. 799 - 803.

⁸СоциальнаяЕвропа в XXІвеке / под ред. М. В.Каргаловой [Текст]// - М.: Изд-во «Весь мир», 2011.-528 с., С.262.

⁹Бульбенюк С.С. Неоліберальні моделі модернізації у суспільствах перехідного типу [Текст] / С.С. Бульбенюк. Автореф. дис.канд.політ.наук. – К.,2004. – С.16.

¹⁰Романова Н.Ф. Формування ринку соціальних послуг на сучасному етапі в Україні [Текст] / Н.Ф. Романова // Innovativeprocessesineducation: Collectivemonograph. – АМЕЕТ Sp. z o.o., Lodz, Poland, 2017. – P.188.

financial support for public protection measures, inadequate involvement of public organizations in the provision of social services, and the like.

Social policy needs serious modernization, especially in its functional manifestations, which should be more clearly directed towards the approximation of social development in Ukraine to European standards in the face of the obvious need to strengthen the effectiveness of using budget instruments, in particular, to prevent the dispersion of public funding and its concentration on implementation of the most significant social programs[11].

The search of ways to optimize the process of building a social state in Ukraine should envisage both the adaptation of positive foreign experience, and the consideration of national historical and cultural characteristics and the specifics of the socioeconomic situation.

The modern form of a socially responsible state should be characterized by a transition from a "welfare state client" to a "representative of civil society". In this context, public-management approaches should be based on observance of the principles of social partnership and social dialogue as a guarantee of democratic development, and be oriented towards:

1. using a horizontal model of state subsidiarity and civil society in which the state stimulates the activity and development of people and their associations for the use of appropriate mechanisms;
2. active formation of the market of social services with real competition of service providers to improve their quality and maximum approximation to consumers;
3. increase of targeting and economic validity of social benefits and payments in order to rationally spend budget resources.

1.6. OPPORTUNITIES FOR DEVELOPING THE INTELLECTUAL POTENTIAL OF THE UKRAINIAN SOCIETY IN THE CONTEXT OF THE UKRAINE – EUROPEAN UNION ASSOCIATION AGREEMENT

The important characteristic of the intellectual potential of the society is the existence of scientific and information links that arise between its individual bearers, creative teams and administrative staff of scientific institutions, higher education establishments, engineering centers, etc., in respect of the full use and abilities to the accumulation and transfer of knowledge. In this sense, one can say that the Ukraine – European Union Association Agreement is a powerful factor for developing the intellectual potential of the Ukrainian society by creating opportunities for the intellectual mobility, extension of the scope of the scientific inquiry and possibility to use its results.

The business and management practice in our country currently highlights problems of the effective management of using the available intellectual potential of the society and, first of all, in connection with the social reorientation of the economy – the potential of the intangible production. For the characterization of the intellectual potential, as well as any other potential, it is essential to analyze its structure and to find out what are its components and of what nature its subordination is. The personnel component, namely scientific and engineer-technician human resources as well as pedagogical employees, is included by all researchers into the structure of the intellectual potential as the most important component. Moreover, in our opinion, the following components are also included: the information component (body of the scientific knowledge and scientific information), material and technical, technological, general economic and social economic (containing methods to organize the intellectual activities of the society, methods to manage the social intelligence and expenses for the intellectual activities), value-based and meaningful ones.

The intellectual potential represents the inseparable unity not only of the quantitative and qualitative aspects, but also the real and the possible. If the measure of the real contained in the intellectual potential of the given country is found as a result of comparing the level achieved in the intellectual development of the society at the present time with the previous state or level in other countries, the measure of the possible is clarified by comparing the existent state of the intellectual potential with the needs for the country's development in the environment of the economic competition with other countries.

The nature of organizing the intellectual system depends on three factors: firstly, on the general economic mode to organize the production, which is always given by the achieved degree in the development of productive forces, and at present – by the achieved degree in the scientific-and-technological advance; secondly, on the general economic mode to organize the intellectual potential, which is given by the degree of socio-economic relations not depending on the specification of one or another socio-economic formation; thirdly, on the socio-economic and political-legal methods to organize science in the society, i.e. on the nature of the ownership of the means of production and nature of the political power.

Therefore, instead of one organizational component, it would be more correct to talk about three organizational components: organizational-technological, organizational-general economic and organizational-social ones.

Certainly, the organizational-social component includes, in its turn, a number of components, whose specifically historical combinations significantly affect the state of the intellectual potential. In this case, it is enough

¹¹Модернізація державного управління та європейська інтеграція України: наук.доп. [Текст] / авт.кол.: Ю.В. Ковбасюк, К.О. Вашенко, Ю.П. Сурмін та ін.; за заг. ред. докт. наук з держ. упр., проф. Ю.В. Ковбасюка. – К., 2013. – С 42.

to point out how distinctly different was the influence of the political power nature in USA and Germany in the 1930s, on, seemingly as a matter of principle, the same state-monopoly organization of science.

The development rates of productive forces as a whole are increasingly dependent on how far the production of scientific ideas is ahead of the production of material goods; therefore, for this advance, the improvement of all organizational components in the intellectual potential is of the great importance.

Accounting for the organizational-social component as a relatively independent one in the intellectual potential is of the fundamental methodological importance. From the point of view of the dialectical and materialistic theory of the social progress, each higher socio-economic formation has the unquestionable advantages in comparison with the lower one. At the same time, as the historical experience confirms, one cannot ignore the fact that, as a rule, the advantages of the new socio-economic system are observed in a number of indicators not immediately and not always.

The organizational-technological, organizational-general economic and organizational-social components of the intellectual potential are objective in nature.

The intellectual potential of one or another country largely depends on the intensity of links existing between scientists of the given country and the world scientific community, but when describing the intellectual potential of Ukraine, this significant point was not touched upon as a rule.

Therefore, the intellectual potential is an integral characteristic of the society revealing the strength of knowledge, level and quality of knowledge, direction and effectiveness of knowledge, as well as degree of awareness of social actions and behavior. In combination with skills, abilities and moral values, the notion of the intellectual potential includes not only the formulation of things in existence or those in past, but also the evaluation from the point of view of the desirable due. Bearers of the intellectual potential are individuals, who are engaged in the mental work and intellectual activities in the professional manner; the intellectual elite is the core of the intellectual potential.

One of the important tasks for overcoming the economic crisis by Ukraine is the determination of the role and place of its intellectual potential in various spheres of the public life.

The concept of the intellectual potential comes from the social (collective) nature in general and creative processes in particular.

In connection with the creation and use of the information technology based on the artificial (machine) intelligence, the society has the technological need for increasing the intellectual level of the interaction between its members, development of creative processes, provision of the sound functioning of its institutions, especially management bodies, and inclusion of the common sense into all pore spaces of life – the need for the formation and development of the social intelligence historically emerged, without which the artificial intelligence, no matter how modern be machines it is equipped with, will not work effectively. Therefore, the informatization of the society, at least in its essential aspects, should be understood as its intellectualization together with all the consequences. The question is the achievement of the so-called synergetic effect (effect of the systemic interaction), which exceeds the sum of effects of individual mental capacities entering into the system of the social intelligence. This requires the comprehensive rationalization of organizational-economic and legal relations, raising the educational level and ensuring the computer literacy, as well as developing the culture of the society members and creative element in their work. The social intelligence is external surroundings, the environment with respect to the individual intelligence, which determines the useful component in the work of each personality and the constructiveness of its thinking. The social intelligence (general) dominates the individual (separate) one both in terms of its manifestation (output) and in the sense of its development. Information links have the decisive influence on thinking processes of individuals. The approach to communities of people from the standpoint of their total intelligence determines the transition to a new level of understanding the socio-cultural dynamics.

We point out that in general, the problem of the social “reasonableness”, “meaningfulness” and “rationality” attracted the attention of many outstanding scientists. The substantial contribution to the study of these problems was the ideas of M. Weber [1]. In particular, analyzing the specifics of social actions, Weber points to four main ones among them. And they all differ in linkage with what might be called “social intelligence”. He distinguishes four types of social actions: goal-rational, value-rational, affective and traditional. No wonder that Weber arranged the above types of the social action in the order of increasing rationality; in his view, the rationalization of the social action is a trend of the world-historical process, which is confirmed by the evolution itself of the European civilization [1, p.45]. The analysis of Weber’s views in relation to problems of the social action leads to the conclusion that we have before us the well-thought-out methodological technique, whose fruitfulness is unconditional. Its essence in brief lies in the fact that the rationalization is the world-historical process. At the same time, Weber definitely records that the development of intellectual processes and growth of the social intellectuality can take the positive course (towards the consciously valuable rationalization) and the negative one. The negation of these processes, from the point of view of M. Weber, is manifested in the following: due to the destruction of morals, since the social intelligence is focused with necessity on the critical destruction of the past; due to the reduction in the area of affective influences (the growing role of organizational fundamentals); due to the displacement of the value-rational behavior in favor of the purely rational one, in which the dominant values collapse and the crisis of value-based orientations arises.

In modern conditions, these ideas have become widespread, particularly, in the theory of the social intelligence.

The social intelligence relies on the certain basic structures that make up the intellectual environment of the personality acting as the primary source and ultimate consumer of the social information. Knowledge accumulated in

the society, social memory, level of spirituality, self-awareness, information interoperability of people and their groups (reinforced at the certain historical stage by means of the computer and telecommunication equipment) are of the major importance.

The formation and development of the social intelligence is associated with the creation of elements, structures and mechanisms of the information environment as well as their optimization. The ultimate goal of the intellectualization of social systems is the creation of effective mechanisms for the transition of the personal (personalized) knowledge into the information resource, transformation of individuals' knowledge into the mass consciousness element and its practical use (turning into "force"). The achievement of this goal directly depends on receiving the sociological information heuristic by nature, which carries the image of the personality (creator). It should be emphasized that this means the creation of the best social preconditions for creative activities of the single collective subject that can accumulate its intellectual energy, movably shift its creative efforts and manage the creative aspirations of individuals entering into the system and being armed with means of the artificial intelligence. The view of the society and its subsystems from the standpoint of the social intelligence, is certainly a one-sided view – a "cross-section" of one or another social medium from the certain perspective, therefore the notions "social intelligence" and "intellectual potential of the society" are, in our opinion, closely interrelated, but not identical; we believe that the intellectual potential is a feature of the social intelligence.

The social intelligence is not a sum of individual mental capacities, but the organized system with the positive and negative synergetic effect "built" into the social organism. The problem of the social intelligence is not the subjective-psychological problem, but the objective-social and structural one. The social intelligence is the ability of the society to "understand", i.e. to constructively use knowledge available in order to achieve goals of the development to be sought.

Thus, the social intelligence is the ability of the society as a whole, or that of one or another of its subsystems (social medium, collective of people), to absorb and effectively use knowledge (including the common sense). The scale and level of such absorption and use depend not so much on the qualification and intellectual level of separate persons, as on the information links between them (level of the interpersonal communication).

Therefore, the level of the social intelligence (intellectual activities of the society), according to the authors of this concept, is determined not by the amount of knowledge being at the disposal of the society and concentrated in libraries, archives, patent funds, people's brains, etc., but through its entropy (level of the "dispersion") and possibilities available for its accumulation [2]. The thing is not the availability of knowledge as such, but the level of information links of the transpersonal intellectual interaction. It is they, which transform knowledge into the "working factor" of the progress.

In the context of the foregoing, the interaction between countries can be considered as the interaction of complex self-organizing systems of the intellectual level. In the more specific definition, the ethnic intelligence appears as the system of structures and mechanisms for rejecting the "bad" intellectual mutations of each personality as well as for selecting and fixing the "good" ideas and other innovations, and turning them into the property of all the people (society). In connection with such selection, the life trajectory of each member of the society, including its life status, career, role in the livelihoods of the nation and society, fame, wealth status, etc., develops.

There are grounds to assert that in Ukraine the above mechanisms of the rejection and selection have been violated for decades. Hence, the socialization of the personality takes place in the distorted and pathological way: not the worst but the best ideas and people are "rejected" and suppressed, the worst ideas are often fixed in the social consciousness and common decisions of social mediums, and people strong not so much by their intelligence, as by their will to success and assertiveness, etc., "come up". Such socialization of the personality and its intelligence foredoomed the society to stagnation and various upheavals.

In the normally evolving ethnos, following the results of long-term social flows and the elite selection (vertical movement of people in accordance with their intelligence, vocational aptitude, volitional qualities and level of preparation), the "conical" (hierarchical) structure is formed that clearly manifests itself in the intellectual and technological progress and in the social medium's skills to make a choice in one or another problematic situation.

The change in the socio-political situation in Ukraine and its desire to comply with the European standards in all areas of the social medium's functioning give grounds to hope for the rapid development of the intellectual potential in the Ukrainian society.

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1.7. FORMING SENIOR PRESCHOOLERS SOCIAL ORIENTATION AS THE CONDITION OF DEVELOPING THEIR HUMANE INTERRELATIONS

Preschooler emotional development is one of the important conditions for the effectiveness of the process of his/her education and training. High moral feelings, "which are inherent in a developed adult person and capable of inspiring him/her for great and noble deeds, are not given to anyone in the ready form from birth. They arise and develop from childhood" [1, p. 6].

Forming humane feelings and relationships begins in childhood, from the very first contact of the child with other people – adults, peers, younger children. Through joint activities and communication, if they are correctly organized, there appears the unity of emotional experience; there is the possibility of enriching one's own feelings by those of another person.

One of the main ways of forming humane relationships between preschoolers is creating the conditions in which every child, being engaged in interaction with the other people, acts as a subject of emotional experiences and at the same time - an object of positive emotional attitude (V. Abramenkova, L. Bozhovych, I. Bekh, O. Zaporozhets', V. Kotyrlo, H. Kosheleva, A. Kononko, A. Makarenko, I. Neverovych, V. Sukhomlyns'ky, T. Tytarenko, H. Khomentauskas, V. Zen'kovs'ky, J. Korchak) [2]. This is achieved through special organizing various activities and communication of preschoolers in the group of the preschool institution and in the family, which envisages enriching the interaction of children with emotional contacts and enhancing their positive emotional orientation towards the other people. Strengthening children's social orientation on peers (H. Lavrentyeva, A. Royak, H. Kosheleva, L. Pimenova) is considered to be a compulsory requirement for bringing up the moral relationships of children [8, 9, 14].

Thus, it is obvious that forming pre-schoolers' social orientation as a prerequisite for successful forming their humane interactions, the initial stage of socially approved, moral activity. At the same time, the problem of forming preschoolers' social orientation as a condition for forming their humane attitude towards their peers remains inadequately investigated.

The analysis of the essence of social orientation and empathy, as well as their role in the moral development of children, makes it possible to state that social orientation is a prerequisite for empathy, since without the ability to perceive and adequately assess the emotional state of peers it becomes impossible to operate the entire empathy chain.

Home psychological science included the notion "empathy" due to works of T. Havrylova [6, 7], where this phenomenon is subject to the theoretical analysis: approaches to problems of empathy genesis are revealed, their methodical solution is offered. Empathy is determined by the author as the experience and the quality of the personality, emotional phenomenon, specific feature of a person to emotionally react to another person's feelings.

As an ability to penetrate the inner world of another person, empathy is considered in the further work of psychologists. Scientists study the mechanism of empathy (A. Sopikov, T. Pashchukova) [6]. Its cognitive aspect is studied in the works of R. Karamuratova [6].

L. Strel'nikova [6], studying the issue of the child's emotional development in the context of the problems of his/her moral education, reveals the peculiarities of the preschoolers empathy development. The researcher proves that the empathy process is a three-way, unidirectional chain: empathy, compassion, promoting, and is characterized by the unity of the emotional and cognitive components related in different ways to certain stages of developing this process. In this case activating cognitive elements causing the desire to understand the situation, weakens the identification.

Thus, the first link of the empathy process is purely emotional. Managing the empathy process can lead it to the effective moment – promoting (helping behavior).

From the whole system of life relationships the most important in the context of preschoolers moral upbringing is the social orientation that arises at the child's early age (M. Lisina, H. Kosheleva, L. Pimenova) [8, 9, 14] and is regarded by researchers as the most important indicator of mental development, one of its necessary conditions.

The social orientation of the child to other children is the ability to realize their emotional state, to seek to identify empathy, to promote well-being is an important stage in forming moral competence. At the same time, the important idea is (O. Zaporozhets') [8, 18] that for the child adult's explanation is not enough to understand the objective value of the norms and rules of socially accepted behavior to the extent that they become the criterion of emotional evaluation of their own and others' actions. They should find a response to the emotional experience of the child him/herself.

The problem of forming preschoolers' social orientation is rather thoroughly investigated by H. Kosheleva, L. Pimenova [8, 9, 14]. They determine the social orientation as a specific internal activity of the child associated with the perception of another person, his/her emotional states, with the analysis and assessment of the situation in general and predicting the trends in its development.

Thus, the analysis of the essence of social orientation and empathy, as well as their role in the preschoolers development, suggests that social orientation is a prerequisite, the initial link of empathy, because without the ability to perceive and adequately assess the emotional state of peers, it becomes impossible to operate the entire empathy chain. Social orientation is a complex formation including cognitive, activity and emotional components, which are provided by actions of perception, attention and imagination.

The problem of forming preschoolers social is particularly studied in the works of H. Kosheleva [8, 9], L. Pimenova [14]. However, a number of psychological and pedagogical studies (L. Bashlakova [12], A. Vinogradova [5], M. Vorobyov [3], O. Zaporozhets' [8, 18], H. Lavrentyeva [10, 11], T. Ponomarenko [17], A. Royak [19], L. Strelkova [18], etc.) consider some of the pedagogical influences that contribute to forming social orientation. A number of works reveal the conditions promoting the development of the preschoolers emotional sphere and structure their inner emotional space, activate their identification of humane attitudes towards adults and children in

various activities and communication (O. Vovchuk-Blakytna, O. Dolynna, V. Kotyrlo, S. Kulachkivs'ka, S. Ladyvir, O. Prykhod'ko, S. Tyshchenko, etc.) [2].

The results of the analysis of psychological and pedagogical researches (T. Markov, V. Nechayev, R. Rimbur, A. Bulatov, M. Tymoshenko, T. Yerofeyev, I. Dyomin, T. Vladimirov, M. Mirzabdullayev, etc.) [16] the problems of forming preschoolers humane relations, the organization of the experience of their humane behavior in the joint game (L. Artemov, A. Honcharenko) [15], labour (Z. Borysova, L. Kraynova, V. Pavlenschyk) [15], educational (R. Bure) [15] allowed outlining the meaning and essence of such relationships. Thus, formation preschoolers humane relationships is recognized as one of the priority areas of educational activity in the preschool educational institution. Human relationships are considered as one of the most important and obligatory parts of the internal structure of various types of moral relationships (friendly, caring, open, etc.); as the necessary degree in forming various types of moral interaction of children; as a prerequisite for the functioning of various social interactions.

In the practice of forming senior preschoolers humane relationships common methods, techniques, means are applied. However, in a number of scientific studies (T. Yerofeyev [16], V. Pimenov [14], Y. Prykhod'ko [2], Y. Yanyts'ka [4], etc.), there is a special, very important role of establishing the social orientation of preschoolers as a duty, the tangible condition for successful forming their humane relations. The emphasis is on the need to update the emotional component as a trigger mechanism for the manifestation of various forms of humanism and the role of social orientation as the initial stage of preschoolers socially approved, moral activity.

Thus, the results of the research analysis show that a number of scientific works is devoted to the study of the problem of forming preschoolers humane relationships. In the theory and practice of preschool education, there is a discrepancy between "the formal proclaiming a man as the highest value of society and the real, far from being humane, attitude of the society to him/her and the people's attitude to each other. Therefore, the primary task of each teacher is bringing up humanity, high moral features, humane young person who will create the future" [20, p. 2].

To identify the level of senior preschoolers development of social orientation, a psychological and pedagogical experiment was organized and conducted. Different methods of scientific research were used: conversation, observation, the method of unfinished sentences, solving problem situations, etc. The received diagnostic results were processed. The results of the analysis of the stating stage of the experiment confirmed the relevance of the researched problem.

In order to increase the level of developing senior preschoolers social orientation the system of pedagogical work in the educational process of the preschool educational institution was developed and implemented, which united three interrelated stages.

At the first stage, the main task was to determine the accumulation of emotionally mediated cognitive experience of preschoolers. A series of lessons was developed and implemented in the educational process of the preschool educational institution for fulfilling this task, in the process of which integrated game techniques, situations, tasks, exercises, narratives of artistic works, imaging activities, etc. were used. In this case, experimental work was carried out not only in the form of specially organized classes but various forms of joint activity of an adult and children were introduced in different determined time periods.

In the educational process of children at the experimental group, reading artistic works was applied, with special attention being paid to their selecting, the method of reading and conducting conversations on their content. For deeper understanding of the emotional state of fairy tales characters, stories and expressive, vivid reflection of their emotions and feelings, particular attention was paid to conversations, in the process of which questions with the content determined by the scheme were used: A1 (actions of one subject) – E² (emotions of the other subject).

Solving verbal situations of moral choice contributed to children's realizing the essence of peers emotional states, their verbal definition, awareness of specific forms of manifestation of a humane attitude towards peers in different social situations.

Different patterns (peculiar pictograms) were also used to identify emotional states for facial expressions and their verbal definition. Based on the use of pictograms, children were offered various tasks, for example, to create pictures of only pleasant for them people, or to create a person's face expressing certain emotion. At the same time, in addition to training emotional recognising, children developed the ability to interact.

Also, certain attention was paid to the children's consideration of specially made photographs, pictures with a pronounced emotional state of peers (the child cries, the child is happy, the child laughs, the child is surprised, the child feels pleasure or immediately). Specially selected plot drawings, book illustrations, diaphilographs depicting situations of children and adults life were used. Based on their own emotional experience in interacting with others, the children revealed the socio-moral and emotional essence of the depicted situations.

Certain attention was also paid to children's considering specially made photographs, pictures with peers distinct emotional state (the crying child, the child is happy, the child laughs, the child is surprised, the child feels pleasure or disgust). Specially selected plot drawings, book illustrations, diafilms depicting situations of children and adults life were used. Based on their own emotional experience in interacting with others, the children revealed the socio-moral and emotional essence of the depicted situations.

The main task of the second stage was accumulating preschoolers' emotionally mediated activity experience.

Therefore, children formed the ability to have expressive movements, that is, nonverbal ways of communication, the alphabet of expressing their own emotions. Various sketches were used to train children's facial

muscles (basing on the method of M. Chystyakova) [21]: "Wide open eyes", "Tasty sweets", "Meeting a friend", "Two clowns", "Unexpected joy" etc.

Children's vagueness of pantomime was attempted to overcome by playing the sketches with a sequential study of poses, moves and other expressive movements, for example, "Very thin child", "Fearful child", "I am a terrible fighter", "Bears recovered", "Oh, oh, my stomach is aching" and so on. Mini-contests "Who will better show the pose", "Who will walk better" were conducted. Forced to such exercises Children whose pantomime was monotony, stereotyping, stiffness, depressed, tense or expressed excessive solvability were forced to such exercises.

Of great importance was the use of such technique as imitation by children of various emotional states of the characters of artistic works. Perfect material for simulation was made up by fragments of fairy tales G. Andersen's "Squeaky Duck", "Little Ida's Flowers", "Thumbelina", "A Solid Tin Soldier", etc. Children really liked these fairy tales. Immediately before imitation, children were offered to recall some of the tales, for example, "Squeaky Duck". The fragment of a fairy tale was reminiscent of, which was later to be played out: all the children were driving the ugly duckling. Even its brothers and sisters said to him: "Let the cat have grabbed you, an unbearable rabble!" And the mother added: "You would better not come before my eyes." Ducks teased it, chickens pecked, and the girl who fed the birds pushed it with her foot.

Then the conversation about the content of this passage began at the level of the actions of the characters - the birds and the man contemptuously and disgustingly treated the duck, which was not like other ducklings. They considered it to be ugly, disgusting. The duckling could not stand contemptuous and hostile attitude to itself. It floated through the fence from the bird's yard.

Then it was specified what feelings were experienced exactly by the characters: birds, the girl - disgust, contempt; and duck felt humiliation. The expressive movements through which one could portray these feelings were discussed: disgust looked like the head was thrown back, the eyebrows bowed, the eyes were swollen, the nostrils were swollen and wrinkled, the corners of the lips were lowered or, conversely, the upper lip tightened up; humiliation was shown like the following: head inclined, shoulders raised forward, arms lowered. During the simulation, special attention was drawn to the expressiveness of the children's image of the emotional state of the characters. The expressiveness of the movements was analyzed, evaluated, encouraged.

The third stage of the experimental work was devoted to the actualization of the experience of social orientation in the practice of communication between children and adolescents.

In order to update the acquired experience of social orientation in the practice of raising children of preschool age in the preschool educational institution, game-dramatization, construction, design, plot-role, board games were used; situations that need to be able to respond to their peers; situations connected with the necessity of prolonged manifestation of humanity; situations of cooperation such as "Teach your friend because you can"; collective situations "Make things useful and necessary for all children of the group", "Evenings of surprises; making gifts for others; organising beautiful, good deeds; collective holidays; exercises; didactic games "My daughter's birthday", etc. Particular attention was drawn to forming the ability to let a peer have a leading role, to share toys brought from home, to share toys.

It should be noted that the experimental activity was carried out on the basis of the integrated formation of components of senior preschoolers social orientation (cognitive, activity, emotional). For example, a positive forward-looking assessment and individual conversations in storylines effectively influenced not only the level of development of moral ideas, but also contributed to successful forming the experience of moral actions, socially-accepted behavior, the development of emotions and feelings, which gave the opportunity to form social orientation as a compulsory condition for preschoolers' humane attitude to peers.

For emotional mediation of the process of forming senior preschoolers social orientation, reading literary works was accompanied by multimedia presentations, telling tales in the sensory room, entering the fairy tale through "a magical corridor", etc. were used.

The comparative analysis of the results of the stating and control stages of the experiment in the experimental and control groups showed that after introducing the proposed system of the pedagogical work children in the experimental group showed a significant improvement in the indicators of social orientation: the level of preschoolers awareness on the essence of the person's emotional states, their verbal definition, methods of their manifestation, forms of manifestation of a humane attitude towards peers in various social situations; they improved their ability to analyze their own emotional states and emotional states of their peers, define them verbally, adequately assess them, expressively demonstrate them, choose and implement concrete forms of manifestation of a humane attitude towards peers in different social situations; the emotional sphere of children underwent the further development - the expressions of their own emotional states and manifestations of their emotional states about the experiences of peers, literary characters, diafilms, paintings, illustrations, etc. became more expressive.

Therefore, the results of the analysis of the performed scientific work can summarize senior preschoolers' positive dynamics of the development of indicators of social orientation after introducing a specially developed, substantiated system of the pedagogical activity.

Thus, the results of the control experiment confirmed the validity of the hypothesis of our study that the process developing senior preschooler's social orientation will be effective in the complex formation of components of their social orientation (cognitive, activity, emotional); using emotional mediation of the process of forming senior

preschoolers social orientation; subject-subjective interaction of teachers and pupils in the educational process of preschool educational institution.

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1.8. STATE SECRETARY OF THE MINISTRY: PRACTICE OF UKRAINE IN THE CONTEXT OF EXPERIENCE OF THE EU COUNTRIES

Today, work has been intensified on the modernization of almost all areas of governance of the state mechanism due to ratification of the Association in Ukraine.

Strategy for sustainable development 'UKRAINE 2020' approved by the Decree of President of Ukraine dated January 12, 2015 [1], defines the purpose, the motion vectors, roadmap, priorities and indicators appropriate conditions of formation and development of Ukraine. It was named after the responsibility vector decentralization and public administration reform among the main reforms and development programs of the state [1].

The purpose of the reform of public administration is to build a transparent system of public administration, to establish a professional civil service institute, and to ensure its effectiveness. Modern modernization of the civil service in Ukraine is aimed at establishing it as a public, professional, politically impartial, and effective service oriented to citizens, which functions in the interests of the state and society.

This process should be based on the best practices of European countries, taking into account the national peculiarities that have historically developed, and the peculiarities of the present stage of statehood, as well as harmoniously entering into the value and legal European space.

It should be noted that the basis of the formation of the European (western) model of state service were generalized by M. Weber the principles of the relationship between political power and administration: the principle of subordination of the administration to the authorities (the administration carries out political decisions made by

politicians); principle of division of political power and administration (the administration is a politically neutral professional mechanism for the implementation of state power) at the end of the 19th and early 20th centuries.

The effectiveness of the Institute of State Secretaries has already been confirmed by years of European experience of the functioning of public administration, as well as the economic growth of Nations, in which it was introduced. Actually, there are no countries where governments were organized on some other basis, rather than on the separation of functions and cooperation between politically appointed ministers and permanent government employee headed by the state (general and permanent, etc.) secretary or director in the European Union [2].

For example, the necessity of the position of general secretaries, high-ranking government employees who are not politically responsible, is due to the need to assist ministries in the performance of their functions as head of the department in the ministry in the case of in *France* [3, p.10]. It should be noted that the posts of secretaries general have appeared periodically, since 1793 when it was necessary to coordinate the efforts of state authorities and to manage the diverse orientations to achieve the common goal. These positions play a significant role in the process of modernizing the state system, in particular in carrying out the administrative and budgetary reforms has begun, since 2001; demonstrate the principle of separation of policies and administrative functions today [3, p.10-14].

An independent state service was founded by appointing in each ministry. The minister and a state secretary who empowered to make political decisions in the rank of deputy minister; and the state secretary of the state service, which also roughly corresponds to the rank of deputy minister in *Hungary*. The state secretary in a political position provides: assistance to the minister in the defined strategic policy and deals with matters concerning the parliament. The State Secretary of the state service is responsible for the development and implementation of the Minister's policy, as well as for the management of the budget and human resources issues of the Ministry [4].

The main functions of the permanent secretary of the ministry in *the UK* are: the role of the Administrative Head of the Ministry (responsible for organization, personnel policy and discipline in the ministry, performance of the function of the chief adviser of the minister on state policy in their sphere (should be understood on important issues of state policy and give recommendations on the sphere of responsibility of the ministry); ensure the ministry's implementation of the ministry's strategic plan, which agrees and approves acting as an auditor of the ministry (the essence of this role lies in the personal responsibility for the proper use of public funds allocated to the ministry for maintaining the accounts of the ministry and for the efficient and rational use of public funds), for a short and clearly defined period on the eve of elections, the Permanent Secretary together with senior government employees of the ministry meets with opposition leaders and discusses their proposals that may affect the future activities of their ministries (goal: to prepare Ministry for reporting to the new government and to implement immediately the policy of the new government after the announcement of election results [4].

The Secretary General directly monitors the issue of staff recruitment to the ministry's machinery, their preservation, management system and remuneration, defines and approves, by the relevant internal ministerial document, the functions and powers of the directors and directors, the marginal number of the ministry's staff in *the Netherlands*. Increasing the size of the ministry's staff, the Secretary General of the Ministry shall prepare a corresponding request to the Minister, and the Minister, on the basis of this request, shall address the Ministry of the Interior, if necessary. The said Ministry prepares a corresponding appeal to the Parliament in case of a positive decision on this issue.

The official duties of the Secretary General are not political in nature in the Netherlands. However, in practice, he is involved in making policy decisions in the ministry. The position of the minister affects the distribution of his time between participation in the adoption of political decisions and administrative functions; as well as the fact that the person who holds this post may be a member of a political party, although he has no right to engage in political activities at the same time. An important legal characteristic of the Secretary General's institution is the existence of the prohibition of other appointments during his post in this post and the lack of graduation of their posts depending on the importance of the ministry, the absence of honorary titles, privileges and ranks associated with the post [5, Section 7].

The question of demarcation of political and administrative positions in the organs of the state, in particular the executive, is among the topical issues related to its becoming a democratic state in Ukraine. The distinction between political and administrative positions is an overdue problem that causes others and affects the effectiveness of the entire system of public administration in Ukraine. One of the tools to ensure the political neutrality of government employee is the introduction of posts of state secretaries (hereinafter referred to as the 'State Secretaries'). In particular, ministries include a minister who is a leader and he is also a politician and a member of the government; and the apparatus of the ministry includes government employees. It is logical to enter the post of State Secretary of the ministry.

A new stage of modernization has taken into account, since May 1, 2016, with the entry into force of the new Law of Ukraine 'On State Service' [6]. This Law defines the main parameters of the modern state service system in Ukraine and, in particular, that the Head of the State Service is the state secretary of the ministry in the ministry [6, Art. 17].

The Head of the State Service in a state body is an official who holds a senior position in the state service in a state body, whose duties include the exercise of powers in the state service and the organization of the work of other employees in this body [6, Art.2].

It is stipulated that the powers of the State Secretaries before appointment to the positions of persons, according to the results of the competition in accordance with the procedure established by this Law, shall be performed by deputy ministers as heads of apparatus, but not later than by January 1, 2017 [2, p. XI]. That is de facto posts of the state secretaries must be in all ministries of Ukraine, since January 1, 2017.

The State Secretary of the Ministry is the highest position of state service in the state body [6, Art. 2]. Personnel Management Service assists him in carrying out the powers established by the legislation of Ukraine [6, Art. 18].

In relation to the staff of the ministry and, in particular, the personnel of state service, the state secretary of the ministry are the main subject of management, and in relation to the authority (ministry) are the main subject of personnel security.

An analysis of recent publications has shown that the delineation of positions in public administration, in particular political and administrative, is the subject of uneasy long-term discussions among scholars and practitioners. The discussion is still open, and the practice of public administration needs scientifically grounded development.

The Concept of administrative reform in Ukraine [7] from 1998 indicated the need to "enhance the role of ministers as politicians and delimitate the status of Ministers from the status of public servants". Unfortunately, this concept has not been implemented. That is why a number of issues mentioned in the Concept are implemented from time to time because they still have sense nowadays. Nevertheless, certain issues should be clarified.

To our mind the most urgent issues [7] are:

- minister is a member of the Cabinet and therefore as a political figure (politician) is not a public official (servant);

- the Ministry consists of public servants and chaired by a public servant;

- the features of the "politician (politics)" status are in three key points: special order of appointment; special manner of dismissal; in specific aspects of responsibility such as public accountability for the consequences of any activities;

- Minister should perform all political functions in the ministry, the main of them are: to define the relevant government policy and ways of its implementation in the Ministry and certain sector of public administration;

- Other officials of the Ministry are public servants, together with the rest technical and other workers are the staff unit of the Ministry. That unit is headed by one of the deputy minister, who is a public servant and is appointed and dismissed by the Cabinet of Ministers on the proposal of the governing body of public service. The job title of deputy minister offered is the Chief of the Ministry staff unit. That position gives opportunity to the Minister to be free from administrative and functioning responsibilities as well as ensure the stability, avoid the impact national policy and political figures changes, perform the professional succession in the work of the ministry staff unit.

It should be noted that Ukraine already had the experience of introducing into the ministries the positions of State Secretaries from 2001 [8] to 2003 [9] after which the ministries were headed by the Heads of the Apparatus (the First Deputy Minister was the Head of the Apparatus of the Ministry [10], and the position of the State Secretary had returned, since May 1, 2016, [6].

At the same time, the words 'Deputy Minister as Head of the Apparatus' in the text of the Law of Ukraine 'On Central Executive Bodies' [11] were replaced by the words 'State Secretary of the Ministry' in the text of the Law of Ukraine 'On Central Executive Bodies' [11].

We believe that the delimitation of positions is a part of modern system of public administration in Ukraine, meanwhile the essential elements of the concept of "position" in public administration are: social role, functions, level of power. The activities on political and administrative positions are absolutely different. Functions are essential features of "position" concept in public administration, activity in the political and administrative positions in government are fundamentally different [12, p. 133–135; 13, p. 57–62].

Political leaders (political positions in public administration) make political decisions, both in internal and external aspects, and take are personal responsibility for setting priorities and policy focuses. Thus, the most critical public and social needs were taken into account and settled while making their decisions. Politicians endowed with the highest level of power. The Constitution of Ukraine [14] assigns these functions to the President of Ukraine; Verkhovna Rada of Ukraine; Cabinet of Ministers of Ukraine. The positions of the President, members of parliament and government of Ukraine are the nationally highest public positions. The responsibilities of political positions include the formation (acceptance, approval legislation) of state policy, legislation (legal framework) of our state, and the main directions of state policy and life of the society as a whole.

The political functions of the government consist in determining (shaping) of the Policy of Ukraine, together with such institutions as the Verkhovna Rada of Ukraine and the President of Ukraine. Political government functions are primarily written in the program of President's activity. In our opinion, the Minister (Politian) should demonstrate political functions regarding relevant spheres of government policy and take personal responsibility for its effectiveness.

In this case, we can note that the positions of members of the Cabinet of Ministers of Ukraine belong to political positions, and they are not covered by the law on public service [15, cr. 6].

Most of the administrative functions - administrative functions in public administration should be demonstrated by officials on administrative positions. The professional activities of public servants are in practical performing of

the state (society) tasks and functions. They are responsible for development of proposals for public policies, priorities, preparation and reasoning of political decisions and their implementation.

According to the Law of Ukraine "On public service" [6] the State Secretary as the highest public service position demonstrates his duties on public service issues and organization of other workers in that state body [6, art. 2].

In our opinion, the Law of Ukraine "On public Service" [6] pays more attention to the State Secretary of the Ministry functions regarding staff management in the Ministry. Namely, State Secretary of the Ministry: 1)organize the planning of personnel work, including organizing the competitions for vacancies (public service categories "B" and "V", provides transparency and objectivity of competitions in accordance with the requirements; 2)provides career planning, the planned replacement of public service professionals trained in accordance with the requirements of professional competence and encourages promotion; 3)ensure publication and informing the central executive body about vacant public service positions in order to create a general list of vacancies; 4)appoints citizens of Ukraine who passed the competitive selection for vacant public service positions in categories "B" and "V", or dismisses from these positions; 5)confers public service rank to the public servants according to their positions of public service category "B" and "V"; 6)ensure the training of public servants of the state body; 7)plans trainings as to improve the level of state language of public servants as well as regional or minority languages specified by the law, or foreign language - the official languages of the Council of Europe, if that requirement is a must; 8)controls the executive and official discipline in the public body; 9)considers the complaints against the actions or ignoring by public servants who hold the state "B" and "V" positions of public service ; 10)take within their duties decisions on promotion and disciplining of public servants who hold positions of public service category "B" and "V"; 11)serves as the employer in respect of public employees who are not public servants; 12)provides the appropriate conditions and technical support; 13)performs other powers in accordance with that and other laws of Ukraine [6, art. 17].

At the same time the Law of Ukraine "On the central executive bodies" [11] focus shifts to the organizational functions of the Ministry, they are to: 1)organize the work of the staff unit of the ministry; 2)ensure the preparation of proposals on behalf of the Ministry and give for consideration to the Minister; 3)organize and control the Ministry regarding following the Constitution and laws of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, orders and instructions of the Ministry, Minister, and his Deputies, in addition report on their implementation; 4)prepare and give for approval of plans of the Ministry to the Minister, report on their implementation; 5)form the state budget policy in coordination with the central executive body, approve the staff unit list and budget of the Ministry [11, p. 10]. Also, besides the functions of Ministry human resources management it is added the function [11] of regional human resources management of different offices, enterprises, institutions and organizations belonging to the Ministry (pp.10-13 Art. 10). In our opinion, it is the function of human resources management of different offices, enterprises, institutions and organizations belonging to the Ministry (appointment, dismissal of managers and their deputies, disciplining of managers) that should not be attributed to the functions of the Secretary of the Ministry. For the Secretary of the Ministry has to take responsibilities for administrative management of the staff unit of the Ministry, strict compliance with current legislation, stability and independence of the Ministry on change of politicians and promote the professional continuity in the work of the ministry staff.

Also it should be noted that the Law of Ukraine "On the central executive bodies" [11, art. 9] asserts that the post of first Deputy Minister and Deputy Ministers belong to political positions (they are not covered by legislation on public civil service). Minister defines the duties of the first Deputy Minister, Deputy Minister, division of their duties and responsibilities between the First Deputy Minister and Deputy Ministers, which they can carry out in his absence [11, art. 8]. The First Deputy Minister, Deputy Ministers give mandatory for public servants and staff of the Ministry and its territorial bodies [11, cr. 9].

In practice, the function of Deputy Ministers in a certain way can interfere the functions of the State Secretary of the Minister, who is also responsible and under the control of the Minister. Therefore, the current legislation should clearly delineate the functions of Deputy Ministers and functions of State Secretary of the Minister.

It should be mentioned that Ukraine has no clear, legislated definition of sectors of public administration. In our opinion, it would be logical that the Minister takes responsibility for formation and implementation of one or more sectors of public administration. Depending on that at fact the Minister would have one First Deputy, or in addition a number of Deputy Ministers, all of which would be responsible for certain shears of state policy. Thus, political function and responsibility of the Minister and Deputy Ministry (s) are divided constantly, but not only in period of absence of the Minister.

In our view, the functions of State Secretary of the Ministry should be limited and focused only on personnel management system and general organizational issues of the Ministry without direct responsibility for public policy sectors.

We consider that there is a need at the current stage of reforming the system of public administration in Ukraine [16, p. 176-177] (agreeing [5] that the key goal of the introduction position of the State Secretary into the ministries is to increase the effectiveness of the minister as a political figure by increasing the level of administrative control of ministries, ensuring stability and professional continuity in the work of government employees):

- return to the Concept of administrative reform (new version) as a long-term holistic document;
- consider the delimitation of political and administrative positions as part of the streamlining of functions of current system of public administration in Ukraine;

- fix the dividing of public administration into sectors legislatively;
- fix the responsibility of the Minister as a politician (which he shares with his deputies) for a certain sector or sectors of public administration. Minister (politician) should demonstrate political functions regarding relevant spheres of governmental policy and take personal responsibility for its effectiveness;
- avoid identification or substitute the functions of Deputy Ministers and State Secretary of the Ministry (State Secretary - is not the Deputy Minister (in fact), as it was "the Deputy Minister - Chief of Staff Unit");
- clarify the function of State Secretary of the Ministry regarding administrative management of Staff Unit of the Ministry, strict compliance with current legislation, stability and independence of the Ministry on change of politicians and promote the professional continuity in the work of the ministry staff;
- delineate the functions of the Minister and State Secretary of the Ministry. Functions of the State Secretary of the Ministry should be limited and focused on personnel management in the Ministry and general organizational issues (no direct responsibility for public policy sectors).

Further scientific researches should be related to improvement of the functional and organizational structure of Ministries taking into account the process of delimitation of political and administrative functions.

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1.9. HUMANITARIAN SPHERE AS A PUBLIC ADMINISTRATION OBJECT

In the development of modern civilization, also called technogenic, the constant search and application of scientific technologies in all spheres of social life play the crucial role, which transform science into a priority value. In this, science, education, technological progress and the global market give rise to a new way of thinking and living, and transform traditional culture and cognitive methods. Thanks to scientific and technological progress and economic growth, mankind has gained some achievements: new quality of life, increased levels of consumption, better quality

of medical care, increased life expectancy. At the same time, a human turns into a person of a mass society, there is a depreciation of the individual, a person does not go forward on his/her way of self-development. Scientists call this phenomenon a global anthropological crisis that carries world dangers: alteration in the gene pool of mankind; increasing pressure of stress loads on man; reconstructing the biological basis of man [5, p. 8-9]. All this leads to a threat to the existence of mankind. Therefore, the focus of the policy of all the states, the world community as a whole is on the humanitarian sphere. Today, the ability to think human-centeredly – to perceive a person as the highest social value – is necessary, first of all, to every state person and local self-government official, who is responsible for the increase of the present and future level of both a certain person development and the country in general.

The synthesis of scientific literature gives grounds to assert that in contemporary Ukrainian scholarly works proper attention is not paid to the study of the state of the national humanitarian sphere as an independent sphere of social activity. There are only a few scientific works in which scholars highlight trends in the humanitarian sphere of the Ukrainian society as integral social activities, the conceptual vision of the state humanitarian policy, and the mechanisms for its implementation. A certain contribution to the study of the public administrative aspect of the functioning and developing of the humanitarian sphere in its broad sense has been made by Ukrainian scientists in the field of public administration science. However, researchers mostly focus on the investigation of its separate segments. In general, it should be noted that scientific research is not sufficient in administrative scientific practice, in which the humanitarian sphere would be regarded as an object of public administration. This has led to the choice of the research topic.

In our opinion, it is appropriate to start examining the humanitarian sphere as an object of public administration with the definition of the essence of this sphere. First of all, we note that the concept of "humanitarian sphere" is based on the idea of humanism. In the history of mankind these ideas have changed in time, evolved, had certain preconditions for development, developed and declined within some periods. The humanist orientation has been a part of world's history, since ancient times, but in every era they find a new shade. In particular, the search for a new humanistic idea arose after the Second World War, when the myth of technical progress, which was dominant in the Western culture, blew up. Participants of the "Discussion on the Cultural and Philosophical Relations Between East and West", held in December 1951 at the initiative of UNESCO, noted the intellectual deviations referring to the lost all spirituality and the crisis of humanism. They stated that Western humanism was a space for the self-realization of people who embodied outstanding values, but at that time people sought to become the master of themselves and of the world around them through isolated intellectual work. Though, now man must return to a generalized perception of the essence, endowed with a living soul [13, p. 27]. Also, the participants of this event emphasized the importance of general spiritual progress, which requires to strengthen relations between East and West. Thus, the first steps of a humanistic project on the convergence of western and eastern cultures were carried out, and therefore, the idea of "new humanism" was proclaimed.

Modern humanism is represented by various ideological currents, whose representatives seek to separate moral ideals from religious doctrines, metaphysical systems and ethical theories in order to vest them independent power in personal lives and in social relations. In order to continue the search, reflection and clarification of the content of new humanism UNESCO organizes meetings of prominent figures from all over the world. Thus, in 2011 in New York, at the UN headquarters, High Panel on Peace and Dialogue among Cultures was organized, where the goal of a new humanism was proclaimed – "creating an atmosphere of mutual understanding and a sense of belonging to the community." [14, p. 2]. It was stressed that the progress made in the sphere of human rights can never be considered once and for all, and its continuity would depend on the constant readiness to respond to the challenges of the modern world. The final document of this meeting noted that new humanism should become an integral part of cultural diversity, dialogue in the era of new technologies and reconciliation between the North and the South.

The above mentioned gives grounds for the conclusion that due to the fact that in today's world the challenges thrown to humanity have been changing, the content of humanism itself, concerning above all the spiritual changes and respect for cultural diversity, has also been changing. Humanism today is a system of views on the values of man and society; a philosophy that seeks to protect the dignity of a person in his/her everyday life. It should become the basis for the general reflection of mankind on world problems and problems of a particular person.

Regarding the essence of the humanitarian sphere, the Ukrainian scientists believe that the humanitarian sphere is "not a separate (separated from the economy and politics) sphere of social existence, but social being as such, characterized (evaluated, thought, organized) through the prism of human priorities and human values. This is a special cut of social integrity; namely, the cut in the intersection and maintenance of human interests" [6, p. 487]. Given this, the humanitarian sphere should have a separate subject or sectoral content.

It should be noted that the vast majority of scholars consider the humanitarian sphere as a component of the social sphere, since it combines two distinct social components – the spiritual and social. The humanitarian sphere includes those sectors of society that are directly related to spiritual and social life. In this case the above-mentioned sphere of social activity is considered broadly. At the same time, there are scholars who consider the humanitarian sphere primarily in the narrow sense, namely, as the spiritual life of society, first and foremost, as its component – a spiritual culture. According to scientists, spiritual culture is a complex and multifaceted complex that includes all levels and forms of social consciousness, a system of education and upbringing, a system of cultural institutions, all

forms and types of literature, art, philosophy, religion, science and morality, and defines the external boundaries of the humanitarian sphere in the narrow sense of this term [7].

Thus, in determining the essence of the humanitarian sphere, scientists use two scientific insights: broad, relating to the spiritual and social life of individuals and human communities, and narrow, which is aimed at ensuring the development of the spiritual life of man and society. We are impressed by the opinion of those scholars who propose to consider the humanitarian sphere mainly in its narrow meaning, that is, only as a spiritual life of society. However, spirituality itself can be interpreted differently. Thus, V. Dzoj argues that both the social and humanitarian spheres have certain types of spirituality behind these spheres, but they should be distinguished: the social sphere is based on spirituality, oriented more to morality and compassion; in the humanitarian sphere – spirituality, focused on the development of personality and a breakthrough to a new social quality [3, p. 62-63]. But then such spheres as education, science, health care, etc., can be attributed to the social and humanitarian spheres of social activity. It is such a misunderstanding that occurs in Ukrainian practical administrative activities. That is why it is necessary to identify specific areas related to the development of the humanitarian sphere.

The aforesaid makes it possible to conclude that the humanitarian sphere is a relatively independent sphere of social activity that has a focus on ensuring the spiritual life of man and society, consisting of a set of industries focused on maximizing the disclosure of the potential of each person and society as a whole, the development of creative and intellectual abilities of the individual, preservation of cultural diversity [8, p. 18].

An analysis of literary sources suggests the existence of a variety of approaches to defining the components of the humanitarian sphere. This area, for example, includes the ideology of state-building, the development of the Ukrainian language, culture, mentality, national intellectual potential, public health, protection of nature, the system of interaction with the international community, the formation of civil society, demographic policy, the formation of the national elite, education, science, upbringing, ideological and religious freedom of people, their social protection and assistance, development of urban and rural types of settlements, informatisation of the society, etc. However, the given spectrum of components of the humanitarian sphere covers both spiritual and physical life of a person, as well as his/her activity.

Approaches to the humanitarian sphere are characterized by some specificities at the global level. In particular, there are international organizations whose activities are aimed at ensuring the development of the humanitarian sphere in the world or in a particular region. So, in the UN structure, there is Third Committee, which deals with social, humanitarian and cultural issues. Also, issues of education, science and culture are taken care of by UNESCO, whose purpose, in accordance with the Statute is to "promote peace and security by expanding peoples' cooperation in the fields of education, science and culture in order to ensure universal respect for justice, the rule of law and human rights, as well as the fundamental freedoms enshrined in this document, for all peoples without distinction of race, gender, language or religion" [10, p. 9].

The activities of the Organization for Security and Co-operation in Europe (OSCE) are directed at the development of the humanitarian field in the European region. In 1975, the Helsinki Final Act of the Conference on Security and Cooperation in Europe (CSCE, since 1995 - OSCE) was concluded, which, among other things, considered issues of cooperation in the humanitarian sphere: contacts between people (contacts and regular meetings on the basis of family ties, marriages between citizens of different states, travel for personal or professional reasons, improvement of conditions for tourism, meetings among youth, sports, expansion of contacts); information (improvement of distribution of information, access to it and information exchange, cooperation in the field of information, improvement of working conditions of journalists); cooperation and exchange in the field of culture (expansion of contacts; mutual acquaintance; exchange and distribution; access; contacts and cooperation; spheres and forms of cooperation); cooperation and exchange in the field of education (expansion of connections; access and exchanges; science; foreign languages and civilizations; teaching methods) [11, p. 38-56].

At the same time, the issue of cooperation in the humanitarian field was raised at the Vienna meeting of representatives of the member states of the CSCE (1986), which for the first time formulated the concept of "human dimension of the CSCE" based on the fact that the main condition for solving any issues of humanitarian character is the protection and promotion of human rights and fundamental freedoms. In the final document of this meeting special attention was paid to cooperation and exchange in the field of culture [12].

Thus, consideration of the content of certain provisions of international legal instruments shows that international law has different approaches to defining the branches of the humanitarian sphere. It includes communication, information, culture, education, demographic processes, protection of human rights and freedoms, etc. However, the majority of countries still include such fundamental areas as education, science and culture to the humanitarian sphere, since they are a measure of the pace and quality of civilization progress and the development of society. It is these branches that are aimed at the spiritual and intellectual component of the development of society. However, the above-mentioned approaches do not contradict, but complement each other, emphasizing the significance of the central element of the humanitarian sphere - a person.

It should be noted that in the Ukrainian literature there is also no unity in the approaches to the definition of the constituent elements of the humanitarian sphere. So, some scientists identify and explore such components of the humanitarian sphere as the ideology of state formation and national idea, culture, education, science, information, ethno-ethnic relations, religion and church, health care, tourism, physical culture and sports [7]. Others argue that the

humanitarian sphere is a complex formation associated with the realization, in the majority of cases, of the spiritual potential of the human person, and there are three large horizons of this potential: cultural, educational and religious, and it is noted that each of them is aimed at providing spiritual perfection of man [1, p. 13].

Summing up, we conclude that both at the international and national levels scientists and practitioners attribute a large number of branches of social activity to the constituent elements of the humanitarian sphere, which are related to the physical, spiritual and professional life of a person. However, in order to achieve the stated goals and objectives of the state policy of Ukraine in the development of the humanitarian sphere, in our opinion, it is necessary to attempt to separate the social and humanitarian spheres clearly defining their constituent elements at the national level. Thus, for the formulation of the components of the humanitarian sphere, only fundamental branches such as education, science and culture should be taken.

It should be noted that public administration in the Ukrainian scientific environment is determined differently: the right of citizens to influence the activities of the authorities; public control over the activities of the government apparatus of the state; a specific type of administrative activity under the conditions of a social transformation that includes state-administrative, business and community components; a kind of socially useful activity carried out by a set of subjects, in particular by public authorities, etc. Consequently, public administration is carried out by various actors, among which the authorities occupy a significant place. The need for public administration in the humanitarian sphere is primarily due to the need to ensure compliance with legislative and regulatory acts in this area and the implementation of the state humanitarian policy. Therefore, it is expedient to clarify the content of public administration in the humanitarian sphere and the definition of object-subjective relations.

We will emphasize that the understanding of the essence of state administration as a result of the development of democracy and civil society in the world has evolved. Today, in the scientific literature, various definitions of "state administration" can be found. It is considered: as the activity of bodies and institutions of all branches of state power (legislative, executive, judicial) on the development and implementation of regulatory, organizational and coordinating influences in all spheres of society in order to meet its changing needs; as a practical, organizational and regulatory influence of the state on the social life of people in order to organize, preserve or transform it, based on its power; as one of the activities of the state, the essence of which is the establishment of administrative organizational influence with the help of executive powers through the implementation of laws, the implementation of administrative functions aimed at comprehensive socio-economic and cultural development of the state, its separate territories, as well as ensuring the implementation of state policy in the relevant spheres of public life, creating conditions for citizens to exercise their rights and freedoms; by the subjects of state-administrative activity in a broader sense the state administration covers the activities of the bodies of all branches of state power in developing and implementing regulatory, organizational and coordinating influences on the life of society in order to meet its needs; in a narrow interpretation – this is a special and independent kind of activity of the state, which is carried out by a separate system of special state bodies; as a joint effort of a certain group in the context of the state; covers all three branches of power (executive, legislative, judicial), as well as their interconnection; plays an important role in shaping public policy and is part of the political process; is essentially different from private management; is closely connected to numerous private groups and individuals in the provision of public services; as a form of practical implementation of executive power; as the management of society, that is, the development and implementation of actions of aimed deliberate influence on the social system in general and on its individual components.

In view of this it can be argued that scientists differ in their definition of the essence of the notion of "state administration", considering it both in broad and narrow terms. We will focus on the definition given by Ukrainian scientists in the field of public administration science, since it is, in our opinion, more complete: "... public administration is a deliberate organizational and regulatory influence of the state on the condition and development of social processes, consciousness, behavior and activities of a person and a citizen in order to achieve the goals and fulfill the functions of the state, reflected in the Constitution and legislative acts, by the introduction of state policy, the developed and legally established political system through activities of public authorities which have the necessary competence" [2, p. 32]. Consequently, taking into account these statements and definitions of the humanitarian sphere, we can conclude that the state administration of the humanitarian sphere is a deliberate organizational and regulatory influence of the state on the condition and development of the humanitarian sphere, which is aimed at ensuring the spiritual life of man and society and consisting of a combination of industries, aimed at maximal disclosure of the potential of each person and society in general, development of creative and intellectual abilities of the person, preservation of cultural diversity, by means of the observance of the state humanitarian policy developed by the political system and legally enshrined, through the activities of state authorities, endowed with the necessary competence [8, p. 27]. Hence the goal of public administration in the humanitarian sphere is to create conditions for maximizing the disclosure of the potential of each person and society as a whole, as well as creating conditions for the implementation of intellectual, cultural and creative capabilities of the individual. According to the goal, the following tasks can be defined: creation of conditions for optimal functioning and development of spiritual relations, person's self-regulation of his/her socio-cultural potential, formation of conditions for sustainable human development in the society, intellectual security, formation and strengthening of the system of spiritual values, creation of proper conditions for the development of ethno-national and religious relations, creation of conditions for satisfying the needs of the citizen in physical and spiritual perfection, in strengthening health, etc.

Summarizing the foregoing and grounding on the research of domestic scientists, one can identify objects and subjects of state administration in the humanitarian sphere. In the scientific field of public administration, it is believed that the object may be "society as a whole, administrative-territorial entities, processes, relations in various fields, spheres of activity, organizations, teams, individuals, at which the leading, organizing and controlling activities of the relevant subjects of administration are directed" [4, p. 487]. It possesses such properties as the presence of its own goals and interests, self-activity, the ability to self-control its own life and development, adaptability to changing conditions of operation and the ability to influence them. Hence, the object of public administration in the humanitarian sphere is, above all, society or social communities that are formed on various grounds, for example: belonging to certain groups of the population and national minorities, place of residence, common interests, views, occupations, etc. Also, the object is the person him/herself, to whom the activities of the relevant subjects of administration in the educational, scientific and cultural fields are directed.

Note that a person can act as an object and a subject of public administration in the humanitarian sphere. And the person possesses the main place among all subjects of the humanitarian sphere. In addition to a human, Ukrainian scientists ascribe the state, society, public organizations, groups, etc. to the subjects of the humanitarian policy. They emphasize that an important condition for enriching the content of social and spiritual development of society is the expansion of the number of subjects of humanitarian policy, a variety of ways, forms of their activities to streamline the development of the humanitarian sphere [7, p. 33].

The subject of public administration may also be represented by an authoritative body, an institution, a division of the administrative apparatus or an official, who develop government-administrative decisions to exercise an administrative influence on subordinate objects of administration, or to regulate certain processes of relations in various spheres of social life [9, p. 48]. Functioning and development of the humanitarian sphere implies the need for its regulation, which greatly enhances the role of such subjects of state administration.

In general, summarizing the results of the study, it can be argued that in determining the essence of the humanitarian field, scientists use two scientific insights – broad and narrow. In their works scholars are more inclined to conduct a study of the humanitarian sphere in its broadest sense, that is, concerning the social and spiritual life of individuals and human communities, although they express their opinion that the development of the humanitarian sphere should provide only the development of the spiritual life of man and society. However, it is precisely from the measurement of the understanding of the essence of the humanitarian sphere that the definition of specific constituent elements (sectors) of this sphere will depend, the development and functioning of which will be the basis of the state humanitarian policy.

If we take as a basis that the components of the humanitarian sphere should reflect the state of the spiritual life of man and society, then only such fundamental branches as education, science, culture and their sub-sectors should be such components: education levels, upbringing, physical culture, branches of science, scientific research, scientific activity, culture, information environment, sports, tourism, religion, ethnic relations, etc. As a result of the well-defined and legally established components of the humanitarian sphere, an attempt can be made to divide the two spheres of social activity (social and humanitarian) into the development and implementation of the outlined goals of the state humanitarian policy. So this will be depended on the development and effectiveness of the functioning of the organizational structure (the totality of administrative elements) of an integrated system of public administration in the humanitarian sphere, which includes, inter alia, the system of public administration.

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1.10. COOPERATION IN THE FRAMEWORK OF THE EU INITIATIVE “EASTERN PARTNERSHIP”

The initiative of the European Union (hereinafter – EU) “Eastern Partnership” – is an EU policy which aims at strengthening partnership relations with the EU eastern neighbors. On 07 May, 2009 at the summit, held in Prague (Czech Republic), the EU Member States and representatives of the Republic of Armenia, Republic of Azerbaijan, Republic of Belarus, Georgia, Moldova and Ukraine made a decision to launch the EU initiative “Eastern Partnership” in order to implement political association and economic integration between the EU and its eastern partner countries. This policy was initiated by Poland and Sweden.

The Eastern Partnership is based on mutual interests and commitments of the parties, as well as on the principles of general participation and accountability, transparency and existing bilateral contractual relations. In addition, cooperation within the Eastern Partnership is carried out in accordance with the principles of international law and fundamental values, including democracy, the rule of law, respect for human rights and fundamental freedoms, market economy, sustainable development and good governance.

The main goal of the Eastern Partnership is to create the necessary conditions to accelerate the process of political association and further economic integration between the EU and interested partner countries.

In view of this, within the framework of the Eastern Partnership support of political and socio-economic reforms is provided in the partner countries, contributing to their convergence with the EU.

The main objectives of the Eastern Partnership are to establish a political community, create Deep and Comprehensive Free Trade Areas (DCFTA), and a desire to abolish the visa regime.

Initiative participants are 28 EU Member States, on the one hand, and the EU eastern neighboring countries – the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, Georgia, the Republic of Moldova and Ukraine, on the other.

Cooperation above mentioned is realized within the framework of four multilateral thematic platforms:

- **Platform 1** “Democracy, Good Governance & Stability”;
- **Platform 2** “Economic Integration & Convergence with EU Policies”;
- **Platform 3** “Energy Security”;
- **Platform 4** “People-to-People Contacts”.

Goals and objectives in the relevant policy areas are determined within the thematic platforms. The activity of each thematic platform is provided by numerous meetings of experts (so called Panels) in various areas.

WORKING GROUP (PANEL) ON PUBLIC ADMINISTRATION REFORM

Thematic Platform 1 “Democracy, Good Governance & Stability” is focused on promoting democratic and economic reforms in the partner countries of the Eastern Partnership. Its aim is to develop stable democratic institutions (including electoral standards, legislation on the media, anti-corruption measures) and effective state structures. The objectives of this platform are security, stability and sovereignty of the territorial integrity of partner countries through the implementation of multilateral measures aimed at building confidence and creating early warning systems.

The Working Group (Panel) on Public Administration Reform is focused on the following areas:

- “Civil service, public administration organizations and their functioning (human resources management, rules of recruitment, statutes)”;
- “Transparency, e-governance and data protection”;
- “Local / regional government and decentralization”;
- “Effective management of technical assistance”

THE SCOPE OF THE CIVIL SERVICE AND THE SYSTEM OF THE CIVIL SERVICE MANAGEMENT IN EASTERN PARTNERSHIP COUNTRIES

Legal regulation of the civil service in Eastern Partnership countries is carried out by the Laws. This Law regulates relations between state and civil servants in the area of civil service and issues related to the legal status of civil servants, in particular:

In the Republic of Azerbaijan the civil service is regulated by the Law of the Republic of Azerbaijan “On civil service” as of July 21, 2000 № 926-IIQ.

Law of the Republic of Azerbaijan “On civil service” is attributed to civil servants serving in the apparatus of executive, legislative and judicial bodies. Serving procedure of civil servants who are working in prosecution, justice, national security, emergency situations, defense, border service, special state security service, migration service, internal affairs, custom service, foreign affairs and courier services are regulated by other appropriate laws and service in these state bodies is special type of civil service. Law “On civil service” is attributed to civil servants who are serving in administrative and auxiliary positions in these state bodies. This law is not attributed to the President of the Republic of Azerbaijan, member of parliament of the Republic of Azerbaijan, Prime Minister and deputy prime minister of the Republic of Azerbaijan, judges of the courts of the Republic of Azerbaijan, Ombudsman, heads and deputy heads of central executive bodies, Chairman, Deputy Chairman, secretary and members of Central Election Commission, Chairman, Deputy Chairman and auditors of the Chamber of Accounts, Heads of local executive bodies, members of the Supreme Council of Nakhchivan Autonomous Republic, Prime Minister and Deputy of Prime Minister of Nakhchivan Autonomous Republic, Heads of central executive bodies of Nakhchivan Autonomous Republic, as well as military servants, employees of entities subordinated proper executive bodies.

Civil service positions are divided into two groups – administrative and auxiliary positions – according to their function, source of authority and holding conditions. Classification and nomenclature of administrative and auxiliary civil service positions are determined in the “Classification code of administrative and auxiliary positions” adopted by order of the President of the Republic of Azerbaijan.

Civil service recruitment, continuation of activity in civil service, holding of administrative positions and termination to civil service issues are regulated by the Law of the Republic of Azerbaijan “On civil service”.

Azerbaijani state is democratic, legal, secular, unitary republic. State power in the Azerbaijan Republic is based on a principle of division of powers: Milli Majlis of the Azerbaijan Republic exercises legislative power; Executive power belongs to the President of the Azerbaijan Republic; Law courts of Azerbaijan Republic exercise judicial power.

According to provisions of the present Constitution legislative, executive and judicial power interact and are independent within the limits of their authority. For implementation of executive powers the President of the Azerbaijan Republic establishes Cabinet of Ministers of the Republic of Azerbaijan. Cabinet of Ministers of the Republic of Azerbaijan is the highest body of executive power of the President of the Azerbaijan Republic. Cabinet of Ministers of the Republic of Azerbaijan is subordinate to the President of Azerbaijan Republic and reports to him. Procedure of activity of Cabinet of Ministers of the Azerbaijan Republic is defined by the President of the Azerbaijan Republic. Cabinet of Ministers of the Azerbaijan Republic includes Prime-minister of the Azerbaijan Republic, his deputies, ministers and heads of other central bodies of executive power. The judicial branch in Azerbaijan is comprised of the Constitutional Court, the Supreme Court and the Economic Court, the judges of which are nominated by the President. It also includes Courts of Appeal, ordinary and other specialized law courts.

The Constitution and the Law of the Republic of Azerbaijan “On civil service” regulate the civil service in Azerbaijan. In addition, there are about 90 various pieces of legislation, both primary and secondary, which regulate the civil service in different sectors and in different fields. Article 109 of the Constitution already distinguishes between political appointees and civil servants. The President of the Republic of Azerbaijan appoints the heads of the central executive bodies (ministries, collegial bodies, services, agencies and commissions, among others) and local executive bodies.

The main unit responsible for the civil service is the State Examination Center (SEC) established in accordance with the Presidential Decree of April 11, 2016 No 860. The SEC is the public legal entity of the Republic of Azerbaijan, and considered to organize admissions of personnel to civil service on a competitive basis, the final assessment of students at secondary schools, centralized admission examinations to bachelor and master degrees at higher schools, and master degree at the Azerbaijan National Academy of Sciences.

The SEC is independent in its activities and follows the Constitution of the Republic of Azerbaijan, international treaties, laws of the Republic of Azerbaijan, decrees and orders of the President of the Republic of Azerbaijan, decisions and orders of the Cabinet of Ministers of Azerbaijan and its Statute.

In the exercise of its rights and obligations the SEC operates in conjunction with state agencies and local governments, international and non-governmental organizations, other corporations and individuals.

According to the Statute of the main tasks of the SEC are:

- participation in the formation of public policy in sphere of civil service and ensuring its implementation;
- according to the Law of Azerbaijan Republic "On civil service" organization of realization of citizens' civil service entrance in a centralized manner on the basis of competition and ensuring its transparency;
- development and publication of test and interview programs for the candidates for the vacant civil service positions;
- preparation of projects for the development of legislation, adoption of legal acts regulating relations in the field of public service in the framework of its powers, monitoring the implementation of legislation;
- organization of the preparation and development of job descriptions for civil service positions;

- conducting scientific and statistical analysis on the results of ... admission examinations, and reporting to the President of the Republic of Azerbaijan and the Ministry of Education of the Republic of Azerbaijan;
- control of the ethical behaviour of civil servants;
- formation and improvement of the centralized information database: register of civil servants;
- rostering Civil Servants and including information about Civil Servants' performance appraisal;
- analysis of the training needs for civil servants, development of training strategies, organizing short-term trainings, courses etc.

In addition to the above mentioned additional powers conferred by these amendments, the SEC is now also authorized to execute state and international programs aimed at the development of the civil service, cooperate with international and non-governmental organizations, media and independent experts on civil service and students admission process.

In the Republic of Belarus, the civil service is regulated by the Law of the Republic of Azerbaijan "On Civil Service in the Republic of Belarus" as of July 14, 2003 № 204-3 and others legislative acts.

The scope of civil service legislation applies to persons who in accordance with the legislation hold civil service positions

- the House of Representatives and the Council of the Republic of National Assembly of Belarus and their secretariats;
- the Government of the Republic of Belarus and its Secretariat;
- Constitutional Court of the Republic of Belarus and its Secretariat, Supreme Court of the Republic of Belarus, Supreme Economic Court of the Republic of Belarus, other general and economic courts and their secretariats;
- Presidential Administration of the Republic of Belarus, State Secretariat of the Security Council of the Republic of Belarus, Office of the President of the Republic of Belarus, the Security Service of the President of the Republic of Belarus, other government authorities that provide direct support to the activities of the President of the Republic of Belarus;
- bodies of the State Control Committee of the Republic of Belarus, the Prosecutor's Office of the Republic of Belarus, the National Bank of the Republic of Belarus, the Central Commission of the Republic of Belarus for Elections and National Referenda and its secretariats;
- ministries and other republican government authorities and their territorial subdivisions;
- diplomatic missions, consular offices and missions of the Republic of Belarus;
- local councils of deputies and their staff, executive and administrative bodies and their devices;
- state state notary offices;
- customs authorities;
- other government authorities.

The scope of civil service legislation do not apply to military personnel, officers and other ranks of the Interior, the Investigative Committee of the Republic of Belarus, authorities and departments of emergency, financial investigations of the State Control Committee of the Republic of Belarus, unless otherwise is provided by legislative acts.

The President is the highest official of the Republic of Belarus, embodies the unity of the people, ensures implementation of the main directions of domestic and foreign policy, representing the Republic of Belarus in its relations with other states and international organizations, provides political and economic stability, continuity and interaction of bodies of state power, act as an intermediary between the public authorities.

Personnel Service of the state body:

- draws up public authority decisions related to of performance of civil servants of public service, and supervises their implementation;
- keeps personal affairs of civil servants, emits official certificates;
- provides competitions for occupying vacant government posts, qualification exam for people who first come to public service, the civil servants preliminary test for admission to the civil service, certification;
- monitors the observance of civil servants restrictions related to public service;
- provides performance of civil service according to the profession, specialty and qualification of civil servants with the requirements of the law;
- advises government officials on passage of a public service body;
- organizes the training and retraining of civil servants;
- creates a reserve staff;
- in the cooperation with heads of departments monitors the implementation of work rules;
- participates in the development and improvement of the organizational structure and staffing of the state body;
- provides a personal account of of civil servants, issue a certificate of career of civil servants;
- prepares documents necessary for pensions and benefits, and for submitting workers to incentives and rewards;

- orders, prepares, maintains and publishes workbooks in a timely manner makes them necessary entries and changes;
- in accordance with proposals of the unit managers makes the schedule of holidays of civil servants and monitors its implementation;
- draws up all kinds of state statistical reporting on work with staff;
- represents materials, manuals, guides, reports, reports on personnel issues as directed by the manager and request higher state bodies;
- carries within its competence other functions provided by law.
- Personnel Service of the governmental body, the head of which according to the Law of the Republic of Belarus on 14.07.2003 № 204-3 «On Civil Service in the Republic of Belarus» shall be submitted declarations on income and property:
 - provides consultation on how to fill declarations, as well as the form and content of the documents submitted;
 - checks the properly of filling the declarations.

In the Republic of Armenia, the civil service is regulated by the Law «On Civil Service» as of December 27, 2000 № 3P-272.

The Civil Service legislation covers the persons occupying positions envisaged by the Roster of Civil Service Positions in the following bodies: Staffs of the President, Government, Republican Executive Bodies (Ministries and Government Adjunct Bodies), state bodies acting in the administrative field of the Ministries, Staffs of Marzpetarans (i.e. Regional Governor's Offices), permanently operating bodies created by the laws of the Republic of Armenia, with the exception of the Central Bank.

Persons occupying political, discretionary and civil positions, as well as the technical support personnel in the abovementioned bodies are not considered civil servants.

The managing bodies for the Civil Service are represented by the Civil Service Council of the Republic of Armenia and the Chiefs of Staff of respective bodies included in the civil service system.

The Civil Service Council consists of 7 members: Chairman, Vice Chairman and 5 members. The current activity of the Council is managed and coordinated by the Chairman.

The Civil Service Council members are appointed and dismissed by the President of the Republic of Armenia upon recommendation of the Prime Minister of the Republic of Armenia. The Civil Service Council members are appointed for a 6-year term.

The Council fulfills its functions through its Staff.

The Civil Service Council shall:

- a) implement methodical management and supervision over the personnel activities of the Corresponding Bodies;
- b) apply to court for eliminating acts contradicting the requirements of the Civil Service legislation;
- c) submit suggestions on the Civil Service issues arising during reorganization and liquidation of the Corresponding Bodies;
- d) review suggestions, applications and complaints relating to the Civil Service by the procedure defined by the legislation of the Republic of Armenia;
- e) conduct service investigation in the defined cases and procedure;
- f) agree to applying a second disciplinary penalty envisaged in sub clauses c) and d) of clause 1 of the article 32 to the Civil Servant within one year, as well as in case of applying disciplinary penalty envisaged in the sub clause e) of clause 1 of the article 32;
- g) receive necessary information and materials related to the Civil Service from Corresponding and other Bodies;
- h) approve the procedure for using financial resources by the Civil Service Council;
- i) submit drafts of corresponding legal acts related to the Civil Service for discussion to the President of the Republic of Armenia, the Government of the Republic of Armenia and the Prime Minister of the Republic of Armenia;
- j) adopt normative legal acts envisaged by this law, as well as ones for securing the execution of this law;
- k) implement other authorities envisaged by this Law, other laws, legal acts arising there from and its Charter.

The functions of HR management unit are as follows:

- it prepares draft decisions and orders related to personnel management;
- performs work related to maintaining the personal files of persons appointed, as well as the personal files of persons occupying civil service temporary vacant positions through a temporary employment contracts;
- executes work related to calculating the seniority of employees;
- performs work on collecting the registry related data of employees;
- participates in work related to the organization of trainings of civil servants;
- upon assignment given by the Chief of Staff, studies reports, together with recommendations by direct supervisors, submitted by civil servants on activities performed by them during the semester;
- also submits respective proposals on them;
- performs work related to concluding employment as well as temporary contracts;

- performs work related to overseeing the labor discipline of employees;
- ensures the formation of vacation schedule of employees;
- provides secondment certificates to employees;
- ensures the arrangement of internship of the students of educational institutions;
- performs work related to studying;
- analyzing complaints, petitions and suggestions on personnel management and to submission of suggestions connected there to to the Chief of Staff;
- executes work related to studying, analyzing, creating statistics of personnel management functions and submits corresponding statistics to the Chief of Staff.

In the Georgia the civil service is regulated by the Law “On public service” of October 27, 2015 No 4346-Is.

According to the Article 3 of the Law of Georgia "On public service" of 27.10.2015 No 4346-Is the *state service* - service in elected or appointed positions in the state bodies (institutions) of Georgia and in the bodies (institutions) of the autonomous republics that exercise legislative, executive and judicial authority, state supervision and control, and state defence under the legislation of Georgia.

State servant - a person holding an elected or appointed position, and whose legal status and powers are defined under the Constitution of Georgia and/or a relevant legislative act.

Public service - performance of public service (except for service performed by persons defined in Article 4(1) of this Law), service in municipa bodies (institutions), service in legal entities under public law (except for service in cultural, educational, scientific, research, sports and religious and membership-based legal entities under public law and in legal entities under public law defined by this Law and the Law of Georgia on Legal Entities under Public Law). Public service includes working in the Administration of the President of Georgia; on the staffs of the advisory bodies of the President of Georgia, the Prime Minister of Georgia and the Government of Georgia; of the National Bank of Georgia; of the State Audit Office of Georgia; of the High Council of Justice of Georgia; in the Office of the Public Defender of Georgia; the Office of the Business Ombudsman of Georgia; the Office of the Personal Data Protection Inspector; the Office of the Central Election Commission of Georgia; the Offices of the Supreme Election Commissions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara; and in the administration of the state trustees – the Governors.

Public servant - a qualified public officer/public officer/officer, a person recruited on the basis of an agreement under public law, a person recruited on the basis of an employment agreement.

Qualified public officer/public officer/officer ('the officer') - a person, who is appointed for an unspecified term to a full-time position of an officer in public service by the State, the autonomous republic, a municipality, or a legal entity under public law, and who exercises powers under public law as his/her principal professional activity, which guarantees the protection of public interests by him/her, and who receives relevant remuneration and social and legal security guarantees in return.

According to Article 4 this Law shall not apply to:

- a) state-political officials and political officials;
- b) employees of the staff of parliamentary factions, temporary investigation commissions and other temporary commissions; employees of the staffs of factions of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara;
- c) judges;
- d) prosecutors and investigators of the Prosecutor's Office;
- e) the President of the National Bank of Georgia and members of the Board of the National Bank of Georgia;
- f) the General Auditor of the State Audit Service and his/her deputy;
- g) the Public Defender and his/her deputy;
- h) the Personal Data Protection Inspector and his/her deputy;
- i) the assistant to the President of Georgia on National Security Issues - the National Security Council Secretary and his/her deputy;
- j) the Head of the Administration of the President of Georgia and his/her deputy, the Head of the Administration of the Government of Georgia and his/her deputy, the Head of the Staff of the Parliament of Georgia and his/her deputy;
- k) the heads of the advisory bodies of the President of Georgia, of the Prime Minister of Georgia, of the Government of Georgia and of the ministers of Georgia and their deputies;
- l) the head of the State Security Service of Georgia and his/her deputy;
- m) the head of the National Regulatory Body and his/her deputy, members of the National Regulatory Body;
- n) Parliamentary Secretaries of the President of Georgia and of the Government of Georgia and their deputies;
- o) the Business Ombudsman of Georgia and his/her deputy;
- p) elected members of the Central Election Commission of Georgia, of the Supreme Election Commissions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara, and of District Election Commissions;
- q) the Legal Entity under Public Law - the Notary Chamber of Georgia, except for employees of the Staff of the Board of the Notary Chamber of Georgia;

- r) members of the High Council of Justice of Georgia;
- s) heads of legal entities under public of law and their deputies.

Unless otherwise provided for by a special legislation or on the bases of a special legislation, this Law shall apply to:

- a) employees of the system of the Ministry of Internal Affairs of Georgia who are subject to the Law of Georgia on Police;
- b) employees of the Enforcement Police Department and enforcement officers of the Legal Entity under Public Law - the National Bureau of Enforcement;
- c) employees of the Investigative Service of the Ministry of Finance of Georgia;
- d) employees of the Georgian Intelligence Service;
- e) employees of the Special State Protection Service of Georgia;
- f) military servicemembers of the Ministry of Defence of Georgia, employees of the General Staff of the Armed Forces and of the Army of Georgia;
- g) diplomatic service personnel;
- h) employees of the Special Penitentiary Service holding military or state special ranks;
- i) employees of the Legal Entity under Public Law - the National Agency for Execution of Non-custodial Sentences and Probation;
- j) employees of the Prosecutor's Office, except for the prosecutors and investigators of the Prosecutor's Office;
- k) the Office of the National Security Council of Georgia;
- l) the Office of the State Security and Crisis Management Council;
- m) the Office of the National Regulatory Body;
- n) the Staff of the National Bank of Georgia;
- o) employees of the State Security Service of Georgia.

Service in a public institution that does not involve the performance of public service shall be regulated by the relevant law and/or the labour legislation of Georgia, in consideration of the peculiarities defined in this Law.

Centralized system of management of public service includes: Council of the public service; Bureau of Public Service; Human resources management unit of a public institution.

According to Article 19 in the aim to facilitate the development of a unified state policy in public service, the Public Service Council shall be established as an advisory body to the Prime Minister of Georgia.

The Public Service Council shall be composed of 11 members. The term of office of a member of the Public Service Council shall be four years. The chairperson of the Public Service Council is the Prime Minister of Georgia.

The Prime minister of Georgia is the Chairman of the Civil Service Council.

The Prime Minister of Georgia shall convene meetings of the Public Service Council at least once in six months.

Two members of the Public Service Council are elected by the Parliament of Georgia from among its members, two members, by the Government of Georgia from among its members, two members, by the High Council of Justice of Georgia from among the judges of general courts, one member is elected by the Supreme Representative Body of the Autonomous Republic of Abkhazia and 1 member by the Supreme Representative Body of the Autonomous Republic of Ajara from among their members, and two members, by the Self-government Association from among the representatives of local self-government bodies.

The Public Service Council is authorised to: consider proposals for the improvement of a unified state policy in public service; hear progress reports of the Civil Service Bureau and make recommendations concerning the issues reflected in these reports; put to vote the issue of early dismissal of the head of the Civil Service Bureau in cases provided for by this Law; exercise other powers determined by the legislation of Georgia.

The Statutes of the Public Service Council shall be approved by the Prime Minister of Georgia.

The Civil Service Bureau ('the Bureau') shall be established to facilitate the coordination of activities in the area of public service, to implement the main policies defined in this Law, to monitor the receipt of asset declarations of officials, the publicity of asset declarations of officials and their submission within the established time limits in accordance with the legislation of Georgia, and to perform other functions.

The main functions of the Bureau are to:

- a) study and analyse the current situation in the area of public service; monitor implementation of a unified state policy in the area of public service and the observance of normative acts related to the policy and prepare respective recommendations;
- b) develop action standards, instructions and other guidelines, as well as normative acts and draft legislative proposals in the area of public service;
- c) provide methodological assistance to public institutions to ensure the uniform observance of current action standards, instructions and normative acts in the area of public service;
- d) maintain a unified human resources management electronic system; cooperate with human resources management units of public institutions in the process of preparation of annual human resources management plans;

e) examine and generalise existing practices of recruitment, evaluation, career promotion, career management, professional development and dismissal of officers and adherence by public servants to ethical norms, and prepare respective recommendations;

f) cooperate with relevant public institutions to create a unified classification system of positions and remuneration of officers and to ensure its functioning;

g) study the current level of qualification and professional training in public service; develop unified standards for the professional development of officers and supervise observance of those standards; implement relevant activities to ensure professionalism and professional development in public service;

h) study and generalise the experience of other countries in the area of public service and cooperate with international organisations to improve public service management;

i) analyse legal disputes arising between officers and prepare respective recommendations to improve the current practice;

j) participate in the development and implementation of state programmes for fighting corruption in public service; monitor asset declarations completed by officials; and exercise other powers defined in the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions;

k) ensure the certification of applicants seeking recruitment in public service;

l) prepare progress reports on the activities performed by the Bureau, which is to be presented to the Public Service Council once in every six months;

m) perform other functions defined by this Law and functions vested by the other normative acts.

The Statutes and the staff list of the Bureau shall be approved by the Government of Georgia.

The Bureau shall be headed by the Head of the Bureau who shall be appointed by the Prime Minister of Georgia for a period of five years.

The powers of the Head of the Bureau shall be terminated prematurely if:

a) his/her Georgian citizenship is terminated;

b) a final judgement of conviction enters into force against him/her;

c) a court declares him/her missing or dead or recognises him/her as a beneficiary of support, unless otherwise determined under the court decision;

d) he/she has occupied or holds a position incompatible with his/her status or carries out activities incompatible with his/her position;

e) he/she resigns;

f) he/she dies;

g) he/she fails to properly exercise the powers.

A *human resources management unit* shall be established in every public institution (it shall be represented by an independent structural unit (sub-division) or an officer carrying out the respective activities). The Bureau shall cooperate with and provide methodological assistance to human resources management units of public institutions.

The main functions of the human resources management unit of a public institution are to: facilitate and plan the development of a human resources management policy of a public institution; manage and administer human resources.

In the Republic of Moldova, the civil service is regulated by the Law “on Public Function and Statute of Civil Servant” of July 4, 2008 No 158-XVI.

The law applicable to civil servants of public authorities specified in Appendix 1 to this Law:

– Office of Parliament;

– Office of the President of the Republic of Moldova;

– State Chancellery;

– Office of the Superior Council of Magistrates;

– Secretariat of the Constitutional Court;

– Office of the Supreme Court of Justice;

– Centre for Human Rights;

– Office and units of the Court of Accounts;

– Office of the Central Electoral Commission;

– Office of the Academy of Science of the Republic of Moldova;

– Office of the National Council for Accreditation and Attestation;

– Office of the National Commission of Financial Market;

– Offices of other public authorities set up by Parliament, President of the Republic of Moldova or Government;

– Specialized central public administration authorities and other administrative authorities (central offices, deconcentrated public services, other public administration bodies under the subordination of specialized central public administration authorities);

– Offices of local public administration authorities, offices of autonomous territorial unit with special status, and their decentralized services;

– Offices of the Courts, Prosecutor’s office, bodies of the diplomatic service, of the customs service, bodies ensuring defense, national security and public order (persons that hold public positions in the public authorities mentioned above and whose activity is not regulated in special legislative acts).

Provisions of this law shall apply to civil servants with special status (collaborators of the diplomatic service, customs service, defense, national security and public order bodies and other categories established by law) where not regulated by special laws.

Provisions of this Law shall not be applied to: persons performing public dignity functions; the personnel hired on basis of personal trust in the office of persons performing public dignity functions; personnel of public authorities fulfilling auxiliary secretariat, protocol and administrative tasks (guarding services, maintenance-repairs, communal husbandry and service provision), management of informational systems, including introduction and processing of the information, which ensures the functioning of the public authority; other staff categories, that do not carry out activities involving performance of public function.

The management of the public functions and civil servants shall fall under Government competence.

Management of public functions and civil servants within the public authority: 1. Public authorities shall ensure the management of the public function and civil servants. 2. The management of the public function and civil servants shall be organized and carried out by the head of the public authority by means of the human resource service. 3. The Organization and Functioning Framework Regulation of the human resource service in the public authority shall be approved by Government.

State Chancellery is the public authority that organizes the activity of the Government to achieve by it to domestic and foreign policy of the state, creating the framework for defining the priorities of the Government, methodological and organizational support for system planning, development and implementation public policy by governments, monitoring the implementation of the government program, the presentation of analytical and informational preparation of draft decisions of the Government, including the realization of the right of legislative initiative, and verifying their execution and the exercise by the Government of credentials related relations with local government authorities.

In order to achieve the Government on the implementation of its constitutional and foreign policy of the state and exercising oversight of government, the State Chancellery shall:

- ensure coordination and monitoring activities under central public administration reform;
- ensure the promotion and implementation of state policy in public service, in particular, human resources management;
- coordinate and ensure the programming, monitoring, management and evaluation of external assistance provided by international organizations and donor countries, including the implementation of projects of major interest to the country;
- coordinates domestic activity of the central government towards the objective strategic priority - European integration aspirations;
- organize and oversee the execution of the ministries and other administrative acts adopted by the Parliament, the President of Moldova and the Government, and the Program and activity plans of the Government;
- ensure the proper functioning of measures related to the general management of public administration, problem solving, organizational, legal, economic and technical aspects of government activity;
- ensure coordination of decentralization policies and exercise overall coordination through its territorial offices of the activity concentrated public services;
- ensure the exercise of legal powers by the Government in its relations with local government authorities, including the organization of the work of administrative control authorities, exercised directly or through its regional offices;
- ensure publication in the Official Gazette of the Republic, under the law, the measures approved by the Government, except those containing state secrets;
- perform such other functions to ensure the full and operative tasks within the competence of the Government.

The management of the public function and civil servants shall be organized and carried out by the head of the public authority by means of the human resource service.

The Organization and Functioning Framework Regulation of the human resource service in the public authority shall be approved by Government.

Subdivision human resources is established as an autonomous structural subdivision, which is directly subordinated to public authority head.

Subdivision human resources may have the status of general direction, direction, department or office, in accordance with standards established by law.

The structure and number of units in the subdivision human resources are established by the public authority manager.

In determining the number of units in the subdivision human resources take into account the volume and complexity of the tasks, degree / involvement in the coordination of activities in the field of administrative bodies / institutions subordinated, decentralized public services and / or decentralized.

Subdivision HR's mission is to contribute to the strategic objectives of public authority by promoting and implementing effective management of human resources within the public authority.

HR units have the following functions:

1) personnel management by planning, coordinating, organizing, developing, monitoring and evaluating the implementation in government personnel procedures regarding: design and organization functions / positions; providing the necessary personnel; professional development of staff; motivating and retaining staff; occupational health;

2) informational and methodological assistance in the field;

3) of the data and documents on the public authority staff.

In Ukraine the civil service is regulated by the Law "On civil service" of December 10, 2015 No 889-VIII.

According to the Article 3 of the Law of Ukraine "On Civil Service" of December 10, 2015 № 889-VIII this Law shall govern relations arising in connection with the entry into civil service, performance of the civil service and termination of the civil service office, and shall determine the legal status of the civil servant.

This Law shall apply to civil servants: in the Secretariat of the Cabinet of Ministers of Ukraine; in ministries and other central executive bodies; in local state administrations; prosecution bodies; military administration bodies; Ukraine's diplomatic missions abroad; government agencies with particular conditions of civil service employment defined by Article 91 of this Law; other government agencies.

This Law shall not apply to:

1) the President of Ukraine;

2) Head of Administration of the President of Ukraine and his/her deputies, Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea and his/her deputies;

3) members of the Cabinet of Ministers of Ukraine, first deputy ministers and deputy ministers;

4) Chair and members of the National Council of Ukraine on Television and Radio Broadcasting, chair and members of the Antimonopoly Committee of Ukraine, chair and members of the National Anti-Corruption Bureau of Ukraine, chair and members of the Accounting Chamber of Ukraine, chair and members of the Central Election Commission, heads and members of other government collegial bodies;

5) Secretary of the National Security and Defence Council of Ukraine and his/her deputies;

6) Head of the State Committee of Ukraine on Television and Radio Broadcasting and his/her deputies, head of the State Property Fund of Ukraine and his/her deputies

7) People's Deputies of Ukraine;

8) Ukrainian Parliament Commissioner on Human Rights and his/her representatives;

9) officers of the National Bank of Ukraine;

10) deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Chair of the Council of Ministers of the Autonomous Republic of Crimea, Ministers of the Autonomous Republic of Crimea;

11) deputies of local councils, local self-government officials;

12) judges;

13) prosecutors;

14) employees of government agencies performing support functions;

15) employees of state enterprises, institutions and organizations, as well as other state owned business entities as well as education institutions founded by government agencies;

16) servicemen of the Armed Forces of Ukraine and other military formations established in accordance with the law;

17) privates and officers of internal affairs agencies and employees of other bodies, to whom special ranks are assigned, unless otherwise provided for by the law;

18) staff of political advisory office.

For some state organizations determined transition period (2 years) during which for their employees persist status of civil servants: The National Academy of Public Administration under the President of Ukraine, the National Institute for Strategic Studies, Institute of Legislation of the Verkhovna Rada of Ukraine.

This provision applies only to those employees who on the date of entry into force of the Law already had the status of civil servants and does not cover newly appointed employees.

Agency staff that perform service functions

Support function is activity of staff of a government agency that does not involve authority directly related to discharge of duties and functions defined in part one Article 1 of this Law (this regulation reveals the concept of "civil service").

The mechanism of determination of such positions in specific state authorities: 1. Criteria of position of government agency staff that perform service functions are approved by the Order of the Cabinet of Ministers of Ukraine of April 6, 2016 No 271; 2. The List of positions of government agency staff that perform service functions is approved by the central executive body ensuring the formation and implementation of state policy in the sphere area of civil service upon representation of the head of civil service in the respective agency.

Structure of the civil service management: The Cabinet of Ministers of Ukraine; the central executive body which ensures the formation and implementation of state policy in the sphere of civil service; the Commission on Senior Civil Service and corresponding competition commissions; heads of civil service; HRM units.

According to the Law of Ukraine “On the Cabinet of Ministers of Ukraine” of February 27, 2014 No 794-VII (hereinafter - the Law No 794) the main objectives of the Cabinet of Ministers of Ukraine among the others include directing and coordinating the work of ministries and other executive bodies, control over their activities.

The activities of central executive bodies, the heads of which aren't the members of the Cabinet of Ministers of Ukraine, are directed and coordinated by the ministers. Issues of such central executive bodies represent the appropriate ministers, the field of direction and coordination of which includes such bodies.

The Cabinet of Ministers of Ukraine approves the maximum number of employees of ministries and other central executive bodies within the funds envisaged in the State Budget of Ukraine for the maintenance of the state executive bodies.

The Cabinet of Ministers of Ukraine on reasonable presentation of the head of the central executive body, with activity are directed and coordinated by the Cabinet of Ministers of Ukraine, determines the number of deputies of the head.

According to the Law № 794 Cabinet of Ministers of Ukraine appoints: 1.state secretaries of ministries, heads and deputy heads of central executive bodies which aren't the members of the Cabinet of Ministers of Ukraine, on the proposal of the Commission on Senior Civil Service as a result of competition according to the Law “On civil service”; 2.first deputy and deputy ministers - on the proposal of the Prime Minister of Ukraine.

The release of these persons realized by the Cabinet of Ministers of Ukraine on the grounds envisaged by the Labor Code of Ukraine, laws of Ukraine “On the Cabinet of Ministers of Ukraine”, “On Central Executive Bodies”, “On civil service”.

Law No 794 stipulates that the Prime Minister of Ukraine submits to the Cabinet of Ministers of Ukraine:

- proposals on candidates for appointment and dismissal from the positions of the heads of local state administrations, as well as on introduction of submissions to the President of Ukraine on the appointment or dismissal from the positions of the heads of local state administrations in accordance according to the Law “On civil service”;
- submission according to the law on candidates for appointment as a result of competition according to the legislation on civil service and dismissal from the positions of the members of collegial central executive bodies which aren't members of the Cabinet of Ministers of Ukraine;
- submission on the creation, reorganization and liquidation of ministries and other central executive bodies.

Minister of Ukraine:

1)submits to the Cabinet of Ministers of Ukraine the proposals - in the case of motivated refusal of the Head of Regional State Administration (support by the Head of Regional State Administration of the motivated refusal of the Head of the District State Administration) to agree the appointment of the Head of the territorial body of ministries and other central executive bodies, which activity directed and coordinated by the Minister, a governmental body within the Ministry or the Head of the enterprise, institution or organization that is under the control of the ministry, other central executive bodies - on the granting by the Government of Ukraine the consent to the appointment of the Head;

2)submits to the Prime Minister of Ukraine the submission on the appointment of the first deputy and deputy ministers and dismissal of the said persons from the positions.

The central executive body ensuring the formation and implementation of state policy in the sphere of civil service (National Agency of Ukraine on Civil Service) provides functional management of the civil service in government agencies.

The National Agency of Ukraine on Civil Service (hereinafter – NAUCS):

- 1)ensures implementation of the state policy in the sphere of civil service;
- 2)drafts regulatory acts on the civil service;
- 3)issues regulatory acts on the civil service in the cases established by law, provides clarifications on application of this Law and other regulations in the area of civil service;
- 4)monitors the compliance with the conditions set out herein as regards the exercising by the citizens of their right to civil service;
- 5)ensures identification of professional training needs of civil servants as required by professional standards;
- 6)organizes, with engagement of education institutions, training of civil servants with the purpose to enhance their command of the state language, a regional language, a minority language as well as a foreign language which is the official language of the Council of Europe in cases when command of such language is mandatory according to this Law;
- 7)makes proposals as regards volumes of public procurement order for professional training of civil servants for state needs on the basis of their professional competence, and allocating approved volumes according to legislation, providing timely financing of performers of public orders according to public contracts;
- 8)facilitates development of the system of educational institutions that carry out professional training of civil servants, delegating them the authority to determine content of civil servants' training in accordance with the requirements of professional standards;

9)organizes, with engagement of education institutions, development of educational and professional programs in the field of Public Management and Administration and their agreement, as well as development of specialized professional curricula and in-service training curricula for civil servants on the basis of professional competencies and agrees such programs;

10)within the scope of mandate provided by the law, conducts check compliance with requirements of this Law in government agencies;

11)conducts internal investigations on issues of civil servants' compliance with requirements of this Law, according to the established procedure;

12)takes actions to ensure equal conditions for acceptance and promotion of civil servants of "B" and "C" categories;

13)ensures maintenance and publication of a unified vacancy list for civil service positions in government agencies and winners of competitions;

14)sends government agencies and their officials demands to cancel such bodies' decisions concerning the civil service that contravene the legislation with regard to citizens' right to engage in civil service;

15)provides methodological assistance to HRM units in government agencies;

16)monitors vacancies of category "A" civil service positions and initiates competition for such positions before the appointing entity;

17)keeping records of category "A" civil servants whose office is about to expire, as well as those who have not been employed in due course since their dismissal, but no longer than within one year from the appointment to office expiration date.

18)upon agreement with the Commission on Senior Civil Service, develops and approves standard requirements to the professional competence of civil servants of "A" category and submitting them to the Cabinet of Ministers of Ukraine for approval;

19)reviews complaints of civil servants of other categories as regards entry into civil service, performance of the civil service and termination of the civil service office under this Law;

20)ensures protection of civil servants' rights in the event of change of the essential conditions of civil service;

21)exercises other powers in accordance with this and other laws.

Provision on NAUCS approved by the order of the Cabinet of Ministers of Ukraine of October 1, 2014 No 500. By the amendments to the Provision on NAUCS, approved by the order of the Cabinet of Ministers of Ukraine of 25.01.2017 № 48, Provision on NAUCS adjusted in accordance with the Law "On civil service".

The Head of the NAUCS shall be appointed for a term of five years with the right of re-appointment for another term.

According to the Model Provision on HRM unit of state body, approved by NAUCS of March 3, 2016 № 47 and registered in the Ministry of Justice of Ukraine of March 23, 2016 under the No 438/28568 (hereinafter - the Model Provision No 47), each state body, depending on its size, shall have a *structural unit or position of HR specialist (hereinafter referred to as the HRM function)* directly subordinated to the head of civil service. Responsibilities of the HRM function can be assigned to one of the civil servants of the agency.

The number of positions in HRM unit is determined by the rate of up to 20 people at one HR specialist.

The HRM unit supports the head of the civil service in discharge of his/her mandate, is responsible for the implementation of State HRM Policy in the government agency, recruitment of staff, planning and organizing events on the professional competence development of civil servants, documentary registration of entry to civil service, its performing and termination, as well as performs other functions stipulated by the legislation.

In the issues of implementation of the civil service state policy, the HRM unit is guided by the Constitution of Ukraine, this and other Laws of Ukraine, international agreements ratified by the Verkhovna Rada of Ukraine, resolutions of the Verkhovna Rada of Ukraine, Decrees of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

1.11.METHODICAL ISSUES OF MEASURING AND ASSESSMENT OF THE STEADY DEVELOPMENT OF COUNTRIES

Planet Earth is home to the entire humankind and humankind bears responsibility for preserving the balance of the global system of nature. As a result of human activity and the damages it does to the environment, there have been some slow and unnoticeable changes on the balance of the system of nature. These changes, particularly after the industrial revolution, have started exercising irreversible and catastrophic influence over the balance of the global ecosystem of Earth. The climate changes and the global warming have turned into a problem of global importance concerning the existence of the entire humankind. If there are no quick measures undertaken to limit the global warming and the climate changes that have started taking place, as well as adapting to them, this is going to lead to irreversible negative consequences, including floods, draughts, storms, heats, etc., unpredictable in their scale.

All this necessitates the undertaking of quick and effective measures by the global community to preserve the ecological balance of Earth through transition to a steady development. To effectively manage the process of steady

development, it is necessary to incessantly measure and assess the level and advancement in this field and give increasingly ambitious objectives to all countries on the planet.

The purpose of the present report is to examine the essence and part of the UN and the EU for the transition to steady development, as well as the methodical issues connected with measuring and assessing the advancement of the countries in the process towards steady development.

Steady development is a development satisfying the needs of the current generation without putting at risk the potentiality that the future generations satisfy their own needs¹.

The steady development concept contains two key ideas:

1. Humankind is capable of giving the development steady and long-term character, so it could lead to satisfying the needs of the current generations and especially the most essential needs of all people on Earth.

2. The natural resources on Earth are common heritage of the entire humankind. The limitations in the area of their exploitation are relative. They are connected with the level of development of technics and social organization, as well as the ability of the biosphere to deal with the consequences of human activity. This is why reasonable, effective, and steady use of this reserve fund is needed. It should pass from generation to generation as unexhausted and unpolluted as possible by securing stability for biological and physics systems without inhibiting the future generations from satisfying their needs.

The steady development concept is grounded in three principal approaches, or contains three main pillars (components), namely: economic, social, and ecological which are mutually conditioned and sustained; respectively, steady development pursues three main objectives.

The economic approach is in at the root of the steady development concept. This approach is based on the principle that resources are limited and their acquiring requires expenses. This is why optimal utilization of the limited natural resources through thriftily and effectively carrying out of humankind activity is needed. Economic effectiveness rises when resources and expenses expensiveness is decreased and resources and expenses return of economic activity is increased. This approach requires that the economic growth take place on the basis of prevailing action of the intensive factors at the expense of extensive factors or that predominantly or entirely intensive economic growth is realized.

Realizing economic growth and development on the basis of high economic efficiency requires development of human capital, innovations, and improvement of technics and technologies, raw stuff, materials, and products, etc., which leads to increase of social and ecologic effectiveness. Economic growth achieved on the basis of higher economic efficiency leads to better satisfying of the needs of the current generations and sets premises for preservation of the capacity of the future generations to satisfy their need even better.

The social approach means and demands that the steady development concept is socially oriented. This approach presumes achieving higher social effectiveness. Social development should lead to development of social systems, achieving high social stability, decrease of destructive conflicts, increase of the quality of human capital, increase of employment, reducing of poverty, preservation of people's health, fair distribution of the resources between all members of society, and creating opportunities for everyone to realize their hopes of a more successful life. Achieving social efficiency exerts reverse favourable influence for increasing economic and social efficiency.

The ecological approach means and demands that the steady development concept is ecologically oriented and demands it, i.e. it means and demands achieving ecological effectiveness. Therefore, steady development is a development that leads to achieving ecological integrity, preserving the reserve fund for the future generations and the potentiality that they, too, will satisfy their needs, in an efficient way.

Achieving ecological efficiency means that development and growth shall be realized with reducing their harmful effect on environment, delaying the global warming and the climate changes, preserving biological diversity for future generations. Achieving ecological efficiency leads to increase of economic and social efficiency and development of social communities.

It can be summarized that steady development is such an economic growth that is realized efficiently, resources and expenses thriftily, leads to social stability and increasingly high-grade reproduction of human capital, is realized ecologically-appropriately, and sets premises for reproduction of the environment and biological diversity on Earth.

The part of the global community and the EU for the transition to steady development.

Steady development has no alternative and during the last 30 years has turned into a global problem, which has been included in the global agenda of society.

Realizing the need of transition to steady development of global economics, the UN organized an International Conference on Environment and Development in Rio de Janeiro in 1992 to take measures and propagandize steady development as a main paradigm of 21 century.

The main document of this forum, Agenda 21, outlined a "Plan of Action" oriented towards transition to steady development and besides, adopted the Convention on Climate Change and Biological Diversity.

Another very important forum organized by the UN and connected with steady development was the Conference of Paris in 2015, about the climate change.

¹ Steady Development, ikonomika.dokumentite.com/art/ustoichivo-razvitie

The Paris Agreement² was a new, universal, global, and legally binding agreement on the climate change, achieved on 12.12.2015 in Paris. It was a balanced result from the participation of 145 countries and contained a plan of action to limit the global warming, far under 2 degrees Celsius, in comparison with pre-industrial values and will be carried out in the period from 2020 and further on. Efforts will be made to limit the global warming to no more than 1,5 degrees Celsius. The agreement was the corner-stone of the global efforts to deal with the climate change effectively and it cannot be re-contracted.

Through this agreement, objectives for financing done by the developed countries for the fight with the climate change have been realized. 100 milliard dollars yearly are mobilized until 2020; the general contribution by the EU in 2015 for mitigation of the consequences of the climate change amounted to 17,6 milliard euro. The governments came to an agreement to notify of their contributions at every 5 years and set more ambitious objectives for reducing the greenhouse gases emissions.

The agreement became effective on 04.11.2016, when it was ratified by at least 55 countries which were responsible for at least 55% of the general greenhouse gas emissions in the atmosphere. On 19.06.2016, the US administration, much to the regret of the global community made the decision to withdraw from this agreement because it was supposedly harmful for the American market of labour and the protection of the US citizens.

The EU plays an active part in the process of transition to steady development. On 04.10.2016, the EC passed a decision concerning the ratification of the Paris Agreement on Climate. The renewed strategy of the EU for steady development was adopted in 2006 and the EU took the leading part in the global transition to pure energy out of solidarity for the future generations and responsibility for the entire planet. This strategy outlined the road map for applying steady development in the EU and included some economic, social, ecologic, and financial aspects of the management of this process.

The EU 2020 Strategy³ was directed at seven main challenges: Climate Change and Pure Energy, Steady Transport, Steady Consumption and Production, Preservation and Management of Natural Resources, Public Health, Social Inclusion, Demography and Migration and Global Poverty. According to this strategy, coordination of different policies and regular assessment of the economic and social effect, as well as the effect on the environment is required. With this strategies, 5 objectives of the EU until 2020 were formulated, namely:

- Employment – providing work places for 75% of the population between 20-64 years of age.
- Research and transition activity – investing 3% of the EU’s GDP for RTA.
- Climate changes and energy:

Reducing the greenhouse gas emissions by 20 or even 30% of the emissions from 1990 if the conditions are met;

- Obtaining 20% of the energy from renewable energy sources;
- Increase of energy efficiency by 20%.

•Education – reducing the percentage of the people who leave school prematurely to 10%. At least 40% of the people between 30-34 years of age should graduate from university.

•Poverty and social inclusion – at least 20 million people who are less poorer or in danger of poverty and social exclusion – about 119 million people in the EU, or 23,7 % of the population were put at risk of poverty and social exclusion in 2015.

The main characteristics of the objectives of this strategy are: They give a basic idea about the main indices that the EU should achieve; they are adapted and turned into national objectives which should be achieved through combining European and national actions; they are connected with each other and support each other.

It can be summarized that in order for steady development to be managed, it should be measured and the advancement in this field should be assessed annually and at 5-year period. To this same purpose, more ambitious objectives should be set and their achieving, accounted and managed.

Indicators and indices for measuring steady development. Advantages and disadvantages.

The criteria for choosing steady development indicators of the National Statistical Institute in Bulgaria⁴ are outlined in Table 1.

Criteria and indices for measuring steady development

Table 1

No	Steady Development Criteria and Indices	Dynamic Order
	Theme 1. Social Economic Development	
1.1.	Growth of real GDP per capita rate	
1.2.	Funded Debt of the State Government Sector	
1.3.	Investments – altogether (from the business and the budget)	
1.4.	Labour rate for one person per hour efficiency	
1.5.	R&D expenses– altogether (from the public sector and the business)	
1.6.	Employment (20-64) by sex coefficient	
1.7.	Employment variation by statistical districts coefficient	
1.8.	Unemployment by age groups coefficient	

² The Agreement of Paris on climate change, www.consilium.europa.eu/bg/policies/climata-change/timeline

³ Priorities, objectives, and policy of steady development of the EU. The Europe 2020 Strategy, sust-tour.webdevc.eu/item.

⁴ Criteria for choosing steady development indicators of the National Statistical Institute in Bulgaria, www.nsi.bg/bg/content/5301/устойчиво-развитие

	Theme 2. Steady Consumption and Production	
2.1.	Processed domestic waste per capita	
2.2.	The treated domestic waste share in the general volume of domestic waste by method of treatment	
2.3.	Ultimate energy consumption by sectors	
1.4.	Primary energy consumption	
1.5.	Water exploitation index	
1.6.	Animal density index	
1.7.	Areas with biological agriculture	
	Theme 3. Social Inclusion	
3.1.	Share of the individuals put at risk of poverty	
3.2.	Inequality of incomes	
3.3.	Individuals employed in abodes without any employed individuals	
3.4.	Differences in payment between sexes.	
3.5.	Prolonged unemployment factor	
3.6.	Individuals who have left education and training too early	
3.7.	Participation of the population (7-15 years of age) in compulsory education	
3.8.	Individuals with low level of education by age groups	
3.9.	Participation in learning throughout one's entire life	
3.10.	Low degree of literacy with pupils when reading	
	Theme 4. Demographic Changes	
4.1.	Total fertility factor	
4.2.	Demographic replacement coefficient	
4.3.	Life expectancy for the individuals at 65 years of age	
4.4.	Income replacement general factor	
4.5.	Share of the individuals at 64 or more years of age with risk of going to poverty	
	Theme 5. Public Health	
5.1.	Life expectancy at birth by sex	
5.2.	Mortality coefficient in the presence of chronic ailments	
5.3.	Percentage of regular smokers	
5.4.	Relative share of overweight people	
5.5.	Self-assessment of the individuals' health status	
5.6.	Practicing doctors	
	Theme 6. Climate Changes and Pure Energy	
6.1.	Carbon dioxide (CO ₂) emissions per capita	
6.2.	Renewable energy share in the consumption of fuels in transport	
6.3.	Energy dependence	
6.4.	Electricity produced by a combined method share in the gross production of electricity	
6.5.	Electricity produced by renewable sources in the general share of the gross consumption of electricity	
	Theme 7. Steady Transport	
7.1.	Modernization of the transport infrastructure	
7.2.	Renewable energy share in the consumption of fuels in transport	
7.3.	Distribution of freight transportations by kinds of transport	
7.4.	International transportations share in the railway transport	
7.5.	Electricity transport share in city transportation	
7.6.	Newly registered and registered new transport vehicles share	
7.7.	Individuals who died in road accidents	
	Theme 8. Natural Resources	
8.1.	Population connected with village cleansing stations	
8.2.	Expenses for cleansing waste water	
8.3.	Protected territories share	
	Theme 9. Global partnership	
9.1.	Official aid for development – by sources	
	Theme 10. Good Management	
10.1.	Use of the internet by the individuals in order to interact with public institutions	
10.2.	The number of individuals who voted on European and national parliamentary elections	

This choice of themes and indices has the following advantages:

- it is a prototype for offering methodic and instrumentarium on the basis of which the level that the more important factors and indicators for assessing the level and advancement in the field of steady development can be measured;

- it is in full concordance with the Europe 2020 Strategy of the EU for steady development and gives the chance to have the fulfilling of the most important priorities and objectives stemming from this strategy which, as if was pointed out, are grouped in 7 divisions (challenges), assessed;

- gives the chance to have the seven principle challenges and commitments undertaken by the EU through Europe 2020 strategy, assessed;

- indices were chosen that were observed and accounted by official statistics on national level which does not require the accounting of indices not measured by statistics.

At the same time, a number of comments may be made and disadvantages of the so formed themes and indices for measuring and assessing steady development of a particular country from the EU pointed out:

- the so structured and chosen themes and indices do not offer the opportunity to assess of the three main components, or pillars, on which the steady development concept is based, namely combination and interaction between economic viability, social justice, and ecological tolerance of development and growth;

- it contains a great number of quantitative and qualitative, absolute and relative, more important summarizing, and less important and private indices whose level over the years is studied and this method hampers their assessment and making generalizing conclusions;

- the number of indices offered here does not present a system of methods that can be used for measuring and assessing the reached level of steady development and assessment of the advance by years;

- it only accounts the level of the offered indices by years and does not offer the opportunity to measure the advance of each pillar (component) and make a summarizing assessment of the advancement in the field of steady development;

- because in our country, there are no plans for development being elaborated, it is not clear which governmental authority is going to determine systematic objectives and be responsible for their fulfillment, which casts doubt on the commitment and responsibility of the government to serious managing of the advancement towards steady development of the country.

Directions for development and improvement of methodic instrumentarium for measuring and assessing the advancement towards steady development.

1.To achieve methodic unity, we need to develop a unified system of methods on the basis of which the measuring and assessment of steady development of all countries of the EU should be realized.

2.The system of methods should be grounded in a number of principles and requirements which are comparatively aptly formulated⁵, like: it should be oriented towards the vision and objectives, overall scope of the components of the system, assess the advancement (progress), span through an adequate amount of time, have practical orientation, opportunities for openness and verification, incessancy of assessment, effective communication with consumers, give a chance for comparison of the results in national and international aspect, to have indices that are optimal in number and thrifty, easily accepted, representative, giving the opportunity for aggregation by pillars (sectors) and as a while, to have the advancement assessed by years, for a 5 years, in relation to the already given objective and towards the basic year 1990.

3.For measuring the advancement and giving a generalized assessment of steady development for a fixed time period, we suggest using the following instrumentarium:

1.Absolute change of the index by account in regards to the preceding year, the basic period, or the set planned objectives/ $\Delta X_{i, 1/0}$: $\Delta X_{i, 1/0} = X_{i, 1} - X_{i, 0}$, where $X_{i, 1}$, $X_{i, 0}$ - level of the index or indicator during the period under review and the basic period.

When the desired change of the given indicator is towards increase, it is marked with a $/+/$ symbol and when the desired change is towards decrease, the absolute change is found as difference between the accounted level and the basic level of the examined index, or $\Delta X_{i, 1/0} = X_{i, 0} /$ and is marked with a $/+/$ symbol.

2.Relative change or coefficient (percent) of change of an i. index towards the preceding (basic) period /Coefch. 1/0/:

$$\text{Coefch.}_{i, 1/0} = \Delta X_{i, 1/0} : X_{i, 0}$$

3.Aggregated coefficient (percentage) of change by groups of indicatios (pillars) – economic, social, and ecological components (Coefch.aggr.i. 1/0):

$$\text{Coefch.aggr.}_{i, 1/0} = \text{Coefch.}_{i, 1/0} \times \text{Coef.influence I where}$$

Coef.I – influence (importance) of the i. index in the general assessment.

4.Aggregated (summarizing) assessment of the country's advancement for a particular period (Coef. summ. weig. dvancement):

$$\text{Coef. summ. aver. weig. advancement} = \text{Coefch.aggr. I } 1/10 \times \text{Coef. infl. agr. I.}$$

For calculating an aggregated (summarizing) evaluation of the advancement by individual groups of indicators and as a whole, it is necessary to determine in advance Coefficients of Importance (Influence) Coef. Infl. I of the individual indices and indicators in the general assessment.

When the summarizing coefficient (percent) is with the $/+/$ symbol, it shows what coefficient, resp. percent, of advancement towards steady development is present and when it is with the $/-/$ symbol, it shows what coefficient, resp. percent a regress in the aspired level of steady development in regards to the preceding, resp. basic period or the put forth objectives is present.

Summarizing average-weighted values by groups of indicators and together calculated this way will offer the chance to make a summarizing assessment of the advancement in the field of steady development of a particular country in regards to a preceding or given basic five year period, as well as assess the degree of fulfilling the objectives on the principal and most important indicators and indices and on this basis, effectively manage the transition towards steady development of the individual member states and the EU as a whole.

⁵ Indices for measuring steady development, www.bg-ikonomika.Com /2013/09.5.html

In conclusion, we think that the effective management of the advancement towards steady development of the country demands more active and serious commitment of the administrative capacity and government of the country to solving the problems of steady development and realizing the objectives and commitments undertaken of the EU in this field.

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PART II

POLITICAL DIALOGUE AND REFORMS, POLITICAL ASSOCIATION, COOPERATION AND CONVERGENCE IN THE FIELD OF FOREIGN AND SECURITY POLICY

2.1. Valuable priorities of the Association Agreement between Ukraine and the EU

The conceptual foundations of the member states of the association were singled out in the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part between Ukraine and the EU. Ukraine was recognized as a European country with a common history and common values on which the European Union (EU) is built. The key values in the Preamble of the Association Agreement are values in the political, economic and legal spheres [1]. Attention is focused on the need for dialogue in these areas, which is based on the principles of solidarity, mutual trust, shared responsibility and partnership [1].

Thus, the recognition of the category of “trust” as one of the basic axiological principles of the interaction of the member countries of the association determines the study of this concept as relevant and timely.

In today's political discourse, the issue of trust is one of the most popular, as sudden, unexpected social and political changes undermine trust between countries, within the country, between business entities and individuals, cause distrust of state institutions, to each other, which excludes the possibility of forming a social dialogue in society.

Trust is an integral part of communication, social relations at all levels of the organization of society. The lack of trust violates the foundations of social relations, exerts a destructive influence on the functioning of the state, certain spheres of professional, public life, and the entire society as a whole.

The activity of studying the problem of trust, its axiological significance is dictated by the need to find mechanisms for ensuring social stability, stability, predictability of social interactions, and minimizing risks.

Huge contribution to the study of the phenomenon of trust was carried out by B. Barber, E. Giddens, J. Coleman, N. Luman, R. Putnam, F. Fukuyama, P. Shtompka. The study of trust as a component of social capital is represented by the works of P. Bourdieu, J. Coleman, R. Putnam, F. Fukuyama. Among the Ukrainian researchers, the problems of trust as prerequisites for social capital are examined by N. Levchuk, T. Novachenko, A. Pankova, and T. Stetsenko. Despite a significant amount of work on the stated problems, the degree of scientific elaboration of the topic of trust has new research vectors: as a component of social capital; as a forming worldview, as a significant basis for productive communication, as representing state and professional relations, as a value concept.

The purpose of this publication is to analyze the value of the category of trust as a component of social capital, to study the functioning of trust in modern society (including in the professional environment of law enforcement agencies) and its impact on the formation of social capital.

The semantic content of the concept of “trust” depends on the discourse of its use. The normative definitions of trust presented in special dictionaries have a different vector of orientation: from identification with credit, reputation, financial position and the degree of power of attorney of political statements that are trustworthy in financial dictionaries [2] until the definition of trust as “a kind of hope having a reasonable basis and aimed not so much at the future as the present, not so much on the unknown, as on the familiar, not so much on what does not depend on us, but on what exactly depends on us (each of us is free to trust or not to trust someone or something; we do choose our friends and enemies)” [3] in the philosophical sources.

This multi-layered meaning of the phenomenon of trust is defined by the complexity of the tasks assigned to it. From the point of view of the Ukrainian sociologist T. Stetsenko, trust is a positive moral, ethical, pragmatic or emotional assessment of the social subject of some object from the standpoint of its reliability and compliance with the subject's expectations, acts as an orientation to action, an impulse to interaction and characterizes the subject's willingness to cooperate [4]. Another opinion is held by the Polish scientist P. Shtompka. He believes that the phenomenon of trust should be understood as expressed in action carried out with respect to the partner, the expectation that his reactions will be profitable for us, that is, the bet on the partner carried out in conditions of uncertainty in the expectation of his favorable response to us [5].

In the system of public relations, the phenomenon of trust is: the main resource for the formation and accumulation of social capital, an integrator that forms social integrity; reflection of the actual experience of social interactions in the past, reproducing the established traditions, structure and norms of mutual relations; a kind of rational attitude to the present and the future by including and maintaining a system of developing expectations; the desire to find or establish a certain order in the field of interaction in order to prevent possible risks, ensure security and mutually beneficial cooperation; an instrument of adaptation to the socio-economic conditions of various social groups through intra-group and inter-group consolidation; symbolic credit, which is one of the conditions for expanding the opportunities for socio-economic life [6].

In social capital there are three important components: social relations as such, through which individuals can have access to the resources of their communication partners, as well as the amount and quality of the available resources of the partner of communication; reciprocity of exchange. The mechanisms for the formation of social capital can be divided into: 1) mechanisms for the formation and consolidation of social norms, including norms for social interaction, 2) mechanisms for the formation of social confidence.

The place of trust in the system of social capital is determined by the fact that the latter “is that intangible resource, the product of the relationship between the subject and the contacts of his network, conditioned by trust, solidarity, tolerance and reciprocity, regulated by norms, values, obligations and expectations and determined by risk, control and distrust, which, functioning in forms of mutual assistance, social support, social and social activism and initiative, convert it into other forms of capital, in accordance with the s and a social subject” needs [7]. Social capital is seen as a certain potential of social interaction, is the result of trust between and within different groups and communities of the population. Consequently, mutual trust is a positive vector of social capital.

The ability to form certain groups and associations arises when members of the group have not only common interests, but also expect honest and reliable behavior from others, trust each other. Trust in understanding Putnam and Fukuyama is the implementation of the expected, in particular honest, value-oriented behavior [8, 9]. The resources of social capital increase with the increase in the trust of members of society to each other and to power. Trust based on faith and hope promotes collective interaction, cooperation of efforts, access to objective information. In a society where people trust, people see hope, rely on deep life force, and the destructive effect of hopelessness manifests itself in the deterioration of the psychological climate of the population, increased risk of suicide, alcoholism, crime and other manifestations of antisocial behavior. Trust is the “lubrication” (according to Fukuyama's apt definition), which facilitates social cooperation, strengthens social ties, reduces the risk of conflicts, and consequently reduces the need for illegitimate means of achieving goals and antisocial forms of activity [10].

Obviously, the degree of mutual trust of people in society determines the essence of social capital. If there is mutual trust in the society, then we can talk about the availability of social capital. It is trust that unites individual individual capitals of people into the whole at the level of labor collectives, social movements, national and state communities.

Very often, valuable knowledge and skills are not expressed in explicit form (documents, databases, etc.), but are manifested in the social experience and know-how of individual members of society. This situation is typical for civil society institutions, where development and prosperity largely depend on close relations between people based on respect. J. Coleman argued that social capital is the potential of mutual trust and mutual assistance, which is formed in interpersonal relations: obligations and expectations, information channels and social norms [11].

One of the indicators that contributes to the formation and growth of social capital is the social trust of citizens to the state and its institutions. The high level of distrust of citizens to state structures in the modern society lies in the reasons for the indifference of these structures to the problems of citizens, corruption, the use of state posts for personal gain, unfavorable experience, negative images, stereotypes of thinking, historical component. As we can see, even an incomplete spectrum of mistrust is wide enough. Therefore, distrust is quite convenient to use for the purpose of forming oppositional political attitudes in the mass media. In the information discourse, in addition to ascertaining the facts: “the destruction of confidence in the state is the most important consequence of the famine”, “the Russian media do not enjoy the confidence of the inhabitants of Ukraine”, “EU trust is an indicator of the success of our reforms”, in news often dominate the negative assessments that are aimed at creating a negative image of the opponent, for example: “lost confidence”, “voiced distrust”, “the political elite lacks mutual trust”, “MPs want to declare the mistrust of the mayor”, “Low level of trust in politicians and parties are a common occurrence in Ukraine” and the like.

At the same time, it is necessary to take into account that the level of trust of Ukrainians to the suppliers of political information is quite high and as a result - influential in shaping the worldview. According to the survey of the Research & Branding Group in early 2017, the trust of the central television channels was 49%, the Ukrainian Internet media - 19%. While only 3% of those polled trust and talk.

Two indicators are used to calculate the national volume of “social capital”: the index of trust and membership in public associations. An approximate level of social capital is measured using a sociological survey. However, accurate information about its status and transformation can be obtained through regular monitoring of the processes associated with the development and strengthening of social trust in society. Ukrainian sociological centers record a permanent process of reducing confidence in almost all state institutions, and increasing confidence in non-state organizations and the army. According to the results of the survey conducted in April 2017 by the Razumkov Center, among the institutions of the state and society, volunteer organizations (trusted by 66% of respondents), the church (63.3%), the Armed Forces of Ukraine (55.9%), the National Guard of Ukraine 49%) [12].

In this regard, we consider it important to focus on a significant change in the confidence index due to the practical implementation of European experience in the law enforcement system. The European vector of police reform introduced significant changes not only in the system itself, but also in relation to this system. Confidence in the police with the beginning of its reform has greatly increased, then it began to fluctuate, to depend on its identification with specific personalities or events. Although in general today the confidence in the police remains steadily high. This is evidenced by the results of a sociological survey conducted by the sociological company Taylor Nelson Sofres, published on the website of the Ministry of Internal Affairs of Ukraine. Two important indicators: the confidence in the National Police in March 2017 is 43.5%, to the patrol police - 53%; and this indicator has grown in comparison with the results of the first survey (six months ago). In six months, the confidence in the National Police grew from 38.9% to 43.5% - by 4.6%, mistrust declined from 22.8% to 21.5% - by 1.3%. Separately in relation to the patrol police: trust increased from 47.5% to 53% - by 5.5%, mistrust declined from 19% to 16% - by 3% [13]. Thus,

the police - both patrol and national - more than other structures, is perceived as a state institution serving the interests of citizens.

It is especially necessary to highlight the gender aspect in the component of trust. In the opinion of the Deputy Minister of the Ministry of Internal Affairs of Ukraine, the level of confidence in female policemen is much higher than that of men.

Such indicators are perceived more visibly if we compare the level of confidence during the police reform in Poland. As Deputy Minister of Internal Affairs of Ukraine Tatyana Kovalchuk noted, the level of confidence in the Polish police in 1987 was 27% and only 20 years later it grew to 76% [14]. But the reform of our law enforcement system essentially began in December 2014. It should also be noted that, according to the Minister of Internal Affairs, only 30% of reforms have been implemented so far [13].

We consider it important that in achieving such a level of trust in so short a time a whole set of world practices was used to represent the new police. Its important element was its symbolization. Ukrainians adopted from Americans a symbolic "blue ribbon" of confidence in the police. The blue line has a flag of the US police. In Ukraine, the initiator of the use of this symbol was Leonid Ostaltsev. The tape was hung out on the facade of institutions where there are social programs to support the patrol police. The initiators say that the blue line is a sign of work on the verge between good and evil. And the police believe that such actions give them the confidence and strength to carry out their work to protect the peace and well-being of people. In modern society with its complex communication system, symbolic visual perception is faster.

Also, productive forms of forming social capital in the society-police relations at the current stage are 1) the creation of a working group in the Ministry of Internal Affairs, which will study the level of public confidence in the police, and 2) positive information activities.

These indicators and initiatives in the light of Arsen Avakov's statement that "the experience of European countries and generally developed normal democracies says that where the police will enjoy the confidence of more than 50%, that is, the majority of the population, there we will have a stable law enforcement system" [13], indicate the need to take into account world practices for further positive changes.

In the system of social capital, trust generally implements the function of the formation of social ties, thereby forming social capital and further supporting the ties in its system. Mistrust, on the one hand, limits the interaction of the social subject, reducing both the risks from interaction with others and the potential for its action, on the other, creates the need to seek new contacts for the formation of social relations, thereby updating the network of contacts of the subject of social capital. Despite the fact that distrust is understood as a strategy that limits the actions of the social subject and the circle of his acquaintances, there is another side to this phenomenon, which is determined by the fact that the dynamics of social capital restructuring can potentially be significantly higher for subjects who basically adhere to the mistrust strategy. Therefore, the formation of a social network of social capital largely depends on both trust and disbelief.

Trust as a factor, tool and means of accumulating social capital reflects the actual, past, individual and social experience of the individual, social group, society. The atmosphere of trust reproduces archetypes and sets the norms of relationships. Trust has a social memory. Through the mechanism of trust, the accumulation and development of social capital is assured, which is easy to lose, and it is very difficult to form and accumulate again. Trust demonstrates the nature and level of development of social partnership, both at the level of society and its individual spheres on the basis of interpersonal, intergroup, interinstitutional interaction, which is designed to ensure coherence and sustainability of the life activity of the society. It is a productive social construct based on the reliability, duration and strength of social interaction [6]. And this is the undoubted value of the concept of "trust".

Thus, during the analysis it was revealed that trust is an evolving concept that has conceptual significance for interaction and development. The tendencies of European integration require a new mechanism of cooperation and communication based on mutual trust. A further study of the trust identified as the "package concept" within the framework of the Association Agreement between Ukraine and the EU also implies its "package" interpretation in the context of solidarity, shared responsibility and partnership.

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2.2. REFORMATION OF THE SECURITY SECTOR IN UKRAINE IN THE PROCESS OF EUROPEAN INTEGRATION

Ukraine should become the state, able to guard its borders
and ensure peace not only on its territory, but in the European Region as well".
The Decree of the President of Ukraine "About Strategy of Sustainability" "Ukraine-2020"

To increase the national defense capacity and to ensure the readiness of the country, its economy and society to defend and counteract a foreign aggression in all forms and manifestations, as well as to raise the qualitative level of national defense are key priorities of the national security policy, – these provisions are enshrined in the "Strategy of the National Security of Ukraine" [1].

The tragic events of 2014, particularly the armed aggression by the Russian Federation into the territory of Eastern Ukraine and annexation of the Crimean Peninsula, revealed the weakened condition of Ukraine's national security sector and showed the urgent need of its comprehensive reform.

There are several key studies by Ukrainian scientists dedicated to the issue of the security sector reform, such as those conducted by V. Gorbulin, O. Dzioban, V. Pylypchuk, T. Blystiv, I. Draliuk, M. Chekhovska, O. Reznikov, V. Tsiukalo, V. Palyvoda, S. Driomov, S. Siomin and others. At the same time, since the reform of the security sector already went into the active phase of its implementation, it still merits more analysis and integrated scientific research.

The issue of Ukraine's security sector reform and of its Security Service, became more relevant in connection with the entry into force of the Ukraine's Association Agreement with the EU (hereinafter – "Agreement"). In accordance with the provisions of the Association Agreement, Ukraine and the EU identified key priorities, in particular in the areas of constitutional reform, judicial and law enforcement systems, electoral law, anti-corruption, public administration, economy and taxation, which are the most important areas of reform for Ukraine. Consequently, the government, due to the help of international and regional organizations, initiated series of legislative, institutional and political reforms in the security sector, including Security Service of Ukraine (SSU) [2].

According to the Decree of the President of Ukraine No 5/2015 dated January 12, 2015, "About the Strategy of the Sustainable Development" Ukraine 2020", creating a strong foundation of national security is of utmost importance: "The defining basis for security should also be fair and impartial justice, urgent clarification of power at all levels and ensuring the implementation of effective mechanisms for combating corruption"[3].

Since November, 1, 2014, came into force the so-called political part of the Agreement's Clause II which is called "Political Dialogue and Reforms, Political Association, Cooperation and Convergence in the Field of Foreign and Security Policy". It defines the mechanisms of Ukraine's involvement in the European security area, in particular, common goals (Article 4), forms (Article 5) as well as the spheres of cooperation, namely internal reforms (Article 6), foreign and security policy (Article 7), international justice and the instruments of the International Criminal Court (Article 8), regional stability (Article 9), conflict prevention, anti-crisis management and military-technical cooperation (Article 10), non-dissemination of weapons of mass destruction (Article 11), disarmament, arms control, export control and fight against illicit weapons trafficking (Article 12), fight against terrorism (Article 13) [4].

According to Clause III, Article 14 of the Agreement, the implementation of the Association Agreement in Ukraine is based on the principle of the supremacy of law and respect to human rights and fundamental freedoms. Within the framework of cooperation in the field of justice, freedom and security, strengthening of institutions of all levels - administration in general and law enforcement and judicial authorities in particular [4].

Cooperation between Ukraine and the EU is mostly aimed at strengthening the judiciary power, increasing its effectiveness, ensuring its independence and impartiality and combating corruption. Cooperation in the field of justice, freedom and security will be based on the principle of respect for human rights and fundamental freedoms [6]. For modern Ukraine, harmonization of the national foreign and security policy with the EU Common Foreign and Security Policy (CFSP) mechanisms is important as well. Significant in this aspect is the experience of the nearest neighbors – the countries of the “Visegrad Four” or the Baltic countries, which clearly demonstrates the measures that need to be taken at the national level. It’s important that some of these provisions have been reflected in the text of the Coalition Agreement of the Verkhovna Rada of Ukraine of the VIII Convocation, among them:

- 1) modernization of the laws "About the Principles of Internal and Foreign Policy" and "About the Principles of National Security";
- 2) development and approval of new editions of the National Security Strategy and Military Doctrine taking into account the factor of convergence with the EU and changes in the military-political environment around Ukraine;
- 3) formation of a strategy of mobilization and rapid response taking into account existing and future military threats;
- 4) development and adoption of an information security strategy;
- 5) development and approval of a new military-administrative division of Ukraine and the restoration of military infrastructure in accordance with the criterion of maximum optimization of the military command system, as well as mobility;
- 6) reform of the whole system of mobilization and military training of the population;
- 7) reform of the strategic planning and forecasting system;
- 8) reformation of the crisis management system;
- 9) anti-corruption measures and measures for the purification of the whole system of the defense and security sector;
- 10) the restructurization of the military industry system on the basis of innovation, high technology, etc. (especially with regard to deterrence technologies) [4.1].

Ukraine and the EU have a common position on the establishment of the supremacy of law in the reform of the security and defense sector, as well as law enforcement agencies. The main objective of the reform of the national security and defense system is to increase the state's defense capacity, reform of the Armed Forces of Ukraine and other military formations of Ukraine in accordance with modern requirements and taking into account the experience gained during the antiterrorist operation, as well as the development of a defense-industrial complex for maximum satisfaction of the needs of the army. The formation of new national security authorities should focus on the management, control, communications, computer support, intelligence and information provision, as well as logistics in the security sector. The Armed Forces of Ukraine should give the priority to a complete upgrade of the structure, ranging from the governing bodies to the staffing of subdivisions and units, as well as an optimization of all systems and norms of security, the introduction of new weapons and military equipment, the review of tactics and strategies taking into account the requirements of the presence. The intelligence system must be fully revised, from reconnaissance kits to intelligence agencies of the Ministry of Defense of Ukraine.

The results of the recent study of public opinion about the state of security, security sector reform and trust to security structures, carried out by the Razumkov Center, a think-tank, show that the Ukrainian society has got a low level of trust to state law enforcement and controlling structures, as well as to the judiciary. The Armed Forces and the National Guard have a somewhat higher level of public trust. At the same time, the majority of respondents contacting with police were satisfied with the results. This points the issue of public relations, when those who had contacts with the police are mostly satisfied, but the overall picture of the police is still bad. The State Customs Service, the State Border Guard Service and the Security Service of Ukraine are services in which corruption seems to be widespread. In particular, more than 60% of respondents believe that the gender and age of a person have an impact on his chances of being recruited to Ukrainian law enforcement agencies and judicial authorities; and also note that women should have a guaranteed right to serve in security agencies. However, there is a strong rejection of the appointment of a civilian and / or woman as Minister of Defense. More than 67% respondents indicate that they are either not well-informed or do not trust the available information on security sector reform and defense reform, indicating significant weaknesses in the public information strategy on reform. According to respondents, the long-term economic crisis, unemployment, low incomes, Ukraine's external debt and widespread corruption constitute more significant threat to national security than the "hybrid war", a crime wave or violence of the DNR / LNR [6.1].

Among main measures of the implementation of the reform of the national security and defense system should be functional optimization (reduction of duplicate and extra structures), centralization of procurement, optimization of the logistics system, updating of doctrinal and conceptual approaches to ensuring national security, creation of an effective state crisis response system (network of situational centers of central executive authorities) for the leading role of the Council of National Security and Defense of Ukraine, the involvement of foreign investments and forming

an effective model of public-private partnerships, the introduction of cluster principle of rotation of staff, revision of qualification requirements and insurance of a strict compliance with these requirements and complete recertification of personnel, both to be crucial not only professional but also personal qualities of a man [1].

At the current stage of reforming the security and defense sector, as well as law enforcement agencies, the following achievements have been achieved:

Prosecutor's Office. In general, the success of judicial reforms remains limited. The powers and functions of the prosecutor's office were limited in order to ensure their compliance with international standards. In connection with this, the representative functions and functions of the general supervision of the prosecutor's office were limited. Instead, the Ministry of Justice created the system of legal aid, which started in September 2016. Although much remains to be done, experts of the European Council acknowledge the progress in the legal aid system. It is believed that limitation of the functions of the prosecutor's office did not bring benefits, especially for its general oversight function. Such restrictions have serious implications for the judicial control of the security sector and respect for human rights.

National Police. The adoption of the Law "About the National Police of Ukraine" can be considered an achievement, since the law clearly defines the powers and responsibilities of the police. The law regulates special measures that may be taken by the police; databases of citizens entitled to create police, as well as the conditions for use of firearms, force and various technical means. Previously, these issues were not clearly formulated in the Act, so it was difficult for victims to invoke legal rules in the court. The new law has strengthened the legal framework for the accountability of police officers. However, there are several problems related to the reform of the police in general and respect for human rights in particular. The Verkhovna Rada has not yet approved the disciplinary statute, which is an annex to the new Law "About the National Police". The current disciplinary rules of the National Police do not comply with the new Law.

The National Bureau of Investigation had to investigate crimes committed by the police, in particular, killings, violence and ill-treatment of police officers. But the Bureau still does not work. Prosecutors investigating such crimes on a temporary basis seem to be not competent enough to create an atmosphere of impunity. There are serious problems related to the practice of police detention. In some cases, people were arrested without a court decision, even in situations that did not require emergency measures; the police did not record arrests, and did not register the detention properly [8].

The Security Service of Ukraine. The reform of the Security Service of Ukraine (hereinafter – SSU) has its own specifics, which is due to its special legal status and powers. In accordance with Article 1 of the Law of Ukraine "About the Security Service of Ukraine", it is a state law enforcement agency of a special purpose, which ensures the state security of Ukraine. Tasks of SSU are defined in the Art. 2 of the above-mentioned law: "The Security Service of Ukraine should fulfill the protection of the state sovereignty, constitutional order, territorial integrity, economic, scientific, technical and defense potential of Ukraine, the legitimate interests of the state and the rights of citizens from the intelligence and subversion of foreign special services, within the limits of the competence established by the legislation, attacks from individual organizations, groups and individuals, as well as insurance of the protection of state secrets. The tasks of the Security Service of Ukraine include the prevention, detection, suppression and solution of crimes against peace and security of mankind, terrorism, corruption and organized crime in the field of management and economy; other unlawful actions that directly endanger the vital interests of Ukraine [6].

The SSU reform aims at the creation of a dynamic, completed with highly qualified specialists, equipped with modern material and technical means special service capable to defend effectively state sovereignty, constitutional order and territorial integrity of Ukraine. This will ensure the concentration of efforts on: counter-intelligence activities; neutralization of separatist and extremist movements and organizations; maintenance of state security in the areas of combating terrorism, economic, information, cybernetic security; protection of state secrets; facilitating the rapid and effective exchange of an information with NATO member states and the EU on the basis of mutual trust. In January 2016, an international advisory group was set up under SSU to borrow Euro-experience. It included representatives of the EU Consultative Mission for Public Security Sector Reform and foreign advisers at the Communications Office and the NATO Information Center in Ukraine. During the year, the international group has developed the concept of reforming SSU and filed it for an approval by the National Security and Defense Council [7]. The concept and the relevant action plan cover important issues, such as the establishment of oversight mechanisms, openness to the public, and the transfer of law enforcement powers. For today, the concept has not yet been approved.

The main tasks of the SSU reform are:

- to increase public trust to SSU;
- to carry out gradual demilitarization of the service;
- to divide the tasks of SSU and other law enforcement agencies, in particular by limiting the investigatory powers of SSU;
- to strengthen democratic civilian control of SSU;
- to improve cooperation with foreign partners and intelligence services.

The concept of reforms should be implemented in two stages:

- stage I (2016–2017), at which a new law on SSU will be drafted and adopted, clearly defining its goals, objectives and status;
- stage II (2018–2020), the reforms mentioned above will be implemented on the basis of a new legislative framework. Until 2020 the reform process will be completed and evaluated.

The main areas of reform of the SSU should be implemented in two stages:

Firstly, the change of casework. It is assumed that the separate functions of the Security Service of Ukraine, which are not typical for classical special services, will be gradually transferred to other law enforcement agencies. The National Anti-Corruption Bureau, the State Bureau of Investigations and the National Police of Ukraine will gradually begin to investigate some official crimes, crimes committed by organized criminal groups. "According to the national security strategy, approved in May 2015, SSU will investigate crimes against the foundations of national security, for example, neutralization of separatist and extremist movements in Ukraine and control of the areas of combating terrorism, economic, information and cybernetic security. However, the relevant international and European standards (including the recommendations of the Venice Commission and the PACE) directly recommend separating intelligence and law-enforcement agencies. Most European security services do not have the authorities to conduct pre-trial investigations [10].

Secondly, strengthening the counter-intelligence activities of the special services and the development of the intelligence network. "And this constituent of the Service should be raised to order higher, as it is required by real external threats to Ukraine, in particular the activation of the anti-Ukrainian activity of Russian special services, which has manifested itself in recent days," mentioned Ukrainian President P. Poroshenko [7].

Thirdly, the creation of a mechanism of the SSU monitoring by the public and parliamentarians. The international advisers of the international advisory group repeatedly insisted on the implementation of this principle. "The intelligence service should not be controlled by anyone, even by the president. It serves the society; therefore, mechanisms of control should be developed: public, parliamentary and state. Parliamentary control should be mandatory," said the former Head of the Foreign Intelligence Service of Ukraine, General of the Army of Ukraine, M. Malomuzh. According to him, the reform has not yet taken place because of the government's desire to see the Service as a fully controlled and managed body. He explained that after the reform, the president and the first persons of the state will not be able to give instructions to the employees of the service, and it doesn't satisfy them [8].

The importance of democratic control is due to the fact that security services provide public services to the people and on behalf of the people, and therefore elected representatives of the people should be involved in the process of ensuring the efficiency and legitimacy of state services provided by the special services. The democratic nature of the control lies, first of all, in the actions of the parliament adopting laws on control over the activities of security services, the allocation of necessary budgetary resources to non-parliamentary control institutions, control over the activities of expert control bodies, the improvement of an efficiency of the activities of the controlling bodies, as well as in constant control and unscheduled inspections of security services activities [12].

The introduction of parliamentary control of the SSU activities is an essential for preventing political interference by the President, as well for the general politicization of services. According to Art. 31 of the Law of Ukraine "About the Security Service of Ukraine", permanent control over the activities of the Security Service of Ukraine, compliance with its legislation is carried out by the Verkhovna Rada of Ukraine. The head of the Security Service of Ukraine annually submits to the Verkhovna Rada of Ukraine a report on the activities of the Security Service of Ukraine. Currently, the activities of the Security Service of Ukraine are controlled by the President of Ukraine and authorized state bodies. In accordance with Article 32 of the aforementioned law, constant control over the observance of the constitutional rights of citizens and legislation in the operative-search activities and activities in the sphere of the protection of state secrets of the organs and units of the Security Service of Ukraine, as well as the control over the compliance of the regulations, orders, orders issued by the Security Service of Ukraine, instructions and orders of the Constitution and laws of Ukraine are carried out by the officials specially appointed by the President of Ukraine. The Head of the Security Service of Ukraine annually submits to the President of Ukraine a written report on the activities of the Security Service of Ukraine [11]. According to the Concept of SSU Reform, it is planned to grant the Verkhovna Rada the right to approve the appointment (dismissal) of the Head of SSU.

International experts advise to establish tight parliamentary control over the use of funds used by SSU. It is noted that SSU has got 35 thousand employees and a number of functions, some of which interfere with other departments. In this regard, it is necessary for the Parliamentary Budget Committee to control thoroughly the process of SSU budgeting and the efficiency of the allocation and use of financial resources.

Within the framework of parliamentary control, SSU is suggested to consider the expediency of the establishment of a separate parliamentary committee, which will be exclusively overseeing their activities. Experts mention that the best European practices demonstrate the need for at least one parliamentary committee with a specific task of overseeing special and intelligence services. In some countries, such as Romania, Slovakia and Montenegro, there are several parliamentary committees, each of them controls a particular aspect of intelligence activities, such as listening [8].

As an alternative or an amendment to the parliamentary committee can be considered the creation of an independent expert body subordinated to the Parliament as it is in Belgium, the Netherlands and Norway. Such expert bodies usually are mix and include former members of the parliament and executive and judicial branches of

government, as well as recognized experts in this field. Such a combination would be useful in the Ukrainian situation, while the expert body could also inform the newly elected deputies about the powers and functions of SSU. Civil society actors can also be invited to committee meetings when discussion of confidential information is not planned [8].

The bodies of expert control are non-parliamentary bodies created specifically for the control of security services. Unlike parliamentary control committees, expert bodies operate on a (practically) permanent basis and are able to provide a more complete and in-depth check than their parliamentary counterparts. Permanent and continuous monitoring is particularly important for monitoring the legality of security services, as it is usually a time consuming and laborious task.

The agencies of expert control, as a rule, have the right to check the legality of security services activities, including the collection and use of personal data by security services. A full evaluation of human rights requires verification: data collection permission; the collection process itself (including compliance with all orders); reauthorization for events; storage, use and transfer of data by security services. Recognizing the value of ongoing expert non-partisan control, more and more member states of the Council of Europe are creating security intelligence / intelligence agencies. Such authorities are usually empowered to consider, first of all, the legality of the activities and policies of security services, including the observance of their human rights law. For example, such is the situation in Norway, the Netherlands and Portugal [12].

Non-governmental organizations (hereinafter – NGO) as civil society institutions also participate in monitoring and publicizing the work of supervisory authorities. The role of NGO remains vital in the context of continuing problems related to mass surveillance, interstate intelligence sharing and security hacking. NGO can also be useful in organizing security intelligence campaigns and offering their knowledge for such investigations, as well as by submitting when parliament adopts or amends security laws. During the past decade, these organizations have drawn attention to the potential weaknesses in the control and reporting processes and have advocated a more rigorous, independent, special investigation in the security services. NGO also play an important role in prosecuting and participating in litigation relating to security services at the European Court of Human Rights and national courts. The experience of the activities of foreign NGO, such as the Open Society Justice Initiative, Reprieve and the Polish Helsinki Human Rights Foundation, proves the effectiveness of these bodies involved into the filing of human rights claims in connection with the participation of European states in secret detentions and issuance under the guidance of the USA. In particular, such NGO as Privacy International, Big Brother Watch and Liberty, took an active part in commencement of proceedings, against governments in national and international courts in connection with laws and practice of tracing [10].

Civil society organizations in Ukraine are receiving a lot of complaints about the detention of the SSU. Most of these complaints relate to detention without "call right", physical violence and other forms of ill-treatment in pretrial detention facilities, and the SSU blocks access to independent prisoners and lawyers to places of imprisonment. According to the current legislation, SSU should use investigative insulators that are subordinate to law enforcement agencies. But the new bill envisages the creation of separate investigative isolators, which will be under the control of SSU.

The role of the media (media) and journalists, in particular, in exercising democratic control over the activities of the special services, is the control, study and investigation of such issues as secret or illegal detentions of citizens, even before it is done by permanent controlling bodies. In many cases, it was the journalists' activities that led to inquiries from permanent and special monitoring bodies. Journalists play a very important role in exposing of the illicit activities of security services in the situations when official control systems cannot detect or stop human rights violations, and they can also be a tool of communication for security staff who wish to convey to the public fears of unlawfulness if they do not have the opportunity to look at these fears by specific channels, there is no trust in such channels or if there is no other permitted external channel for disclosure [10].

In recent years, significant changes have taken place in the political, social-economic and legal spheres of Ukraine, and large-scale reforms have been carried out to implement the Association Agreement with the EU. The reform of the Ukrainian security sector will facilitate the implementation of Ukraine's commitments under the Agreement on the implementation of cooperation with the EU, the development of common principles for the implementation of domestic and foreign policy for Ukraine and the EU, which aims to respect the principles of stability and efficiency of democratic institutions, the supremacy of law, respect for human rights and fundamental freedoms.

The priority of the national security policy in modern Ukraine is formation and development of the security and defense sector, which should provide adequate and flexible response to threats, rational use of opportunities and resources. The goal of implementing the reform of the security sector, and the Security Service in particular, is to effectively counteract the whole range of threats to the internal security of the state; effective interaction with all the structures of the security sector of Ukraine; observance of the principles of the supremacy of law and respect for human rights and fundamental freedoms in accordance with European requirements and standards in the activities of the Security Service of Ukraine; improvement of the system of democratic and civilian control over the activities of the Security Service of Ukraine, increasing of the transparency of its activities; strengthening cooperation with the EU and its member states, gradual involvement of the Security Service of Ukraine in the sphere of the EU foreign and security policy.

Now we have grounds to state that there are no reliable external security guarantees for Ukraine, since Ukraine is not yet a member of international collective security systems, and therefore there are no foreign policy guarantees and sufficient support for Ukraine's national security. Planning and implementing security sector reform should take into account specific threats to Ukraine, such as the violations of territorial integrity, terrorism, separatism, economic crisis, declining living standards of the population, and corruption. The draft of the concept of the SSU reforms, which involves the transfer of powers of pre-trial investigation to law enforcement agencies, is in line with the best international practices, but, at the same time, a deprivation of the powers of pre-trial investigation. In the current situation, there are huge risks, in view of the ongoing armed conflict in the Eastern Ukraine, that the SSU units involved in the anti-terrorist operation should effectively investigate crimes against state security.

An important role in the implementation of democratic civilian control over the activities of the structures that provide security in Ukraine play the structures of civil society. In particular, NGOs and the media can provide an unofficial control of law enforcement and security sector agencies by bringing power structures to account for their actions by means of lobbying and information campaigns, mediating in the supervisory process by providing public access to information, creating open platform for coverage of these issues. In order to ensure the effectiveness of public oversight, civil society organizations should have the capacity to put constructive pressure on power. But there are no adequate legal norms regulating public protests and public consultations. There are no laws obliging the Government to consult with the public. There are no reliable legal safeguards for the safe organization of public protests as well. It is important that NGO and the media are interested not only in security services, but also in the institutions controlling them. The ability of the media and NGO to carry out an informal control over security services depends a lot on the availability of an environment in which they can argue with governments on delicate issues without fear of intimidation or disbursement.

The development of democracy, the full guarantee of human rights and the supremacy of law in Ukraine may be possible only due to the purposeful activities of state bodies in reforming the security sector, in accordance with the requirements of international law, while taking into account an internal state and external needs of the insurance of the national security of Ukraine.

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2.3. NEW METHOD OF TRAINING LAW ENFORCEMENT OFFICIALS AND SECURITY AGENTS FOR PUBLIC SAFETY AND CRIME PREVENTION

*«Security is a process, not a product»
Bruce Schneier*

The growing need for security produces an intensive search for security services in the departments of law enforcement agencies, in state and private security services, and by the entire state apparatus. In order to improve law enforcement agencies efficiency, as well as to increase public confidence in their works, the following measures should be taken:

- inclusion of international law in training and qualification programs for law enforcement officers;
- conducting joint trainings and master classes with law enforcement officers of foreign states;
- practice in applying established methods of training guards using personal protection skills elaborated in various martial arts;
- attracting experts from international organizations to undertake trainings and master classes for law enforcement officers and security agencies.

To this end, we propose to consider a new methodology, in active practice in the EU countries for training law enforcement officers and security structures.

This is a new training idea (International Police Operational Procedures), which is a vision of how using basic (simple) techniques borrowed from various martial arts performed in the correct biomechanical sequence may protect us from aggressive attacks and serve to prevent violations on property, health, and life of citizens.

The purpose of this training is the ability to respond adequately and effectively to criminal attacks with a minimum risk of damage to the attacker.

The training system includes:

- Protection from unarmed attacks (arms, legs, various grips, strangulation);
- Protection from attacks with auxiliary equipment, cold weaponry and firearms;
- Training in the use of force and aids, placing handcuffs and transporting the attacker.

With this training, the new aspect in preparation is that tactical strikes are put in use: knocking down the opponent, instead of throws and painful control techniques, in order to reduce injuries and with minimal damage to the attacking person. New trends in the training of law enforcement officers are to create teaching training models that are worked out before practice; rapid assessment of emergency (critical) situations; adoption of correct adequate decision for selecting the most suitable, for a particular situation, tactics and skills to apply.

MASTER CLASS SCOPE (EDUCATIONAL DISCIPLINE)

- 1.1. Concepts and legal regulation.
- 1.2. Punches and foot movements, blocks - the main methods.
- 1.3. Falls and throws.



- 1.4. Protection against impacts by hands and feet.



- 1.5. Protection against gripping, clamping and strangulation.



- 1.6. Methods of control and transportation.
- 1.7. Sparring - Jiu-Jitsu.
- 1.8. Protection with a club from various types of attacks. Protection against threats associated with weapons.



1.9. Detention of the offender and transportation.



According to the theoretical-aspect analysis, the generalizations made by the measures and the practical system of special tactics algorithms create not only a highly effective law enforcement apparatus in a certain object, location and/or structure, the institution of the state and society as a whole, but also builds the foundation for reducing crime, and preventing infringements on the person, his rights and freedom.

Learning stages:

- Initial training, in which the student is given the rights to carry out this activity;
- Professional training in accordance with the position, position, rights and duties that it entrusts.
- Long-term training or, in other words, - advanced training.

The learning process is designed to perform educational and upbringing functions. Advanced training should be considered as a system of additional education - additional training after receiving basic education of persons engaged in professional service in the field of public order, in order to ensure the modern and high-quality performance of their duties. The main goal of such training is to deepen and improve the professional knowledge, skills and abilities necessary to perform their official activities in accordance with the requirements of modern legislation.

Because of the analysis, we can conclude that the reform of the internal affairs bodies should ensure that the most advanced achievements of science and technology, tactics, practical skills, and skills are introduced into law enforcement practice based on the latest information technologies and challenges more modern.

A high level of training of trainees will ensure the safety of the objects protected by us. Or, in other words, security assurance should be viewed as a set of rules, procedures and activities carried out by authorized persons aimed at preventing and countering security threats for the normal functioning of protected objects, citizens and activities, as the state as a whole.

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2.4. Definition of Greenhouse Gas in an International (Climatic) Doctrine as a Factor of Sustainable Development

In a new global order-paper 2030 to, strategy of Sustainable development comes forward as key pre-condition of realization of quality transformations in all spheres of life of world society [1]. And is interpreted, as the "global

guided system-balanced natural for social development", at the same time, applying approach of determinism – as the most progressive type of evolution, that has for an aim coexistence and maintenance of human civilization and biosphere on a terrene.

Global climatic agreement – the international (climatic) doctrine sets itself the goals: to take advantage of the possibilities of planetary limitation of carbon dioxide emissions and other greenhouse gas into the atmosphere as one of the vectors of environmental safety and pave the way for economization to form the transition to a sustainable economy.

Exploring the relationship between human and nature, professor of modern history at the Bielefeld University International (Germany) Joachim Radkau in his extensive work "Nature and Power (Society). The World History of the Environment" ("Natur und Macht. Eine Weltgeschichte der Umwelt", 2002) rightly states that "the main path through which the synthesis of the history of people and the history of nature has been from ancient times is geographic and climatic determinism [2].

The international scientific community, while implementing international cooperation in the field of environmental protection in a context of sustainable development, draws attention to the problems of addressing the consequences of natural disasters that have led to climate change, and substantiates that the main cause of global climate change is anthropogenic emissions to the atmosphere – greenhouse gas, which causes "ecological shifts" of a global nature.

Reality coincides with more positive phenomes that have become characteristic since the 20th century. ... It is accented in Section 1. "Global Challenge. Successes and Failures" in the report of the Commission on Environment and Development (World Commission on Environment and Development, WCED) ... "We are able to reconcile human activities with the laws of nature and to achieve universal prosperity. In this process, the cultural and spiritual heritage of humanity can be put to the service of our economic interests and contribute to solving the main tasks on which the further existence of civilization depends.

The global failures of today that our planet may not be urgent is such that, as a result of the combustion of biomass (a biological material based on carbon, hydrogen and oxygen K. D.), which leads to emissions with a neutral emission level, because carbon dioxide is formed in within the natural cycle of carbon. At the same time, carbon dioxide is released into the atmosphere, which is the reason for the gradual warming of the global climate.

In accordance with the provisions of the Kyoto Protocol and a number of international programs that regulate greenhouse gas emissions, the use of biomass and its by-products as alternative fuels can be considered as a reduction of greenhouse gas emissions [3, p. 23].

Due to this "greenhouse effect" the average global temperatures can increase in the beginning of the XXI century so that the areas of agricultural production will change, the seas will leave the coast and flood the coastal cities, and the economy of the countries will be seriously damaged. Other gas of industrial origin can damage the protective ozone layer of the planet so that the number of diseases of humans and animals will increase dramatically, and the ocean food chain will be broken. Industry and agriculture are sources of toxic substances that enter the human food chain and infiltrate groundwater so that they are no longer purified"[4].

The emergence and resolution of global environmental problems is one of the main objectives of humanity in the search for security and justice, according to Professor Philippe Le Prestre. Because of its concern about the relationship between these issues and traditional political issues, "given the diverse roles played by international actors in their dynamics, where international cooperation and interactions between international and national organizations are central, global environmental policy opens the window to the very nature and foundations of modern International Relations" [5].

Environmental values belonging to the category of public values – are environmental goods and services (EGS) or the environmental goods and services sector (EGSS) – an ecological and economic indicator produced in the EU. It provides information on production (output) and gross value added of the sector of environmental goods and services and on employment in this sector. They differ from mostly material goods by the fact that they "are exploited for a long time, which usually exceeds the life span of a person".

Possibilities of economic growth are tightly combined with the problems of environmental constraints. Environmental products and services cover products of two types of environmental protection measures: (a) environmental protection (EP), the main purpose of which is to prevent, reduce and eliminate pollution and any other deterioration in the state of the environment; (b) resource management (RM), aimed at preserving and maintaining (preserving) natural resources and, consequently, their protection against depletion (foolish, consumer use K. D.).

Thus, according to Eurostat's latest estimates on the amount of environmental goods and services (EGSS) in the European Union (EU), along with the results of the voluntary collection of data on the sectors of environmental goods and services in the EU member states, the release of environmental goods and services in 2014 was estimated for EU-28 in the amount of 710 billion euros (5.1% of EU-28 GDP), and employment for their production amounted to 4.2 million full-time jobs (full time equivalent equivalents, FTE). The ratio of production to GDP of EGSS increased by almost 2 percentage points between 2000 and 2011 and remained at 5.1% -5.2% over the period 2012-2014 [6].

Simultaneously with the Classification of Environmental Products and Services (version of the official statistics site of Finland) 2013.

From classes to class definitions: 01 "Environmental and Climate Protection by Reducing Greenhouse Gas Emissions" – Greenhouse gas, CO₂, CH₄, N₂O, HFC (Chaldon) and PFC (perfluorinated compounds), SF₆. Reduce, process, measure and monitor landfill gas (methane) and greenhouse gas. For example, software, machines, equipment and methods for reducing and measuring emissions. In addition, the installation and maintenance of the above products. This category includes, for example, scheduling and expert services related to greenhouse gas. The classification of environmental goods and services [7].

Obviously, the problems of environmental security are urgent, and became the subject of scientific research by Y.S. Shemshuchenko, one of the first researchers of the "criteria of law for a favourable environment". Scientific value of which, among other things, is to criticize certain deficiencies of sanitary-hygienic "norms of concentrations of pollutants in water, air, soil, as criteria of the right to a favourable environment" [8, p. 123].

In science, the legal reference point for environmental safety is outlined by the following factors: firstly, on the basis of many-year (decade) experience, when concepts were developed in a wider context; and secondly, on a specific global specific vector that appeared in the XXI century [9].

It seems advisable to agree with the doctrinal approach of N.F. Reimers (Nikolai Fedorovich Reimers) regarding environmental safety:

1) it is a "set of actions, states and processes that do not directly or indirectly lead to vital damage (or threats of such damage) that causes damage to the natural environment, to individual people and to humanity";

2) is a "complex of states, phenomena and actions that provides an ecological balance on Earth and in all its regions at the level to which humanity is physically, socially, economically, technologically and politically (and can adapt without serious harm)" [10, p. 367].

At present, states are concerned about environmental safety and, at the same time, are working towards the formation of a new global "Post-Kyoto" agreement, a truly working legal instrument based on equity and shared responsibility.

In the system of values of a modern global society, the effectiveness of the implementation of legal norms depends on the assessment of law "as a means of achieving justice". Therefore, the adoption of this political decision will allow achieving the set climate goals, because the regulation of the Kyoto protocol ended in late 2012.

Thus, the new Paris Agreement sets global goals to reduce the risks for humanity's future climate change; global warming, caused by the influence of anthropogenic factor – human activity, because natural chemical reactions, living creatures, plants produce heat and CO₂.

In confirmation of the foregoing, the issue of increasing the volume and increasing the degree of environmental pollution of pollutants was given due consideration by the UN Human Rights Council on March 28, 2008 in the form of the adoption of Resolution 7/23 "Human rights and climate change" (further- Resolution). The resolution recognizes that "climate change is a direct and far-reaching threat to people and communities around the world and affects the full enjoyment of human rights" and states that "climate change is a global issue that requires a global solution" [11].

Some states, in confirmation of the adopted course, focus on reducing deforestation and increasing the use of renewable energy sources. Other states are experimenting with plans for limiting and trading quotas: regulators impose mandatory emissions restrictions, but companies that exceed these capsules can buy permits from companies with reserves. In some cases, it is unclear how the states are making efforts to reach the climatic targets set. It is clear that today promises are not legally binding, and they are much lower than will be needed to stabilize the atmosphere of the planet [12].

David Schlosberg in his scientific discussion "From environmental to climate justice: climate change and discourse on environmental justice" argues that: "Ecological justice is the mainstream and organizer of discourse in the environmental policy arena, and movement and ideas have had a great influence on the way the understanding of climate justice was formulated. Despite the fact that, for the most part, discussions on climate equity in academic literature focus on ideal concepts and normative arguments in the theory of justice, or based on the pragmatic policy of more elite environmental non-governmental organizations (NGO), some discourses have emerged from grassroots ones. In these movements, articulation of climate justice, issues and principles of environmental justice are clear and consistent. Here, climate justice focuses on local influences and experiences, vulnerable injustices, the importance of public opinion and the requirements for the sovereignty and functioning of the community. This review tracks the discourse of environmental justice in its development, through a number of principles and demands of mass movements of climate justice, to later language formulations of ideas for simple adaptation to climate change [13, p. 359-374].

As a form of environmental justice, climate justice is a fair treatment of all people and freedom from discrimination when creating policies and projects related to climate change, as well as systems that create climate change and discriminate [14].

The movements of climate justice are diverse, but the fundamental principle lies in the recognition of the fact that the threats posed by climate change are the result of unequal economic and social relations.

In this context, the movements of climate justice are aimed at the struggle for territory, air, forests, water, culture, food sovereignty, collective rights; for gender equality, which "is at the heart of human rights and UN values", the free movement of people, self-determination, etc. The basis of the struggle is "justice", which is carried out through

the support of real decisions taken by the communities to overcome the climatic crises based on the practice and knowledge of those who have always defended and fought for the protection of their environment and livelihoods.

Analysing the economic and political processes of the world system that cause change and deterioration of the climate, it is substantiated that the movements of climate justice are mainly aimed at stopping resource-intensive industrial production – "to leave fossil fuels in land, coal in wells and tar sands" "in the lands," and to stop the "market mantra" of constant accumulation, which leads to inequality and social injustice of the peoples of the world [15].

Climatic justice relates not only to the distribution of environmental values between national states, but also to ensure their distribution at the national and regional levels under climate change with the active involvement of all stakeholders. In fact, the concept of "climate justice", which is based on a deeper and clearer understanding of the implementation of the principles of climate justice at the national and regional levels, has been created as an international ideal reflecting relations between nations and also defines the role of states and non-state organizations in filling this the ideal of the real meaning and prioritization of certain aspects of climate justice. Climatic justice also proposes new approaches to the theory of justice [16].

The environment and its protection have acquired the status of fundamental right, as they are an expression of public policy of collective interest, solidarity not only within the states, but also at the international level [17, p. 144].

Shared actions of the international community on limiting greenhouse gas emissions (liabilities), which carry an anthropogenic impact on the climate system, is a "priority way to address climate change". However, some of these measures are not enough. The effects of climate change are felt now, therefore, the need to organize measures to adapt to changing conditions is urgent.

The overwhelming majority of national legal systems, the practice of the European Court of Justice (Court of Justice of the European Union), etc., uses the protection principle of legitimate/reasonable expectations/perceptions.

The legal system of the state is based on two basic values. On the one hand, the legal order must be fair in view of the substantive issues that he envisages. Yes, it is focused on the value of justice. On the other hand, the legal order should be reliable, that is, it is oriented towards the guiding value of legal certainty [18, p. 1].

Actually, it can be considered that among the scientific approaches in the process of social development to understanding the international (climatic) doctrine, the principles of legal responsibility, as international legality, separated from the principle of environmental justice, but, in the future, and from the principle of climate justice. The principle of a common but differentiated responsibility of the states took its separate and important place, at the same time, without a "conflict of interests" regarding legitimate expectations, without losing interconnection. States, in accordance with the concept of protecting legitimate expectations, have an obligation to reduce anthropogenic emissions of greenhouse gases by complying with legal regulations.

At the same time, as a form of international law, the principle of *ex aequo et bono* – is to resolve the issue of justice and good conscience enshrined in the Statute of the International Court of Justice. The Statute, indicating the sources of law applied by the Court, in addition to them, gives the Court the power to "decide *ex aequo et bono* if the parties agree with it" (Article 38, paragraph 3) [19].

In academic science, attention is drawn to the fact that in 1928, in the decision of the Permanent Court of Justice in the case of the factory in Chorzow (Chorzów, Poland), it was said about international responsibility as one of the "principles of international law and, moreover, the general legal concept" (SRL, Ser. F No. 17 (1928)).

At present, at the international legal level, environmental pollution, the principles of global justice and collective responsibility have repeatedly been confirmed by the Millennium Development Goals (MDGs) [20].

The problem of joint but differentiated responsibility has not been adequately covered in national scientific sources. Some aspects of this issue were studied in the works of such foreign researchers as Christopher D. Stone, American professor Daniel Bodansky, the theory of good values (governance), Friedrich Soltau in his work "Fairness in International Climate Change Law and Policy (2009) [21] and others [22, p. 367].

An attempt to conduct a study of doctrinal approaches to the international legal responsibility of States in relation to the subject of our study on the inventory of greenhouse gases suggests that the issue of adopting relevant codified acts at national level remains pressing, along with the development and adoption of a "universal convention on State responsibility" for internationally wrongful acts. Here one should agree with the logic of L. S. Baibekova that the final formation of such a sub region of international law "as the right of international responsibility marks a new stage in the progressive development of international law in general" [23].

In order to achieve the goal of research and realization of comprehension of the basic principles of the international (climatic) doctrine, it seems expedient to distinguish the following ideas regarding the commitment of countries:

identify, analyse and systematize possible negative environmental aspects at all stages of the inventory cycle of greenhouse gas (inventory), objects of international legal relations, with the purpose of further reducing environmental risks in relation to environmental and economic objectives at global, national and regional (local) levels;

to provide activities for the protection of vital environmental interests, from environmental safety and environmental protection with the necessary resources (finance, technology, equipment, labour resources);

to implement modern approaches (methods) of environmental management (Environmental Management, Ecological Management) in accordance with international standards for ensuring environmental safety;

to monitor the interaction and cooperation with international and state systems and institutions of environmental safety, environmental protection and sustainable development; with community-based environmental organizations "friendly to the environment";

to provide "openness and availability of scientifically substantiated information" to the public on the whole spectrum of issues related to the environment, climatic protection (dynamics, expert assessments, monitoring, etc.).

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2.5. THE SOCIAL FACTOR OF SECURITY DEVELOPMENT IN UKRAINE

Ukraine is now on the verge of inadvertent transformations in all the domains of the society's life and activity. Crisis events that can be traced in the society and that need to be overcome constitute a direct threat to the national security of the Ukrainian state. Since there is a need to update the national security concept, it is necessary to develop

and apply a comprehensive approach to the unification of all its components, among which social security aiming to ensure social progress in the country takes an important place.

Underestimation of social factors in the national security concept can lead to an aggravated crisis in the Ukrainian society, therefore if they are taken into account in further development of ways of improving life and activity of the population that will become an additional driving force on the way to progressive changes in the state. Human will for and perception of positive changes should be crucial here, since they together shape a phenomenon called social culture and act as the main anti-crisis factor. It is high level of social culture that may become the catalyst of the reforms Ukraine needs, therefore, profound understanding of the essence and role of the state in the societal development by each citizen of the state will help the country move on to a new level of progressive transformations.

The issue of social culture and importance of raising its level is considered in the papers of the researchers studying the issue of national security, in particular, social security. Thus, theoretical and methodological as well as practical issues relating to social security are raised in the publications by such scholars as M. Volhin, V. Hoshovska, I. Hrybidenko, A. Kolot, O. Kostenko, V. Kutsenko, E. Libanova, O. Novikova, O. Radchenko, H. Sytnyk, V. Troshchynskyy, V. Udovychenko, etc. But due to a considerable scientific legacy in the above range of problems, it should be indicated that the issue of social culture as an independent notion requiring a detailed study and analysis has found almost no reflection in specialized literature. Due to this, there is a need for a deep comprehension of the role and importance of social culture in the context of ensuring social, and hence, national security.

The article aims at assessing different approaches to the essence of the notion of social culture, characterizing its functions, analyzing the problems the Ukrainian society is faced with due to low level of social culture and substantiating proposals concerning activation of social progress and cultural development of the population.

Judging by the general interpretation of culture as a specific integrity of means, forms and guidelines of human interaction with their environment, social culture should stand for a system of values, standards and norms of conscious human behaviour available in the society and functioning as an important mechanism of interaction of citizens working towards constant development of the environment in which the bearers of social culture stay. This notion presupposes a degree of coordination between will and perception of people with the laws of social nature, since the situation and the level of population welfare in this or that country directly depends on it. That is what the Fundamental Law, which states that Ukraine is a sovereign and independent, democratic, social state and state of law, says [1], thus placing social priorities among the factors characterizing successful performance and prosperity of the state and its citizens.

It should be indicated that cultural development of citizens constitutes one of the key factors of the state prosperity, and that enables to claim that social culture determines the level of national and social security in the society.

Outstanding social scientists of the past centuries stressed the importance of the cultural factor for state and its population. They claimed that it is adequate cultural development of citizens that plays the key role in the country's life, ensuring its integrity and significantly influencing all the domains of human life and activity. In particular, a famous French social scientist E. Durkheim claims that there is no master in the contemporary world, but for public opinion, which is, in its turn, developed in accordance with the social culture. He wrote: 'For this master not to become an unwise despot, he should be enlightened, and how else could this be done if not via science?' [2], thus, claiming scientific achievements to be a cornerstone of all cultural changes in the society.

Also, a German researcher M. Weber should be mentioned, as he dedicated his works to substantiation of the critical influence of the cultural factor on the economic development of the state. In his well-known book *The Protestant Ethic and the Spirit of Capitalism* he proves that adequate level of cultural development of the population creates motivation for labour, thus contributing to the development of production relations. Along with that, Weber also does not reject a back impact of economy on culture [3].

Modern scientists also speak of a substantial role of social culture in societal development. Thus, O. Kostenko considers social culture of people, according to the principle of social naturalism, to be a degree of coordination of human will and perception with natural laws of societal life. He is of the opinion that '...being uncoordinated with those laws, will acquires the status of high-handedness, while perception – the status of illusions, and it is in such status that human will and perception become the source of different social crises – political, economic, legal, moral ones, etc.' [4]. Thus, the scientist stresses that non-compliance with the norms and rules of social culture can lead to crisis phenomena in the state with irreversible consequences.

Social culture results from availability of spiritual values in the society, of which researcher O. Radchenko says: 'Spiritual state-building of Ukraine presupposes transition to prevalence of spiritual, civil and political values, interests of humans and the society, principles of moral, open and responsible politics, high professionalism and dedication – all those things that may be called serving the people and the Motherland' [5]. It is adequate level of social culture that is capable of ensuring the priority of spiritual values, which, in their turn, will determine a way towards welfare and prosperity of the state in the context of national and social security in the society.

It should be noted that essential characteristics of social culture, caused by its belonging to culture in general, include its value and sense nature as well as its inter-subject interaction as a source of value and sense transformations. Specific features of social culture are its topicality and representative nature, related to social culture being the basis

for actions taken by social entities and a determinant for the content and ways of their activity, the results of which are objectified in the social system.

Thus, the above gives grounds for stating that social culture plays an important role in the life of the society, being a means of accumulation, storage and transfer of human capacity and experience. Hence, it is worth considering the main functions performed by social culture in the course of human development (table 1).

The functions of population's social culture in the context of state development *

Table 1

No.	Functions	Their characteristics
1	Regulatory	Socialization of the society leads to the situation when everybody has certain values, norms and samples of behaviour in the society. It is social culture that regulates this behaviour via setting of the norms and values, in accordance with which the citizens of the state have to act
2	Educational and upbringing	Social culture acts as the main factor socializing humans via acquisition of the respective knowledge and skills and transforming them into personalities. In its turn, such progress leads to further progressive transformations in the society
3	Integration	Characterizes the striving of people to live in the society, which, in its turn, influences every citizen willing to integrate with other citizens, thus determining this or that level of social culture
4	Progressive	It is social culture that constitutes the engine of progress in the society, since constant compliance with clear norms and life prescriptions by every citizen in the society enables to introduce transformation changes necessary to improve the welfare of the state's population
5	Creative	Social culture produces moral values of the society on the basis of a creative and tailored approach to individuals, and thus general social conscience (perception) are developed

* Source: own generalizations

Judging by the functions considered, one may draw a conclusion that social culture is one of the most influential social institutes, which considerably determines the nature of social relations and direction of social processes. The global experience shows that a sociogenic factor and availability of an adequate level of social culture are capable of causing life-changing transformations in the life of the state.

For instance, the experience of the reform carried out by Franklin Delano Roosevelt, that ensured overcoming of the Great Depression in the USA in the past century, testifies to the fact that it is that reform that led to the change of social (political, economic, legal, moral, etc.) culture of the US citizens and progressive changes in the American society. The driving engine of the 'Japanese miracle' was a new sociogenic factor developed by the reformers – progressive social culture of the Japanese people. The same can be said about the 'Singapore breakthrough', based on both rigid administrative approaches applied by the state administration and deep understanding of the role of sociology factor by it.

All in all, history provides a lot of evidence proving the following regularity: social progress and uninterrupted development of the society is always ensured by the social culture of the citizens living in the state. In its turn, there also works the opposite statement: if the level of social culture of the country's citizens is very poor, this state will definitely become the source of danger for other countries and will become vulnerable to the influence of external aggressors.

Thus, one may speak of availability of certain regularities that must ensure new approaches to state governance and that testify to the development of social culture. They can generally be depicted as in fig. 1.

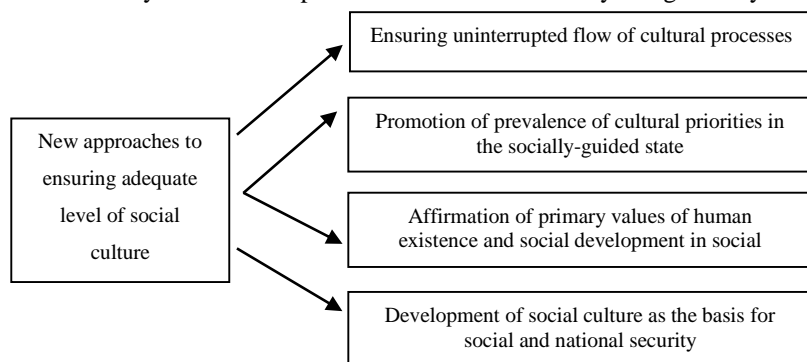


Fig. 1. New approaches to and regularities in ensuring adequate level of social culture*

* Source: own generalizations

Therefore, recognizing social culture as the crucial development factor in the society and the state, one should indicate that in current realia it is its inadequate level that constitutes the reason for the crisis in Ukraine. The phenomena traced in all the domains of the economy result from neglecting of the main norms and rules determining human life in the society both by residents, and by power elite. This results in crime rate growth, development of

pseudo-entrepreneurship, corruption, fraud, smuggling, tax evasion, increased unfair competition and environmental pollution.

In Ukraine the phenomenon of pseudo-elite domination can be traced. Pseudo-elite representatives hold the majority of governing positions in the state authorities. Its existence constitutes an impediment on the way to social progress and obstructs the development of social culture of the Ukrainian population, since pseudo-elite distorts social values: ideas of justice and human virtues, without which no social progress is possible. Its false influence shapes distorted ideas of the legal, economic, political and moral freedom as arbitrary will, which always goes into high-handedness, among the residents.

Thus, laws of nature, that must objectively be the bearers of cultural values under the influence of the society, have receded into the background, and instead there have developed pseudo-laws that ignore the role of social culture. It should be noted that their prevalence is the catalyst of degrading changes, which are now characteristic of the

Ukrainian society. Therefore, moving towards uninterrupted and stable development in the country, one should primarily recognize the priority of social culture which will enable to ensure social progress in the state. Since no achievements of technical, economic, political or legal sciences can ensure positive transformations in the country unless adequate level of cultural development of the population is achieved.

It should, however, be noted that in spite of the above problems the conditions for the development of social culture of citizens are currently highly favourable in Ukraine, this being caused partially by the memory of the Orange Revolution, and the tragic events of the Revolution of Dignity, and by further realia. This experience must be used to ensure the success of the necessary reforms (political, economic, legal, moral, etc.), which will definitely take the country on to the path towards social progress and national prosperity.

In order to ensure constant growth of the role and importance of social culture, activate social progress and cultural development of the population, it is necessary to introduce the means capable of creating a new society, approved by the global practice. In particular, this should include:

- activation of the elite, capable of enhancing the role of the state in the development of social culture of citizens;
- introduction of the practice of all-Ukrainian discussions in the issues requiring urgent settlement and relating to the problems of improving the level of social culture in the society;
- propaganda of the importance of social sciences, which requires focusing on the awareness-raising direction and popularizing the achievements of social scientists among residents in the context of improving the level of social culture;
- establishment of groups of experts and specialists, aiming to solve social problems directly related to social security and social culture;
- introduction of the fundamentals of sociology, social security and social culture in schools, this enabling to ensure early cultural development of personality towards development of the society guided by social values;
- introduction of the practice of studying abroad for Ukrainian youth, since after graduation they will 'import' the advanced social culture to Ukraine;
- active involvement of the citizens of Ukraine or foreign citizens with a well-developed social culture in the state governance, as well as probation of Ukrainian specialists in the countries with a well-developed social culture;

These and other activities need to be implemented via development and adoption of the respective regulatory and legal acts, purposeful organizational, regulatory and administrative actions taken by the state, propaganda and awareness-raising campaigns and active involvement of all the strata of the society in the achievement of the common goal – raising the level of social culture in the context of ensuring social, and hence, national security of the state.

To sum up, it should be noted that social culture consists in understanding of the fact that there are natural laws that do not depend on our will and perception, operated in the state, economy, politics, morale, etc. It is the factor that must necessarily constitute the basis for the reform in Ukraine, since adequate level of social culture, that may result from the cultural 'revolution', based on the achievements of social sciences, in the world outlook of citizens, may become a real driving force for Ukraine to find a way out of the long-lasting crisis. Transformation changes, introduced by the real elite at the level of state authorities, educational institutions (including schools and universities), public entities and other civil society institutions in order to ensure adequate level of social culture in the country, will become an 'engine' of social progress in the state.

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2.6. ANALYTICAL, LEGAL AND ECONOMIC COMPONENTS OF THE REFORM OF UKRAINE'S LOCAL FINANCE: A MODERN LOOK

The development of the idea of fiscal federalism is inextricably with the ideas of fiscal decentralization and reflected in the works W. Oats, R. McGraive, G. Rosen, U. Schumager, Sh. Blanckart, B. Fray, R. Ahenberg and others world-famous scientists. Most Ukrainian scholars and practitioners for a long period rejected the idea of the possibility of applying the concept of fiscal federalism in the Ukrainian situation, as a unitary state. But recent decades, international experience shows not only the possibility and feasibility of using at least part of the principles of fiscal federalism in unitary states. For example, they are widely used in such developed unitary states like Sweden, Denmark and France. In order to avoid the growth of inter-regional conflicts developed countries go through the authority decentralization, including areas which are given larger powers in budget, finance, tax administration. In Spain, the

autonomous status received Andalusia, Galicia, Catalonia and the Basque Country. In Italy, a special autonomous status has such areas as Sardinia, Sicily, Trentino Alto Adige, Valle d'Aosta, Friuli-Venezia Giulia. In Great Britain significant autonomy in local matters reached not only Scotland but Wales and Northern Ireland. Nowadays the scientific community has not agreed a final interpretation of the concept of budget (fiscal) federalism. On the diversity of views on this concept indicates a set of ideas foreign and Ukrainian scholars.

The interpretation of the concept of fiscal federalism was developed by P. Russell, who argues that fiscal federalism - transfer of the wealth through equalization payments to the provinces, "who" to those "who needs help"; the purpose of redistributing incomes to provide acceptable levels of public services on a more or less acceptable conditions of taxation [1, p. 35]. William Oates considers that "fiscal federalism based on a realization of what functions and tools are best used at the central and which - at the local public administration" [2, p.32]. Joseph E. Stiglitz argues that fiscal federalism is the financial cooperation of various levels of government [3, p.103]. K. R. Mc Connell and S. L. Brue assert that fiscal federalism is a system of transfers (grants), for which the federal government shares the revenue with the state governments and local authorities [4, p.164]. H. S. Rosen formulates that optimal fiscal federalism is the right division of governmental activity levels [5, p.87]. L.I. Jacobson asserts that fiscal federalism involves not only of autonomy in determining the need for the public benefits, but also in finding resources to meet them [6, p.67]. O. O. Suntsova interprets that fiscal federalism is not only a form of internal intergovernmental financial relations. This is the philosophy of political relations between different levels of government. Fiscal federalism as a concept is the basis of intergovernmental financial relations in countries with a federal state structure [1, p.75]. Authors S. Yuriy and V. Fedosov consider that fiscal federalism - is the transfer of authorities, functions and competences from central government to local governments, accompanied by appropriate transfer of financial resources [8, p. 315]. V.L. Andruschenko and A. P. Kirilenko concluded that fiscal federalism - is legislated strategy division of functions and responsibilities of national, regional, local authorities distinction compromise on this basis income and expenses between sections of budgetary system based on political activities , social ethics, inter-regional and inter-ethnic solidarity [9, p. 92]. N.B. Yermasova assets that fiscal federalism - is a political-economic category of relationships between the different budgetary levels that promotes equitable distribution of resources, achieve economic efficiency in this state system and to balance economic and political interests in society [10]. Therefore, in our opinion, fiscal federalism advisable to describe as legislated relationship of the central government and local governments over the distribution of revenue sources and expenditure budget authority for the financing of public services, which should be on the basis of the highest quality, maximum availability, feasibility, demand and efficiency, with mandatory compliance with the principle of financial autonomy of each level of government.

Effective organization of relations between the budgets of local governments and the central government is an important issue of public finances affected by various factors that show in the relationship of fiscal federalism. Influence due to the fact that the system of fiscal relations between different governments theoretically could be based on various combinations of levels of decentralization in different directions. In today's world there are many countries of federal system, such as Australia, Brazil, Bosnia and Herzegovina, Ethiopia, India, Canada, Mexico, Nigeria, Turkey, Pakistan, Russia, Sudan, USA, Switzerland and others. The main feature of the federation is a division of sovereignty between its subjects and consequently determines the existence of systems administration and government, each of which performs its actions within their competence. Federal states find solutions issues meet the requirements of constituent territories and sharing of tax resources with diverse techniques (the most common formula is the calculation), depending on the model of governance and decentralization. However, the accumulated experience of formula calculations also showed outstanding issues, notably the lack of direct connection between the size of equalization and the main macroeconomic indicators of administrative units; the mechanism for calculating equalization of grants do not fully take into account regional specifics areas.

To characterize the complex structure of public administration, in which each link receives individual budget and performs its functions within the budgetary authorities assigned to it shall take the term federalism. The definition is used for the formulation of relations in the federation, but today it is used relative to countries which are not federal states by the constitution.

Federalism is defined as a way of government, in which organically combines the interests of all states with the interests of its individual parts, while respecting the independence of the territories included in their competence in matters ensured the unity and integrity of the country.

Fiscal federalism - a relationship based on the principles of centralism and communication between decentralized federal authorities and the authorities of the Federation on the formation and implementation of fiscal policy, fiscal separation of authorities, distribution of expenditure and revenue between the last federal budget and consolidated budget sub-federations objects with low self-sufficient local budgets, based on the need for a combination of national interests and the interests of the population [2, p.6] .

As a result of a combination of the principles of fiscal federalism among levels of government at the central type is characterized by separation of authorities, expenditure is not accompanied by giving them sufficient own sources of income. Financing of regional programs in these conditions is carried out using various forms of intergovernmental relations through centralized federal budget. Here is reduced to a minimum autonomy of functioning of the lower parts of the budget sector. Decentralized types of budget systems are based on the recognition

of the high degree of autonomy of regional and local budgets. Authorities in the expenditure sphere correspond to authorities in the revenues sphere.

Holding a single economic and financial policy in the Ukraine in modern conditions is a complex issue. Decentralization may adversely affect the ability of federal authorities to control the actions of macroeconomic processes of regional and local. The authorities can come into conflict in the performance of its issues. Fiscal federalism is not limited territorial redistribution of resources in the form of financial aid, as its purpose is to ensure the sustainability of territorial units, their own efforts to stimulate communities to build economic capacity. Fiscal federalism has an important political and social functions. Movement of budgetary resources towards areas of the center brings together regions with different financial and economic potential of a single state body and the nation unites.

Another important issue that needs legislative regulation is the economic relations of the heads of government in areas that incline to put state interests above their own priorities. That guarantee implementation of measures for the efficiency of the economy, the problems of territorial justice, political stability is the main objective of fiscal federalism. Its implementation should be ensured the establishment of regulatory and legislative budgetary rights and duties. They must occur at all stages of the budget process in three equal sides - local, federal and regional authorities, which are designed to provide sufficient fairness and transparency of budget resources reallocation.

The concept of fiscal federalism is a manifestation of territorial democracy like the idea of federalism. Federated States decide using various methods of distribution problems of tax resources and meet the requirements of depending on the model of governance and decentralization.

In many unitary countries actively began to apply some of the principles of fiscal federalism in the domestic financial intergovernmental relations. This includes determining the competence and distinction between different levels of government. The central government through relevant associations extensively used mechanism for consultation with regional and local authorities; expanding fiscal autonomy of regional and local authorities. Financial and economic decentralization led to the formation of a new type of mixed domestic financial intergovernmental relations that combine the principles of fiscal federalism and unitary.

The main principles of federalism defined: the unity of state authorities, territorial approach to state-building, integrity of state sovereignty and the lack of its components, economic and social unity of the state. Federalism reflects the structure of relationships that must peacefully resolve conflicts emerging between regional and national authorities to influence, for their cooperation, provide method of administering authority the most modern conditions.

Fiscal federalism is not only a form of intergovernmental financial relations; it is a philosophy of political relations between different levels of government. There are two basic models of fiscal federalism - decentralized and cooperative.

Decentralized model of fiscal federalism is characterized by significant regional fiscal autonomy of local authorities, weak links between different levels of government, relatively limited cooperation. For these models characteristic feature is that the central government does not actually deals with financial compensation, little attention is paid to fiscal imbalances in the development of certain areas. This model of fiscal federalism is characterized primarily for the USA.

For the co-operative model of fiscal federalism is inherent in the close cooperation of various levels of government, an active policy of the central government to overcoming fiscal imbalances at various levels of governance and financial equalization. In these model of fiscal federalism central government actively takes care of ensuring common standards of public services within the whole territory of the country. The cooperative model of fiscal federalism is designed for the most European countries, including Germany and Austria.

The phenomenon of fiscal federalism in equal parts affects both unitary and federal states. In federations financial system is an integral relation of fiscal federalism. As to its essence that fiscal federalism, resource allocation economy between the various elements of governance have to be the most appropriate existing conditions and spending cash assets is the most appropriate and effective means. Two functions of fiscal federalism are divided into political and consolidating part and social and psychological one. Financial flows from the center to places with different economic potentials consolidate regions into a single state body. Organization of budget regulation in the country depends on government. In the unitary countries budget system almost always is highly centralized, local budgets are small in terms of financial flows from the center to the places are appreciable ones. In fiscal federalism each country has its own characteristics. For example, in Germany the tax legislation is fully centralized, and distribution of taxes among levels of government is assigned in the Constitution [11].

In many unitary countries in intergovernmental financial relations actively began to apply some principles of fiscal federalism. It concerns the distinction between different levels of government expense and competence for their implementation. The central government is extensively used the mechanism for consultation with local and regional authorities through relevant associations; fiscal autonomy of local and regional authorities was increased. The today's economic and financial decentralization is characterized typically for most foreign unitary countries led to a new type of mixed domestic financial intergovernmental relations that combine the principles of a unitary budget and fiscal federalism [13]. Changes to the Budget Code of Ukraine in 2014-2016 laid the foundations for fiscal decentralization in Ukraine, which provided opportunities for strengthening the foundations of local self-government. In local budgets, there are now up to 50% of tax revenues for various types of income, and intergovernmental transfers have become

more targeted. According to Art. 97 of the Budget Code local budgets are provided: basic grant; subvention for implementation of state social protection programs; additional grant compensation costs due to the provision of benefits; subvention for investment projects; educational subvention; subvention for the training of workers; medical subvention; subvention for providing medical supplies individual state programs and integrated programmatic activities; a subvention for financing social and economic compensation measures for the population living on the territory of the surveillance zone; subventions for projects of liquidation of enterprises of coal and peat industry and maintenance of drainage systems in safe mode on the conditions of co-financing (50%); other additional grants and other subventions.

The maximum effective and fast process to fight the worsening of the functions of the institute of modern government is implementing the model of fiscal or fiscal federalism, which aims to create organizational, economic and legal framework to ensure the financial sustainability of budgets at the municipal level, qualified by implemented powers of local authorities and reception population accessible, timely public services.

Fiscal federalism can almost define as regulatory approval connection of local government and central government on the grounds of division of expenditure responsibilities and revenue sources to pay for public services on the basis of the highest relevance, availability, maximum quality of budget, compliance with the essential principles of financial autonomy of each element of authority.

Ukraine is a unitary state, Ukrainian country is the only state entity, consisting of administrative units subordinated to the central government and have no elements of state independence and sovereignty is based on the rule.

The only coherent state is determined by the central government controls for the implementation of all state functions in its territory, which are common for all authorities, ensuring the unity of the process of governance.

In constructing intergovernmental relations of Ukraine lies not only as unitary model, but also there are some elements of federalism such as the independence of local budgets, which involves consolidating the budgets of all levels of government appropriate sources of income, listed by law; the right to appropriate authorities to determine the direction of budgetary funds in accordance with the legislation of Ukraine; the right to an independent and independent review and approval of each budget [13].

The primary problematic issue of policy implementation of fiscal federalism in Ukraine is not the activity of local governments, lack of professional training and lack of real initiatives for regional development, the concentration of power at the center, as a result, limited human resource capacity in regional bodies, the introduction of the principles of socialized integration in the budget strategy local authorities, the substitution of statehood feasibility actions on lobbying higher levels of government.

In sum, one could argue that further fiscal decentralization will take place after the change in government, the tax system and social protection. It should solve the basic problems of introducing fiscal federalism in Ukraine, among them: uneven pace of socio-economic development regions; wide range declared by the state social obligations; high subsidized local budgets; insufficient revenues of local budgets.

Thus, in every country where there is a realization of the concept of fiscal federalism, it involves a combination of two complementary trends, such as alignment of competition and ensuring minimum national standards across the country and competition in the market of social services between regional authorities. [14, p. 257]

Achieving equity through redistribution of financial resources in ensuring the development prospects of specific administrative units due to the need to develop and use scientific and methodological study basis. To do this, use long-term experience of developed countries on fiscal federalism. This should be based on considerations smoothing differences in levels of economic and social development areas for their residents by the legislation on minimum state guarantees and aimed at improving the mobilization of revenues to the appropriate budget to stimulate local government.

The research concept of "fiscal federalism" had reason to define it as fixed in law the relationship of central and local authorities on the allocation of revenue sources and expenditure responsibilities for funding for citizens of public services based on their quality, accessibility, relevance, most demand and economy, with mandatory compliance with the principle of financial autonomy of each level of government.

Analysis of the basic principles of fiscal federalism has shown that the implementation of and compliance quite possible in Ukraine, because its purpose is to give public services for citizens at the lowest price with the principle of autonomy of each level of government in the conduct of fiscal policy, achieve financial independence as central authorities, and local governments.

Decentralization of finance in Ukraine is a systemic reform that quickly gave its positive result. Thus, according to the official figures of the Ministry of Finance of Ukraine for the first nine months of 2017, UAH 135 billion have been received from the general fund of local budgets, which is 80% of the annual revenues approved by local budgets. The growth compared to the same period in 2016 is 30% or UAH 31.1 billion. These are significant economic indicators that confirm the correctness of the chosen reform in Ukraine.

Therefore, we can generalize the conclusion that the introduction of not only fiscal decentralization, but also the highest of degree - fiscal federalism - in Ukrainian practice will provide an opportunity to "cut off the top" economic, political, ethno-cultural conflicts between regions of Ukraine, encouraging them to and allowing self to pursue their own fiscal policy that addresses the needs of people in getting quality and affordable public services.

Decentralized processes that occurred in Ukraine only started the first incremental steps to government finance transition to the principles of fiscal federalism, although some provisions still need practice and editing.

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2.7. INFLUENCE OF TECHNICAL AID PROJECTS ON THE REFORM IMPLEMENTATION IN UKRAINE

For the implementation of reforms, among other things, resources are needed and, above all, financial ones. Therefore, the resources provided by international organizations, funds, and banks to Ukraine as technical assistance projects can change the situation in many sectors of the economy for better, so that they can influence the implementation of reforms in the state. The finances of international technical assistance create an opportunity for our country to solve complex technical issues that, over the years of independence, have been left behind the attention of the authorities due to lack of finance.

However, the practice of using such resources for many years has indicated the inability of the state leadership to manage these funds properly, and as a consequence, these resources have not been implemented. Problems in the implementation of technical assistance projects were often associated with improper coordination of the similar projects, the lack of cooperation between authorities and the parties involved. Although even today there are problems with the implementation of projects and the primary one is the access of the population to information on the provision of this kind of assistance of the international community to the state. The lack of relevant information leads to the possibility for the authorities to make this activity opaque and not to take responsibility for the non-utilization of technical assistance. According to V. Medvid, “first of all, this is due to several possible reasons: despite the fact that international technical assistance projects have been registered since 1996, official data became available only from 2012, when the resolution of the Cabinet of Ministers of Ukraine dated February 15, 2002 was amended; the relevance of the development assistance projects/programs has increased together with the pro-European choice of the vector of international cooperation of Ukraine” [1]. This assertion of the researcher once again indicates that the development of technical assistance is closely related to ensuring transparency of project implementation policy. Therefore, it would be pertinent to analyze the state of such projects implementation over time, to determine, where possible, trends in project implementation, and to support or refute a hypothesis about changing the state's policy from 2014, and, hence, to draw conclusions about the impact of international technical assistance on the course of reforms in Ukraine.

The current state of the Ukrainian economy largely determines the participation of our state in European and global integration processes. Trends in the development of the economy affect the further course of transformation in the country, the implementation of reforms in all areas, that is, facilitate or make them impossible. As the practice of Central and Eastern European countries of ensuring economic growth of the states shows, this contributes to the attraction and effective use of external financial resources, including sources of international technical assistance.

One of the aspects related to the development of international technical assistance is the wide-ranging program on poverty alleviation implemented by developed countries. It is from this perspective that the projects of technical assistance are considered by V. Adamyk. She focuses the attention not only on the cooperation of the recipient country and the donor country, but on the global change in their vision of further development of relations, that is, “on the development of strategies, because only a common, coordinated vision of the problem can be maximally effective on

the path to the goal” [2]. This opinion of the author once again gives grounds to predict the different nature of the technical assistance funds implementation before 2014 and after, when the Russian military intervention to Ukraine began, and which is largely due to the choice of the European vector of development of our state.

Considering international technical assistance as resources that are “provided to Ukraine on a free basis by donors according to international treaties of Ukraine for implementation of programs, projects of international technical assistance with the purpose of carrying out reforms and implementing programs of socio-economic development of Ukraine” [3], it is possible by means of analysis to determine the tendencies of implementation of reforms in Ukraine and the intentions of our governments as to real transformations. The opinion on the connection of transformations in the state and the provision of technical assistance is expressed by K. Plosky in his research: “It is necessary to note the lack of scientific research related to the analysis of the influence of foreign aid on democratic transformation, the establishment of a proper system of governance” [4].

According to some sources “over \$ 9 billion is the amount of international technical assistance received by Ukraine over the years of cooperation with international donors” as of early 2017 [5]. These resources are implemented both within large national projects and at the local level (support for regions or separate settlements). Among the main areas for attracting international technical assistance the following can be mentioned: reforming the energy sector, stimulating the development of social sphere and infrastructure, developing small and medium enterprises, etc.

As of 2014, about 50 programs of international financial organizations for € 4.9 billion and \$ 3.1 billion were being implemented in the state, and over 200 free-aid projects for \$ 5.1 billion were in progress. Today Ukraine has 34 large technical assistance projects, six more are being prepared for putting into operation. For example, there are eight joint projects with World Development Bank: a road sector development project, projects “Health Care Improvement at the Service of People”, “Electricity Transmission – 2”, “Urban Infrastructure Development – 2”, “Modernization of the Social System Support of the Population of Ukraine”, “Second Road Improvement and Road Safety Project”, “Energy Efficiency Project” and an energy efficiency project in the district heating system. Five of these projects are scheduled till 2020, one is up to 2021, one expires in 2018 and one – in the current year [6]. The grace period for raising funds for Ukraine for the most of these projects is 5 years. At the end of this period, the percentage of funds attracted increases by several times. Therefore, for our state, it is extremely important in the financial plan to adhere to the timeliness of project implementation.

Let us analyze a project for technical assistance on energy efficiency which ends in 2017 as an example of a positive completion. This project has already been completed, as of 31.03.2017 \$ 200.0 million has been implemented (which is 100% of the loan amount). As with each such a project, it was regulated by a number of legal documents of the state, namely:

- The loan agreement between JSC Ukreximbank and IBRD dated June 10, 2011 № 8064-UA;
- Guarantee Agreement between Ukraine and the IBRD dated June 10, 2011 № 8064-UA;
- Agreement between the Ministry of Finance of Ukraine and JSC Ukreximbank "On the Procedure for Compensation of the Costs of the State Budget of Ukraine that may arise as a result of the implementation by Ukraine of the warranty obligations under the Guarantee Agreement (Energy Efficiency Project)".

These regulations on the project implementation are based on the fulfilment of the requirements of such normative documents as the *Procedure for the Preparation, Implementation, Monitoring and Completion of Implementation of Projects for Economic and Social Development of Ukraine*, supported by international financial organizations (Resolution of the CMU dated January 27, 2016, #70) and the *Procedure for the Involvement, Usage and Monitoring of International Technical Assistance* (Resolution of the CMU dated February 15, 2002, #153).

We will analyze the dynamics of the technical assistance funds implementation over the years for the specified 34 projects, as previous studies indicated that by 2013-2014 technical assistance projects were implemented by 8-11%. First, we will conduct an analysis for those projects that have been already completed or almost completed. Thus, in particular, the analysis of the implementation of the above-mentioned project (Project 1 in Figure 1) confirms this trend – in the first two years, that is, until 2013, only 6.7% of funds were used. In the last 2017, the project was implemented beyond the grace period, and the remainder of the envisaged funding was used within three months, which does not change the overall trend for a growing implementation of funds, which began growing intensively from 2013. (Fig. 1).

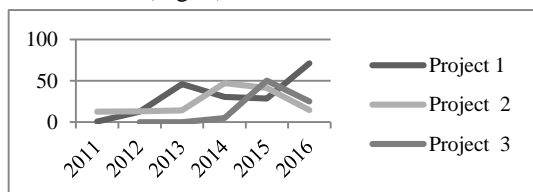


Fig.1. Analysis of the funds drawdown for separate completed projects

The project very closely related in the timeline is one of the joint with the European Bank for Reconstruction and Development projects (there are nine major projects at present) “Construction of the 750 kV Rivne NPP – Kyivskaya Overhead Power Line” for a total sum of 150 million euro (Project 2 in Figure 2), which lasts from 25.03.2009 to 31.12.2017. As of 30.09.2017, 96.49% of funds were used. This project started in 2009, but at the end of 2010, only EUR 0.03 million was absorbed. In 2014 the situation changed dramatically, which again indicates

the link between the development of technical assistance and the vector of economic development of the state. In addition, we can draw a conclusion on the perception of Ukraine as a reliable partner by foreign investors.

The joint project with the European Investment Bank “Construction of the 750 kV Zaporizhzhya NPP – Kakhovka Overhead Power Line” also confirms the tendency that real implementation of funds began only in 2014 (Fig. 1, Project 3), despite the fact that it started in 2012. But this project was not completed, until its completion only 34.29% of the loan amount was utilized. The issue of the possibility of extending its validity period is currently under consideration. By the way, there are 13 of all today's large joint projects with this bank.

The analysis of projects that began no later than 2012 and should have ended in 2016 or 2017 indicates that, since the implementation of funds was uneven, most projects were not completed (Figure 2). The uneven character of funds utilizing, according to the theory crisis management, clearly points to the economic and managerial crisis in our state. Only two of the 12 such projects are fully completed and one by 96% (as discussed above), the remaining 9 projects have a percentage of implementation from 8% to 62%. However, some of the projects could not be fulfilled due to their specifics. Thus, one of such projects, the implementation of which accounts for only 7.5%, is aimed at supporting multisectoral investment measures in the municipal and social infrastructure sectors in order to overcome the consequences of the conflict in Eastern Ukraine, which destroyed parts of the Eastern Ukraine from March to the beginning of September 2014. It is clear that since the military conflict continues, this project can not be realized.

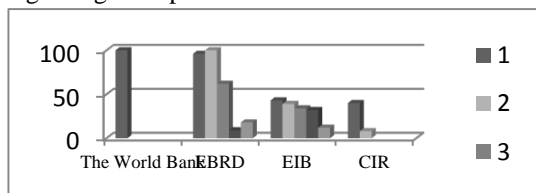


Fig.2. Diagram of the technical assistance project implementation for the period of 2011-2017 (%)

Analysis of the funds implementation for those projects that began in 2015 and are scheduled to be completed after 2020 indicates that the character of the funds implementation does not have a clear tendency. For 10 of such projects implementation varies from 1% to 63-64%, one is fully executed (Fig. 3), and this trend once again indicates the continuation of the crisis situation in the country. The implementation of funds for the projects supported by the Credit Institution for Reconstruction (CIR), according to this

position of analysis, did not start at all. In general, the funds implementation has not yet begun for seven projects.

The beneficiaries are identified in the technical assistance projects, depending on the nature of the project. And Ukrainian laws give them broad rights to ensure control over the implementation of the project. “According to Ukrainian legislation, the recipient has a number of responsibilities that enable the beneficiary to monitor the project and ensure the transparency of the process of attracting and using international technical assistance. In particular, the recipient is obliged to submit to the beneficiary regular reports on the implementation progress and results of the project, as well as copies of the minutes of meetings of the supervisory boards and expert groups created to support the project (if provided by the project). The recipient is also required to promulgate certain information regarding the receipt of international technical assistance on its website or in the media [5]. As a rule, the beneficiaries are central or regional executive authorities. Most of the projects are related to the activities within the competence of the Ministry of Energy and Coal Industry. Each of the beneficiaries regulates execution of other smaller projects as well. Therefore, the implementation of projects depends on the competence and political will of civil servants to make qualitative changes in the state, and this, among other things, promotes the widespread disclosure of the situation with implementation of technical assistance resources and a list of corresponding projects.

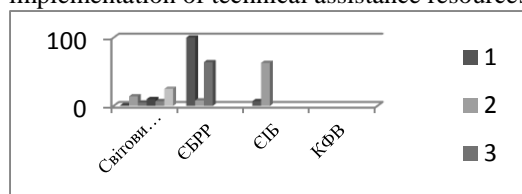


Fig.3. Diagram of the technical assistance project implementation for the period of 2015-2020 (%)

For example, the official website of the Mission of Ukraine to the European Union and the European Community on Atomic Energy states that “almost 200 technical assistance projects of the EU are being implemented (have been registered) in Ukraine for a total amount of about 262.7 million euros through national and regional EU assistance programs, border cooperation programs, the Twinning mechanism, the Tempus education program, the Comprehensive Institutional Building Program and the Nuclear

Safety Cooperation Instrument” [7]. Even these data allow suggesting that the analysis of the activities of individual entities involved in technical assistance projects does not provide a complete vision of the impact of donor countries on the implementation of reforms in Ukraine. The process should be more transparent.

To understand the link between the implementation of technical assistance projects, economy development and the implementation of reforms in the state we have to determine the purpose of the projects. At first glance, it seems that the purpose of international technical assistance projects and programs is not always, or very rarely, associated with the transformational processes in Ukraine, since they are still directly related to technical development. As an example, we can cite a project that was already mentioned above – “Construction of the 750 kV Zaporizhzhya NPP – Kakhovka Overhead Power Line”, the purpose of which is “making the maximum use of the installed capacity of the Zaporizhzhya Nuclear Power Plant (its possibilities are currently limited), as well as increasing the reliability of electricity supply to the consumers of the Southern Power System under the conditions of the thermal power plants operation with reduced capacity due to the transit of power directly from the output source (Zaporizhzhya NPP), increasing the reliability of electricity supply to consumers of the Dnipro Power System due to the transit of power to consumers of the southern grid of 750 kV Zaporizhzhya NPP – Kakhovka Overhead Power Lines, increasing the stability of electricity supply to consumers of the central part of the UES of Ukraine and the Crimea; renovation of 330/220 Novokakhovska Substation” [6]. The purpose of this project for state development is not purely technical; it

is directly related to the development of those regions where it is being implemented. Therefore, technical assistance projects should not be directly attributed to the development of only one particular industry, since the consequences of implementing or not implementing the project always affect the social processes that take place in the state. They can strengthen state security, prevent environmental or man-made disasters, etc.

Therefore, it would be advisable that the reforms and programs of their implementation, which are developed by the government, take into account the possibilities of using international technical assistance resources. This inclusion leads to the need for better coordination of the work of the central authorities and the organization of their work in this regard. A completely new approach in the activity of the authorities in attracting funds from international technical assistance should be their focus on programs of reforming in Ukraine. To do this, as N. Fomitskaya points out, "the system must undergo a reorganization phase, taking into account the purpose and choice of its functioning strategy. This is precisely what has never been done in the "reforming" of public authorities' activities [8, p.172]. Without this, the attraction of foreign funds in the absence of criteria for their selection, promulgation of tasks and the purpose of their work will continue to be carried out unsystematically and without taking into account state priorities.

Thus, the delay in the implementation of projects is due to a number of reasons that have not been eliminated so far. This is, in particular, the lack of understanding of the Ukrainian government intentions by foreign investors regarding the prospects for their implementation, as well as the complexity and bureaucratic delays in the foreign funds registering procedure in Ukraine, when the terms of the procedure sometimes exceed the planned project implementation terms. Another reason for delaying projects is the existence of complex procedural control exercises by government agencies, when the control indicators are not consistent with the project parameters. As a result, drastic overhead expenditures are significantly increased, which leads to a decrease in the useful output of the project. In addition, summarizing the researchers' views on the main problems with attracting international programs to Ukraine, one can state that this happens due to:

- "donor's lack of qualitative information about regions or certain areas of NGO activity;
- the local government's lack of long-term strategic plan for the development of social and humanitarian fields based on the principles of solving regional problems and priorities;
- the local infrastructure inconsistency with the international requirements for the provision of business services;
- insufficient qualification, professionalism of officials and local authorities; unpreparedness of regional authorities to assume responsibility for the implementation of international technical assistance projects;
- isolated cases of corruptions of fiscal / regulatory bodies or low qualifications of local staff "[3; 4; 5].

Thus, there is an interconnected process in which the amount of financial resources provided in the form of financial assistance depends on the vector of those reforms that are taking place in Ukraine, and the level of international financial assistance affects the quality and pace of reforms. The latter is also influenced the quality of the implementation of already registered and put into operation projects. However, it should be noted that the primary in the implementation of reforms in the state is still the use of its own potential and, in particular, the resumption of national sources of funding the reforms, since any funds of international technical assistance are limited in terms of size and use. It is precisely in the fulfillment of these prerequisites that foreign financial assistance will become a catalyst for transformation processes and structural adjustment, and will contribute to the implementation of democratic reforms in Ukraine.

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2.8. MIGRATION POLICY OF THE EUROPEAN UNION AND THE SLOVAK REPUBLIC IN CONTEXT OF PROMOTING LONG-TERM COMPETITIVENESS

The European Union (EU) in the 21st century is one of the most developed regions of the world and a strong player in international economic relations. In recent years, however, there has been an increasing debate on EU competitiveness issues, including the stagnation scenarios of the EU or even its potential disintegration. At present, threats to competitiveness compared to other highly developed countries in the world are not only linked to the challenges of innovation, but also to the need to tackle labour shortages and the migration crisis. That is why it is necessary to analyse the impact of these factors on the further development of the European Union in the rapidly changing environment of the political reality of the global world.

In terms of competitiveness, aging is becoming an important issue for the European Union. In order to illustrate the relevance of this problem, it is enough to point out that during the decade from 2004 to 2014, the proportion of the population aged 65 and over has increased further in almost all EU countries. According to Eurostat data in 2014 in Italy, Germany and Greece, the share of citizens over 65 was over 20%. Portugal, Bulgaria, Finland, Sweden and Latvia are nearing this result. In most other EU-28 countries, this demographic characteristic is at 17-19%, in Slovakia it is 13.5%. However, according to Páleník, "the aging of Slovaks can cut GDP by six percent by 2025" (Páleník, 2012). In the EU-28 for 2014, the proportion of people over 65 was 18.5% on average.

Worldwide, the proportion of older people (aged 60 and over) increased from 9.2% in 1990 to 11.7% in 2013, and according to UN forecasts it will continue to increase and by 2050 it will reach 21.1%. It is expected that the number of older people in the world (aged 60 and over) will more than double, from 841 million in 2013 to over 2 billion in 2050 (www.worldbank.org).

Prognoses related to aging populations and unfavourable birth rates in EU countries cause concerns about labour shortages. According to the OECD survey by 2060, Europe will need about 50 million people to recoup the labour shortage. It should be noted that this requirement only takes into account demographic factors. The study did not take into account the accelerated dynamics of technological development, especially the possible consequences of the new industrial revolution. However, pushing people out of the production process by using the latest technology can lead to a significant drop in demand for labour. In order to overcome the demographic disaster in the EU countries, some economists, politicians and business leaders (especially in Germany) place particular emphasis on immigrants who could help resolve the unfavourable situation related to the loss of workforce.

The belief of many economists that the admission of millions of people from other countries and other cultures will suspend the labour shortage and contribute to economic growth stems mainly from the experience of the United States before the Second World War when the effects of migration to the United States were clearly positive, in increasing the richness of the landscape. Currently, the situation has changed, US economists point to deterioration in the "quality" of immigrants, which naturally leads to a reduction in economic benefits. European countries, on their own experience, are convinced that immigrants from the Middle East and Africa are hardly integrated into European labour markets.

The EU's expectations of restoring the labour shortage by labour force import have recently met a new phenomenon - the migration crisis. According to the European Commission estimates (2016), the influx of migrants to European countries will reach three million in 2015-2017. The problem of immigrants in the EU is rather complex and can not underestimate the given far-reaching future economic, financial, social and cultural impacts on individual countries.

There is still no reliable analysis of the refugee structure data that could be used to explain immigrants in a more precise way. It is well known that a large proportion of migrants prefer certain EU countries, especially Germany, the United Kingdom and Sweden, which are considered to be symbols of prosperity and generous social benefits. Given the need for a comprehensive approach to the problem of working poor in an aging Europe, it does not mean that the ongoing attempts to resolve it through labour force imports will cease. In this context, effective institutional

solutions must be found to manage the constant influx of refugees. The migration crisis is generally a test of the ability to coordinate policies and decisions within the EU, compliance with current European legislation, and points to difficulties in finding common solutions.

At present, there is a continuing debate on the need for a common migration policy in Europe. At the time of the refugee crisis, Europe has left the pillar of solidarity, and many countries have built their fences at their borders and by aggressive policy pushed refugees as far as possible from their territory to other member states. This long-term approach cannot be considered as working in practice. Europe needs a single migration policy, binding equally each member country. However, when creating it, it is necessary to realize that the countries are at different societal, social and cultural levels.

A definite solution was the idea of the European Commission's of transformation of the frontier monitoring agency of the European Union "Frontex", established in 2004, to the European Border Guard and Coast Guard Agency. The new Frontex agency, officially launched on October 6, 2016, has broader powers and responsibilities and must provide assistance to any EU country that faces disproportionate migration pressures or any other potential problems on its external borders. The transformed agency also has the authority to repatriate illegal migrants. Currently, the agency has 1,800 border guards, equipped with proper equipment; approximately 800 of them are in Greece, 500 in Italy and 200 in Spain. In the event that a specific EU country refuses to cooperate with the new agency to such an extent that it would jeopardize the normal functioning of the Schengen zone, the rest of the EU members will have the opportunity to introduce temporary border control with this state.

By the end of September, 2017, the European Commission had put forward a new resettlement regime with a deadline of October 2019. A wider range of new initiatives deserve attention, including a new resettlement scheme for at least 50,000 refugees, pilot projects for legal migration and new measures to improve the effectiveness of return policies. The Commission has allocated 500 million Euros for the new resettlement scheme, which is intended for those EU member states that wish to participate in this voluntary scheme. The new system should take into account both standard migration procedures and the crisis situation at the external borders of the EU. Relocation of migrants is considered the most important moment of the new resettlement regime.

An important aspect of the proposed reform is quotas on the number of migrants, which will depend on the country's GDP and population. Starting from the current transformation of the migration policy, it is already possible to note its effectiveness. Data from the agency "Frontex" and Eurostat show a reduction in the flow of migrants in 2016, compared with its culmination in 2015; according to data for the first half of 2017 this trend continues.

Slovakia is a small open economy country that develops with EU financial assistance. As a country with a small number of inhabitants, it should be aware of the importance of its cultural identity but also of greater importance in its connection with others that can help in economic development. The catastrophe for the Slovak Republic is not migration itself but the creation of an attractive environment for migrants and refugees, but especially the creation of conditions in the local society and the openness of a culture suitable for the integration of migrants. According to Divinský (Divinský, 2007) in the Slovak Republic there is no separate concept of integration policy "as an essential prerequisite for the successful integration of foreigners".

The Slovak Republic has been many years in problems with addressing the issue of minorities that have been in this territory for decades, especially the Roma minority. The Slovak Republic has not been able to integrate larger Roma communities into mainstream society in the course of its existence, leading to the expulsion of Roma people to its periphery. The very factor of the unsuccessful integration of those people who are already living in this territory only stimulates concerns about the integration of even more diverse cultures and leads to their rejection among the population. Concerns arise that migrants, instead of being part of society, would create their own communities that would only lead to differences in society and the country. Improvements must also be made to integrate the native population of the Slovak Republic after their return from abroad to Slovakia, where it is necessary to make better use of their acquired knowledge, experience and contacts that they have established during their activities abroad.

Since its inception, the Slovak Republic has urgently to create structures for a successful migration policy, but this effort means a long-term process where the experience and expertise so far is negligible. With the entry of Slovakia into a solid and open Europe, emphasis was placed on addressing the shortcomings as well as on the overall reform of the migration policy of the Slovak Republic. In the first concept of migration policy of 2005, Slovakia set out the basic and modern principles that it wanted to rely on in order to advance its migration policy, but its implementation in practice lagged behind. The first real breakthrough came with the entry of Slovakia into the Schengen zone, after which Slovakia, as guardian of the eastern external border of the Union, had to update its migration policy closer to the European level.



Graph 1 Evolution of the number of valid stays for foreigners in the territory of Slovakia

Source: Ministry of the Interior of the Slovak Republic, Office of Border and Alien Police

The development of the 2020 Migration Policy Concept was the first documented vision of the Slovak Republic in terms of its migration strategy at the right European level. As can be seen in Graph 1, in the creation of a new

concept and during its implementation, the income of legal migrants in the Slovak Republic grew annually in breakthrough numbers. This phenomenon demonstrates the appropriate progress in the ongoing trend of improving migration policy.

Following the outbreak of the refugee crisis in Europe, there has been a sharp increase in the number of illegal migrants on a route that leads from Greece, across the Balkans and the rest of Europe. However, during this period, Slovakia recorded a decrease in the supply of illegal migrants due to measures taken by Hungary at its borders and increased controls at the Slovak border. The actual steps taken by the V4 in a crisis situation, contrary to the European Union's recommendations, have also brought a positive aspect. Slovakia has relatively stabilized this situation and continues to be a transit country. Slovakia now also puts emphasis on cooperation with the reformed Frontex agency, whose main partner in fulfilling the tasks is the Border and Alien Police Office. Regulating national priorities and improving relations with Frontex is an important step in the future stabilization of the migration policy of the Slovak Republic and the European Union. In the future, it is important to work closely with Europol in the fight against illegal migration and trafficking. The Union must support these efforts of Frontex and the national services with sufficient financial contributions. Relations between EASO and Frontex need to be deepened, and the merger of both organizations (Hausemer, 2015) is also considered in the attempt to create a single migration policy. Slovakia, at the initiative of the Union and Frontex, will step up measures against employers who hire non-registered migrants, trafficking in human beings and coordinate this prevention and fight with Frontex. The Agency provides the Member States, including Slovakia, with the necessary equipment to ensure maximum performance of its duties, and also provides staff and training to improve the expertise of nearly 2000 staff at the Border and Alien Police Offices.

Expectations of EU countries to tackle labour shortages through imports have recently encountered the migration crisis, the failure of which has led to a debate on the future of the EU's competitiveness. Therefore, tackling the problem of aging populations in the EU with the help of migrants is still relatively simplified and not too realistic. The current situation indicates a possible trend towards strengthening national interests, with public policy priorities protecting the interests of their own citizens. Also, the decision on the validity of mandatory allowances for refugees perceives representatives of governments in many EU member states as forced and ineffective administrative measures directed against the interests of national citizens. In this context, the European Union is aware of the need for a coherent and adaptive migration policy implemented through appropriate authorities with adequate support and funding.

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2.9. THE REFORMATION OF LAND RELATIONS IN THE CONTEXT OF THE ASSOCIATION AGREEMENT BETWEEN UKRAINE AND THE EUROPEAN UNION

The reformation of land relations involves a range of legal, socio-economic, technical and organizational measures aimed at restructuring and improving of the land relations, by overcoming the state monopoly on land ownership and establishing the multi- subjectivity ownership of land.

Having gained Ukraine's independence and launched of market relations transformations, there was an objective need for land reformation, which is one of the central parts of the economic reform that is carried out in our country. The reformation of land relations in Ukraine has been implemented for more than 25 years (since 1991).

The Association Agreement between Ukraine and the European Union does not provide for a list of measures to be taken by Ukraine in the field of reformation of land relations. At the same time it is understandable that implementation of the provisions of the Agreement is impossible without the completion of land reform, the establishment of public administration in this area of relations and the introduction of market economy laws in this area. Since 2015 many legislative acts have been adopted in Ukraine regarding the reformation of the land sphere of public relations.

The mechanism of implementation of the land reform envisages realization of the following measures:

- denationalization of lands with the definition of land categories remaining in state ownership;
- privatization of lands by transferring them into the collective ownership to collective agricultural enterprises;
- adoption of relevant regulatory acts;
- monetary valuation of agricultural lands;

- sharing of agricultural lands transferred into the collective ownership to agricultural enterprises and organizations;
- issuance of certificates for the right to a land plot (share) to members of collective agricultural enterprises and organizations;
- realization by citizens of the right to a land plot (share) at their discretion (within the framework of the current legislation);
- restructuring of collective and other non-state agricultural enterprises into market-type economic entities;
- formation and development of the land market and its infrastructure;
- organization of state control over the functioning of the land market;
- organization of state control over ecological status, rational use and protection of land [1].

As a result of insufficient provision of its resources, most of the goals of land reformation are still not achieved, and the introduction of market land relations has not become a key for the formation of sustainable land use, in particular:

- there was no improvement of land relations in agricultural production, instead total parcels of commodity agricultural land uses were implemented, as well as the establishment of an ineffective land tenure system prohibited the sale of agricultural land plots;
- further reformation of land relations in cities and other settlements takes place mainly in the direction of privatization of land of territorial communities, which is often carried out under the conditions of "collective irresponsibility" of land managers - local governments, which causes the unsystematic urbanization and complication of conditions for spatial development of urban development systems;
- it was legally blocked the largest segment of the land market - the market turnover of agricultural lands, which make up 45.7% of the country's land area;
- land lending is limited, including mortgage lending, which was carried out solely on non-agricultural land plots and substantially limited as a result of the financial and economic crisis that began in 2008;
- land monitoring is not carried out, state land cadastre is not established, which makes it impossible to guarantee effectively the right to land and effective state control over the use and protection of land;
- the established system of state management of land resources, which focuses on the redistribution of land as property, cannot be considered effective, without solving the problem of protecting lands as the main national wealth;
- the mass of breaches of land legislation and norms of rational nature management indicates the imperfection of organizational and legal mechanisms for monitoring the use and protection of land;
- the legal and methodological basis for the development of land relations remains incomplete [2].

Article 13 of the Constitution of Ukraine dated June 28, 1996 states that, the lands, as well as other natural resources located within the territory of Ukraine, are objects of the right of ownership of the Ukrainian people. In this case, every citizen has the right to use natural objects of ownership of the people in accordance with the law. The State ensures the protection of the rights of all subjects of the ownership and economic management, and the social orientation of the economy, based on the Fundamental Law. It guarantees the equality of all subjects of ownership before the law. [3]

In the area of reformation of the land relations, a number of issues putting brakes on land reform in Ukraine remain unresolved; the most painful is the extension of the moratorium on the purchase and sale of agricultural lands, which may significantly impede the fulfillment of the terms of the Agreement, in particular, its Chapter 17 of the Article 403-405 and Annex XXXVIII to Chapter 17 of the Agreement.

Thus, public relations related to the redistribution of land resources will always require close attention from the state, above all, with respect to their compliance with the public interest, since only the existence of an institution of land ownership is possible only if this property is recognized by society, and its existence is justified by high social, economic and ecological efficiency of using the land as the main national wealth.

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3.1. EUROPEAN STANDARDS OF THE CIRCULATION OF ELECTRONIC MONEY AND THE PROSPECTS OF ITS IMPLEMENTATION INTO THE LAW OF UKRAINE

According to Art. 139 Clause 6 "Financial Services" of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, done on 21.03.2014 (hereinafter – the Agreement on Association), the parties of this association have agreed to promote the development of electronic commerce between them [1]. Nowadays electronic money is widely used in e-commerce.

Electronic money, which appeared in the late 80's of the last century, eventually has undergone rapid development and increasingly more seized the financial market. According to the Bank of International Settlements, the volume of transactions of electronic money circulation in 2005 amounted to 41 million dollars, in 2010 – 25 billion dollars, in 2015 – 400 billion dollars. The popularity of electronic money attracted attention to the problem of studying their essence, outlining the place of such money in the system of modern money and the market of payment services, determination of the legal basis for their functioning. Foreign scholars, such as A. Berentsen, A. Greenspans, B. Cohen, C. Freedman, G. Knapp, W. Boeschoten, G. Hebbink, P. Hartmann, D. Chaum and others, drew attention to the definition of the place of electronic money in the modern system of money, the analysis of their economic and legal nature, the identification of the prospects for their functioning, the impact of such money on the macroeconomic indicators and the future of central banks and monetary policy, investigated issues of emissions, circulation and legal regulation of electronic money.

The theoretical basis created by the scientists has enabled the government to create an effective system for regulating the issue and circulation of electronic money, known as the "European model for the regulation of electronic money circulation", which was initially implemented in the norms of the Directive 2000/46 / EU of the European Parliament and of the Council of 18 September 2000 on the taking-up, pursuit and prudential supervision of the business of electronic money institutions [2], and then, taking into account the practice of its application and the changes that took place in the technological aspects of electronic money in the norms of the European Parliament and Council Directive 2009/110 / EU "About the Establishment and Exercise of the Functions of Electronic Money Laundering Bodies and their Prudential Supervision, which amends the Directive 2005/60 EU and 2006/48 of the EU and repeals Directive 2000/46 / EU "(English version): Directive 2009/110 / EU of the European Parliament and of the Council of 14 September 2009 on the taking on, pursuit of and prudential supervision of the business of electronic money institutions amending Directives 2005/60 / EU and 2006/48 / EU and repealing Directive 2000/46 / EU) [3].

The main requirements for the circulation of electronic money set out in Directive 2009/110 / EU are:

- electronic money is defined as the monetary value, which is expressed by the requirements to the issuer, stored by electronic (including magnetic) means, emitted upon the receipt of funds in order to carry out payment transactions specified in Clause 5 of Art. 4 of Directive 2007/64 / EU [4]) – acts initiated by a payer or a recipient for the placement, transfer or withdrawal of funds, irrespective of any obligations between the payer and the payee) accepted by individuals and legal entities different from the issuer;
- to electronic money are referred both the cash, placed directly at the disposal of the holder of money, and the cash, stored remotely and sent through the special account of the holder of electronic money;
- an order of the organization of the issue of electronic money is established;
- the legal order of issuing by the payment service provider of the stored value in exchange for cash is fixed;
- equal conditions for all providers of payment services, issuing electronic money are legally stipulated;
- the order for the provision of electronic money status in cases when a financial instrument of one-use or limited use in the process of development becomes a multi-purpose or universal use tool is provided;
- the circle of the emitters of electronic money, including the European Central Bank and national central banks, when they do not act as monetary regulators and do not fulfill the functions of public regulators; member states or their regional and local authorities when they do not function as public regulators; lending institutions whose activities consist in receiving deposits or other funds payable from the population and providing loans at their own expense, their branches; emitters of electronic money – legal entities authorized to issue electronic money, their branches; post offices, which are permitted by national legislation to issue electronic money;
- the requirements for the authorized capital of the institutions issuing electronic money are reduced to 350 thousand euros (unlike the requirements for the authorized capital of EUR 1 million for the institutions issuing electronic money, laid down in earlier Directive 2000/46 / EU);
- the activities carried out by institutions issuing electronic money (in addition to issuing electronic money and providing services directly related to the issuance of electronic money, it is provided the opportunity to provide payment services, to issue loans within the limits of payment services provided (provided they are issued not from funds that were involved in exchange for electronic money), to operate payment systems, etc.);
- the right of users to return the money free of charge at any time, subject to the full return of electronic money is enshrined;

– it is mentioned that the issuer of electronic money is able to charge commission in accordance with the transaction cost if the issuer provided it in an agreement with the user [2].

The provisions of Directive 2009/110/ EU were subject to mandatory implementation in the national legislation of the EU, until April 2011, but according to the decision of the national authorities, a number of provisions of Directive 2009/110 / EU could not be implemented in the national legislation of the EU. Thus, the provisions of the abovementioned Directive were not applied to organizations that were formally involved in issuing electronic money whose par value did not exceed EUR 6 million; in cases when previously issued electronic money was taken by a previously limited number of enterprises; in the case of a clear geographical location of the issuer; in the presence of a contractual relationship between the issuer and the companies that received the electronic money.

The United Kingdom became one of the first countries to change the national legislation in line with the new Directive by adopting the Electronic Money Regulations, which was developed according to the model of Directive 2009/110 / EU, taking into account certain features of national legislation: the electronic money was determined by the monetary amount stored electronically (including on a magnetic medium), which is presented in the form of a requirement to the issuer of electronic money, issuing (emitting) electronic money at the receipt (transfer) of funds to the account for the purposes of conducting payment transactions, and accepted by other persons than the issuer, by persons (institutions); electronic money consisted of money based on maps, and electronic money based on computer networks; does not belong to electronic money: a) the amount held on instruments that can be used for the purchase of goods and services only at the premises of the issuer of electronic money, or by virtue of a trade agreement with the issuer of electronic money, or within a limited network of service providers, or for the acquisition of a limited range of goods or services; b) the amount of money used for conducting payment transactions carried out by any means of communication or information devices where the goods or services purchased are delivered and must be used by means of communication, digital or information devices; e-money issuers could be authorized by electronic money institutions and their affiliates in the Unified Economic Space, small electronic money institutions, agents of these institutions, credit institutions, restricted post offices, the Bank of England, the European Central Bank (when they are not acting as currency control bodies or other state bodies), government departments and local authorities that function as public regulators, credit unions, municipal banks, the National Savings Bank, etc. [5].

In other countries, an implementation of national legislation has also taken place in accordance with the requirements of Directive 2009/110 / EU and nowadays in all EU countries this process has been completed. The regulations of the national legislation were adopted either in accordance with the Directive or more stringent than those provided for in Directive 2009/110/ EU, requirements for institutions in the field of electronic money circulation: requirements for the minimum amount of capital emitters of electronic money have been increased, the maximum amount of electronic purse has been reduced, the investment limit is set, the requirements for identifying the owner of the electronic purse are established; the right to issue electronic money has been granted exclusively to banks and credit organizations (Austria, Germany, Spain, Portugal); a ban on the simplified operation of emitters of electronic money (Italy, Lithuania) is established; prudential regulation requirements (Greece, Sweden) are strengthened.

An adoption of the Association Agreement stipulates the implementation of the provisions of Directive 2009/110/ EU in the law of Ukraine.

The legal regulation of the circulation of electronic money in Ukraine has been a long-term development. On 25.06.2008, the Resolution of the National Bank of Ukraine No. 178 was adopted, which approved the Regulation on electronic money in Ukraine [6]. This provision assumed that the issuance of electronic money in Ukraine had the right to carry out only banks; banks have the right to issue electronic money expressed in hryvnias, except for the issue of prepaid payment cards; the issuing bank was obliged to ensure that the amount of electronic money issued by it did not exceed the amount of cash or cashless funds received from the individuals and legal entities during the issuance of electronic money; the issuing bank was obliged to repay the electronic money issued by it on demand of the bearer; users (individuals) had the right to use electronic money from issuing banks to pay for merchants' goods and services, as well as transfers of electronic money to other users; traders (registered in accordance with the legislation of Ukraine), on the basis of an agreement concluded with the issuing bank or an authorized person, have the right to accept electronic money from users as means of payment for goods or services; the amount of electronic money at one user's electronic device and the amount of one transaction in electronic money systems in accordance with the methodology of application of the VII Special Recommendation of the FATF was limited to the amount of 5000 hryvnias; individuals and legal entities that are not banks have no right to accept electronic money in exchange for cash or non-cash funds, except for the conclusion by legal entities of an agreement with the issuing bank on the distribution of electronic money; the issuing bank had the right to the independent ensurance of the electronic money system functioning, as well as to the entry into agreements with legal entities on the performance of their operational or other auxiliary functions in electronic money systems; the issuing bank was obliged to ensure the introduction in the system of electronic money of organizational, procedural measures and the use of technical means for the detection, prevention and counteraction to fraud; the issuing bank was obliged to coordinate with the National Bank of Ukraine the rules of the system of electronic money, to notify the beginning of the issuance of electronic money and to report, etc. [6].

Thus, the provisions of the Regulation on electronic money in Ukraine No. 178 were developed in accordance with the provisions of Directive 2000/46 / EC with the following restrictions: the issuance of money could be carried

out exclusively by banks; banks could issue money only in hryvnias; the amount of electronic money at one electronic device at the disposal of the user, and the amount of one transaction in electronic money systems was limited to 5000 hryvnia.

The adoption of Directive 2009/110/ EU has led to changes in the national regulation of the circulation of electronic money in Ukraine. On November 4, 2010, the Board of the National Bank of Ukraine approved the Resolution "About the Amendments to Certain Regulatory Acts of the National Bank of Ukraine on the Issues Regarding the Issue and Circulation of Electronic Money" No. 481 (hereinafter – Resolution No. 481), which consolidated the general provisions, requirements for the issuance, use, repayment of electronic money, requirements to the issuer of electronic money, the procedure for the harmonization of rules for the use of electronic money, the procedure for revoking the document on the harmonization of rules for the use of electronic money and the transactions with electronic money issued by a non-resident issuer [7]. At the same time, according to the norms of the mentioned Resolution, the issuance of electronic money in Ukraine can be carried out only by banks; issuers have the right to issue electronic money expressed in hryvnias only; the issuer is obliged to ensure that the amount of electronic money issued by it does not exceed the amount received by it from users and agents (other than the replenishing agent) of cash or cashless funds and the amount received by the cash replenishment agent to be transferred to the issuer; the issuer is obliged to determine the amount of electronic money on the electronic device at the disposal of the user, taking into account that the amount of electronic money in an electronic device that can not be replenished should not exceed 4000 hryvnias; the amount of electronic money on an electronic device, which can be replenished, must not exceed 14000 hryvnias; the issuer or replenishment agent has the right to receive funds from users for replenishment of electronic money of prepaid cards or electronic devices to which prepaid cards are given; the issuer is obliged to repay the electronic money issued by it on demand of the bearer; the issuer can repay the electronic money brought by users – individuals, cash in through the operating cash desk or by transferring to the bearer's bank account [7]. In addition, Resolution No. 481 stipulated that banks-members / participants of international payment systems that carry out electronic money operations in Ukraine using an appropriate international payment system, including electronic money, which are contained or to which access is granted in advance cards, submitted by April 1, 2011 to the National Bank of Ukraine for the coordination of the rules for such transactions [7].

Thus, the provisions of the Regulation on the amendments to several regulatory acts of the National Bank of Ukraine on the issues of regulation of issuance and circulation of electronic money, approved by the Resolution of the National Bank of Ukraine dated November 4, 2010, No. 481, were developed in accordance with the provisions of Directive 2009/110/ EU with some additional restrictions: issuers have the right to issue electronic money, only in UAH; the amount of electronic money on an electronic device that can not be replenished, must not exceed 4000 hryvnias; the amount of electronic money on an electronic device that can be replenished must not exceed 14000 hryvnias; emitters of electronic money must submit to the National Bank of Ukraine several rules for the transactions with electronic money for agreement.

Summarizing the abovementioned, we should note that nowadays in Ukraine normative regulation of electronic money circulation has been developed taking into account Directive 2009/110/ EU, in other words EU legislation. It's not regulated by the law, but by a normative legal act – the Resolution of the National Bank of Ukraine. For the successful implementation of the provisions of Directive 2009/110/ EU in the legislation of Ukraine, it is necessary to develop and adopt the Law of Ukraine "About the Circulation of Electronic Money".

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3.2. FEATURES OF PROFESSIONAL APPROPRIATE BEHAVIOR OF LAW ENFORCEMENT OFFICERS

The issue foregrounding of appropriate behavior at the general theoretical researches level, devoted to the comprehension of activity subjects of legal protection, is associated both with changes in the institutional basis of Ukrainian legal system, the necessity to improve the workforce capacity of law enforcement structures, to increase the efficiency of their work, and with the ensuring of the rule of law principle, strengthening of realization of rights and freedoms guarantees, which is an indisputable condition for strategic course implementation of Ukrainian society for European integration. Drawing attention to the issues of lawfulness in the behavior of law enforcement officers is also based on the reforms carried out in the law enforcement system, which, by its functional characteristics, is becoming increasingly important in dealing with social progress, stabilizing the development of the economic system, ensuring democratic transformations, and the sovereignty of the Ukrainian State. "The determinants of an unprecedented increase in crime and criminalization of social relations," - emphasizes A.M. Bandurka - are not so much as negative socio-economic factors, but as the inability to counter these factors with a balanced state economic, social, legal policy and institutional legal framework for its implementation throughout the country, to ensure the proper legal regulation of social relations, organization and coherence in functioning of all parts of government system, State apparatus's responsibility for the decisions-making, including in the field of direct protection of rights and legal interests of citizens against illegal impingements, lawlessness and arbitrariness" [1, p. 25].

Another factor related to the problem of appropriate behavior of subjects of law enforcement activity, connected with European integration tendencies should not be left unmentioned. It is the implementation of the best standards of judicial and law enforcement practice in the national legislation, activity of the relevant state institutions of Ukraine. At the same time, meaningful analysis of scientific sources devoted to the issues of legal protection, comprehension the present state of legal reform implementation, changes to Criminal Procedure Code indicates the existence of subjective and objective problems of ensuring the professional appropriate behavior of law enforcement officers, and therefore the necessity to be resolved by means of theoretical modeling.

In this regard, the purpose of the article is to highlight the features of professional appropriate behavior of law enforcement officers through the prism of the conditionality of their properties of law enforcement activity.

To achieve the specific purpose, several tasks are to be resolved: to carry out the analysis of scientific sources on selected issues; to characterize the general features of professional appropriate behavior; to identify the peculiarities of their demonstrations in the field of legal protection; to draw up the relevant conclusions regarding the prospect of future researches in accordance to the results of the specific tasks' realization.

Methods of hermeneutics, comparisons, activity, structural and functional ones were chosen as the methodological basis of the study, the usage of which has allowed to identify the situation of scientific comprehension of the problem of appropriate behavior of law enforcement officers, to distinguish the features of such behavior, the subject-matter of which is determined by the specifics of the law enforcement system, by the nature of the tasks, which are solved by the State in the implementation of law enforcement functions.

Historical and legal analysis of law enforcement authorities' establishment and reformation allows to identify the originality of their place in the State mechanism's structure, to characterize their role in the implementation of state functions, and to show that the establishment of professional appropriate behavior of law enforcement officers proceeded mainly in the historical way and now requires a more in-depth theoretical study and justification.

Problems of appropriate behavior of various professional groups have repeatedly become the subject of study in general theoretical jurisprudence, some branches of sciences. As a result, the necessary theoretical and methodological basis has been created by scientists' efforts, which contributes to the further scientific studies in this direction. In particular, attention should be paid to the scientific achievements, which are focused on the factors and mechanisms for ensuring appropriate behavior of both society in general and its individual representatives united on a professional basis. Scientists claim that justification is a guarantee of the stable development of society [9], and the abuse of the right by public administration representatives should be considered as a threat to the constitutional system [3].

In this regard, other specialists at different stages of the theory of appropriate behavior development proved the conclusions about the need to overcome legal nihilism [12], to strengthen the legal culture of law enforcement representatives [5], to root out bureaucracy, formalism, corruption, and other demonstrations of professional deformation in the activities of the prosecutor's office [2], which micrifies the very idea of law, makes the normal proceeding of legal regulation mechanism impossible, questions the authority of the State power, which creates antagonisms in its relations with the public civil society.

In some cases, it is emphasized on the necessity of unconditional realization of professional responsibility of state power representatives as a guarantee of ensuring the legality and legitimacy of its decisions, realization of the personal moral status of a civil servant [6]. Some aspects of the implementation of the mechanism of professional appropriate behavior, the facts of demonstration the elements of unlawfulness as two antipodes within a single professional field are based on examples of the State Border Guard Service activity were disclosed in studies of O.B. Hanba [4]. An important methodological basis for solving the tasks is taking into account the direct relationship between the phenomena of appropriate behavior and law and order, which can be considered as phenomena of cause-effect relationship in various conditions, which allows to comprehend each of them in the role of cause or effect [7].

Thus, the content analysis of the relevant scientific literature shows the common positions among authors in defining the features of professional appropriate behavior of law enforcement officers, which include the following: direct involvement in the enforcement of law and order, which requires the direct contact with law-breakers; direction power of the authority to the persons who are not in the subordination; widespread usage of the law enforcement form of the authority implementation; high level of legal regulation; the possibility of using special means of influence on law-breakers; high level of moral responsibility; efficiency, quickness, resolve in stopping crimes; conflict situations at the service and high emotional tension. According to V.G. Fathutdinov, who also studied the problems of the behavior of law enforcement officers, the normative and procedurally regulated activity of special government authorities and executive officers carried out on the basis of the Constitution and within the framework of the powers granted, aimed at ensuring the implementation of normative legal acts, strengthening lawfulness and law and order, guaranteeing and ensuring legitimate rights and interests of citizens [10, p.12]. In other words, professional justification should be considered through the prism of the most important characteristics of the profession, its social significance and its role in solving strategic tasks of social development, which will allow to differentiate lawfulness from unlawfulness, legal activity from abuses and offenses, to give an appropriate legal assessment to actions of a specific person – a representative of a professional group.

The features mentioned above express the essential characteristics of the professional appropriate behavior of law enforcement as a particular profession and therefore require more in-depth theoretical analysis for the purpose of clarification the common features common to its entire species.

The general and specific features of good professional behavior and good unprofessional one are traditionally considered in the context of differentiation between appropriate behavior of citizens and executive officers, which is methodologically justified. State-legal form is recognized to be one of the specific historical forms of social management. Law enforcement activity is its integral part. The purpose of this type of social activity (management) is to ensure persistent, integral functioning and development of a social organism as a whole. Its structural and organizational basis is legislation, which is a system of commonly defined norms and rules of behavior, which rely on the authority and power of the state. In this broad sociological and historical context, the nature and subject-matter of law enforcement activity becomes clear, which represents: a) a special, specific type of social activity; b) a special state-legal type of social management [10, p.11]. Such a division allows to detach the circle of subjects which legal activity analysis is not connected with a particular professional group and to identify those entities that are united by a certain professional sphere, by common objectives and functions assigned to them, the unity of educational qualification characteristics, uniformity of their legal professional awareness. Along with the fact that scientists use the category "executive officer", which, according to its content, has a limited sphere of usage, certain studies are devoted to various aspects of lawyers' professional work, professional appropriate behavior of jurisconsult, judges, prosecutors, the peculiarities of the professional activities of police officers and other law enforcement agencies, which forms a sufficiently developed system of ideas about the concept of professional appropriate behavior.

By reference to the main characteristics of the profession as a form of human labor activity [8], the signs of professional behavior include: the length of implementation, rather than actions "torn" in time and unrelated; receiving material remuneration, which ensures the welfare of its subject; possessing special knowledge skills and abilities by the subject; identification of a subject with a certain profession, formation and implementation in the process of professional behavior of professional interests, needs, determined by the rules of professional morals, customs and traditions; differentiation according to different criteria, based on the needs of specialization or its distribution in the social space. All these features are directly related to the understanding of the fundamental features of professional appropriate behavior, which is a certain "symbiosis" of the profession and law, a harmonious combination of processes for the implementation of professional production objectives and legal regulation. However, the scientific literature uses various methodological approaches to the interpretation of the professional appropriate behavior category content, which is interpreted both in a broad and narrow sense. In the first case, professional appropriate behavior should be understood as any professional behavior regulated by law, that is, professional behavior in its legal form. In the second case, the only behavior is used as the basis, which is included in the system of social division of labor through the professional implementation of legal regulation. In our opinion, a broad-based approach can become the most effective and widely used for conducting scientific generalizations. Using this approach, a wide range of professional groups, including law enforcement officers, are included to the field of scientific analysis.

Considering that law enforcement agencies refer to State agencies, and the lawfulness of professional behavior refers to varying degrees to law, the professional appropriate behavior of employees of such agencies can be investigated through the dialectics of legal forms of state activity and state forms of legal regulation. The question of detaching the specific features of appropriate behavior both in the theory of law and in practice is solved multivalued. That is because appropriate behavior was mostly researched in the administrative law science and less often in the theory of state and law, which set a stamp upon relevant decisions, theoretical positions and conclusions.

Referring the law enforcement agencies, their certain types to the agencies of government or executive power in the theory of state and law is also a debating point [10], as evidenced by a number of factors:

- firstly, the existence of own administration in the structure of law-enforcement agencies and the detaching the internal and external management spheres is not an evidence of proceeding the exactly function of management in the external environment;

•secondly, the terms “law enforcement” and “law-enforcement agencies’ sphere of activity” did not receive a clear theoretical justification;

•thirdly, there is a mix of terms such as “management of public order protection” and “direct public order protection”.

In that context, referring the law enforcement agencies to the apparatus of state administration, and the professional appropriate behavior of their employees to the legal forms of management work would be appropriate only in the context of a broad understanding of state administration as varieties of social management.

Thus, the professional appropriate behavior of law enforcement officers is quite difficult to be referred to the sphere of its own administration, because due to its essentials, this professional appropriate behavior does not have an administrative and organizational feature, but rather a disruptive one. The professional appropriate behavior is intended to carry out the destabilizing, “devastating” effect on crime as a social phenomenon, and is a special type of social division of labor, which is characterized by a combination of at least three main features:

- it is a professional behavior of the executive officers in government services;
- their behavior is carried out in legal form;
- such a professional behavior has its own “subject’ of influence - an offense;
- the prevention, displacement, suspension, elimination of such socially dangerous phenomena as an offense is the feature of such an influence mentioned above.

The methodological basis of such ideas is the understanding of subject-matter concept of “law enforcement”, which is specified by comprehension the theoretical construction of “protection of law”, where the interpretation of the concepts meaning “law” and “protection” is significant. Whereas previously the peculiarity of law-enforcement behavior has traditionally been determined due to the features of law and order protection, today such an aspect is only one of all possible aspects of the protection of law comprehension in the diversity of its manifestations, which are irreducible to law and order.

Similarly, the protection of law is not limited to overcoming the crime, but covers the whole range of forms of ensuring the “normal” existence of various legal phenomena (legislation, the rule of law principle, regime of legality, legal culture, law enforcement, etc.). The protection of law, unlike the creation of law and the formation of law, means the counteraction to disruptive, destabilizing effects on these legal phenomena, focusing on anti-legal phenomena in any variations, and not only on offenses.

In this variant, the protection of law function is common in varying degrees to different subjects of law, but law enforcement authorities of State are those special agencies, which are aimed specifically at counteraction, the suspension of offenses in the legal sphere, leading to the necessity of identifying the dominant features of professional appropriate behavior of law enforcement officers, defines the prospects for their development in the context of further law-based state building in Ukraine.

In law books, this kind of professional appropriate behavior of executive officers is considered as law enforcement activity [10], however, the definition of its concept, main features, the place and role in the structure of state agencies are ambiguous. There are differences in scientific positions in the differentiation of those initial structures, “reference” systems (coordinates), within which the features, the functional purpose of professional appropriate behavior, its subjective structure, substantive focus, forms of implementation, and so on are being explored.

The scientific sources’ analysis on the issues of appropriate behavior of law enforcement officers indicates the enhancement of scientific interest to its study and the usage of various methodologies to solve the cognitive tasks. The main aspects of the research were those ones that are actualized with the most complex problems of the Ukrainian legal system development. In particular, the scientists direct their research potential to the theoretical detaching of the concepts of protection, to identify the main causes and mechanisms for determining the legal deviations in the behavior of law enforcement officers, to identify the role of legal regulation and legal culture of a person in the achievement of professional tasks in the context of implementation European standards into the law-enforcement activity field.

In the broad sense, professional appropriate behavior is interpreted as any professional behavior regulated by law. In the narrow one – only the behavior associated with the field of professional implementation of legal regulation is taken as a basis, and its detaching reflects the objective processes of social division of labor. Furthermore, the broad-based approach can become the most effective for conducting scientific generalizations, using which the researchers should analyze the behavior of a wide range of professional groups, including law enforcement officers executed on a professional basis the state tasks and functions on the protection of law.

Professional appropriate behavior of law enforcement officers should be considered as one of the state forms of appropriate behavior, rather than the state-legal form of government activity, which, in our opinion, allows us to prioritize more precisely regarding the role and place of state agencies in the mechanism of law-based state, where rule-making, judicial and law-enforcement agencies are of particular importance. Based on the content of the existing interpretations of legal protection and taking into account the current understanding of the concept of “State law enforcement function”, it seems possible to characterize the appropriate behavior of law enforcement officers as one that has a disorganizing nature regarding to legal facts of the offenses, clearly regulated by law, is aimed at restoring legality in the behavior of other subjects of law, is provided by the system of state guarantees, the legal consequences appear on the results of its implementation, which generally present in legal forms, in the structure of the mechanism

of legal regulation contributes to the functioning of the law enforcement element, acts as a stabilizer of social development in the system of social values.

The study of the features of professional good enforcement behavior can be continued in respect of its differentiation in various specific areas which are inherent for the functioning of relevant types of law enforcement agencies, for which the protection of law function acts as the dominant, defining their purposes, tasks, methods, competence, etc., whereas it has a secondary significance for all other government authorities.

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3.3. CRIMINAL INFRACTION: THE CONSTITUENT OF COOPERATION ACCORDING TO THE AGREEMENT OF THE ASSOCIATION

An adoption of the decision of the Council of the European Union on the conclusion of the Association Agreement with Ukraine on behalf of the European Union has become an important step for the Ukrainian state.

Association Agreement between Ukraine, on one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand (Association Agreement between the European Union and the European Atomic Energy Community and their member states) (hereinafter – the Agreement), replaces the Partnership and Cooperation Agreement between the European Communities and Ukraine and allows the transition from partnership and cooperation to political association and economic integration.

The conclusion and entry into force of the Treaty provides a new impetus to cooperation in such areas as foreign policy and security, justice, freedom and security (including migration), taxation, public finance management, science and technology, education and the information society. Regarding the field of law enforcement and justice, the aim of cooperation is to establish the rule of law and to strengthen the relevant institutions. Compliance with these conditions obliges to make radical changes in the country's criminal-law policy, including the introduction of a criminal infraction institution. Currently, the domestic legal field requires the definition of a criminal infraction as a legal phenomenon through a holistic and complete scientific study of the theoretical foundations of its justification for the purpose of further use as a criminal law remedy for crime.

Like any scientific innovation, a criminal infraction requires the justification of the concept (theoretical basis) of introduction into practical activities through the definition in the law, in particular, on criminal liability, its essence and method of application.

The issue of responsibility for criminal infraction lies in the definition of the concept of "criminal infractions", the theoretical and methodological justification of which remains unknown for today.

Criminal law in most European countries involves two or even three types of criminal acts (crime – misdemeanor– violation). Consequently, in Europe, it has been drawn the conclusion that in the field of criminal law there cannot be a single type of a punitive act (crime) [1].

A slightly different approach is observed in domestic legislation. Thus, in the current Criminal Code of Ukraine, the crimes are classified according to the degree of their social danger (crimes of small, medium gravity, grave and especially grave crimes). The degree of public danger, along with the standard sanction, became the criterion for such a classification.

It should be emphasized that, despite the varying degrees of crime, the legal consequences for committing them are the same – it is a conviction. This approach is based on the fact that the guilty person should be punished and other legal restrictions.

However, the legal regulation of criminal liability in other countries is distinguished by its more human nature.

The European Court of Human Rights (hereinafter – ECtHR) [2] has repeatedly emphasized its recommendations on the necessity of the revision of domestic forms of legal responsibility in the direction of their humanization and comprehensive protection of citizens' rights and freedoms [2], which practice is recognized in Ukraine as a source of law [3] and that has the priority over national legislation [4].

In particular, according to the decisions of the ECtHR, the assignment of an act to offense or other type of misdemeanor depends not only on its place in the national legal system, but also on the nature of the offense and the degree of restriction of the rights and freedoms of the person according to the type of an applied penalty (punishment) [5].

It should be acknowledged that the distribution of criminal law standards of a country or international organizations in the legal field is a rather complex and problematic process. In addition, the introduction of new norms in the Criminal Code of Ukraine raises a number of problems related to their harmonization with the current criminal law, including the need for harmonization with the changes in the CPC of Ukraine, the Code of Ukraine on Administrative Offenses, and other legislative acts.

For the first time at the state level, the idea of introducing a criminal infraction was announced by the National Commission for the Strengthening of Democracy and the Rule of Law (an advisory body under the President of Ukraine, established by the Decree of the President of Ukraine dated July 5, 2005 No. 1049) [6], in which the statement referred to the priority of construction democratic system of criminal justice. In the opinion of the members of the commission, this activity is based on the principle of systemicity and envisages a complex and interrelated change of the three components: criminal law – criminal process – institutional construction of pre-trial investigation bodies and other bodies that ensure the rule of law.

One of the important changes in the field of criminal law proposed in the project of the National Concept of State Policy in the field of criminal justice developed by the National Commission [7] should be the institution of a criminal offense within the framework of democratization, humanization, strengthening of the protection of human rights and freedoms in accordance with the requirements of international legal acts and the obligations of our state to the European and world community.

At the same time, members of the working group of the Center for Political and Legal Reforms on the reform of administrative responsibility (well-known domestic representatives of the administrative-legal science) also stated the necessity of introducing such an institution. Proposals in terms of criminal infraction, experts are outlined in the provisions of the Draft of the Concept reform of the institution of an administrative liability [8; 9, 189–194]. The main idea of this draft is the "purge" of administrative responsibility by recognizing as administrative delicts only those acts that cause public harm in the field of public administration. According to the representatives of the administrative-legal science, the procedure for prosecution for administrative offenses should not have criminal-law characteristics and contain measures such as administrative detention, delivery of a person, search, etc. Administrative sanctions cannot be considered as confiscation, correctional work and arrest, since they are of a criminal law nature. The mentioned concept of further development has not been got.

Subsequently, the Draft of the Concept of State Policy in the Field of Criminal Justice has been worked out on October 16, 2007, at the meeting of the National Commission for the Strengthening of Democracy and the Rule of Law; it received a generally positive assessment.

The revised Draft of the Concept on February 15, 2008 has been considered at a meeting of the National Security and Defense Council of Ukraine. As a result of the consideration, the President of Ukraine issued the Decree "About the Decision of the National Security and Defense Council of Ukraine" dated February 15, 2008 "About the Progress of the Reform of the Criminal Justice System and Law Enforcement Agencies" dated April 8, 2008, No. 311, which approved the Concept of Reforming the Criminal Justice of Ukraine (hereinafter – the Concept 2008) [10].

According to this Concept, the category of criminal (guilty) misdemeanors should include: a) certain acts which, under the current Criminal Code of Ukraine, belong to crimes of minor gravity, which, in accordance with the policy of humanization of criminal legislation, will be recognized by the legislator as one not possessing a significant degree of social danger; b) acts stipulated by the current Code of Administrative Offenses, which have "judicial jurisdiction" and are not basically administrative (petty hooliganism, petty abduction of another's property, etc.).

Describing further available approaches to doctrinal understanding of the category of criminal infraction, one should consider basic conceptual provisions that determine the possible ways of introducing a criminal offense to criminal law.

A separate vision of the appropriateness of the institution of infraction is set out by the specialists of the Yaroslav the Wise National Law University in the Concept for the introduction of the infraction by adopting the Law (Code) of Ukraine on Infractions [11]. Scientists state that the idea of delineating crimes and misdemeanors is implemented in the legislation of Austria, England, Belgium, the Netherlands, Spain, Latvia, Lithuania, San Marino, the USA, Switzerland, Germany, France. In other countries, the offense is classified within the framework of criminal law (legislation) or special regulations. Instead, the current domestic criminal law of Ukraine today contains a number

of such acts that, by their degree of social danger, do not always correspond to the concept and contents of the crime as the most socially dangerous type of offense, which necessitates their decriminalization. Specialists also emphasize the need for a special procedure for investigating and reviewing acts of so-called "judicial jurisdiction", which is not fully implemented into the Code of Ukraine on Administrative Offenses. But its implementation in the legislation seems extremely necessary, since it would create the necessary legal (legislative) guarantees for ensuring the comprehensive protection of the rights and freedoms of the person brought to justice. That is, it refers to a new approach in determining the form of legal liability, different from administrative and criminal, expressed in a separate normative act – the Law (Code) of Ukraine on Infractions. This, according to experts, will promote the harmonization of Ukrainian legislation with the legislation of European countries, bring it closer to European legal standards, and will ensure an implementation of the state policy on humanization of criminal liability through the decriminalization of a number of acts that are now recognized as crimes; provide full and complete protection of the rights and freedoms of the person who is prosecuted for administrative violations, which stipulate strict types of measures of influence; will reduce the number of persons who are subject to such penalties as deprivation or restraint of liberty, and which are prosecuted and in this regard they have a criminal record.

This position is observed, in particular, by M.I. Khavronyuk, considering the most logical creation of an independent Code of Criminal Offenses. Since, in his opinion, the placement of criminal offenses in the current Criminal Code of Ukraine cannot be considered an optimal step, since the unification of crimes and misdemeanors will create the confusion in the structure of the norms of the Criminal Code of Ukraine and the institutes. In addition, the placement of two types of offenses in a single normative document will lead to a substantial and unjustified revision of the Criminal Code of Ukraine, as well as to the criminalization of a significant body of acts that will negatively affect the crime situation in society, artificially increase the statistical indicators and form a negative view of the political situation in the country [12, 429–431]. This opinion is supported, emphasizing the need to create a separate legislative act, by O. Knizhenko, R.M. Mudrak, some other scholars (see, in particular, [13–15]).

The position of scholars is reasonable one but at the same time several proposals are made to consolidate criminal offenses in the current Criminal Code of Ukraine.

The conceptual approaches to introducing a criminal infraction into the current Criminal Code of Ukraine are widely reflected in the Draft of the Criminal Code of Ukraine prepared by the members of the criminal law department of the National University "Odessa Law Academy", consisting of V.O. Tulyakova, N.A. Myroshnichenko, N.L. Berezovsky, D.O. Balobanova, N.M. Myroshnichenko, Yu. Kolomiets-Kapustin, M.M. Dmytruk, O.M. Polishchuk, M.P. Ignatenko, L.K. Kravets and others. This draft is based on the concept of a criminal infraction in the understanding of the positions of Art. 6 of the European Convention on Fundamental Human Rights and Fundamental Freedoms and the practice of the ECtHR. Experts see the idea of introducing a criminal infraction into the criminal law of Ukraine as quite mature, certifying the existence of the grounds for its implementation, which today requires unanimity of doctrinal thought [16].

Some interest in scientific knowledge of the process of introducing a criminal infraction institution is an existing option for resolving the category of "misdemeanor" in the provisions of the Criminal Code of the Republic of Lithuania. In preparation for becoming a full member of the EU, Lithuania has gone through modernization of criminal legislation on the basis of European and best international standards, and, becoming an EU member, fully accepted European rules of criminal law. This substantiates the expediency of familiarizing with the norms of the Criminal Code of Lithuania, approved on September 26, 2000 by Law No. VIII-1968 [17]. In the Chapter 3 CC of Lithuania describes the division of criminal acts into crimes and criminal offenses (Article 10 of the Criminal Code). According to Article 11 of the Criminal Code of Lithuania is a crime which is dangerous and prohibited by the Code conduct (act or omission), for which commission the punishment is imposed in the form of deprivation of liberty. According to Art. 12 of the Criminal Code of Lithuania, a criminal infraction is a dangerous and prohibited act of the Code (act or omission), for which the punishment is imposed, which is not related to the deprivation of liberty, with the exception of an arrest. Thus, voluntary crimes in Art. 11 of the Criminal Code of Lithuania are divided into crimes of minor gravity (punishment for them does not exceed three years of imprisonment), of moderate gravity (punishment is that from three to six years of imprisonment), grave (punishment – from six to ten years imprisonment), especially grave (punishment – more than ten years of imprisonment). Non-compelling crimes are not included in these classifications according to their gravity. The form and characteristics of punishments for criminal infraction are taken into consideration (Part 2 of Article 42 of the Criminal Code of Lithuania), the absence of additional penalties in the system of punishment. On their basis, the legislator created a new criminal-law institution "Means of Criminal Impact". On this occasion, in Ch. IX of the Criminal Code of Lithuania provides that a person who has committed a criminal offense shall be punished with the same penalties as the person who committed the crime, except for imprisonment for a certain term and life imprisonment. With regard to the postponement of the execution of the sentence and release from punishment in Art. 75 of the Criminal Code of Lithuania it is stated that the court may postpone the execution of a sentence from one to three years if a person is fined, arrested or imprisoned for one or several criminal infractions, intentional crimes of small and medium gravity for a term not exceeding three years, or for crimes, committed with negligence, – for a period not exceeding six years. In the case of postponing the sentence, the court imposes one or more of the duties on the convicted person (such as: to compensate or eliminate the material damage caused, to apologize to the victim, etc.).

Structurally, the provisions of the Criminal Code of Lithuania are not divided into separate norms regarding crimes and criminal infraction, and are united in the title of the chapters of the Special Section. For example: Chapter XXI "Offenses and Criminal Infractions against Freedom of Sexual Self-Determination and Sexual Integrity of a Person"; Chapter XXVIII "Crimes and Criminal Infractions against Property, Property Rights and Property Interests", which makes specifics when processing the issue of responsibility for acts. Accordingly, offenses are not codified in a separate chapter, they are dispersed throughout the Code.

In the Criminal Code of Lithuania there is an additional punishment in the form of compensation to the victim of the harm caused by the violation. This direction is a promising one for the improvement of Ukrainian Criminal Law.

Thus, the Criminal Code of Lithuania is characterized by the material-formal concept of a criminal act. Since the crime is determined by a dangerous and prohibited by the Code act for which the punishment is provided for in the form of an imprisonment, and a criminal infraction is the same act for which the punishment is imposed, it is not related to the deprivation of liberty, with the exception of arrest. This means that the provisions of the Criminal Code of Lithuania maintain a material sign. Lithuanian scholars point out that according to the legislative description of the provisions of the Special Part of the Criminal Code of Lithuania, the legislator renounced the notion of punishment of an act, while the emphasis was placed on its prohibition, that is, the legislator introduced the act as dangerous into the list of criminal, the punishment is related to guilty violations of the criminal prohibition [17, 49].

The content of these provisions corresponds to the international acts and standards of the European Union, which in our opinion should be considered an acceptable one for the criminal legislation of Ukraine in view of the requirements of the presence, relating to the types of criminal infractions.

But one should take into account other positive experience of foreign countries in the legal regulation of the institution of criminal infraction, in which the provisions regulating the category of a criminal infraction are codified in separate legislative acts. Among such documents are the Code of Misdemeanors of the Republic of Poland (1971); Law of the Czech Republic "About Misdemeanors" (1990); Law of the Republic of Serbia "About Misdemeanors" (2007).

The study of the institution of criminal infraction, in the legal systems of the progressive states of Europe, which was tested by time and justified by the practice, led us to the following conclusions: in Europe, legislation is the main form of fixing the rules of law; it is more accessible (including in translations) than scientific literature and jurisprudence. However, in Ukraine, unlike other countries, there is a lack of special studies (or translations) of criminal-law doctrine and jurisprudence in criminal proceedings against leading foreign countries (for example, A. Zhalinsky's, A. Ryhorich William Bernam researches [18; 19; 20]).

Consequently, the study of the categorization of criminal acts of the continental legal family shows that the criminal law of the countries of Europe contains the division of criminal acts into criminal infractions and crimes. At the same time, in the Germanic group of the Roman-Germanic legal family, the criminal act is divided into crimes and misdemeanors, and in the legislation of the countries of the Romanesque group, in connection with the absence together with the criminal act of administrative violations – for crimes, misdemeanors and violations. For the differentiation of a criminal act, both material and formal criteria are used. Prevailing penalties are punishable in different countries for criminal infraction. In France, there are also called punitive sentences, which include imprisonment, and a fine. In Germany and the United States, a measure of formal criterion is the term of an imprisonment – up to a year or a fine. So, the alternative basic punishment for criminal infraction is the practice of different countries, however, determination of the fine. The following types of punishment are for misdemeanor: deprivation of the right to drive vehicles, possession of weapons, confiscation, and arrest.

Another important argument is the close relationship between the rules of criminal and criminal procedural legislation of foreign countries, since the proceedings for misdemeanor are carried out in a simplified form. And in almost all countries, it is believed that such a form affects the efficiency of the investigation, the effectiveness of their resolution and the restoration of violated rights and freedoms.

Following the signing of the political part of the EU-Ukraine Association Agreement [21] on March 21, 2014, the issue of defining the landmarks and priorities of the country's development has been even more acute for Ukraine. The course chosen by the society and the state to integrate into the European community has led to the formation of a new legal system based on the principles of the rule of law and respect for human rights. It is quite logical in this context to change the approach to mitigating the criminal law repressions used in the state. The criminal law must meet modern requirements and adapt to the needs of the practice of its application. The division of criminal offenses into species in different countries is due primarily to the need to ensure the rights of citizens and the fight against crime, since it allows to assess objectively the degree of effectiveness of state measures in combating crime.

The introduction of an institution of criminal misconduct in Ukraine fully corresponds to such fundamental positions, as well as to the liberalization of criminal-law policy, allows better protection of the rights, freedoms and legitimate interests of each participant of criminal legal relations.

Among the scholars there is a lack of a consistent view of the place of criminal infraction in the criminal law of Ukraine. Criminal law also does not define its concept, which determines the necessity of wide scientific searches for the justification of the institution of criminal misdemeanors and the definition of the theoretical foundations of their formation and development.

Thus, the basis for the introduction of a criminal infraction is the author's vision of the possible unification in various types of strategic acts of scientific opinions and considerations about the essence of this legal phenomenon, which now have signs of a multilayered structure, the uncertainty of which by the rules of criminal law generates scientific polemics and hinders the further development of the national legal system.

In our opinion, the concept (a paradigm, that is, a system of scientific representations and standards adopted in a particular direction of scientific activity) of a criminal infraction must be the only, scientifically grounded, theoretically modeled, predicted, justified by the needs of social life and a proven idea, and the set proposals and recommendations should become a necessary product for further implementation at the level of the law.

Today, the issue of settling a criminal infraction as a form of a criminal offense requires less the search for new, non-standard ways of solving the problem of updating the criminal-legal system, than the election of the bases for upgrading the content and the nature of the differentiation of criminal acts. Therefore, the provisions on criminal infractions, which have got the general recognition of the legal community – a set of views of individual scientists and the product of their joint coordinated creativity, it seems appropriate to refer to the constituent doctrine of criminal law.

Now it's a time for the launch of the Concept of a criminal infraction – the system of fundamental scientific views and ideas about the phenomenon inherent in criminal-legal relations, within which the socially dangerous actions of important groups of social relations caused the slight damage, which is reversed. Among the grounds for classifying an offense as a category of criminal misdemeanor, we can mention the social danger, as well as the types of punishments imposed for their commission. At the same time, by nature, such acts are closer to crimes than to administrative offenses, due to the fact they will be taken into account by law enforcement agencies when assessing the state of crime, thus reflecting the objectivity of information on the level of protection of the rights and freedoms of citizens, the interests of society and the state. More acceptable in our vision is the model, which provides referring to the criminal infractions several minor crimes, which, because of the small degree of social danger and negative consequences, are not considered by the public and law enforcement bodies either as crimes or administrative delicts.

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3.4. THE REQUIREMENTS FOR COURT DECISIONS IN ADMINISTRATIVE CASES BY ACTIONS OF ELECTORAL COMMISSIONS IN UKRAINE

Execution of the administrative proceedings assignments by the administrative courts defined in Article 2 of the Code of Administrative Procedure of Ukraine (hereinafter - the Code of Ukraine), directly depends on comprehensive, objective and impartial consideration and resolution of the cases of administrative jurisdiction in full compliance with the current demand for both material and procedural legislation, taking into account the principle of legality, starting from the adoption of their legal and grounded judgments [1]. Some theoretical aspects of the essence, classification, requirements for judicial decisions in the administrative process were investigated in the works of A.M. Shymanovych, M.G. Avdiukov, M.I. Shtefan, V.S. Stefaniuk, D.D. Lylak V.V. Komarov etc. However, in spite of this, the theoretical conclusions formulated by the scientists in the sphere of investigated issues remain rather controversial. The specified above does not allow to fully grasp and understand the phenomenon of the essence and legal nature of the court decision as an act of justice in the administrative process.

This problem is especially relevant when realizing the right of citizens to free elections, which is guaranteed first and foremost Article 3 of Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms [2] and Article 21 Universal Declaration of Human Rights. Article 21 states that everyone has the right to take part in the government of his country, directly or through freely chosen representatives; the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures [3].

Court decision, by which the administrative court resolves an administrative and public dispute on the legality of decisions, actions or inaction of election commissions and commissions on the conduct of referendums on the merits in accordance with Part 1 of Article 158 of the Code of Ukraine, is made in the form of resolution.

As it is seen in the content of Part 2 of Article 158 of the Code of Ukraine, court decision, by which the administrative court (if there are relevant procedural grounds) suspends or closes proceedings in the studied by us category of administrative cases, leaves the claim without consideration or makes decisions on other proceedings, petitions, is laid out in the form of order [1].

Theoretical conclusions formulated in the meaning of a given definition to the category of "judgment in the administrative process", remain quite controversial within the limits of scientific developments and, from our point of view, or not completely thoroughly reflect all the constitutive aspects of its matter, or restrict the understanding of the latter. The above mentioned does not allow to fully comprehend and understand the phenomenon and the essence of the court decision legal nature as an act of justice in the administrative process.

As O.M. Shymanovych says [4], the question about the essence of judgment is a question about the main feature which characterizes court decision as a legal institution and determines its place among other acts of the state bodies. The essence of judgment can't be understood outside the context of the content, form and purpose of judicial activities.

According to M.G. Avdiukov, the essence of judgment is that it is an act of justice that protects the rights of the parties, law and order in the country by resolving legal disputes between the parties on the merits. The essence of judgment is to protect the rights of the parties by confirming the existence or lack of legal relations, mutual rights and obligations of the parties and forcing the respective, indicated in the decision behavior [5]. But we believe that the given position of the scientist is not meaningfully reasoned, grounding on the following. Analyzing in details the theoretical conclusions of M.G. Avdiukov, we should pay attention to the fact, that by to the court decision, in particular, in the administrative process, the administrative court does not always solve the public and legal dispute of the parties on the merits, and in some cases, if there are appropriate set by the current procedural legislation reasons, can complete the trial of an administrative case, including the closure of the proceeding. From the author's assertion directly follows that judgment in the administrative process should be reduced exceptionally to carrying out by the administrative court a resolution of the case. However, the latter directly contradicts the requirements of Article 158 of the Code of Ukraine.

Similar to the above is the position of M.V. Gurvykh [6], which states that judgment is a resolution of original jurisdiction by which the substantive and procedural dispute is resolved and in this way there is given a response to the court application for protection of subjective rights or legally protected interests. The same opinion is shared by S.N. Abramov [7], K.S. Yudelson [8], A.F. Kleinman [9], M.B. Zeider [10; 11].

Gureiev P.P. understands judgment as the most important act of justice, in which the court, following the law, on behalf of the state and on the basis of set out in the hearing facts solves the case on the merits, answers the request

of the plaintiff and the respondent's objections, solves questions on protection of the citizens and persons' legal interests [12].

From M.Y. Shtefan's point of view, judgment is an act of justice in the case, based on the established in the hearing facts and application of substantive and procedural law norms [13]. The definition of judgment, given by the author, slightly expands its content in comparison with the above given scientific approaches, because the scientist in formulating definitions of the relevant category covers not only those judgments, by which the court solves the dispute of the parties on the merits, but also those, by which the court can solve other procedural issues related to the proceedings in a definite case. At the same time, we believe that the general theoretical structure of the judgment content formulated by the scientist is a little bit abstract because it doesn't reveal the defining (constitutive) signs of the latter.

According to L. Levshyn [14], judgment, on the one hand, is based on the specific legal norm, and there is nothing else than the order on a certain behavior specific to participants of legal disputes, on the other hand - judgment gives the right to actuate the state apparatus of coercion, able, where necessary, to implement the decision irrespective of the obligated person will.

In terms of V.S. Stefaniuk [15], the essence of the administrative court decision lies in understanding it as the main and most important act of justice, adopted in the name of Ukraine and aimed to protect the rights, freedoms and legal interests of citizens, organizations, state and public interests, to strengthen legality, law and order, to prevent offences, to make the citizens and officials respect the Constitution and the law of Ukraine, honor and dignity of a person.

As it is noted by I.V. Reshetnikova and V. Yarkova, the notion "court decision" should be understood as an act of original jurisdiction, by which the court on the basis of set out in the hearing legal facts, according to the norms of procedural and substantive law, solves a civil case on the merits, namely, fully or in a certain part satisfies the claim, complaint and application or refuses to meet them all [16].

Quite an interesting position in terms of wording of the court decision definition takes D.D. Lylak [17; 18]. While making a research, he comes to the conclusion that judgments are legal acts which consolidate the results of the social conflicts solving and are based on the disputes of law, and therefore contain legal opinions about overcoming conflicts if the disputed legal relations were regulated by controversial legislation acts. Taking into consideration the specificity of formulated by the author definition of judgment, which is first of all due to the subject of his dissertation (which was theoretical and legal aspects of the conflicts in legislation of Ukraine, their causes, signs, types and means of overcoming), we will concentrate your attention exclusively on the defined therein general conclusions on the nature of judgment. So, we think, there isn't a reasonable approach, according to which the concept of judgment is revealed through the category of "a legal act". The latter, summarizing the opinions of S.S. Alekseiev [19; 20], O.F. Skakun [21], O.V. Shopina [22] means: the outside expression of the will (of the state and individuals), focused on the achievement of a legal fact; the decision that expresses the will of an entity and is properly made, which is intended to achieve positive social goals, in other words to regulate social relations and entails appropriate legal consequences.

Considering the presented arguments, we believe that, speaking about the legal act the result of a lawful activity of the authorized entity, we mean the constituents of the society legal system - legal norms, which are expressed in laws and regulations; individual orders, expressed in enforcement acts; agreements and other similar acts of independent regulation, composed between different economic entities, citizens, etc. And in terms of wording of the court decision definition - we must take into account the fact that, first of all, it's an act of justice.

According to V. Komarov [23], judgment - is a defending human rights act given out in the name of Ukraine made in the form of a procedural document, which authoritatively confirms the existence or lack of legal relations disputes, in the result of which it is converted into indisputable one on the basis of set out in the hearing factual circumstances. A.T. Komziuk, V.M. Bevzenko and R.S. Melnyk [24] fully support this very point of view. However, taking into account the above arguments, we consider the given definition to be incomplete and the one that needs to be further analyzed, because it does not fundamentally disclose the essence of judgment in the administrative process.

Ya.P. Synytska [25] conducting scientific researches and making thorough analysis of the court decision essence in the administrative proceedings comes to the conclusion that it is a procedural document, which is based on the set out in the trial facts and applying the norms of law, by which an administrative case is decided on the merits to protect rights, freedoms and interests of individuals, the rights and interests of legal persons in the sphere of public-law relations from violations conducted by the state authorities, local governments, officials and other entities in carrying out their duties on the basis of legislation including the accomplishment of delegated powers that comes into force in accordance with the law and is due to be carried out. In general, the presented by the researcher theoretical structure of the court decision concept is fully reasoned and perceptible, except the already noted fact that we can't accept her wording, which leads the court decision only to solving of the administrative case on the merits.

Paragraph 1 of item 1 of the Resolution of the Plenum of the Supreme Administrative Court of Ukraine [26] emphasizes that the most important result of justice administration by administrative courts is rendering of a judgment. In this case judgment is defined as an act of justice approved according to the norms of substantive and procedural law and in accordance with constitutional principles and the principles of administrative proceedings, which is due to be carried out on the whole territory of Ukraine.

Carefully analyzing the presented above scientific approaches, in our opinion, judgment in the administrative process – is an act of justice, approved in the name of the state in appropriate procedural form on the basis of complete, objective, comprehensive and impartial analysis of all the factual circumstances of the administrative case in accordance with the norms of financial and procedural law and strict compliance with constitutional principles and the principles of administrative proceedings, by which the administrative court resolves public and legal dispute of the parties on the merits; suspends or closes the proceedings, leaves the claim without consideration or makes a decision on the other procedural actions or petitions which comes into force and is due to be carried out on the whole territory of Ukraine in accordance with the established by the administrative and procedural norms order.

Considering the aforesaid, we think that judgment in the proceedings against decisions, actions or inaction of election commissions and commissions on the conduct of referendums - is an act of justice, approved in the name of the state in appropriate procedural form on the basis of complete, objective, comprehensive and impartial analysis of all the factual circumstances of the administrative case according to the norms of substantive and procedural law and strict compliance with constitutional principles and the principles of administrative proceedings, by which the administrative court resolves the public and legal dispute on the legality of decisions, actions or inaction of election commissions and commissions on the conduct of referendums on the merits, suspends or closes the proceeding in this category of administrative cases, leaves the claim without consideration or makes a decision on other procedural actions or petitions which comes into force and is due to be carried out on the whole territory of Ukraine in accordance with the established by the administrative and procedural norms order.

Classification court decisions in administrative proceedings

Today in scientific literature there are various in their content scientific approaches as to classification of judgments in the administrative process [24; 27; 28].

So, A.T. Komziuk, V.M. Bevzenko and R.S. Melnyk [24] note that classification of resolutions and orders of administrative courts according to their types has practical implication for the court practice. Classifying the latter, scientists absolutely fully support the opinion of R.O. Kuibida [27] as to its main criteria and types of judgments, which were distinguished in the process. First of all, they divide all the court decisions in the administrative process into resolutions and orders. First, in their opinion, include the following types of resolutions: resolutions of original jurisdiction, by which the court resolves the demands asserted in the administrative claim; resolutions of appeal courts, by which the court simultaneously solves the requirements of appeals and claims of the administrative action; resolutions of the Court of cassation, by which the court resolves both the demands and requirements of the administrative claim; resolutions of the Supreme Court of Ukraine, where the complaints of the claim under exceptional circumstances and the requirements of the administrative claim are resolved; resolutions on the part of the claim which the court takes before the end of the trial at the request of the person who is involved in the case, if the circumstances that the court found out, allow without any prejudice to the case to resolve the part of the claim; additional resolutions that the court adopts if in its resolution because of the negligence were resolved not all the requirements of the administrative claim in respect of which evidences were investigated, or the methods of judgment were not established, or questions on the costs of production were not solved.

Orders of administrative courts [24], depending on the court and the procedural issue which is being solved, according to the researchers, can be divided into: orders of any court, with the help of which the court solves current issues of procedural nature concerning the consideration of an application or complaint, the essence of an alleged petition, the commission of a procedural action initiated by the decision of the court, etc.; orders of the Court of Appeal, by which the appeal requirements are resolved, but not the requirements of an administrative claim; orders of the Court of cassation, with the help of which the court solves only the requirements of cassation, but not the requirements of the administrative claim; additional orders which are enacted by the court if in its order in the result of negligence, were solved not all the petitions in the respect of which evidences were investigated, or methods of the decision execution were not found out, or questions on the costs of production were not solved; separate orders which are aimed to eliminate violations because of which persons involved in the case did not make requirements, and also to eliminate the causes and conditions that led to these violations.

E.F. Demskyi [28] classifies court decisions in the administrative process only according to the criterion of the nature of the solved in the court questions and finally divides them into: resolutions and orders.

Making parallel with the peculiarities of judgments classification in the civil law suit, the next should be noted.

According to I.V. Andronov [29] and S.V. Vasyliiev [30], in addition to other criteria of judgments classification, court decisions in action proceedings can be classified according to the same procedural and legal signs, for which claims are differentiated. Thus, the basis is the character of a legal action of the court decision and the way of judicial protection of the rights. In this regard, in their view, there should be recognized: decisions on award; decisions on recognition; converting (constitutive) decisions. It is believed that the given by the author classification can be directly adopted into the administrative process.

Analyzing the above approaches, in our opinion, judgments in cases against decisions, actions or inaction of election commissions and commissions on the conduct of referendums can be classified according to the following criteria.

Depending on the range of issues which are solved by the administrative court, decisions are divided into resolutions and orders. By this criterion, resolution is a decision of any court by which the claims of an administrative

action are resolved, and order is a decision by which the issues related to the procedure of an administrative case consideration and other procedural issues are resolved.

To resolutions (depending on jurisdiction of the cases) belong:

- resolutions of original jurisdiction (local general courts as administrative, district administrative courts, Kyiv Appeal Administrative Court and the Supreme Administrative Court of Ukraine, as original jurisdiction in the appropriate category of disputes in cases established by the Code of Ukraine), by which an administrative claim is resolved on the merits;

- resolutions of the Court of Appeal (Appeal Administrative Courts, Supreme Administrative Court of Ukraine), by which the demands of appeal are resolved simultaneously with an administrative claim.

According to the same criterion we determine orders as court decisions of:

- any court on resolution of procedural issues that arise while reviewing the examined by us category of administrative cases (resolution of petitions, administration of procedural actions, etc);

- Appeal courts (Administrative Courts of Appeal, Supreme Administrative Court of Ukraine), by which only appeal requirements are solved.

To the variety of orders, we also belong separate court orders that are aimed to eliminate the found out in the process of administrative claim consideration offences against law.

Depending on the amount of the solved questions judgments can be divided into basic (final), partial and supplementary. To final judgments we refer resolutions and orders by which all substantive and legal claims submitted to the court are completely resolved (for resolutions), or all the necessary for consideration of the administrative case procedural issues (for orders). Some legal requirements are resolved by partial solutions. In particular, the court can, before the end of the trial at the request of the person who is involved in the case, accept the resolution on the part of the claim if clarified by the court circumstances give possibility, without any prejudice to the case to resolve these claims by taking them into separate proceedings (part 1 of Article 164 of the Code of Ukraine). Such a decision can also be rendered in the case of partial recognition of the administrative claim by the defendant and adopting it by the court (Part 3 of Article 112 of the Code of Ukraine). Additional court decision is an additional resolution or order, by which separate legal requirements are resolved but which are not solved by the main decision and in the case, when because of the claim requirements evidences have been investigated (for resolutions), or not all the petitions are resolved (for orders). Besides, additional resolutions or orders can be adopted if the court, making the main court decision, did not define the way of its implementation or the questions on the costs of production are not solved.

Depending on the stage of the trial at which they are adopted, court decisions can be finale, namely those ones by which the proceedings end (Part 1 of Article 14, Part 1 of Article 158 of the Code of Ukraine), and intermediate by which the proceedings are not completed (see Articles 115, 121 of the Code of Ukraine) [1].

According to the shape of the outer expression court decisions in the investigated by us category of administrative cases can be written or oral. Thus, judgements can be made only in a written form, and orders - in an oral or written one. However, orders on consideration of appeals are produced only in writing. General requirements for the judgement form in the administrative process are established by Article 160 of the Code of Ukraine.

According to the legal consequences court decisions in cases of appealing against decisions, actions or inaction of election commissions and commissions on the conduct of referendums can be divided into:

- decisions on award (implementation or abstention from implementation of certain actions);
- Decision on recognition (recognition of illegal decisions, actions or inaction);
- Constitutive decisions (on transformation of legal relations, it means their termination or modification).

Regulatory requirements to court decisions in administrative proceedings

Parts 1-3 of Article 159 of the Code of Ukraine stipulate general requirements that are brought up by the valid procedural legislation to the court decision in the administrative process [1]. According to the aforesaid procedural norms, judgments must be legal and grounded. The decision is legal when it is rendered by the court in accordance with the norms of substantive law and due to the procedural rules. The decision is grounded when it is rendered by the court on the basis of fully and comprehensively understood circumstances in the administrative case, confirmed by those evidences that were investigated in the court.

In paragraph 2 of item 4 of its Resolution on 20 May 2007 № 7 [26] The Plenum of the Supreme Administrative Court of Ukraine, explaining the provisions of Article 159 of the Code of Ukraine, focused the attention of administrative judges on the fact that legal is a decision rendered by the court in accordance with the substantive law considering the validity of the legal act in the hierarchy of the national legislation that regulates contentious legal relations, similar legal relations (the analogy of law), or if there is no such a law – on the basis of constitutional principles and general principles of the law (the analogy of law), principles of the rule of law taking into account court practice of the European court of human rights, considering the norms of procedural law. Thus, grounded is a decision, rendered by the court on the basis of fully and comprehensively examined circumstances in the administrative case, confirmed by those evidences, which were investigated while taking proceedings of the case (in the trial, in the process of a reduced or written procedure) considering the requirements of Article 70 of the Code of Ukraine on identity and admissibility of evidences or circumstances that can't be proved and the court's conclusion about the established circumstances and legal consequences are exhaustive.

According to the content of paragraphs 1-3, item 6 of Resolution of the Plenum of the Supreme Administrative Court of Ukraine, the content of the approved judgments must meet the requirements of Articles 163, 165, 183-3, 183-4, 206, 207, 231, 232 of the Code of Ukraine. Decisions of judges of all the courts, irrespective of the type of proceeding must be maximum complete, clear and precise, it should definitely contain an introductory, descriptive, motivating and operative parts following the specified sequence. Clarity of the court decision lies in the logical, clear and convincing presentation of the content of its decision. Precision of the material means that: terms used in the court decision, should correspond to the content which they have according to the legislation of Ukraine; these terms are correlated with the concepts which they represent; the text of the legal norm applied by the court, should be reproduced without paraphrasing and thus, it is clear where there is given a legal norm and where the court gives its own interpretation of the content. Court decisions should not contain provisions that would contradict or exclude each other, make it impossible or difficult for implementation.

In addition to these requirements, agreeing to the opinion of A.T Komziuk, B.M. Bevzenko and R.S. Melnyk [24], court decisions in the administrative process must also meet the following requirements as, in particular: absoluteness, nonalternativity and availability. Absoluteness of the court decision according to the researchers, means that its operative part does not include conditions fulfilling of which is associated with the execution of the administrative court decision; execution of the court decision must depend on the occurrence or non-occurrence of certain conditions. In decisions, action–duties which are to be laid down on the participants of contentious legal relations should be introduced in categorical way. Nonalternativity as a requirement which is made to the court decision does not allow the choice of different ways of such a decision execution. Free access to the court decisions, including administrative courts is a legal guarantee of legality and publicity of these judicial organs, objective and fair administration of justice in administrative cases.

Analyzing the given material, we want to note that judgment in the administrative process (including proceedings against decisions, actions or inaction of election commissions and commissions on the conduct of referendums) must meet all the requirements discussed above.

General Procedure for adoption of court decisions is defined by Article 160 of the Code of Ukraine. Considering the requirements of paragraph 1 of this article, the court adopts a resolution in the name of Ukraine just after the trial. The resolution is adopted, made and signed in the deliberation room by all the judges of the case (Part 2 of Article 160 of the Code of Ukraine). In accordance with Part 3 of Article 160 of the Code, in exceptional cases, depending on the complexity of the case, making of the resolution in its entirety can be delayed for a period of not more than five days after the end of the trial, but the court has to announce in the same session, in which the proceeding was ended, the introductory and operative parts of the resolution. Resolution of the court which contains the introductory and operative parts must be signed up by all the judges of the court and attached to the case before the announcement. However, taking into account the shortening of procedural terms to appeal judgments in cases against decisions, actions or inaction of election commissions and commissions on the conduct of referendum, it is seen the given procedural norm can't be applied by the administrative courts.

Part 4 of Article 160 of the Code of Ukraine stipulates a range of issues on which the administrative court must render the decision in the form of a separate procedural document. At the same time, in the form of a separate document, there can be made decisions on the other issues, which are solved during the trial. Court orders which during the trial are composed as a separate document are enacted in the deliberation room and signed by all the judges of the case (Part 5 of Article 160 of the Code of Ukraine). Orders, enacted without entering the deliberation room, are registered by the secretary of the court in the hearing journal. Orders enacted in the trial, should be proclaimed immediately after their resolution (Parts 6-7 of the given article of the Code of Ukraine). According to Part 8 of Article 160 of the Code of Ukraine, corrections in the court decision should be confirmed by all the judges of the case, who approved the given decision.

In the order provided by Part 1 of Article 161 of the Code of Ukraine, during the adoption of the resolution the court solves the following issues:

- 1) whether there were circumstances that substantiated claims and objections, and what evidences they are confirmed by;
- 2) whether there are any other evidences that are relevant to solving the case, and evidences for their confirmation;
- 3) what legal norm should be applied for these legal relations;
- 4) whether the claims should be suited or refused to meet them;
- 5) how to apportion the costs of production between the parties;
- 6) whether there are any reasons to allow the immediate execution of the resolution;
- 7) whether there are any grounds for cancellation of the administrative claim.

At the same time, while choosing and applying a legal norm for the contentious legal relations, the court takes into account the conclusions of the Supreme Court of Ukraine set out in the resolutions adopted on the consideration of applications for revision of the judgment on the grounds provided in paragraphs 1 and 2 of Part 1 of Article 237 of the Code of Ukraine. The court has the right to deviate from the legal position set out in the conclusions of the Supreme Court of Ukraine, with the simultaneous providing of the relevant reasons.

Deciding the case on the merits, the court can fully or partly satisfy the administrative claim or to completely or partly refuse to meet it (Part 1 of Article 162 the Code of Ukraine).

As it is understood from the content of Part 1 of Article 177 of the Code of Ukraine, the court having established violations of the law on elections or referendum determines in the judgment the way of the violated rights and interest protection, and also the order of elimination of all the consequences of these violations according to the law or makes other legal decisions. In case of violations, that can be the reason for bringing to account not according to the rules, regulated by the Code of Ukraine, the court enacts a separate order, informing about the existence of such violations and sends it to the authorities or persons authorized to take the according measures, set by the law.

According to Part 1 of Article 162 of the Code of Ukraine (and at the same time taking into account the peculiarities of substantive and legal claims of plaintiffs in cases against decisions, actions or inaction of election commissions and commissions on the conduct of referendums), we believe that in the case of satisfying the administrative claim the court can adopt a resolution on:

1) recognition of being illegal of the election commission or commission on the conduct of referendums decision or some of its provisions that are appealed, actions or inactions, the cancellation or invalidation of the decision or some of its provisions, the restitution of the decision or some of its provisions specifying the way of its implementation;

2) the defendant's obligation to take certain actions;

3) the defendant's obligation to refrain from taking certain actions;

4) the recovery of funds from the defendant (we came to this conclusion considering that there has already been proved the possibility of laying by the plaintiffs in the administrative claim simultaneously with the requirements for recognition of illegal decisions, actions or inaction of election commissions and commissions on referendum - claims for compensation of the done harm);

5) recognition of the existence or lack of the election commission or commission on the conduct of referendums competence (authority).

In addition, the administrative court, based on the requirements of paragraph 2 of Part 2 of Article 162 of the Code of Ukraine, can adopt another resolution which would ensure the observance and protection of the rights, freedoms and interests of the participants of the election process and the process of referendum (with the exception of election commissions and commissions on the conduct of referendums).

Requirements for the content of resolutions and decisions of the administrative court are stated by Articles 165 and 163 of the Code of Ukraine.

As it seen from Part 1 of Article 164 of the Code of Ukraine, the court can, before the end of the trial at the request of the person who is involved in the case, adopt a resolution on the part of the claims if clarified by the court circumstances make it possible, without any prejudices to the case, to resolve these claims picking them out into a separate proceeding.

Court decision is publicly read out immediately after the judges went out of the deliberation room. Presiding in the trial clarifies the content of the decision, the procedure and terms of its appeal. Under such circumstances, taking into account Part 2 of Article 177 of the Code of Ukraine, copies of the judgment are immediately given out to the persons who are involved in the case, or sent to them if they were not present at the time of its announcement.

According to Part 1 of Article 168 of the Code of Ukraine the administrative court, which rendered the court decision can, at the request of the person involved in the case, or on its own initiative adopt additional resolution or enact additional order in cases if:

1) the decision on one of the claims, because of which evidences were investigated, or on one of the petitions was not rendered;

2) the court, having solved the question on law, did not define the way of the court decision execution;

3) the court did not decide on the costs of production.

Question on the approval of the additional court decision can be applied for before the expiration of the court decision execution. The court renders an addition court decision after considering the matter in the trial informing the persons involved in the case. Not coming to the trial of persons who have been duly informed does not prevent consideration of the matter. The court enacts an order about the refusal in rendering the additional decision. Extra judgment or court decision on denying the additional court decision can be appealed (Parts 2-5 Article 168 of the Code of Ukraine).

The administrative court following the requirements of Article 169 of the Code of Ukraine, can on its own initiative or at the request of the person involved in the case, or another interested person correct the made in the judgment of this trial clerical errors, evident arithmetical mistakes without depending on the fact whether the court decision came into force or no. The question on corrections is solved by the administrative court in the way of a written proceeding or in the trial (if the court finds it necessary to conduct) in the presence of persons involved in the case.

If the court decision in the investigated by us categories of administrative cases is unclear, the court which approved it, according to the application of those who are involved in the case or the bailiff explains its decision in the way of the court order, without changing the content. Due to the requirements of Part 2 of Article 170 of the Code of Ukraine, the application for clarifying the court decision is allowed if it is not executed yet or the period of time

within which the judgment can be given for making it into force has not ended. According to part 3 of Article 170 of the Code Ukraine the court considers an application for clarifying the judgment within ten days after the applicant (the person who is involved in the case, the bailiff who made an application for the clarification of the judgment) and the persons involved in the case have been informed. Not coming to the trial of persons who have been duly informed does not prevent the consideration of the application for the decision clarification. However, taking into account the shortening of terms of the electoral process and the process of referendum, we think that the given procedural norm should be clarified.

According to Part 4 of Article 170 of the Code of Ukraine handing in the application for the clarification of judgment stops the period of time set by the court for execution of the court decision as well as the period within which the judgment can be made into force.

Conclusion. Judgment in the proceedings against decisions, actions or inaction of election commissions and commissions on the conduct of referendums - is an act of justice, adopted in the name of the state in the appropriate procedural form on the basis of complete, objective, comprehensive and impartial analysis of all the factual circumstances of the administrative case in accordance with the norms of substantive and procedural law and strict compliance with constitutional principles and the principles of administrative proceedings, by which the administrative court resolves public and legal dispute on the merits about the legality of decisions, actions or inaction of election commissions and commissions on the conduct of referendums, suspends or closes the proceeding in this category of administrative cases, leaves the claim without consideration or makes decisions on other procedural acts or petitions which come into force and is due to be carried out throughout the territory of Ukraine in the established by administrative and procedural norms procedure.

All the court decisions in the investigated proceeding of the administration process can be classified according to the following criteria:

- 1) depending on the range of issues which are solved by the administrative court;
- 2) depending on the amount of the solved by them issues;
- 3) depending on the stage of the trial which they are adopted at;
- 4) according to the form of external expression;
- 5) in accordance with the legal consequences.

Judgment in the proceedings against decisions, actions or inaction of election commissions and commissions on the conduct of referendums enacted by the administrative court on the basis of a complete, comprehensive, unprejudiced, impartial, objective clarification of all the circumstances of the case must be: legal and grounded, maximum complete, clear and precise, it must contain an introductory, descriptive, motivating and operative parts observing the aforesaid sequence; it must be absolute, categorical, no alternative and available.

In order to solve the problems with the specified in the work legal gaps we propose to add to Part 2 of 2 Article 177 of the Code Ukraine procedural norms of the following content: The administrative court considers an application for clarifying of judgments in cases against decisions, actions or inaction of election commissions and commissions on the conduct of referendums without any delay after it has been handed in alongside with the immediate information of the applicant (the person who is involved in the case, the bailiff, who applied for the explanation of the judgment) and the persons involved in the case. Not coming to the trial of persons who have been duly informed does not prevent the consideration of application for the decision explanation. The copy of the decision on judgment clarification is sent immediately after its enactment to the persons involved in the case and the applicant if they were not present in the trial.

While administrative courts considering the proceeding are adopting administrative cases against decisions, actions or inaction of election commissions and commissions on the conduct of referendums and also the orders based on the grounds provided by the Code of Ukraine, the demands of Part 3 Article 160 of the Code of Ukraine are not applied.

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3.5. ADMINISTRATIVE-LEGAL REGULATION OF LEGAL RELATIONS THROUGH INTER-INDUSTRY JUDICIAL ANALOGY

Under the conditions of market relations objectively increasing the role of legal relations of legal, economic, administrative, public bodies in order to establish the truth and to avoid the mistakes that adversely affect the interests of the parties, it is important to consider the extent of their legal settlement while considering cases.

It is clear that the lack of theoretical development to the application of inter-industry analogues of practical value leads to an ungrounded conclusion that the case is public [1].

Administrative jurisprudence testifies that the definition of jurisdiction criteria should be approached comprehensively and necessarily to find out what role in legal relations was played by this or that body of state power or a body of local self-government, whether it acted in the performance of power management functions, or was an equal subject civil (economic) law, as well as administrative law and procedural branches of law, such as civil procedure and criminal procedure.

It is known that there are links between administrative law and procedural branches of law, such as civil procedural law and criminal procedure law. The norms of civil procedural law regulated, for example, the order of the courts to resolve certain categories of cases arising from administrative and legal relations. As far as criminal procedural law is concerned, with the help of the norms of administrative law (in particular, the institute of administrative responsibility), the normal implementation of proceedings is ensured in cases of committing offenses by separate subjects of the criminal process. In particular, the Code of Ukraine on Administrative Offenses provides for administrative liability for the disrespect of the court, the witness's evasion, the victim, the expert, the translator from the appearance to the bodies of preliminary investigation or inquiry, etc.

Thus, the basis of consideration of such cases is the difference in the decisions of the administrative court from other court decisions, depending on legal liability [1].

With the extension of the scope of administrative responsibility, there were certain problems both theoretical and practical, related to the definition of the type of legal liability, to which should be assigned certain sanctions that apply in case of violation of the requirements of the current legislation. As you know, every traditional form of legal liability (criminal, administrative, civil, legal, disciplinary and material) is inherent in the system of general norms. They establish a circle of subjects of legal responsibility, the principles of the latter, the general features of the violations for which it occurs, and so on.

All these provisions are usually contained in the codes: criminal, administrative offenses, civil, labor laws. If the act is subject to one or another code, problems with the definition of the form of legal liability does not arise. However, there are many acts for which the legal responsibility for the implementation of which is provided for by non-codified laws, in particular, such as "On Enterprise Profit Tax", "On Limitation of Monopoly and Prevention of Unfair Competition in Business Activity", "On the Procedure for Settlement in Foreign Currency," "On Foreign Economic Activity ". These laws describe actions for which legal liability comes, and in some of them the circle of its subjects is defined.

Recently, in the scientific literature, there is a debate about what kind of legal liability financial sanctions imposed for violation of tax laws should be classified. Some authors simply state that those or other sanctions are an attribute of administrative liability. Thus, M. Belkin argues that non-payment of taxes is a form of administrative liability [2]. Some scholars include financial sanctions for a special type of legal liability. The most arguable is the position of I. Zub, who justly points out that the nature of financial sanctions one needs to look through its correlation with traditional types of legal responsibility. Only in the case that it can not be identified in the existing species, it is legitimate to raise the question of sanctions as a new type of legal responsibility [3]. It seems that this approach should be applied to other sanctions that are quite diverse.

If we are guided by the above-mentioned approach, we must first of all determine the basis on which the classification of types of legal liability is carried out. The most widespread distribution of them is by industry. Considering mentioned above they distinguish between criminal, administrative, civil, disciplinary and material liability. However, according to O. Leist, "this division does not coincide with the branch structure of law for the very reason that the types of liability are less than the branches of law, and for the violation of the rules of law of different industries, the responsibility of one and the same type can be applied. Sectoral classification also does not explain why, within the same field of law, there may be different types of liability, and vice versa, the rules of different branches of law are regulated by the implementation of one type of responsibility."

Legal liability is divided in accordance to the types of offenses. Criminal liability comes for crimes, administrative - for administrative violations, disciplinary - for disciplinary offenses. In our opinion, such a classification is not entirely correct. As it is known, an act or omission which infringes on state or public order, property, rights, and freedoms of citizens, in accordance with the established procedure of management and for which legislation provides for administrative liability, is unlawful, guilty (intentional or negligent). That is, the definition of the very basis of classification is given through the form of responsibility. So, there is a closed circle. From this provision it can be concluded that administrative liability can come not only for administrative violations, but also on other grounds.

In our opinion, it is right to argue that the well-known division of legal liability for criminal, administrative, civil, disciplinary and material should be carried out not on any single sign, but on a set of signs. O. Leist drew attention to the logic of the situation, according to which the first requirement of qualitative classification is that the points of similarity, on the basis of which we make classes, were important from a practical point of view, the second - in that this classification made it possible to nominate the largest number of statements. That classification is the best in which the objects are similar to each other for as many signs as possible [4]. Using this approach, we will try to highlight the most important signs by which those or other sanctions provided by the law can be attributed to a certain type of legal liability.

The first feature of that kind can be considered bringing the subject to legal liability. Criminal and administrative liability is clearly expressed in public, that is, the subject of the pursuit of these types of legal responsibility is the state represented by its special bodies. In case of occurrence of civil liability the subject of attraction to it is one of the parties of civil legal relations. And only when there is no voluntary execution, responsibility is exercised through a court or arbitral tribunal. In cases of disciplinary and material liability, the subject of the appeal to it is the body with which the person who committed the offense is in the relationship of service subordination. Thus, the subject of legal liability can be divided into the public (criminal and administrative), private (civil law) and service (disciplinary and material liability).

There are also significant differences within the public responsibility between criminal and administrative liability. Criminal liability applies only for acts, an exhaustive list of which is contained in the Criminal Code of Ukraine [5]. In addition, it is implemented exclusively in court.

Regarding administrative liability, the issue of bringing to it is decided by the authorities of the so-called administrative jurisdiction. The latter is a specific type of law enforcement activity carried out by public authorities and other competent authorities and consists in reviewing cases of administrative violations and taking decisions on them in accordance with the procedure and forms established by law. The legal nature of administrative jurisdiction is determined by the fact that, on the one hand, it forms an integral part of the executive and regulatory activity of the public administration, and on the other, a specific type of law-enforcement activity related to the application of administrative sanctions to violators of administrative and other legal norms in the field of management.

As an integral part of the executive and regulatory activity of public administration, administrative jurisdiction plays an important role in the stabilization of managerial relations. Her law enforcement function is to apply administrative penalties to individuals who have harmed a certain group of legal relationships that have developed in the field of public administration. This function is an integral part of executive and regulatory activity. Therefore, the

characteristic feature of administrative jurisdiction is manifested in the implementation of this function by public authorities or on their behalf by other bodies. Unlike justice, the implementation of administrative jurisdiction is carried out by many bodies that ensure the efficiency of jurisdictional protection of social relations that arise in various areas of public administration. At the same time, not all bodies of state administration have the right to consider cases concerning administrative violations, but only those which are legally conferred with jurisdictional powers.

In accordance with the laws, the right to apply various sanctions to business entities (both individuals and legal entities) is provided by the Antimonopoly Committee of Ukraine, the State Tax Administration, the State Inspection for Prices Control, the Ministry of Foreign Economic Relations and Trade and some others. It is obvious that all of them are administrative authorities.

Compared with the other generally accepted types of legal liability, administrative liability is the most comprehensive as a sphere of application, and by the number of bodies with administrative and jurisdictional powers.

We can confidently state that in the absence of mentioned above characteristic features inherent in other types of legal responsibility and the right to bring to administrative authorities the responsibility for sanctions provided for in the laws "On Enterprise Profit Tax", "On Limitation of Monopoly and Prevention of Unfair Competition in Business Activity", "On the procedure for making settlements in foreign currency", "On foreign economic activity" and some others, that must be attributed to administrative liability.

Consequently, we jump up to the conclusion that in administrative-legal regulation, not only one of the two classical methods is used, but a peculiar method of a special nature, in which organically intertwined elements and signs of both imperative and dispositive methods of legal regulation.

Given the universality of the method of legal regulation of administrative legal relations before the law enforcement entities, there are wide opportunities for applying the inter-sectoral analogy of the law in order to overcome the gaps in the law.

At the same time, the application of interdisciplinary analogy has its own peculiarities, which necessitates the observance of certain conditions. Thus, without denying the basic conditions for the use of the analogy of law and law, it should be noted that when applying interdisciplinary analogy it is first of all to take into account the identity of methods of legal regulation of certain public relations [6].

In some cases, without the purpose of applying the analogy of the law, administrative courts refer to the norms of the Civil Procedural Code of Ukraine, which violate Article 5 of the CAJU.

It is necessary to have complex approach by checking the criteria of jurisdiction and necessarily to find out, what role in legal relations was played by this or that body of state power or local self-government, whether it acted in the performance of power management functions, or was an equal subject of civil (economic) law.

In particular, in the case of a lawsuit filed by Taiz Ltd to the Energy Regional Customs Office on the recognition of actions unlawful and the obligation to carry out customs clearance, which was considered by the first appellate and cassation instance in relation to the relations regarding the exercise of the powers of the owner of the land. At its conclusion parties were guided by free expression of will, acted on the principles of equality of parties in accordance with civil law. This fact was dropped by the cassation court in administrative cases, which suggests that it was one-sidedly and imperfectly studied all the peculiarities of the case that were relevant for determining its proper jurisdiction. This situation could be avoided even at the opening of proceedings in the case, because the presence in the dispute of the state authority does not give any reason to make an unambiguous conclusion about the public nature of the dispute and the participation in it of the very subject of power.

From all mentioned above, we will conclude that today the practice of elaborating by the Supreme Administrative Court of Ukraine of unified criteria for enrollment of cases in administrative jurisdiction needs to be improved. After all, as M. Smokovich exactly pointed out, administrative jurisdiction is strictly confined to all types of jurisdictions: economic, constitutional, criminal, civil and jurisdictional consideration of public-law cases on imposing administrative penalties [7]. However, relations in society are so diverse that the doctrinal criteria for distinguishing between different types of jurisdictions - the subjective membership of the controversy and the nature of controversial material relationships, is sometimes not enough, which makes each time to resort to an analysis of all possible circumstances of the case that relate to the jurisdiction of the case.

In administrative practice, there are cases where, in spite of the direct requirements of the CAS, Ukraine has to consider disputes over the procedure of administrative proceeding in relation to the appeal of decisions other than those of the subjects of power, which is unacceptable at least in view of the fact that the subjects of the authorities are obliged to act only within the limits and in accordance with the laws of Ukraine, that is, their power management function can be expressed only in a clearly defined area of activity [8].

But bodies of state power and bodies of local self-government in relations with other persons are not always after all, the subject of authority because a number of normative legal acts that belong to the sphere of private law, based on the Civil Code of Ukraine, enlist the state in the person of its organs to equal subjects of civil law. Often, the dispute between parties to the trial, for example, was considered in the field of private law, but it turned out that such a dispute is settled by the relevant norms of civil or land law.

Similar administrative gaps are sufficient to show how negative the uncertainty over the delineation of jurisdiction affects not only competent and timely litigation, but also the implementation of a constitutional guarantee of access to justice.

After all, in case of cancellation of the case, those who applied for the protection of their right to a court of first instance, despite the considerable length of the entire trial, returns to the initial stage, where all legal proceedings would be repeated over and over again, only under other rules of legal proceedings.

In our opinion, it would be advisable to resolve the problem of jurisdiction delimitation between courts in the middle of the judicial system, without refusing to open the proceedings in the case or without closing such, but with the consent of the plaintiff, immediately transferring it to the competent court, while not allowing disputes about the department. After all, such delays between courts of different jurisdictions may last until infinite, and in most cases, the average citizen does not care what the rules will consider his case, since he is interested in end results only.[9].

The emergence of new economic conditions does not entail administrative regulation reduction by administrative methods, but the nature of the state's influence on social relations is changing, and as a result, significant changes are being made to legal means and methods of the authorities' influence on the economic sphere and the links of business entities as well as management and consumers, the means of fulfilment state control and supervision over economic activity.

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3.6. CORRUPTION PREVENTION IN PUBLIC ADMINISTRATION: SOCIAL AND CULTURAL ASPECT

Globalization of the modern social and economic relations and global focus on the sustainable development of all territories categorically aggravate a solution of the problem of prevention of the corruption phenomena in the system of public administration. In modern conditions the world community in high gear turns into informational or social network, getting the increasing access to different public information and requiring appropriate level of provision of the public and municipal services. At the same time, the mass culture of every country is created under the influence of world culture, which manages the priorities and causes individual's perception of the global activity norms, excluding corruption. At the same time, the management system, controlling all types of resources of the country, opens new and new types of corruption acts, making the society face a difficult choice between momentary advantage and durable, almost unequal fight against officials for the rights and opportunities.

Experience of the developed world countries proves that if the corruption phenomena cannot be liquidated, then, at least, they can be reduced to the minimum of their emergence. The main solutions of the corruption problem in every country, as experience has proved, are the accurate and unique legislation and also the active and competent living position of civil society, concerning execution of legislative rules. Of course, it is impossible to ignore a massive public policy of administrative machine, but, eventually, society develops by mastering almost unlimited information space and gains experience in public information filtering. Elimination of the state's monopoly for certain statistical, historical, scientific and other information should be also added here, which also serves as a restraining factor of corruption in public administration.

From all, mentioned above, we can accurately outline the social and cultural aspect of the announced problematic, which affects both administrative and social system of civil society. At the same time, certainly, preference is given to the administrative system, which controls activity of social system, therefore, at first, we will consider problems of formation of system of public administration.

The United Nations' dictionary gives the translation for "public administration" in six languages, where in Russian translation it means "public administration". We can understand the truthfulness of this statement after the deeper study of the content of this determination. The research assumes the analysis of determinations, including the word "Public". They include public policy, public control, public sector, public contract (agreement), public

consideration of the case, etc. Originally, the word "Public" is translated as any action, happening in the presence of the audience, i.e., people, generally available, open, not privately organized. Such explanations occur the most frequently in definition dictionaries and reference manuals.

Such famous researchers as Barker E. [1], Benn C. [2], Gunn J. [4], Gold K. [3], Osborne D. [6] and others stood at the origins of the "Public" idea in public administration.

Approaches to the interpretation of the determination "public administration" have interdisciplinary character. These approaches envelop such branches of knowledge as philosophy, sociology, social psychology, anthropology, cultural science, economics, political science, jurisprudence, management, public administration.

Public administration is considered as one of three functional component structures of public control, determined by the American specialist in public control Christopher Pollit as "activities of public servants and politicians (1), structures and procedures of public authorities (2), the system study of either activities, or structures and procedures (3)" [9].

The strategic sense of public administration was put in Ancient Greece and in Ancient Rome by the determination of "jus publican" meaning common interests of any community. This determination reflected the principal characteristics of public law as collection of activity norms, which are created and function irrespective of the will and beliefs of certain individuals. Public level norms passed the long and difficult way of coordination with value orientations of the whole community in order to receive the status of the Law, including administrative and other methods of elimination of its violations. The decisive role in this process was given to the policy definition, introduced by Aristotle for finding the adequate common ground for personal and public, which bears the idea of publicity and does not lose relevance nowadays.

There is a narrow and very clear definition of public administration offered by Vilson V. as "detail and systematic execution of public laws" by the certain authorized individual. At the same time, he was thinking that "the general laws, which regulate its actions, shall be developed, undoubtedly, from the outside and over administration. Great plans of governmental actions are not administrative ones, and detail execution of these plans is not administration" [10].

This determination shows that the system of public administration includes all executive bodies of the government and municipal control. It also includes other organizations, oriented to rendering to citizens the services, controlled by the government (administrative, municipal, consulting, organizational, social and others). It is quite logical, that this system creates, implements, evaluates and, if necessary, changes a public policy in civil society, that stipulates its (system's) social and cultural characteristics, corresponding to social values.

The broader definition of public administration considers it as the system of administrative institutes and institutions, connected with three branches of the power (legislative, executive, judicial) and coordinating group (governmental and non-governmental) actions for execution of governmental functions according to the current legislation. The mandatory political context of this action can be equally referred to both positive and negative characteristics of administrative institutes' system. Positive characteristics provide publicity of processes of execution of governmental actions, and negative ones strengthen influence of possible destructive political forces on the organization of society's activity in a certain period. Though ideally, public administration assumes implementation of public interests, but their implementation, occasionally, ends with election programs.

Thus, all considered definitions of public administration reflect in their content a human factor of influence on this action. This factor generalizes personal qualities of the official, his "thesaurus baggage" or personal values' unit (result of the personal life sub cultural analysis), level of organizational culture of that organization, in which he works and also the level of mass culture of the society, in which he lives. In this regard, it is possible to state, that the public policy, developed by certain administrative officials in a certain historical period of society's development needs constant improving, which shall happen synchronously to changes of value orientations of civil society. At the same time public administration system cannot ignore rates of changes of value orientations of social system in the conditions of rapidly changing global reality. In other words, this system, avoiding management technologies, and leaning on social, cultural, political and mostly legal surrounding, designed to perform functions of the government, being guided by the idealistic and noble principles.

As the international experience showed, the current trend of privatization of functions of the government by noncommercial sector gains development by financing of government contracts for provision of social services and carrying out different researches of social character. In this regard the public administration system shall be monitored by the government in order to observe financial discipline, which nobody has cancelled. But it is not enough for implementation of idealism in life only due to the potential of the analyzed management system of the modern global society's activity. Eventually, this potential should be provided by the same government via execution of the ideological functions in civil society. This is the social nature, which requires vector development for consolidation of individuals and harmonization of their interaction, especially in turbulent conditions of the global present. Because the third millennium is marked not only with the birth of new civilization, but also with appearance of the world culture, that causes both advantages of the world community, and certain risks. And as researches have proved, these are exactly the latter, that bear preferably social and cultural character and carry a threat for national, religious, cultural sovereignty of a separately taken country.

Considering all mentioned above, we can make a conclusion concerning the structural organization of the public administration system, regarding implementation of a subsystem, which would provide the systematic potential of organizational culture in all the forms and at all levels of control of society's activity. Besides, this subsystem could embrace mass society culture through information network space, performing the educational and orienting functions in the context of the development value orientations, relevant for a certain periods (historical) and the system changes, related to them. Thus, two directions of social and cultural research of public administration system are viewed: actually, organizational culture of public institutes and institutions and also, generally, mass culture of the society.

Such approach to the solution of the announced problematique is based on the research results of the first conceptual approaches to organizational culture in the sphere of public administration, reflected in works of M. Parker Follett [8], D. Osborn [6] and P. Pastrik [7] and others.

The famous modern German philosopher Habermas. Yu also took into account the results of researches of relations between moral consciousness and communicative action, he was convinced that "ideology and world perception are responsible for formation of institution structures and development of production forces" [5]. At the same time, he considered communicative interaction of the public relations' participants to be the main kind of human activities.

The relevance of the development of public administration system, mentioned above, confirms global need for fight against the corruption phenomena in the sphere of administrative services' provision. Especially, it is relevant for all Post-Soviet countries and the countries of the former socialist community, where the roots of this phenomenon were located in the management system, rejecting any manifestations of publicity. In these countries it is still impossible to eradicate this phenomenon even at the stage of formation of public administration without the appropriate social and cultural strategy. There are two key reasons, explaining such a situation: a full change of generation, which was born and lived during that era, has not yet completed, and total absence of ideological work on suppression of corruption manifestations in the society.

Moreover, the level of mass culture in such countries hasn't yet reached the level, which causes accurate and active living position of each individual. On the example of Ukraine we can see, that an individual obtains almost unlimited information on development of the outside world, but, at the same time, he lacks information on the internal strategy of country's development in the context of his (her) present vector priorities. This fact testifies to the low level of public policy in Ukraine, which is developed by the prevailing in power officials of the Soviet times. It became clear, that "it is impossible to drag them from a cushy job" during this historical period of Ukrainian society's development because our society has not yet achieved the publicity level of the developed countries and the corresponding social and cultural level.

So, we will begin with the basic provisions, defining the features of implementation of a subsystem of organizational culture in the public administration system. For this purpose it is necessary to understand, that with appearance of the modern theories of globalism and information accessibility, the general paradigm of control has changed too, and even a new theory of organizational systems has appeared. Dominance of informational subsystem of control over administrative one, and appearance of essentially new organizational forms, possessing the high openness level, flexibility and adaptability, has become a historic fact. Appearance of new organizational forms is connected with changes in the principles of structuring and functioning of the organization, in technologies of its interaction with an external environment, in information and communication support, etc.

All these changes have determined new understanding of the role and the value of organizational culture, which is connected with its transition from the phenomenological concept to rational and pragmatic one. It means its change from the existing nowadays format of ideological public consciousness, concerning ethic moral norms of behavior, to the format of real and operating subsystem of management of the organization, providing its system potential. It is clear, that such a change of formats of organizational culture means its institutionalization and application of a systematic technological complex for formation and development.

Conceptual approach to organizational culture as a subsystem of public administration assumes that it is created on normative and legal, valuable bases of national, branch, institutional and organizational structural levels, taking into account peculiarities of the international standards of cross cultural interaction, and also, with the use of all methods of identification of the organization in the public control sphere. As well as public control in general, the subsystem of organizational culture is designed to perform ideological, social and technological functions of provision of society's activity. Interior organizational functions of organizational culture are twice more numerous, these are protective integrating, regulating, adapting, orienting, motivating. Exactly these functions promote socialization of employees. The structure of organizational culture is completely dependent on its dominating type. In a public field of activity there can be two types of the most effective organizational culture: market and adhocratic (participative). They stipulate a non-linear organization structure and culture as multi-level, flexible and capable to adapt quickly to changes of the external environment.

Such conceptual approach to organizational culture in public administration is connected with a number of requirements to processes of its formation and development. First of all, it is clear understanding and preferable perception by all the subjects of organization of a mission, strategy and main value-based (socially important) orientations of organization activity and also external factors of influence on it.

The personality of the head of an organization is necessary and, to some extent, decisive factor for successful formation of organizational culture. In the sphere of production and business, where organizational culture was implemented in management system in the second half of the XX century, the key role of the director as leader of the successful organization and subjective factor of exclusivity of its organizational culture has been proved. The publicity factor in the sphere of administration makes the essential amendment for total leadership in the organization to these results of researches. The key reasons of this correction are the high level of social responsibility, competence, creativity and motivational firmness. Besides, the separate part of requirements to the director is not only education and creative potential of the individual, but also his personal qualities and traits of character. The accidental and non-professional people shall not get into the sphere of public administration. In Ukraine we can observe an encouraging tendency to accept for public positions people, who gained professions of manager or executive manager, and also governmental financing of studies for operating managers on the different regional levels on-job for mastering specialty "public control". In the context of motivational firmness of managers in Ukraine gradual increase of their salary and different privileges are considered. But all the listed measures of administrative elite formation cannot become effective without involvement of the government into formation of mass cultural environment, from which this elite comes, and also very drastic measures of responsibility for its activities not only from the government, but also from the same external environment – society.

For this reason public administration in Ukraine is characterized by various forms and types of crisis manifestation, and transition from administrative to informational and communicative, integration and coordination methods of management of civil society's activity is an essential mental hindrance for bureaucracy. Besides, in most cases, the fact of legal reality did not become yet the fact of consciousness and the regulator of relations between the power and the certain person. Results of public sector's researches on rendering of services to the population demonstrate existence of the spiritual and psychological monolith, hindering a creative initiative, responsibility, necessary organizational changes and artificially creating "an uncertainty zone" which supports corruption.

At the same time, the analysis of experience of the world democratic countries shows, that close interaction of the power and society promotes higher efficiency of public management, openness and transparency of activity of its bodies, increases a level of credibility of citizens to the power, promotes equal partnership and participation of citizens in formation and realization of the public policy. At the same time, the society is being advised not only in questions of democratization and legal environment of relationship with the power, but also in value orientations of society's activity.

An important aspect of the new conceptual approach to the organizational culture of the public sphere is the constructive moment of interaction of organizational structure, organizational information and communication support (subsystem) and organizational culture. The world know-how confirms efficiency of such an organizational interaction both for ensuring progress in production, and for work on preliminary training of all workers for necessary organizational changes. In the globalized world space, and especially in the public sphere, informing about the forthcoming organizational changes and justification of their need becomes decisive. The proof for this statement is the negative experience of Ukraine in 2013.

Consolidation of the considered above three strategic system components of the organization promotes implementation of practical methods of an information accessibility (knowledge plus information – new knowledge) in the sphere of public administration, which provide research and analytical-expert competence of employees and necessary value-based analytical level of mass culture. The analytical and expert competence of employees is a basis for transition from formal and technocratic methods of operation to valuable and analytical ones in this sphere.

Besides, the theory of the organization's management represents its information and communication subsystem as a basis for taking administrative decisions, which in the context of public administration also acquires strategic content in the relation to an information flow. Information flow is the form of communication (verbal, written, electronic, etc.) of the administrative system in the organization and in external environment. Its main goal is provision of equilibrium between necessary for decision-making information and the existing information, that promotes rationalization of taking administrative decisions. As in public administration it is very important to be knowledgeable about informational situation for provision of the required quality of public services.

Institutionalization of the offered concept of organizational culture in the system of public administration, as well as in production, business, provides its mandatory and regular diagnosing with the subsequent estimation. Such administrative procedure allows directing officials to react in time to action of different internal and external factors on the organization. In the context of high social responsibility of public administration, it is very important for directors to be able to reveal factors, which influence organization activity, to determine their force and intensity, to predict probable consequences of their influence. In such a case there can be a necessity to change the style of directing officials or employees' list and also to change the strategy and value orientations of organization activity, that very often becomes decisive in a certain situation.

Diagnosing and estimation of organizational culture is better to be conducted according to the technique of Cameron K. and Quinn P., adapted to features of a public field of activity, called by them "frame technique of the competing values". Graphical indicators of the organization's success make four quadrants, each of them meets certain presentations of its efficiency, values, style of directing officials and one of types of organizational culture – bureaucratic, clan, market and adhocratic (participatory). Each quadrant is evaluated in a coordinate system "internal

– external environment" and "stability – flexibility". In order to increase the accuracy of diagnosing results of organizational culture, it is desirable to enter additionally such specific for the researched activity field estimation parameters as "collectivism" and "individualism".

The considered theory of organizational culture diagnosing is based on the fact, that if the organization possess characteristics of all listed cultures, only one of them dominates, and within this particular characteristic the organization can be the most successful.

The analysis of value-based and synergetic aspects of organizational culture indicates their interrelation with such system and synergetic phenomena as self-organization, self-development, self-education and many other processes with a prefix "self" and also with phases of organizational instability, which intensify search of new organizational values and organizational actions corresponding to them. Thus, synergetic properties of organizational culture promote formation of a new direction of public management in the public sphere – self-management.

In conclusion for everything, mentioned above, the following summary is presented.

1. The corruption phenomena in public administration bear, preferably, social and cultural character and have both natural (human), and system roots. The system corruption backgrounds are the most difficult to be eliminated, as for this purpose it is necessary to introduce system changes, that requires political will of all the subjects of public administration, including citizens.

2. The system changes of public administration, preventing manifestation of the corruption phenomena, assume implementation of a subsystem of organizational culture, which is capable to perform the same functions, which are performed by public control, namely: ideological, social and technological. Provision of system potential of organizational culture is the solution of a number of system problems of public administration.

3. In difficult modern conditions of public administration's formation, it is organizational culture, which is capable not only to integrate any organization into integral structure, to provide efficiency through coordination of actions of all its subdivisions, but also to show adaptivity and flexibility towards the external environment.

4. In the context of social nature of organizational culture its implementation in the system of public control can provide equilibrium of global and national vectors of society development in general and also harmonization of its social and cultural tendencies of stability and changes via influence on the mass culture.

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3.7. ANALYSIS OF EXISTING UKRAINIAN LEGISLATION ON REGIONAL DEVELOPMENT

For a long period of time from 1991 to 2016, the socio-economic development of the regions of Ukraine was characterized by in-depth differentiation and persistent unevenness. Permanent preservation of the gap between the maximum and minimum values of indicators of socio-economic development of regions, in particular GRP per capita (8,8 times in 2014); disposable income (10,3 times in 2015); the level of unemployment according to the methodology of the ILO (2,8 times in January-September 2016), volumes of sold industrial products (38,9 times in January-September 2016) indicate the preservation of the center-peripheral relations between the regions in the economic space of the country. Such a situation reduces the overall effectiveness of the functioning of the country's economy, which is reflected in the decline of Ukraine's position in the ratings of international organizations. That is why a large number of semi-peripheral and peripheral regions needs support from the state, aimed at equalizing the trends of socio-economic development of regions-leaders and problem regions.

Analysis of basic research and publications. The problems of the spatial development of the regions of the country were studied by F. Aydalo [1], R. Buaye [2], A. Bramanty [3], M. Grossetti [4], P. Krugman [5], G. Myrdal [6], M. Fujita [7] etc

Theoretical and methodical aspects of the formation of innovative impetus for the revival of economic growth in problematic peripheral regions are presented in works by E. Venabelsa [8], B. Chorjeva [9], Yu. Shatalina [10].

The purpose of the article is to analyze the existing legislation of Ukraine on regional development in order to implement measures that would be aimed at equalizing the trends of socio-economic development of regions-leaders and problem regions.

The main results of the study. Justification of the directions of state support for problem regions in Ukraine, which are formed within the framework of the center-peripheral relations, should take place taking into account legislative support.

Analyze the evolution of the legal provision and its implementation in Ukraine in regional development, especially in its application to solving problematic socio-economic development of the country.

The analysis of the legislation of Ukraine on regional development for the period from 1991 to the beginning of 2016 shows that it can be divided into four stages: the first stage (1991 -1999 years); Stage II (2000-2004); Stage III (2005 - 2013); IV stage (from 2014 to present).

In the first stage (1991 - 1999) there was virtually no systemic state policy of regional development in Ukraine. It was episodic and fragmentary.

At the second stage (2000-2004) there was also no systematic basic legal framework for the formation of the state regional policy in Ukraine.

In the third stage (2005 - 2013), the evolution of the state regional policy in Ukraine was made a significant step forward compared to the previous two stages.

The fourth stage (from 2014 to the present time) is characterized by an official definition of the principles of state regional policy, determination of the order of using the funds of the state fund of regional development.

In 2014, the Cabinet of Ministers of Ukraine approved the State Strategy for Regional Development until 2020 [10].

In order to realize the main goal in the State Strategy 2020, the following strategic and operational objectives are envisaged (Table 1).

The State Strategy-2020 defines the mechanism for its implementation, which includes: bodies that ensure the implementation of the strategy; system of organization of the strategic planning process by regional development; coordination of activities of central and local executive authorities and local self-government bodies.

The State Strategy 2020 provides for the following instruments for its implementation: the plan of measures for implementation of the Strategy; regional development strategies; plan of measures for the implementation of regional development strategies; regional development agreements; state programs to overcome the depression of certain territories; state programs of cross-border cooperation development; state target programs in certain spheres of social and economic development; state target programs for the development of separate territories.

Strategic Goals	Operating objectives
Increasing the competitiveness of the regions	- increasing the role and functionality of cities in the further development of regions; - creation of conditions for the spread of conditions for positive processes of development of cities and other territories, development of rural areas; - increase of efficiency of use of internal factors of development of regions
Territorial socio-economic integration and spatial development	- implementation of tasks and implementation of measures aimed at solving urgent problem issues of Donetsk and Luhansk regions, the Autonomous Republic of Crimea and Sevastopol; - providing a comfortable and safe living environment for a person irrespective of his place of residence; - development of interregional cooperation
Effective government in the field of regional development	- decentralization of power, reform of local self-government and administrative-territorial system; - improvement of the system of strategic planning of regional development at the national and regional level; - improving the quality of public administration by regional development; strengthening inter-sectoral coordination in the process of planning and implementing state regional policy; - institutional support for regional development

Tab. 1: Strategic and operational objectives of the State Strategy – 2020 Source: [10]

The financial support for the implementation of the State Strategy - 2020 is carried out at the expense of: the state fund of regional development; funds of sectoral (inter-sectoral) state programs and budget programs of central executive authorities; subventions, other transfers from the state budget to local budgets; funds of local budgets; EU technical assistance funds, other international donors, international financial organizations; funds of investors, own funds of enterprises [10].

Implementation of the State Strategy - 2020 is envisaged in 2 stages.

In the first stage (2014 – 2016), regulatory and legal conditions for solving social and economic development of the regions, forming a coherent system of strategic, medium and short-term forecasting and planning are created; the concentration of financial resources in priority areas and support for the implementation of investment projects.

In the second stage (2017 – 2020), an institutional reorganization of local self-government bodies is planned; the completion of the regulatory framework, the implementation of state infrastructure projects.

In order to implement the State Strategy-2020, the Cabinet of Ministers of Ukraine in 2015 approved the Resolution "Some Issues of Realization of the State Strategy for Regional Development for the period till 2020" [11], which provides for the development of a number of draft laws, programs, projects, preparation of methodological

support for the formation of the system of planning of regional development, monitoring of socio-economic development of the regions.

The state strategy-2020 and the Plan of measures for its implementation in 2015-2017 were developed in accordance with the approved Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for the Development of the State Strategy of Regional Development of Ukraine and the Plan of Measures for its Implementation, as well as the monitoring and evaluation of the effectiveness of the implementation of these strategies and action plan [12].

In 2015, the Cabinet of Ministers of Ukraine adopted two Decisions "Issues of using the State Fund for Regional Development in 2015" [13] and "Some issues of the State Regional Development Fund" [14], as well as the Order of the Ministry of Regional Development, Construction and Housing and Communal Services Utilities of Ukraine "Issues of preparation, evaluation and selection of investment programs and regional development projects that can be implemented at the expense of the state fund of regional development" [15], which streamlined the process of financing the development of regions from the state budget.

According to the Order, the evaluation of projects submitted for financing from the DFRD is carried out according to the following criteria (Table 2).

Thus, the above analysis of the evolution of state regional policy in Ukraine shows that by 2016, the main legislative and legislative provision in the country was formed.

But it continues to be not completely systemic. In addition, the practical implementation of already accepted documents indicates a lack of work or non-fulfillment.

Thus, the normative and legal acts of the function of "forecasting" public administration by regional development are not being fulfilled, and there is almost no forecasting system at all levels of the hierarchy.

The function "evaluation and analysis of socio-economic development of regions is carried out by indicators, in its overwhelming majority characterizes the outcome of the process, nor the factors that provide it.

So, in the table 3 the result of the rating of the socio-economic development of the regions of Ukraine in the following directions is presented: 1 - economic and social cohesion; 2 - economic efficiency; 3 - investment-innovation development and foreign-economic activity; 4 - financial self-sufficiency; 5 - development of small and medium enterprises; 6 - development of the labor market; 7 - infrastructure development; 8 - Renewable energy and energy efficiency; 9 - availability and quality of education services; 10 - availability and quality of health care services; 11 - social protection and security; 12 - Regional nature use and quality of the environment.

Criteria for project evaluation		Number of points
1.	Share of the population of the community influenced by the implementation of the project. poor quality of project preparation, it is impossible to make an objective assessment	0
	a) the project has influenced one community b) affects 0-5% of inhabitants	5
	a) the project has an impact on several communities / districts simultaneously b) affects 5-20% of inhabitants	10
	a) the project affects several districts of the region b) affects 20-50% of inhabitants	15
	a) the project has influenced the whole area b) affects 50-100% of inhabitants	20
	2.	Degree of influence of the project on the solution of the problem poor quality of project preparation, it is impossible to make an objective assessment
indirect effect on problem solving		5
insignificant direct impact on the solution of the problem		10
partially solves the problem		15
solves the problem completely		20
3	Innovation of the project poor quality of project preparation, it is impossible to make an objective assessment	0
	the project applies traditional approaches (technologies)	5
	approaches and technologies to solve the problem that are used in projects of Ukraine, but not in the region	10
	the project applies approaches (technologies) to solving problems that have no analogues in Ukraine	15
the project opens up (significantly) new opportunities for regional development, creates "growth points" of the community (region) in the near future	20	
4	Participation in co-financing projects for projects: a) potentially unable to solve the problem b) potentially able to solve the problem	
	poor quality of project preparation, it is impossible to make an objective assessment	0
	a) co-financing from local budgets and other sources more than 10%	5
	b) co-financing from local budgets and other sources more than 30%	10
	a) co-financing from local budgets and other sources more than 20%	15
	b) co-financing from local budgets and other sources more than 60%	20
5	Socio-economic orientation of the project poor quality of training, it is impossible to make an objective assessment	0
	social (or economic) project	5
	a social (or economic) project with the creation of additional economic benefits	10
	an economic project with a social (or economic) component	15
	economic project	20
Total maximum 100 points		

Tab. 2: Criteria for evaluation of projects financed from the SFRD (Source: [14])

Region	Total area	Location of the region by direction											
		1	2	3	4	5	6	7	8	9	10	11	12
Kiev	1	1	1	1	1	1	1	6	15	2	1	8	2
Kharkivsky	2	10	12	11	3	5	7	14	2	1	9	6	3
Chernivetsky	3	9	13	17	4	2	15	3	18	16	3	5	19
Ivano-Frankivsky	4	7	6	10	24	6	16	17	6	14	5	3	18
Dnipropetrovsky	5	5	3	4	8	22	4	1	10	6	15	13	21
Kievsky	6	6	10	6	2	17	6	4	5	18	14	14	23
Vinnitsky	7	16	4	19	7	11	2	5	1	9	10	20	17
Zakarpatsky	8	2	16	2	6	7	9	10	7	25	4	23	8
Lvivsky	9	4	9	13	12	13	10	7	11	22	7	10	16
Cherkassky	10	15	7	23	13	14	11	16	14	3	13	9	5
Rivnesky	11	14	20	21	11	15	18	23	3	24	2	1	20
Volynsky	12	18	8	8	10	19	12	13	9	20	8	2	26
Khmelnitsky	13	20	14	14	23	10	19	9	13	8	11	7	12
Poltavsky	14	11	2	3	20	20	23	11	21	12	12	11	7
Ternopilsky	15	12	21	18	9	23	22	2	23	23	6	4	4
Zhytomyrsky	16	19	17	20	21	3	20	12	4	15	17	18	6
Zaporozhye	17	8	5	12	18	21	5	15	20	10	18	15	14
Odessky	18	3	22	15	22	9	3	8	17	21	21	16	22
Sumsky	19	23	18	9	15	16	13	21	8	5	16	22	10
Khersonsky	20	13	19	5	5	8	21	22	22	13	22	17	11
Kirovogradsky	21	22	15	22	19	4	17	18	12	7	19	21	24
Nikolaevsky	22	17	11	7	17	18	8	20	19	11	20	25	15
Chernihivsky	23	21	23	16	16	12	14	19	16	4	23	24	13
Lugansky	24	25	24	25	14	25	25	25	24	19	–	12	1
Donetsky	25	24	25	24	25	24	25	24	25	17	–	19	9

Tab. 3: Rating evaluation of socio-economic regions development of Ukraine (Source: [15]. Calculated by the authors based at data from <http://www.me.gov.ua/Documents/List?lang=uk-UA&tag=Sotsialno-ekonomichniiRozvitokRegioniv>)

Such a tool for the implementation of the regional development strategy as State Target Program (STP) does not fulfill its function.

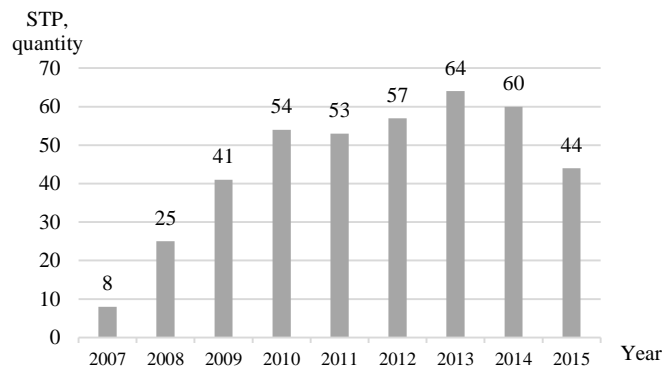


Fig. 1 shows the state of cerebral palsy for the period 2007-2015.
 Fig. 1: Dynamics of existing state programs in Ukraine in 2007-2015
 Source: [14]

As can be seen from Fig. 1, at the beginning of 2015 in Ukraine there were 44 cerebral palsy. Out of them, it was planned to fund 38 for the total amount of UAH 197,4 billion, in fact 29 state target programs were funded for the total amount of UAH 51,9 billion, or 26,2%.

The sources of funding were as follows (Table 4).

Source of funding	Plan	Fact	%
National budget	44,3	29,8	67,3
Local budgets	8,1	1,6	19,8
Other sources	145	20,5	14,1
Total	197,4	51,9	26,3

Tab. 4: Financing of state programs, 2015 Source: [14]

According to the orientation of cerebral palsy in Ukraine in 2015, they were distributed as follows (Table 5).

Direction	Quantity		Amount of financing, bln.		%	Share of total funding, %
	план	факт	план	факт		
Social	13	10	4,8	5,3	110,4	10,2
Economic	11	7	181,6	42,2	23,2	81,3
Ecological	6	5	7,9	3,5	44,3	6,7
Defensive	3	2	1,4	0,03	2,1	1,8
Scientific and technical	3	3	0,7	0,7	100	
Law enforcement	1	1	0,9	0,1	11,1	
Others	1	1	0,1	0,1	100	
Total	38	29	197,4	51,9	26,3	100

Tab. 5: The distribution of the derected state programs in Ukraine, 2015

Among the systemic disadvantages of STP, the following can be called:

- have not become an effective and effective tool for the implementation of the state policy, which provides for solving the most important problems of the development of the state, separate branches of the economy or administrative-territorial units. They act as a formal paper with a declaration of intent to do something;
- within the framework of planning and use of state budget funds, the mechanism for prioritizing the solution of the problem is not fully taken into account. Financial resources are channeled;
- the projected volumes of financial resources of programs, including those of the state budget, do not agree with the real possibilities for their financing;
- contrary to the requirements of the current legislation, no program contains a methodology for assessing the effectiveness of its implementation, which should be developed by the state customer, taking into account the specifics of the program and local results;
- on the part of the state customers there is a formal approach to using the requirements of the current legislation in the field of development and implementation of state target programs;
- lack of control of the public;
- unsatisfactory reporting by government customers: non-compliance with the deadlines for submission, information is not provided in full and not by all performers.

Thus, in 2015, the financing of the development of regions with the SFRD in 2015 did not actually affect their socio-economic development, since it was aimed at solving current problems (Figure 2).

According to the regions of Ukraine, the distribution of funds from the DFRD for the project in 2015-2016 was carried out as follows (Table 6).

As the above data show, funding for regional development projects in 2016 decreased in 13 regions of the country. The most significant reduction was observed in the Kirovograd, Chernigov and Sumy regions.

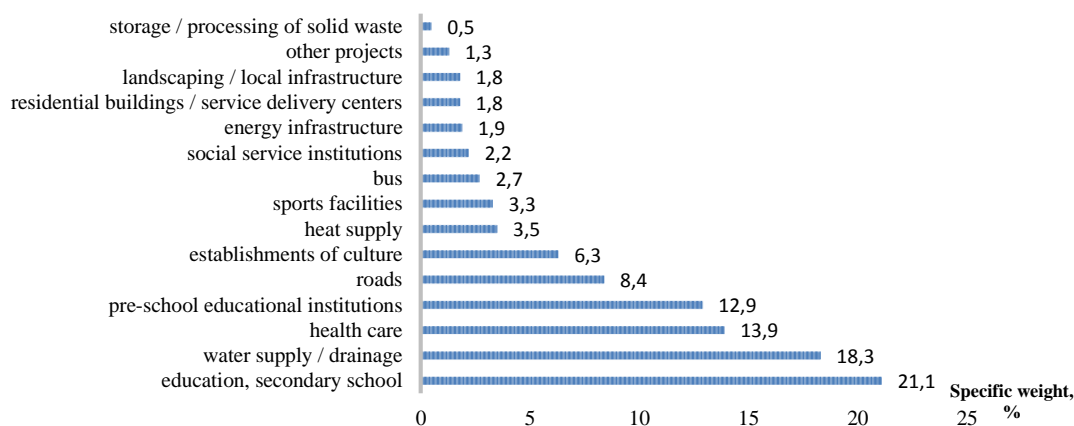


Fig. 2: The distribution structure of projects financed from the SFRD, 2015

Source: [14]

Thus, the analysis of the evolution of the state regional policy in Ukraine shows that by 2016 the basic legislative and legislative support in the country has been formed. But it continues to be not entirely systematic. In addition, the practical implementation of the documents already adopted indicates their inadequacy or non-fulfillment.

Region	2015			2016	
	funds provided, UAH million	cash expenses, UAH million	use of funds, %	funds provided, UAH million	in% to the rate for 2015
Vinnitsa	148,7	127,0	85,4	140,8	94,7
Volyn	95,7	86,6	90,5	91,5	95,6
Dnipropetrovsk	177,4	169,4	95,5	182,8	103,0
Donetsk	234,0	141,3	60,4	239,5	102,4
Zhytomyr	116,0	109,3	94,2	109,6	94,5
Transcarpathian	115,5	80,3	69,5	110,5	95,7
Zaporozhye	95,6	55,4	57,9	98,5	103,0
Ivano-Frankivsk	127,0	125,3	98,7	121,4	95,6
Kiev	93,0	85,0	91,4	97,1	104,4
Kirovograd	90,7	84,8	93,5	54,7	60,3
Lviv	136,8	127,4	93,1	222,5	162,6
Nikolayev	62,9	54,7	87,0	65,0	103,3
Odessa	129,1	112,1	86,8	134,1	103,9
Poltava	78,6	71,0	90,3	80,8	102,8
Rivne	106,5	88,5	83,1	101,9	95,7
Sumy	104,1	65,4	62,8	97,8	93,9
Ternopil	98,6	95,0	96,3	93,8	95,1
Kharkiv	147,4	133,0	90,2	152,6	103,5
Kherson	98,5	57,0	57,9	93,4	94,8

Khmelnysk	120,1	114,5	95,3	113,7	94,7
Cherkassy	67,9	67,3	99,1	69,8	102,8
Chernivtsi	83,5	67,9	81,3	79,9	95,7
Chernihiv	98,0	84,0	85,7	91,9	93,8
m. Kyiv	154,6	154,3	99,8	162,7	105,2
Total	2900	2377	82,0	3000	103,4

Tab. 6: Financing of projects from the SFRD by region of Ukraine in the 2015-2016 period

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3.8. THEORETICAL AND METHODOLOGICAL APPROACHES TO DEFINING THE TERM “ORGANIZATIONAL AND LEGAL SUPPORT FOR EXERCISING THE ADMINISTRATIVE JURISDICTION” FROM THE EDUCATION AUTHORITIES IN UKRAINE

The complex nature of the problem under study involves turning to various branches of legal knowledge. It is evident that the subject matter cannot be developed without using the general-purpose and methodological provisions. The subject of administrative jurisdiction, including the organizational and legal support for the administrative jurisdiction from the education authorities, has always been one of the most important ones in the administrative law.

The theoretical basis for the scientific search of the identified problems are the papers on the general theory of law and state, the achievements of specialists in the theory of governance and administrative law and process – V.B. Averianov, V.A. Arhunov, O.M. Bandurka, D.M. Bakhrahk, Yu.P. Bytiak, I.P. Holosnichenko, V.M. Harashchuk, D.P. Kalaiyanov, O.P. Kliushnychenko, L.V. Koval, A.T. Komziuk, O.P. Koreniev, Yu.M. Kozlov, V.K. Kolpakov, O.V. Kuzmenko, V.A. Lorii, M.Ya. Maslennikov, V.H. Perepeliuk, O.P. Riabchenko, N.H. Salishcheva, M.M. Tyshchenko, O.I. Ostapenko, A.O. Selivanov, M.F. Stakhurskyi, Yu.O. Tykhomyrov, O.P. Sherhin, A.Yu. Yakimov, Ts.A. Yampolska and others.

First of all, it should be noted that exercising the administrative jurisdiction is primarily a specific type of law enforcement activities, and as any other types of it, it needs organizational and legal support that promotes consistency, purposefulness, coherence and legality of this activity.

The term “organizational and legal support” is a combination of three terms, namely “organization”, “law” (“legal”) and “support”.

Let's start with the latter term “support” (“to support”). The dictionaries provide several definitions of this term, namely: to supply something in sufficient amount, to establish reliable conditions for doing something, to guarantee something; to provide someone with adequate means of subsistence; to satisfy someone's demands; to protect someone or something from danger, to guarantee security, strength of something; to make completely possible, valid, really complete. [1, p. 18; 2; 3, p. 375; 4, p. 666; 5, p. 133].

The next term is “organization” (Lat. Organizo). The dictionaries define it as follows: a group of people united to achieve a certain goal through the division of labor and responsibilities, as well as due its hierarchical (managerial) structure; an action, the result of which is creation or arrangement of something; structural features of something, a structure; a set of measures to coordinate actions of individual elements of the system; a degree of internal orderliness, consistency of parts of the whole, a certain structure, type of connection as a way of integrating elements into a system; an association, cooperation of social groups or states on the basis of common interests, goals, etc.; nature or state of the structure of something [3, p. 853; 4, pp. 723-724; 6, p. 739; 7, p. 223]. The above-mentioned shows that “organization” can mean both a system and a process. Therefore, we can conclude that organization as a process is a system of sequential actions carried out in a certain order and aimed at achieving a common goal, which integrates them into a single process.

The scope of the “organization” category is very wide. In this regard, the viewpoint of G.V. Osovskaya and O.A. Osovskiy is appropriate, which says that the term “organization” is widely used both in science (philosophy, mathematics, economics, sociology, etc.) and by various state bodies. This term has multiple meanings. Its most common meanings are: internal ordering, the coherence of the interconnected elements of the whole (system); a set of processes or actions ensuring the achievement of system goals; a group of people the joint activity of which is aimed at implementing the developed programs by following certain rules and procedures [8]. The authors note that the concept of “organization” can mean an object, its properties and activities (process), and is used to refer to different semantic categories: social organization or institution (statics) and governance as a regulating and coordinating activity (dynamics) [8].

Yu.S. Shemshuchenko, Ye.B. Kubko and V.P. Nahrabelnyi have offered one of the most comprehensive approaches to defining the term “organization” in the scientific legal literature: 1) a property of any physical object, which shows as the ordering of structure, internal structure; 2) organization means a set of interconnected components (elements) of an object, as well as relations (connection) between them and other objects resulting in a certain external organized environment [9, p. 294]. The authors emphasize that in the general context, the term “organization” is used together with the terms “structure” and “system”. It usually combines the dynamic features and system patterns, that is, those of functioning, behavior and interaction of its parts. The organization is also considered as an objective feature typical for all managed social objects. In this context, it is used along with the term “governance” [9, c.294].

Summarizing the analyzed research on the organization and its role, we can conclude that regardless of what is meant by the term “organization” – a process or a relatively static system (formation) – and whether it is used in law, management, sociology, philosophy or any other field, this term is the very picture of orderliness and integrity (unity), consistency and purposefulness. In this sense, the organization is something opposed to disorganization, disorder, uncertainty and chaos [10, p. 19].

The last of the above-mentioned terms constituting the term “organizational and legal support” is “legal”, i.e. “law”. Law is one of the most important achievements of society, also, it is quite a complicated and multi-faceted phenomenon, which is why it is still of interest as a subject of scientific research and debate. As a result, there are several perspectives of legal consciousness, the most popular of which are the natural law school and positivist school of law.

The supporters of the natural law school believe that the original form of law is social consciousness, the idea of the law, an important part of which is the natural human rights. The natural law and the positive law are differentiated. The natural law as an expression of justice (morality) comes first. The state-made (positive) law is considered as a form of law intended to comply with the natural law, which is the very essence of law. According to this concept, human rights have priority over the state interests, a person comes to this world with a set of natural rights that should not be alienated by the state. The state and the positive law it makes must protect the natural human rights [11, p. 222].

The supporters of the positivist (or normativist) school of law consider the law as a set of regulations establishing the proper behavior. This theory does not analyze the law, nor does it try to find the origin and essence of the law. Non-legal concepts, including the doctrine of justice, natural and social factors, should not be criteria for assessing the law. It is as if the law derives itself and is always a positive demand of what is right. It can be recognized based on the analysis of legal phenomena, regulations, law and order only. When characterizing the law, the most important is the form the state gives to it. The so-called basic rule, a purely hypothetical legal postulate deduced from the legal analysis of the positive law, is the basis of the positive law [12, p. 176].

It should be noted, that the natural law theory is more in line with the principles of a modern democratic society, but we should not completely deny the positive aspects of the positivist school of the law. Indeed, the law appears as a certain idea, a form of consciousness under the influence of objective laws of social development, the basic idea of which is that all people are equal. However, the principles of equality and justice, on which the law is based, become well-known and obligatory only when executed as a relevant regulation and have state support (state security).

Evaluating the benefits of the positive and natural-law approaches, it should be emphasized that law-making is not the same as law-formation. Law-making is a specific intellectual activity that requires special knowledge and skills and provides making new laws or amending the existing ones through the development, discussion and adoption of regulations [13, p. 298; 14, p. 40]. According to N.V. Varlamova, law-making is making legal rules positive (making them more specific, formal and objective). This means that the subject of law-making, with the help of mental

operations and conscious volitional actions, analyzes and selects legal rules that have developed in real social relations (pre-law-making relations), makes them more specific for a certain situation (or establishes new, not yet known, but necessary rules), formulates them as abstract, formally defined rules (models, patterns) of conduct and formalizes them, making them comprehensible, that is, objectifies them in some legal texts (formal sources of law) – contracts, precedents, regulations, doctrines [15].

While law-formation includes the development of real social relations, changes in the level and state of social consciousness and officially executed directed state (law-making) activities [16, p. 9]. That is, law-making is an element of the positivist approach, however, it is not only based on the purely legal analysis of legal forms as the supporters of the normative school believed, it is also based on and in the light of objective conditions and circumstances of the development of society, its aspirations and urgent needs, which is more peculiar to the natural law theory.

The Austrian researcher (philosopher, lawyer) R. Marchich, who said that positivism is the essence of the natural law, was quite successful in finding a compromise between the natural and positive law. Although we have a fragmentary and indistinct idea of what the right of being is, we understand the archetypes: the positive law is necessary for the sake of the right of being. This follows from the fact that, although the positive law implies the right of being, the right of being, in turn, cannot be exercised properly without the positive law. The positive law is an institution of the natural law, its institutionalization. The words “positive” and “institutional” are basically synonyms. The positive law literally represents the natural law [17].

The existence of several perspectives of the law consciousness could not but affected the formation of the conceptual framework. The legal scientific literature has many different definitions of the term “law”. According to M.V. Tsvick, the law is a measure of freedom and equality based on the idea of justice, which reflects the needs of social development, which has developed due to repetitive social relations and is recognized and protected by the state [12, p. 183]. In turn, O.F. Skakun believes that law is a system of norms (rules of conduct) and principles established or recognized by the state as regulators of social relations, which formally establish a measure of freedom, equality and justice in accordance with social, group and individual interests (will) and is supported by all means of legal state influence up to coercion [11, p. 217].

The latter definition of law seems to be the best as it embodies the natural-law perspective emphasizing the fact that law is a measure of equality, freedom and justice formed in society under the influence of its objective development, and the positive-law perspective emphasizing its state nature and support for legal rules.

Summing up the above-mentioned, we can conclude that the organizational and legal support for exercising the administrative jurisdiction from the education authorities in Ukraine should be understood as consolidation of all the most important (substantive) aspects of exercising the administrative jurisdiction from the education authorities that ensure legal, efficient, transparent and unimpeded educational activities, in the applicable laws under the influence of the objective laws of social development, urgent social needs (demands) and aspirations.

The main issues to be resolved when providing the organizational and legal support for exercising the administrative jurisdiction from the education authorities are as follows: making a clear conceptual framework for this area; determining the main tasks and principles; establishing a system of entities, exercising the said jurisdictional activity with a clear and unambiguous determination of the power of each of them for its preparation and execution; consolidating the administrative procedure for exercising the administrative jurisdiction from the education authorities; establishing legal and other guarantees of its execution, etc.

At the moment, it should be noted that despite the fact that Ukraine has a number of various legal regulations that regulate the educational issues, the problem of provision of the organizational and legal support for the administrative jurisdiction by the education authorities in Ukraine does not have the necessary legal basis and requires a painstaking and thorough rulemaking to be solved.

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3.9. ESTABLISHING OF PARENTAGE OF CHILD BY THE BULGARIAN FAMILY LAW (HISTORICAL ASPECTS TILL 1949)

Since ancient times, the parentage of child has been established through the father, because of his dominating power in the family. Gradually, with the development of the family relations, the establishment of the parentage also changed – through the mother, to reach the present legal framework, where the mother is the woman who gave birth to the child, and the father is the one pointed by the law¹.

At first, the family rose under the shape of offspring union (or only offspring), which was “the union of the husbands between them and of the same as parents with their children”². When such union lacked children, it did not fit the concept of “offspring”. The offspring union was manifested in two shapes – of little and large offspring, and later, patriarchal community. The power of the father (*patria potestas*), which was almost unlimited in the old days, dominated in this union. The father in the offspring had *jus vitae ac necis* – it was up to him if he would give the child the chance to live or not, pick the child from the ground, or to leave it there or throw it away to die of starvation³.

Historical data for the family-law relations under the Bulgarian law during the pagan period (before the foundation of the Bulgarian state and during the first centuries of its existence – VI-IX century) can be found mainly in the “*Answers of Pope Nicholas I to the questions of the Bulgarians*” (“*Responsa Nicolai ad consulta Bulgarorum*”) and also in the byzantine sources and the folklore.

This sources give information, that the most ancient marriage was the pagan marriage. Also recognized by other nations (mostly Slavish, moreover – south-slavish) that marriage was originally contracted through stealing, and later – through purchasing or eloping of the girl⁴.

There is not sufficient data preserved during the pagan marriage about parentage of the children. Polygamy existed (mostly between the representatives of the high layers of the society) – there were concubines, beside the lawful wife. Initially, with polygamy, no difference was made between the children of the lawful wife and the children of the concubines⁵. The family law relations, including the parentage of the children, in that period, were settled through the regulations and rules of the common law.

¹ In ancient Rome, since the time of emperor August, each birth from legitimate marriage had to be announced no later than 30 days after the birth. Later, emperor Marcus Aurelius implemented the registration of all births. That was the way for undisputable establishment of the parentage from the mother. She was determined with the fact of birth. For establishing the fact who was the father of the child born, the Romans created two presumptions. Both presumptions were connected with marriage and had large practical application and meaning. The first presumption was “*Pater is est quem nuptiae demonstrant*” (Father is the man pointed by the marriage). According to it, the husband of the mother was considered the father of the child. But the husband could recognize the child as his own, or decline to recognize it. The second presumption agreed that the child is legal, if it was born not sooner than six months after the contracting the marriage and not later than ten months after its termination. That presumption was a result from the continuation of the pregnancy. It was considered, that the minimal pregnancy lasted at least six months (for alive and viable child to be born), and the maximum pregnancy lasted ten months (because such could the longest lasting pregnancy be). Because of that, according to the second presumption, the Roman law accepted, that in order for a child to be considered born from the marriage, they had to be born at least six months after contracting the marriage and not later than ten months after its termination (See Andreev, Mihail. Roman Private Law. Sofia, Sofi-R, 1992, p.198). In pre-Justinian and Justinian law, the parentage from the father could also be established though legitimizing (*legitimatio*) of children born from illegitimate living together – concubinage (the lasting living together of man and woman without intention for entering into marriage). Legitimizing such children allowed them to acquire the capacity of legally born children, and the father acquired *patria potestas* (fathers power). Legitimizing was performed by subsequent marriage between the parents who lived in concubinage, or through rescript of the emperor (when legitimizing through subsequent marriage was impossible) or after the illegitimate child was made member of the city senate (*curia*) or by its marriage for such member. The last method, however, had not been applied often (See Andreev, Mihail. Cited work, p. 200).

² See Bobchev, Stefan. History of old-Bulgarian law. Sofia, Albatros, 1998, p. 356.

³ See Bobchev, Stevan. Cited work, p. 381.

⁴ See Petrova, Galabina, Family Law in medieval Bulgaria. // Juridical world, 2002, № 1, p. 44-58.

⁵ See Petrova, Galabina. Cited work, p. 54.

After the adoption of the Christianity the canonic law was imposed in Bulgaria. According the regulation of the Christian church (formulated in the regulations of an oecumenical council) the stealing of a wife was declared for punishable. Something more – it was made crime, punished with heavy sanctions.

Wedding was recognized as an absolute condition for the actuality of the marriage since IX century. That way, after the conversion, religious marriage was introduced in Bulgaria. Despite that, a long time passed before wedding was fully implemented⁶.

Christian legislation was applied in Bulgaria after the conversion. The family law relations were settled in accordance with the Byzantine *Eclogue* and the *Law for Judging People* (*Закон судный людьм*).

According the *Eclogue*, the wedding was not a requirement for the validity of the marriage. Moreover, the *Eclogue* moderated the father's power in significant measure. Before all, that power was divided on parts, at which certain rights were already given to the mother (for example, at consenting to the marriage). The usual regulations also endured changes on the matters of the parentage.

According to the Byzantine and the South-Slavic legislation, the widow had to undergo mourning period of one year before marrying again. That way, the problem with the paternity of a child born to a recently widowed woman, was practically excluded.

Parallel with this, the Russian (canonic) law did not require a waiting period between the death of the previous spouse or the divorce with them and the contracting of the new marriage⁷. For example, in XVII century, the husband was allowed to marry again six weeks after the divorce (most often when the reason for the divorce was sterility of the wife). That way, the question for the parentage of the children from the new marriage was timely solved⁸.

The fact that according to the canons of the Christian church, the parentage from the mother was doubted in a number of instances, deserves attention. The story of the Serbian king Milutin is a great example for that. The details surrounding his marriages (five of which are known) are doubtful, including the names of some of his wives and the continuance of each of his marriages. It was also not sure which one of his children was born from a certain mother, but they all were considered legitimate⁹.

As far as the Orthodox canon law recognized the possibility for conclusion of only four marriages, in some cases (mostly when it was about kings and some other noble persons), validity of at least one of the four marriages had to be contested. That, on its hand, also reflected on the parentage of the children.

As contrasted with the other nations in Western Europe, for the Orthodox Slavs, the extramarital relations by mutual agreement was not bounded by marriage. In such cases, if a child was born, even if the mother could prove before the church court who the father was, and the court to order him to marry her, this was not obligatory to happen. Something more, if the mother dared protect her child parentage, despite her being able to prove it, if she brought such matter to the court, she "was a subject of fines and penances for her deed"¹⁰.

After the liberation of Bulgaria from Ottoman rule in 1878, the Bulgarian common law was rejected and replaced with the one received from the developed western-European countries and Russia, written bourgeois law. Despite that, the Bulgarian common law continued to be simultaneously applied. It even had the wider application¹¹.

During the same period, the *Exarch Regulation* (in 1883) was accepted. That one and other religious sources settled the marriage and the divorce. But the Exarch regulation regulated only the relations between the Orthodox Christians. It did not effect the people of different faith; towards them, the written and the non-written canons of the other existing religions and faiths was applied: Catholic, Islam, Protestantism, Judaism, as so as the rules of different sects¹². Beside that, the matters of parentage were not settled in that regulation.

With the acceptance of our first constitution – *Constitution of the Bulgarian Principality, dated 1879*¹³, the rule that in Bulgaria the Orthodox-Christian faith from Eastern denomination was the leading one (Art. 37 of the same Constitution) was consolidated by legal way. It was also announced that all Bulgarian subjects were equal before the law (Art. 57), and as for the situation of the foreign subjects, the 1879 Constitution referred to orders in "laws specific to this subject" (Art. 64). However, no explicit texts about the matter of parentage existed.

This way, until coming into effect of the Law for the recognition of illegitimate children, for their legitimization and for adoption dated 1890, legitimizing illegitimate children happened by the rules of the common law. And since in the common law, recognition of such children did not exist, legitimizing the illegitimate child was only possible if the mother entered a marriage. Such women were despised and the attitude towards them was especially cruel. Usually the mother of the illegitimate child was tied into a sack and thrown into a pool or weir. Banishing her together with the child was another punishment. Because she had no right to seek out the father of her child, if she stayed alive at all, she raised her child alone and the child took her name.

⁶ See Petrova, Galabina. Cited work, p. 47 and p. 53.

⁷ See Levin, Iv. Sex and society of orthodox Slavs. Sofia, University publishing house "Sv. Kliment Ohridski", 1991, p. 118.

⁸ See Levin, Iv. Cited work, p. 129.

⁹ See Levin, Iv. Cited work, p. 137.

¹⁰ See Levin, Iv. Cited work, p. 198.

¹¹ See Donchev, Kamen. Influence of Bulgarian common law upon the received European law in Bulgaria after the Liberation. // *Pravna misal* (Legal thought), 1991, № 3, p. 94.

¹² See Nenova, Liliyana, Лиляна. Family Law of the Republic of Bulgaria. Second mainly revised edition. Sofia, Sofi-R, 1994, p. 54-55.

¹³ Known as the Tarnovo Constitution. See Constitution of the Bulgarian Principality. Adopted on 16 April 1879, repealed State Gazette, issue 284 of 6 December 1947.

After the *Law of Recognition of Illegitimate Children, Their Legitimization and Adoption (LRICTLA)*, after 1890 entered into effect, the attitude towards illegitimate children and their mothers gradually began to change in a positive aspect¹⁴. Simultaneously with that, the prohibition for seeking out the father (Art. 10 of LRICTLA) remained, despite that seeing out by the mother was allowed (Art. 11 of the same law). Usually, a mother of an illegitimate child married a widower or a bachelor. After that, no one paid her any attention.

The Law of Recognition of Illegitimate Children, Their Legitimization and Adoption established new rules in the institute the parentage. For the first time, the possibility for both mother and father to recognize their child, together and separately, was settled in law. That could happen through an act verified by the notary order, composed before or after the birth. A line of legal opportunities was envisaged: the recognition to be disputed by the child and any individuals concerned (Art. 90); for all individuals concerned to object to the claim for seeking out the mother (Art. 12). Certain restrictions were also implemented: besides the unconditional prohibition for seeking out the father (Art. 10), also the prohibition to seek out the mother, if only “in cases when the recognition is not allowed” (Art. 14, in conn. with Art. 2), as so as the prohibition for recognition of the children “born to individuals, at least one of who was, during the time of conception, married to another individual and the children born to individuals who could not marry because of kinship or characteristics” (Art. 2). Besides it was announced that “Recognition comes into effect only for the parent who performed it and gives the recognized child no right towards the other parent” (Art. 4). The two decisions which accept the parentage and the recognition (Art. 13) were made equal by their effect. It was recognized that the illegitimate child gained the capacity of a legitimate child through legitimization (Art.15, par.1) as two different methods were envisaged for the legitimization: a subsequent marriage between the parents of the illegitimate child or the power of a court decree Art.15, par. 2). Furthermore, the children received the rights of “legitimate” since the day of the marriage if they were recognized by the two spouses before the marriage according to the established order or since the day of the recognition if it happened after the marriage (Art. 18). In cases of legitimization by a court decree – since the day of the decree and regarding the parent who had demanded it (Art. 22). Legitimization through a court decree was only possible in cases of combination of four prerequisites: When the parents themselves or one of them, demanded it; when the parent demanding the legalizing had no legitimate children or children legitimized through a subsequent marriage, nor descending from them; when that parent was unable to legalize the children through subsequent marriage and when the consent of the other parent was proven if the parent demanding the legitimization was married (Art. 19). Legitimizing already deceased children in favor of their descending was also allowed (Art. 17). Moreover, if one of the parents expressed in their last will and testament or in public act their will to legitimize their illegitimate children, after their death they could demand to be legitimized if at the time of death the second and the third prerequisites, mentioned above, existed together (Art. 20).

But legitimizing the children “whose recognition is not allowed by the law” by subsequent marriage or the power of court decree was not possible. (Art. 16).

That law was effective until 1940 when it was abolished by the Law of Illegitimate Children and Adoption.

Two chapters for the settling of the parentage were envisaged in the *Law of Illegitimate children and Adoption (LICA)*: Chapter I, labeled “About illegitimate parentage”, and Chapter II “About legitimizing of illegitimate children”.

By this law, the children of unmarried women, divorced women or widows born later than three hundred days after termination of the marriage, except when it was proven that they were conceived during the marriage, and from married women, the illegitimate parentage of whose children was ascertained through the law, were declared as illegitimate. An exception from this rule was envisaged for the children born from a marriage which was declared nullified – they were considered legitimate.

Parentage (defined by the legal term “provenance”) from the mother was established by the fact of the birth or through a claim (Art. 3), and from the father – by recognition and by court decree (Art. 5).

On another hand, a recognition of an illegitimate child by the father could be done: in the act of birth or with an act drawn before or after the birth, the signature and content of which are verified by notary order or with last will and testament. At this, after the death of the child, recognition was only allowed if the child had left descendents (Art. 6).

The child, and after its death – his descendents had the right to contest the recognition, in written form before an official person under civil statute within three months from the day they learned the recognition because the person who had recognized the child was not his father or that the recognition would harm the child, and if the child was underage – since attaining their majority (Art. 7). In case of contesting in within three since the message, when the place of residence or the abode of the father or his heirs was unknown – since the announcement in State Journal, the father or his heirs had the right to raise a claim demanging invalidation of the contesting. After this term expired, if the father or some of the heirs had not introduced the official person under civil statute with certificate, that he raised a claim for invalidation of the contest, the last, as well as non raising of claim, and in case such claim was raised, the decision by which the plea was not granted, were marked off at the side of the act of recognition, as the recognition was considered for non-performed (Art. 9, in conn. with Art. 8).

¹⁴ See Law of Recognition of Illegitimate Children. Promulgated in the State Gazette, issue 9 of January 1890, repealed State Gazette, issue 267 of 26 November 1940.

The recognition could also be contested a claim by anyone who could have moral or material interest within three months since the day when the petitioner knew about the recognition (Art. 10).

The recognition of an illegitimate child by the father could also be done through a court decree, if it was ascertained that the father took care or participated in the support and te education of the child as for his own child; that the mother and father manifestedly lived together during the legal period for conceiving; that the father admitted his paternity unambiguously in letters or other written documents; that conception took place at the same time as raping or kidnapping under Art. 220 and Art. 296 of the Penal law (rep.), perpetrated by the father, no matter if the penal prosecution had begun or was aborted for reasons excluding guilt or punishment (Art. 10). And besides, this was only done when announcing of paternity was not looked for because of facts that had happened before this law came into effect (Art. 11). And the claim was rejected if it was found that: during the legal period for conceiving, the mother had had openly immoral behavior, had had sex with someone else, unless the father had not been against it; that the person who was pointed out as father through that same period had been in physical impossibility to become parent because of remoteness, or because of a personal defect of his (Art. 12).

The claim for establishing of parentage from the mother could not become void during prescription (Art. 4).

The claim for seeking out the father was lapsed after the expiring of certain term.

In case of claim by the mother against the father or his heirs, the period was of two years, starting before the birth, or at the latest- two years after the birth, or after the day, on which the living together with the mother, or the delivery of meanings for the support of the child from the individual pointed out as father who had lived together with the mother, but without a marriage, or who had delivered meanings for support of the child as his father stopped (Art. 13).

In case of claim by the child when the claim had not been raised through the child's minority by a particular trustee (appointed by the district judge by request of the mother or by application from third individuals) – the term expired three years after the child's coming of age at the latest (Art. 14)¹⁵.

When the mother had been into a marriage during the conception, the period for raising a claim for parenthood started at the day when the ruling declaring the child illegitimate came into legal effect (Art. 15).

By the meaning of Chapter two of that law, the legitimizing of an illegitimate child could happen by a marriage between the parents of the child (Art. 22) or by court decree (Art. 24).

The first method was applied through announcing of the illegitimate children born to the two spouses, to the official person under civil statue, within seven days after the marriage was contracted, to mark the legitimization of the children in their birth acts. The announcing itself happened by the two spouses-parents, or by the mother on the basis of a written consent of the father, which was also marked, and the non-announcing did not had meaning for the legitimizing itself (Art. 23)¹⁶.

The father could use the second method on the following conditions: if it was not in position to legitimize the child through a subsequent marriage; there was no agreement of the wife, in case he was married; if he has the consent of the lawful representative of the child, the trustee or the guardian, if the child was under age, or was placed under judicial disability, and also the consent of the child itself if it was at least 14 years old (Art. 24)¹⁷.

The same possibility was given to the mother or the child, under the following conditions: If the parents had been engaged and the marriage ceremony had been frustrated because of death of the father or because the last had been unable to get into marriage; if one of the conditions envisaged in Art.11 of LICA (Art. 26) was present. It was also necessary to have the consent of the lawful representative of the child or the guardian if the child was underage or placed under judicial disability, and also the consent of the child itself, if it was over 14 years of age, if the mother requested legitimizing of the illegitimate child through a court deed¹⁸.

When the father requested to legitimize his children in testament or act, the sign and the signature of which were notary verified, the children had the right to want their legitimizing after his death, but only if during the time of death the condition that father was not able to legitimize his child during subsequent marriage had been present (Art. 27, in conn. with Art. 24, p. 1).

LICA also envisaged one general prohibition – legitimizing of children whose parents could not marry because of kinship was not allowed (Art. 28).

¹⁵ The appointed trustee had to take care of the child's interests in general and after hearing the paternity claim or the lapse of the period for initiating it, a guardian needed to be appointed, unless the child had been left under the parental authority of the father or mother (Art. 14, in conn. with Art. 13, par. 1).

¹⁶ In the second hypothesis, the court that is competent to hear the petition for legitimization accompanied by the due documents was the district court by domicile of the claimant which court, without laying out any motives, passed judgment with the following phrases: "the legitimization is permitted" or "not permitted". The court adjudication was not subject to appeal and on motion of the parties and against paying the charges was promulgated in the State Gazette. But such a legitimization could be contested only by relatives who were the parents' legal heirs if the legitimized child was not descended by the pretended parents. The contestation happened through a claim brought against the parents and child within six months of the day the plaintiff had come to know about the legitimization or in the case of promulgation of the court adjudication in the State Gazette – of the day of the publication, before the district court by domicile of the parents or the court that had announced the legitimization adjudication (Art. 32).

¹⁷ Legitimization through request by the father was also allowed for children already deceased, in favor of their descendents (Art. 25, in conn. with Art. 24, p. 3).

¹⁸ In case of death of the child, the legitimisation could be requested by his descendent (Art. 26 in conn. with Art. 11 and with Art. 24, p. 3).

Parentage also found its regulation in *Law of Persons* dated 1907 (LP)¹⁹, which contained two chapters in Section IV “About Parentage”: Chapter first “About the parentage of the children conceived or born during the continuance of the marriage” and Chapter second “About the proving of legitimate parentage”.

According to the LP, a husband was the father of a child conceived during the continuance of the marriage when the child was born not sooner than one hundred and eighty days after the marriage ceremony, and not later than three hundred days after its termination or nullification (Art. 42 and Art. 43). If the child was born before the expiration of one hundred and eighty days after the marriage ceremony, the husband, and after his death, his heirs, could not reject the parentage from the father when: the husband was informed about the pregnancy before the marriage; from the act of birth it could be seen that the husband was present during the composing of that act in person, or through another individual, especially empowered by him through an authentic document, and when the child was declared unviable (Art. 44).

The husband also had the right to refuse to recognize the child, by proving, that “during the time between the three hundred and the one hundred and eightieth day before the birth of the child, he had had no physical possibility to live together with his wife, due to moving away or because of something else” (Art. 45) or in the same period he had lived “legally separated from his wife”, except if “there was a meeting, even temporary, between the spouses” (Art. 46), or when there was an obvious inability of marital life” (Art. 47) or adultery, except when the birth had been hidden from him (Art. 48). In the last case, the husband could deny his paternity, but only if he proved “the events surrounding the adultery, hiding the birth and also all other events leaning towards exclusion of the parentage from the father”. All evidential meaning were allowed, but the confession of the mother was not enough to exclude origin from the father.

The disputing of the paternity presumption at all cases was limited by periods: two months if the husband had been at the place where the child had been born; three months after his return to the place where the child had been born or where the spouses residence had been located, if he had been absent; three months after finding out about the deception if the birth had been hidden from him (Art. 49)²⁰.

According to LP, everyone with a vested interest in the outcome, could dispute the legal parentage of a child born three hundred days after the termination or nullification of a marriage (Art. 52).

The cases of legitimate child were made equal to the legal presumption for fatherhood.

Legal parentage was fundamentally proven through the birth certificate entered into the books for the civil statute (Art. 53).

When such certificate was missing, “uninterrupted using of the rank of legitimate child” (Art. 54) was enough, when it might have followed from a line of events which were jointly fitted to establish the relations of parentage and kinship between one person and the family, to which it claims to belong. The cases when the person had always carried the name of the father to whom it claimed to belong; when the father had treated it like his own child and in that capacity took care for its support, education and residence; when it had been recognized constantly for such in society and when it was recognized in that capacity by the family (Art. 55), were acknowledged as main events of such case.

In case of absence of birth certificate and making use of the father’s fortune, or when the child had been registered under a false name, or as born to unknown parents, or in cases of a foundling or replacing of the child, in the last two cases even if there was a birth certificate, together with making use of the father’s fortune, the proving of the parentage could happen with witnesses (Art. 57)²¹.

The claim for statute of legitimate child could not lapse by prescription in regards to the child (Art. 60), but that claim was not possible to be raised by the heirs or descendents of the child who had not raised the risk, except if it was dead before coming of age or five years before reaching adulthood (Art. 61). If the claim had been raised by the child, the court procedure could be continued by the heirs or the descendent, except if there was renunciation from the claim or termination of the procedure in the instance (Art. 62).

During the period between 1945-1949 when the Ordinance-Law of Marriage, settling the institute of marriage, the rules of LP settling the institute of the parentage continued to determine the lawful parentage of the children.

¹⁹ See Law for Persons, Promulgated in the State Gazette, issue 273 of December 1907, repealed State Gazette, issue 182 of August 1949.

²⁰ In case of death of the husband when he had not raised claim, but before the expiration of the legal period, the heirs had the right to confute the legal parentage of the child within two months since the day the child entered into possession of the properties of the deceased individual, or since the day the heirs were disturbed by the child in that rule (Art. 50). The claim was raised against the child if it was an adult, and if it was a minor or placed under judicial disability, against the trustee appointed by the court before which the claim was raised. In all cases, the mother of the child was summoned during the discussion on the case (Art. 51).

²¹ Witnesses were not allowed, except in cases when there was beginning of written evidence, or when the assumptions and clue, following from already known events, were considered important enough, to substantiate the necessity to allow witnesses. The beginning of the written evidence came from the family documents, from home registers and documents of the father or the mother, from official or private certificates, issued by one of the parties, participating in the argument, or from that party, which would have interest if it had been alive (Art. 57 and Art. 58). The contrary could be established through all evidences good enough to show that the claimant was not a child to the woman who he pointed at as his mother, or was not a child to the mother’s husband, although the parentage from the mother had been proven (Art. 59).

In 1947, the second constitution of Bulgaria – *the Constitution of the People's Republic of Bulgaria*, dated 1947²². In Art. 71 of Chapter VIII "Basic rights and obligations of citizens" for the first time the ban on citizens' privileges based on their origin was introduced.

With the accepting of the *Persons and Family Act* (PFA) in 1949, the Law for Persons, the Law for Illegitimate children and adoption and the Ordinance-law for the marriage were abrogated, the matters regarding the parentage began solving only by the rules of PFA.

Persons and family Act place the beginning of the codification of the Bulgarian family law, no matter that during the acceptance of the first Family Code of Bulgarian Republic in 1968, twenty more years had to pass.

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3.10. NON-GOVERNMENTAL ORGANIZATIONS IN THE SYSTEM OF GUARANTEES OF THE REALIZATION OF THE HUMAN RIGHT TO LIFE IN EUROPEAN COUNTRIES

Today, the protection of the rights of citizens is understood as one of the inalienable features of the modern state, ensuring the rights and freedoms of man and citizen is a unique indicator of its sustainability and maturity. Today, the topic of human rights protection is very relevant, because in the various European countries, including Ukraine, the rights of citizens are deliberately or inadvertently violated every day. Despite the fact that many organizations have been established to protect the rights of people, it is still not possible to protect themselves from violations, however, their number can be significantly reduced.

The right to life - this is the fundamental right of man, which is enshrined in many universal and regional international legal instruments and in the constitutions of most states of the world. One of the most well known is the European Convention on Human Rights (Article 2) that proclaims that everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law¹.

Undoubtedly, the right to life is very important in order to attract the attention of scientists. The experience of democratic countries convinces that the development of civil society institutes, which is part of civil society organizations, ensures the full realization of human rights. Therefore, it is no accident that there is an awakening of the scientific interest of historians, political scientists, lawyers to the study of the essence of these public formations². The purpose of the article is to find out the role of non-governmental organizations (NGOs) in the implementation of the protection of human rights to life. The controversial nature of the views of scholars on the legal nature of public protection and the lack of knowledge of it in the field of education substantiates the relevance of this research.

Concerning the fact that the formal existence of guarantees of human rights to life, which is not supported by the practical activities of certain subjects, in itself, does not mean their effective implementation and reliable protection. It can be stated that in the system of guarantees of human rights to life an important place is given to the activities of state authorities, local self-government bodies, their officials, as well as a number of various public associations. At the same time, Ukraine has made progress in the process of European integration and the priority role

²² Known as the Dimitrovska constitution. See the Constitution of the People's Republic of Bulgaria. Promulgated in the State Gazette, issue 284 of 6 December 1947, repealed State Gazette, issue 39 of 18 May 1971.

¹ Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No.11 and No. 14. European Treaty Series - No.5. Rome, 4.XI.1950. (<https://rm.coe.int/1680063765>)

² Pashuk T.I. Pravo prava na efektyvnyy derzhavnyy zakhyst yiyi prav ta svobod / T. I. Pashuk. - Lviv: Svit, 2007. - 220 s.

in this process belongs to state institutions, because they express the state will, which is known to be imperative. That is why, for example, Article 3 of the Constitution of Ukraine found a position that the establishment and guaranteeing of human rights and freedoms, including human rights to life, is the main responsibility of the state³. The similar information is written, for example, in an Article 1 of the Basic Law of the Federal Republic of Germany - human dignity – human rights – legally binding force of basic rights. To respect and protect it shall be the duty of all state authority⁴. And added, that the German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

The constitutional desire to develop and strengthen a democratic state cannot be realized without establishing in the public consciousness and social practice of inalienable rights and freedoms of people, the normative consolidation of their guarantees. Therefore, our research is important, because the state and non-governmental organizations should be active in ensuring human rights, in creating material, organizational, social, political and other conditions for the full use of human rights and freedoms.

The improvement and protection of human rights by European states have both internal and external manifestations. At the international level, states can raise their votes when human rights are violated. Governments are actively involved in developing human rights standards, their institutions and oversight mechanisms. They are the first to pay attention to violations of international norms and, in particular, have the opportunity to stimulate positive progress in respect for the observance of human rights standards by participants. The level of effectiveness of protecting human rights in a society depends on how much each state meets human rights obligations. And to create a constitutional model in a state in which all human rights are protected and guaranteed - this is not an easy task. In this situation, important improvements in legislation, effective control of state institutions, such as law enforcement, and systematic effective work by many other government agencies.

The promotion and protection of human rights is a key objective and guiding principle of many non-governmental organizations. They diligently protect human rights through legal instruments and on-the-ground activities. Many organizations around the world dedicate their efforts to protecting human rights and ending human rights abuses. Globally, the champions of human rights have most often been citizens, not government officials. In particular, nongovernmental organizations have played a primary role in focusing the international community on human rights issues. It is an effective way to protect the human right to life is through the activities of non-governmental organizations. At the same time, people are increasingly united for realizing their interests, since even a small association of citizens who protect their rights, has a better chance of succeeding than an individual. According to our belief, even an unorganized majority will not be able to achieve its goals, as a small but well-organized group of people can do it⁵.

In this context, general features of the protection of the human right to life that are carried out by public organizations can be distinguished.

- First, it has a public character, which means that it is carried out by non-state formations.
- Secondly, public organizations use legal means and non-legal (organizational, scientific, educational, moral-psychological) means of influence in law-enforcement activity or combine them.
- Thirdly, the number of options for choosing and applying legal remedies for the right to life is less than for non-governmental non-governmental organizations.
- Fourthly, public protection does not guarantee final decision-making in a case and resolving a dispute.
- Fifthly, it can have both individual and general character (widespread public involvement).
- Sixth, the effectiveness of such protection depends on a large extent on the initiative, mobility of members of a public organization, and the recognition of their own importance in the protection of human rights⁶.

Basically a non-governmental organization is non revenue building, non aggressive, structured bunch of citizens linked with public wellbeing purposes who are not looking for government office though they habitually endeavor to pressure those are in power. They are working for those who are less influential and less privileged in a social order. They are demanding to change the rules to abolish communal and political bias on the cause of sex, groups, customs, race and beliefs. They are helping at diverse stages i.e., local, national and global through consciousness making and sending the message⁷. The human rights activist plays significant job encouraging the rule of law, by ongoing their hard works to lay down principles to make sure that no rights are dishonored by both the state and non-state actors.

³ Konstytutsiya Ukrainy vid 28.06.1996 r. № 254k / 96-VR Verkhovna Rada Ukrainy– [electronic source] - <http://zakon4.rada.gov.ua/laws/show/254DBA/96-DBD180>.

⁴ Basic Law of the Federal Republic of Germany. Bonn. 1949. (Grundgesetz, GG) -[electronic source] - (<http://germanlawarchive.iuscomp.org/?p=212>)

⁵ Kuzmenko Y.P. Teoretyko-pravovi zasady prava lyudyny na zhyttya: avtoreferat dys. na zdobuttya naukovooho stupenyu kandydata yurydychnykh nauk: spets. 12.00.012 - teoriya ta istoriya derzhavy i prava; istoriyi politychnykh ta pravovykh uchen' / YA.P.Kuz'menko - Kyiv, 2015. — 20 S.

⁶ Melnychuk O.F. Teoretyko-pravovi zasady realizatsiyi prava lyudyny na osvitu: [monohrafiya] / Melnychuk O. F. - Vinnytsya: Vyd-vo «Edelveys i K», 2013. - 447 s.

⁷ Mazharul Islam. Role of NGOs in Promoting and Protecting Human Rights. BDL D - Bangladesh Law Digest - September 18, 2016 -[electronic source]- (<http://bdlawdigest.org/role-of-ngos-in-promoting-and-protecting-human-rights.html>)

A significant contribution to the protection of the human right to life is made by public organizations, whose goal is direct human rights activities, that is, non-governmental human rights organizations. Human rights organizations are special type of non-governmental, non-profit organizations whose activities are aimed at the establishment and protection of human rights and freedoms, and effective monitoring of their compliance by the state, its organs and officials. Human rights organizations help to reduce organized violence by the state. They can deal with youth, women, veterans, organizations of people with disabilities, etc. Some organizations specialize on protecting the rights of specific social groups (homeless, prisoners, people with disabilities, refugees, children, believers, etc.), others carry out activities for certain types of violations (right to life, freedom of speech, electoral right, right to education, the right to appeal to international bodies, free movement, environmental rights, etc.)⁸.

We support the idea that it would be very good if there was a network of organizations dealing only with one key right - for example, only the right to life, or just the right to protection against torture and ill-treatment, or only the freedom of expression, that is, freedom of opinion, freedom of speech and freedom of information, or only freedom of conscience, etc.

Describing the mechanism of human rights activities of non-governmental organizations, it should be noted that it includes different directions of activity:

- drafting legal acts on human rights and human rights for life, as well as lobbying them in representative bodies;
- Attracting public attention to cases of human rights violations (appeals to public authorities and local self-government bodies, mass media reports, various public events,);
- Informing international human rights organizations about the facts of violations of the human right to life in a particular country;
- counseling and providing legal assistance to citizens on issues of protection of violated rights and freedoms;
- interaction with various state and non-state structures in order to protect the rights of citizens⁹.

Thus, the activities of non-governmental human rights organizations in the field of protecting human rights in life aims, first of all, to promote the exercise of a person's right to protection of his violated rights, as well as the prevention of such violations.

When we talk about non-governmental organizations in the field of protecting the rights of people in the world in general and specifically in Europe, we should mention about Human Rights Watch. It is a nonprofit, nongovernmental human rights organization made up of roughly 400 staff members around the globe. Its staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities. Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Human Rights Watch is a powerful NGO, with a massive budget, close links to Western governments, and significant influence in international institutions¹⁰.

In particular, it plays a primary role in focusing the international community on human rights issues, monitors the actions of governments and pressure them to act according to human rights principles. There also many other international non-governmental organizations such as Amnesty International, International Commission of Jurists, Human Rights Action Center, Human Rights Without Frontier etc.

Human rights NGOs work on a wide range of issues. There are NGOs which cover a whole set of rights or issues, for example civil and political rights, and there are those which focus on specific rights or issues. A few internationally known organizations are mentioned by way of example:

- civil and political rights (e.g. Amnesty International, Human Rights Watch);
- women's rights (e.g. International Alliance of Women, Centre for Women's Global Leadership)
- children's rights (e.g. Save the Children);
- minority rights (e.g. Minority Rights Group);
- labour rights (e.g. World Confederation of Labour);
- health rights (e.g. International Women's Health Coalition);
- right to education (e.g. International Union of Students, International Organisation for the Development of Freedom of Education);
- right to liberty and security (e.g. International Association of Penal Law);
- right to due process and fair trial (e.g. International Law Association, International Commission of Jurists);
- freedom of religion (e.g. World Council of Churches, the Muslim World League);
- freedom of expression (e.g. Article 19, International PEN) Non-Governmental Organisations;
- right to food (e.g. Food First Information and Action Network) – peace (e.g. World Peace Council);

⁸ Azarov A. Zakhyst prav lyudyny: mizhnarodni ta rosiys'ki mekhanizmy / Azarov A., Royter V., Khyufner K.; per s anhl. y nem. - M.: Moskovs'ka shkola prav lyudyny, 2000. - 392 s.

⁹ Mel'nychuk O.F. Rol' hromads'kykh orhanizatsiy u zdziysnenni zakhystu prava lyudyny na osvitu. Nauka i praktyka. Advokat № 9 (132) 2011. S.14

¹⁰ Official website of Human Rights Watch - [electronic source] - (<https://www.hrw.org/about>)

– humanitarian (e.g. ICRC, League of Red Cross Societies, Médecins sans Frontières)¹¹.

Non-governmental organizations have played an important role in the overall development of the human rights movement since the early 1800s. but the past few years have witnessed a dramatic increase in the number of human rights NGOs. They are involved in many more issues than previously, and their political influence has grown both at the international and domestic level.

There is a widespread network of human rights organizations in Ukraine that are protect the human right to life now. Among them are the following: the Helsinki Human Rights Protection NGO, the Association of Ukrainian Human Rights Monitoring Observers in the activities of law enforcement agencies, the Ukrainian Helsinki Human Rights Union, the Ukrainian Civilian Action Group on the Implementation of the Helsinki Accords, the International Human Rights Protection Committee, the Kharkiv Human Rights Protection Group, etc.

Lack of awareness of current legislation and high cost are the main reasons for the denial of socially vulnerable segments of the population from legal assistance, so often public organizations provide free legal receptions. To estimate the total number of human rights organizations in Ukraine is problematic, because they are part of the overall structure of NGOs. The total number of NGOs according to various estimates in Ukraine is more than 25 thousand, only 15000 of them are active and no more than twenty percent of them are human rights organizations.

According to the Klon/Jawor Association research there are registered about 80 000 NGOs (11 000 foundations and 72 000 associations) in Poland¹². Most of the organizations (55%) are regional ones, working in their nearest neighborhood. Twenty eight percent of organizations is working on national level and about 10% on international. 38% of organizations in Poland is working in the area of sport, truism, hobby and entertainment. In culture and art is working about 17% of NGOs, 14% in education and 6 in health care, another 6 %in social care and 5 % in local development. Additional 14% of organizations is working in other areas.

The proliferation of nongovernmental organizations is one of the most striking features of contemporary international politics. While states remain the major protectors—and abusers—of human rights, NGOs such as Amnesty International have emerged as central players in the promotion of human rights around the world¹³.

Summing up, it should be noted that the human right to life must be obligatory acknowledged, observed and defended by legislative, executive, judicial and local self-government bodies. At the same time, in the system of guarantees of human rights for life, it is necessary to highlight the following elements: state institutions of non-judicial protection, judicial system and non-governmental human rights organizations. Thus, only the coordinated work of the entire state mechanism, provided that direct and active participation of the public can ensure the strict observance of the human right to life.

It is not enough that governments and others are told that their citizens need protection. They have to understand that this is needed because of the social role of every person. It is possible that a state will be successful in protecting its citizens depends on the extent to which there is general appreciation of the importance of freedom of expression in the society, other rights to bodily integrity are recognized, legislation that enables protection of these rights is in place, the rule of law prevails, and the political will to protect people exists and is seen to exist¹⁴.

Human rights in recent years has received immense attention and increased discussion over whose rights do we talk about and who protects and promotes human rights. Human rights non-governmental organizations, with their unsparing accounts and reports of human rights practices in countries across the world have no doubt contributed to the growth in protection and promotion of human rights both at the international and national level. The role of human rights non-governmental organizations in protection and promotion of human rights in European countries is very high and the legal framework for protection of human rights is very strong.

Although the setting of international governmental organizations permits somewhat greater scope for forthright discussion of human rights problems, governments remain reluctant to talk about such issues openly. In some ways non-governmental organizations are far more free to criticize, where criticism may be due, than are governments or international bodies. Most governments are concerned with keeping their bilateral relations on a friendly basis¹⁵. In most circumstances, non-governmental organizations are more independent of political forces and thus are able to identify and criticize human rights violations wherever they may occur.

3.11. ANALYSIS OF THE LEGAL EDUCATION SYSTEM FUNCTIONING IN UKRAINIAN EDUCATIONAL INSTITUTIONS: PUBLIC AND ADMINISTRATIVE ASPECT

The development of a democratic legal state in Ukraine, where the main element is the rule of law, sharply raises the need to work out a scientific and conceptual foundation as to the role, purpose and authority of law in a

¹¹ Maja Kirilova Eriksson. Manual on Human Rights Monitoring An Introduction for Human Rights Field Officers. Univercity of Oslo. Norwegian Centre for human rights - [electronic source] - (<http://www.jus.uio.no/smr/english/about/programmes/nordem/publications/manual/current/kap4.pdf>)

¹² Stefan Batory Foundation. NGO Programme of Poland. [electronic source] - (<http://www.ngonorway.org/countries/poland>)

¹³ Claude E. Welch, Jr. NGOs and Human Rights. Promise and Performance. University of Pennsylvania Press. ISBN 9780812235692. P.304

¹⁴ Christof Heyns & Sharath Srinivasan. Protecting the Right to Life of Journalists: The Need for a Higher Level of Engagement. 2013 – [electronic source] - [https://repository.up.ac.za/dspace/bitstream/handle/2263/21786/Heyns_Protecting\(2013\).pdf?sequence=1](https://repository.up.ac.za/dspace/bitstream/handle/2263/21786/Heyns_Protecting(2013).pdf?sequence=1)

¹⁵ David Weissbrodt, The Role of Nongovernmental Organizations in the Implementation of Human Rights, 12 Tex. Int'l L. J. 293 (1977) - [electronic source] - (http://scholarship.law.umn.edu/faculty_articles/234).

society in the center of which should be its highest social value - man. The development of such a foundation is impossible without studying the legal traditions of the Ukrainian society, legal values, nature and ideas of law, laid and tested by the experience of the past generations. Deep knowledge of law, legal state policy and the country's legislation is obtained through legal training, upbringing and informing the population. The greatest role in this process is played by educational institutions. So the formation of a legally educated person and citizen is primarily a pedagogical problem.

Obviously, since the first days of proclamation of state independence, legal education has become the subject of increasing attention from the authorities, since it was then that Ukraine began radical political, socio-economic transformations which have continued so far. Today the country is more than ever requires citizens active in the legal aspect, with a deeply conscious life position, a high level of legal consciousness and legal culture. Therefore, for the last two decades at the state level an attempt to improve the national system of legal education of the population has been made.

In this aspect, the state creates proper conditions for citizens to acquire legal knowledge – relevant legislative and regulatory acts are adopted, the Ministry of Education and Science of Ukraine and the Ministry of Justice of Ukraine approve the standard programs for studying legal disciplines that are taught in educational institutions, methodological recommendations on legal education issues (self-education) and legal upbringing are developed. Pedagogical, scientific-pedagogical and scientific workers, politicians, civil servants, public organizations, etc. are involved in this process and in the development of educational, methodological and scientific educational literature, legal upbringing activities.

Various aspects of legal education subjects have been attracting more and more of Ukrainian researchers' attention recently. Thus, in scientific works, the historical and theoretical foundations of the development of legal education are considered (B. Andrusyshyn, A. Budas, A. Huz, A. Zayets, V. Kakhnych, O. Kostenko, D. Kumkov, O. Luk'yanenko, O. Makarova, V. Masal's'kyi, N. Matviyishyn, O. Mashkevs'kyi, S. Nemchenko, N. Onishchenko, D. Skorodumov, I. Sopilko, N. Storchak, V. Cherevatyuk, and others); scientific and methodological foundations of the formation of the content of legal education (L. Vysots'ka, M. Horodys'kyi, A. Kyrychuk, O. Koval's'ka, I. Matviyenko, L. Ryabovol, O. Serdyuk, I. Smahin, V. Smirnova, and others); the question of the formation and development of legal education as a highly professional training of specialists (K. Vorontsova, O. Kostenko, M. Martynov, M. Skakun, D. Skorodumov, T. Steshenko, Ye. Strel'tsova, V. Sushchenko, L. Shevchenko, and others); theoretical and methodical principles of legal training of pedagogical staff (I. Darmans'ka, L. Matsuk, S. Mykytyuk, V. Odariy, V. Oliynyk, and others); acquisition of legal knowledge as a means of combating negative phenomena in society (S. Hladkyy, Y. Horinets'kyi, V. Lemak, B. Melekh, V. Turyanytsya, and others); the impact of legal education on the formation of legal culture and legal consciousness (S. Bereza, S. Bohachov, V. Vodnik, N. Lyapunova, O. Orlova, N. Satokhina, M. Trebin, O. Fatkhutdinova, and others). However, the authors neglect to study and analyze the functioning of the legal education system in order to determine its real status, to identify its strengths and weaknesses, as well as to determine the place and role of public administration in legal education, which resulted in the choice of the research topic.

Thus, the purpose of this work is to analyze the state of functioning of the legal education system in educational institutions of Ukraine, to determine quantitative and qualitative changes in its structural components, to clarify the role of public administration in the organization of legal-education activities.

First of all, it is necessary to emphasize that legal education in Ukraine is acquired mainly through formal education, which involves the achievement of the results specified by educational standards of the corresponding educational level and obtaining qualifications recognized by the state. Through the provision of legal education, the state tries to overcome legal nihilism, to achieve an increase in the general level of legal culture of the population, to ensure the necessary level of legal knowledge of citizens and the develop their respect for the right [10]. The system of legal education is formed for realization of these purposes in the state.

It should be noted that the education system, in accordance with the Law of Ukraine "On Education", is defined as "a set of components of education, levels and degrees of education, qualifications, educational programs, standards of education, licensing conditions, educational institutions and other subjects of educational activity, participants of educational process, educational authorities, as well as regulations governing relations between them" [4]. The legislative act states that ineligible components of the education system are preschool, full secondary, non-formal, vocational, technical and vocational (technical), special education, higher education and adult education, including post-graduate education.

As far as the legal education system is concerned, it is not clearly defined at the state level, as well as in the legal field. Therefore, Ukrainian scientists consider it differently, referring to the results of their own research. In particular, L. Vysotskaya believes that, referring only to the program document in the field of legal education (2001), Ukrainian scholars avoid clarifying the categorical-conceptual apparatus of this sphere, which makes it difficult to separate the studied phenomena of the educational system. In her research, the author notes that legal education, according to the educational structure of Ukraine defined in the legislative act on education of 1991, is presented as non-professional general legal education (general pre-school, general secondary school, general extra-school, general legal education in vocational schools, general legal education in higher educational institutions; general education in higher education and retraining institutions (postgraduate education); general legal self-study of citizens), and as

professional legal education, carried out in specialized educational institutions [2, p. 50-51]. Indeed, there is a significant difference between the provision of legal knowledge in educational institutions of general education and the provision of knowledge about the law, state and legislation in specialized educational institutions of legal or judicial direction. Undoubtedly, there are much more auditorium and non-auditorium hours for the teaching of material of legal disciplines in specialized institutions, and, consequently, legal knowledge is fundamental and more profound.

Another scientist, O. Chudinov, proposes to consider legal education as a multi-level system within the state education system. Under such conditions, the system of legal education, according to the author, contains two subsystems:

- general legal, which includes pre-professional general education in the study of educational subjects in general educational institutions, secondary vocational education in the study of educational disciplines in vocational education institutions, higher professional education in non-legal higher education institutions, postgraduate education within the framework of advanced training;

- judicial special-legal education [11, p.107].

If you look at the program document in the field of legal education [10], there legal education is considered as an integral part of the education system and it is emphasized that its provision should be carried out in all pre-school, general, vocational, higher and post-graduate education institutions. In general, both in the legal field and in the statements of scientists, the main element in the system of legal education is educational institutions. Therefore, in the context of our study, it is expedient to consider the system of legal education as a set of institutions of education of different levels, types, forms of ownership, subordination and direction where legal education and legal upbringing are carried out.

According to the State Statistics Service of Ukraine, in 2016 33,244 educational institutions functioned in the country (of which 14,9 thousand – preschool institutions, 16,9 thousand – general secondary schools, 787 – vocational schools and 657 – higher education institutions), where 7018,5 thousand children, pupils, students were studying [9]. Note that these data are given without taking into account the temporarily occupied territory of the Autonomous Republic of Crimea, the city of Sevastopol and part of the zone of anti-terrorist operation. Thus, it can be assumed that annually about 7 million people, mostly young ones, obtain legal knowledge in pre-school, general secondary, vocational and higher educational institutions, develop legal and civic competences, relevant value orientations, skills and abilities. Unfortunately, there are no concrete data on the number of children who receive legal knowledge in institutions of extracurricular education, as well as statistics on the study of legal disciplines by the citizens of the country within the framework of adult education. There is only information about out-of-school education. In particular, the acquisition of legal knowledge in institutions of extracurricular education is carried out in the humanitarian field.

It is worth noting that the system of legal education at the institutional level should be continuous, starting with pre-school education and finishing with institutions of personnel development. Hence, the very first institution of formal education to which the child comes, is the institution of preschool education, the purpose of which, in accordance with national legislation (Part 2, Article 11), is "to ensure the holistic development of the individual, physical, intellectual and creative abilities through training, education, socialization and the formation of the necessary life skills" [4]. In preschool educational institutions, children are provided with basic knowledge of the norms of behavior, skills for their observance are developed, respect for parents, caregivers, peers, elderly people, people with disabilities and others is raised. Children usually get legal knowledge in the form of a game.

Unfortunately, problems in the organization of providing legal knowledge to children in pre-school establishments remain beyond the attention of researchers. Methodological and psychological and pedagogical workouts, recommendations, instructions on teaching elementary legal education and legal education prevail in literary sources in this direction. Although there are certain problems. Thus, investigating the problem of the constitutional and legal provision of the right to education in Ukraine in the context of European experience, O. Melnychuk notes that a child of preschool age, first of all, has to be educated and developed in order to get a sense of self-esteem, thus forming the very person. Each child requires an attitude as to the most valuable being in the world, so it is important not to degrade his/her dignity and not to slow down the development process. Enrolling children to an educational establishment, parents entrust the child's identity, which is vulnerable and in need of support, to the pedagogical staff [5, p. 141]. In fact, the moral experience of the first years of life, as well as the good atmosphere of the environment in the future, determine the mental mood of the child in obtaining new knowledge, including moral and legal.

With the initial legal knowledge obtained in preschool, the child comes to a general education institution, where the formation of the key competencies necessary for every modern person for a successful life takes place. Among these competencies are those acquired through legal education - "civil and social competences related to the ideas of democracy, justice, equality, human rights, welfare and a healthy lifestyle, with awareness of equal rights and opportunities"[4]. To provide legal knowledge to schoolchildren at the state level, relevant curricula are being developed and implemented in the educational process.

The results of the research on the changes that took place in the Ukrainian school legal education in the historical, legal and methodical aspects were made by A. Guz in his work[3]. Considering the times of independence,

he noted that the teaching of law in the 9th grade, which was not a compulsory subject, was initially carried out under the old programs, which had been designed for only one year. This, in the opinion of lawyers, who created a public organization the Union of Lawyers of Ukraine in 1991, was not enough, since children who were 14-15 years must know types of offenses, the particularities of their work, their parents rights and responsibilities for them, etc. Therefore, in the early 90's of the XXth century lawyers began to put forward the thesis of expediency to provide children from 10 years of age (grade 5), necessary legal knowledge, and also to offer a course "Jurisprudence" for seven years, starting from grade 5. Then the main problem was that the teachers who taught this course did not have legal education (mostly historians, although this problem has still not been resolved in the country). In view of this, teacher training legal, judicial, and law-making seminars were held for teachers.

The analysis of scientific literature, which examines the peculiarities of the formation and development of legal education in Ukraine, made possible to identify qualitative and quantitative changes in the introduction of educational legal programs into educational process of schools and to systematize the obtained results. In particular, during the period of independence, programs of such courses have been developed:

- "Jurisprudence", taught in the 1992/1993 academic year in the 9th grade on two programs: "Fundamentals of the Ukrainian State and Law" and "Fundamentals of State and Law of Ukraine";
- "Fundamentals of jurisprudence", a compulsory course, introduced in 1995, was taught in the 9th grade;
- "Human Rights", taught optionally since 1995 in the 10th-11th grades, and from the beginning of the XXI century was offered for specialized schools, gymnasiums and lyceums with in-depth study of law, social and humanitarian disciplines;
- "The Constitution of Ukraine", taught since 1997;
- "Practical Law", taught extracurricular since 1998 in general education schools in the 8th grade as an elective or optional course of study;
- "Jurisprudence for legal lyceums and specialized legal classes", proposed in 1999 (its second version in 2002) for grades 10-11;
- "Jurisprudence. Practical Course", introduced in the 2010/2011 academic year, 9th grade.

At the same time, such training courses as "Civic Education", "We are Citizens of Ukraine", "I and Ukraine", "Ethics", "Children's Rights", "Live by Rules", "We are studying to be citizens", etc. were developed and offered for teaching. All these courses are predominantly taught by the choice of students.

Investigating the system of training law students, L. Ryabovol concluded that "during 1991-2011 the legal education in the main school was affected by certain qualitative (improving the purpose and content on the basis of approaches relevant in pedagogy and jurisprudence) and quantitative (the introduction of a compulsory course, propaedeutic/elective courses) changes" [7, p. 136]. However, the author points out that the problem, which complicates the provision of qualitative legal education, and impedes the process of formation of students' legal competence, is the allocation of only one hour per week to study the course of legal discipline, which affects the students poorly mastering the educational material, they do not produce a positive motivation for learning and responsibility. The same problem is pointed out by other scholars. At the same time, scientists emphasize other problems. In particular, according to I. Smagin, there are certain problems, in addition to the above-stated, facing the authors of new curricula, textbooks and manuals on legal disciplines, namely:

- inconsistency in the theoretical and applied direction of these courses;
- "knowledgeable" and "competent" approaches to the legal education of schoolchildren [8, p. 51].

All the above mentioned makes it possible to conclude that in a general secondary education during the independence years the country has already developed a certain system of legal education and legal upbringing. The general structure of school legal studies, which covers the full period of study at an educational institution (primary, basic, high school), consists of a set of compulsory courses and optional courses, electives, indicating the diversification of legal education curricula. However, during the out-class and extra-curricular time, thematic legal weeks, various legal activities are held in general education institutions, in particular, quizzes for young lawyers, readers' conferences, seminars, lectures, games and contests.

Legal education is further provided by institutions of vocational, advanced vocational, higher education and postgraduate education institutions. Here, scientists, representatives of human rights organizations, and other specialists in the field of law are involved in the teaching of legal disciplines.

Undoubtedly, there are a number of problems in the teaching of legal disciplines in vocational education institutions, among which one can mention: taking into account professional skills, age, social status, psychological peculiarities of students when developing the legal course; the need to develop a variety of complex courses that focus on the interests of a particular group, etc. V. Oliynyk, on the basis of the study of the process of formation of the legal competence of the heads of educational institutions in the system of post-graduate pedagogical education, highlights a number of shortcomings in the content of the course development, in particular: insufficient attention to the problem of the formation of the legal competence of the heads of educational institutions, the lack of a methodology diagnostics of its formation level, etc. [6, p. 17].

A wider list of problems in the functioning of the modern system of legal education in Ukraine is determined by A. Budas, namely:

- small in volume and at the same time complex in content course of jurisprudence at school;

- the transition of law studies in higher education from normative to optional discipline;
- lack of sufficient number of qualified teachers of law disciplines in both secondary and higher education;
- lack of scientific, methodological and educational literature;
- use of outdated forms and methods of teaching legal disciplines in pedagogical practice;
- low coverage of student participation in legal projects of NGOs;
- lack of out-class means of distributing legal information on television and radio, etc. [1, p. 196-197].

Thus, the analysis of the state of functioning of the legal education system in Ukrainian educational institutions allowed to determine the quantitative (definition of structural elements of the legal education system, the number of educational institutions and the number of students in them, training courses, activities, etc.) and qualitative changes in its structural components (the genesis of the improvement of the purpose, task, content, methods, approaches to law-education activities). In addition, this allowed to clarify the role of public administration in the organization of law-education activities, which involves both state bodies and associations of citizens.

The study does not exhaust all the issues of the mentioned problem, but only opens up prospects for a more in-depth study of objective and subjective factors that influence the efficiency of public administration in legal education in Ukraine and the effectiveness in obtaining the required level of legal awareness of the population.

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3.12. RECENT DEVELOPMETS IN MULTIMODAL TRANSPORTATION OF GOODS: LEGAL ISSUES

A constantly growing intercontinental trade and modernization of transport infrastructure transformed the traditional patterns of carriage of goods globally. The majority of manufactured goods nowadays are transported in by sea in containers; however, transportation by land precedes and follows the sea carriage. These developments have created the preconditions for the development of multimodal transportation, which implies door-to-door delivery of goods by different modes of transport under a single contract (1).

Multimodal transport developed in connection with the "container revolution" of the 1960s and 1970s and by the end of the 20th century containers were carrying over 95 percent of general cargoes moving between the continents and the percentage of other cargoes carried in containers was increasing as well (2). However, it is important to

emphasize that multimodal transport is not equivalent to container transport; multimodal transport is feasible without any form of container (3).

Multimodal transport means the transportation of goods under a single contract, but performed with at least two different means of transport; the carrier is liable (in a legal sense) for the entire carriage, even though it is performed by several different modes of transport (e.g. by rail, sea and road). The carrier responsible for the entire carriage is referred to as a multimodal transport operator. In practice, freight forwarders have become important multimodal transport operators; they have moved away from their traditional role as agents for the sender, accepting a greater liability as carriers. Large sea carriers have also evolved into multimodal transport operators; they provide customers with so-called door-to-door service. The sea carrier offers transport from the sender's premises (usually located inland) to the receiver's premises (also usually situated inland), rather than offering traditional tackle-to-tackle or pier-to-pier service (4).

It should be noticed that multimodal transport is not the only term used for the combination of various modes of carriage for a single transport. Other terms that are used in legal literature are combined carriage, intermodal carriage, multimodalism and intermodalism. In this paper these terms will all be considered synonyms of multimodal carriage although some authorities interpret them differently (2, p. 5).

Multimodal transport research is being conducted across a wide range of government, commercial and academic centers. Researchers have been investigating multimodal transport from various aspects, but mainly on multimodal transport planning, management, and sustainable development (Kindred and Brooks, Bock, Zhang et al., Feng et al., Caraianni et al. and others). Legal issues of multimodal transport system evolution have been investigated by Hoeks, Kurosh Nasser, Donovan, Butakova N. and others. To sum up, grasping the multimodal transport system recent developments and legal issues has important significance.

By reason of the envisioned dimension of the research, the topic of discussion will be limited to multimodal transport of an international nature and of European orientation. The purpose of this paper therefore, is to highlight the legal issues, trends and challenges concerning multimodal transport development with a view to encouraging similar practices in terms of multimodal transport development in Ukraine.

The international transportation of goods by various modes of transport (air, rail, road and sea) is governed by national laws and international conventions designed to regulate unimodal transportation, i.e. the carriage of goods by one particular mode of transport. Within each mode, the international carriage of goods has been governed increasingly by international conventions (5).

In particular, land carriage is regulated by the Convention on the Contract for the International Carriage of Goods by Road (CMR) (6); air carriage is regulated by the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on 12 October 1929 (Warsaw Convention) (7) and the Convention for the Unification of Certain Rules for International Carriage by Air, signed at Montreal on 28 May 1999 (Montreal Convention) (8); sea carriage is regulated by the Hague Rules (9), the Hague-Visby Rules (10) and the Hamburg Rules (11) (the Rotterdam Rules are still pending¹) (12); rail carriage is regulated by the Convention concerning International Carriage by Rail (COTIF) (13) and inland waterway carriage of goods is regulated by the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI) (14). 3

Because there is no international convention that regulates multimodal carriage specifically, it can be quite a task to determine which rules apply in case of a dispute stemming from this type of transport. The current legal landscape is rather fragmented when it comes to the multimodal carriage contract; the existing international carriage conventions focus on specific types of unimodal carriage and thus cannot, and do not, regulate typical multimodal carriage difficulties such as unlocalized loss. Some of the carriage conventions have incorporated provisions dealing with multimodal carriage however. Therefore it is possible that, under certain circumstances, one of the unimodal carriage conventions does apply to a claim stemming from multimodal carriage. Of course, if none of the carriage conventions covers the situation at hand, it becomes necessary to determine which national regime applies. Unfortunately not all national systems entail specific rules on multimodal carriage, so the consequences generated by one national regime may be quite different from those generated by another. The substantive law of a country, the national legal regime, includes not only its purely national legislation but also the international law, the treaty law to which the country has bound itself (2, p. 89).

From a legal standpoint, multimodal transport creates several problems. The existing transport conventions deal with one specific mode of transport, such as sea, road, rail, air and inland waterways, while an international mandatory convention related to multimodal transportation is lacking. The previous attempts to create an international legal instrument to govern this type of carriage have not been successful (1).

During its 1911 and 1913 conferences the Comité Maritime International (CMI) devoted some attention to the subject of through carriage. These resulted in the Code international d'affrètement which regulated multimodal carriage insofar as it included a sea leg. This proposal was rejected however on the basis that it would lead to a total eclipse of through transport if the last carrier were to be burdened with the liability for the entire transport. After a

¹ The COTIF-CIM was updated by the Vilnius Protocol of 1999, the Warsaw regime is to be replaced by the Montreal Convention of 1999 and the Hague, Hague-Visby and Hamburg regimes are meant to be replaced by the Rotterdam Rules, the UNCITRAL Convention on the Carriage of Goods Wholly or Partly by Sea of 2009.

short period of calm the Institut international pour l'unification du droit privé (UNIDROIT) started work on a multimodal regime in the 1930's but legislation in this area was not really considered a priority until after the introduction of container transport on a large scale. The result of UNIDROIT's work were the Bagge Draft in 1948 and a draft containing a pure network system in 1961 inspired by the CMR which, with some modifications, was transformed into the UNIDROIT Draft in 1965. In its wake the CMI decided to start a thorough investigation into the legal problems surrounding multimodal carriage. Based on the replies to a questionnaire a series of draft conventions were designed, which ultimately resolved into the Genoa Draft Convention in 1967 and the Tokyo Rules in 1969. Although they were only a few years apart in the making the UNIDROIT's 1965 Draft and the CMI's 1969 Tokyo Rules differed in many respects. While the UNIDROIT Draft was based on the international road carriage law of the CMR and governed combined transport of goods by containers, the Tokyo Rules followed the maritime liability regime of the Hague Rules and again governed only combined transport involving a sea leg. Both the CMI's Tokyo Rules and the UNIDROIT Draft were considered during a round table meeting convened by UNIDROIT in 1970, which resulted in the adoption of a reconciliation of both regimes named the Draft Convention on the International Combined Transport of Goods, or the Rome Draft of 1970. The 1970 draft in turn was the subject of discussions and negotiations at joint meetings of the ECE and IMCO, which resulted in yet another draft convention; the TCM Convention of 1972. In spite of long years of preparatory work this draft suffered the same fate as its many predecessors as it failed to mature beyond the proposal stage. This failure has been attributed to the fact that the TCM Draft contained dispositive law and failed to express a consensus as to which liability regime should be the basis of the future convention since it contained both a proposal for a network approach as well as a proposition for a uniform liability system. Nevertheless, the largest problem seemed to be the opposition of developing countries. The developing countries opposing the TCM regime were invited to express their objections and further studies on several aspects of multimodal transport were to be carried out by the UNCTAD. Several more years of negotiations for a new instrument within an International Preparatory Group created by UNCTAD ensued. Only when the Hamburg Rules were concluded in 1978 did the drafting process take a turn for the better. The Hamburg Rules were used as a template from which the multimodal regime only deviated where it was necessary to include specific provisions for multimodal transport (2, p.16).

On May 24, 1980, the United Nations Conference on Trade and Development (UNCTAD) adopted the Convention on International Multimodal Transport of Goods (15). Although this Convention – like all previous efforts – never made it to the finishing line, at least it came very close. This Convention has not yet entered into force. According to Article 1.1. of the Convention on International Multimodal Transport of Goods the definition of multimodal transport was shaped as follows: "International multimodal transport' means the carriage of goods by at least two different modes of transport on the basis of a multimodal transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery situated in a different country".

This way of defining multimodal transport emphasizes the fact that the carriage is based on a single contract concluded by a carrier or 'multimodal transport operator', endowing him with a carrier's liabilities. A contract which only provides for the linking of modes by combining contracts, which is typical of arrangements made by freight forwarders, falls outside the parameters of the multimodal carriage contract (2, p. 5).

The Convention on International Multimodal Transport Convention entails a mandatory uniform carrier liability system which envisages the issuance of one transport document for the entire transport and for the liability of the multimodal transport operator, to cover the whole period during which he is in charge of the goods. But even though the deliberations on the Convention were attended by representatives of more than 80 States, 15 specialized agencies and intergovernmental organizations and 11 nongovernmental organizations, and the Final Act of the Conference was signed by approximately 70 States, including many of the major shipping countries, it still failed to enter into force due to an insufficient number of ratifications (2, p.17).

Since no international uniform law regime has been able to make it to operant status, contractual standard rules, such as the ICC Uniform Rules for a combined transport document, have flourished. This set of contractual standard rules is based on the Tokyo Rules and the TCM Convention. They have gained worldwide recognition and have been incorporated in several widely used standard transport documents such as the International Federation of Freight Forwarders Associations (FIATA) combined transport bill of lading and the FIATA /INSA Combidoc. In 1992 they were replaced by another set of successful contractual provisions for multimodal transport documents; the UNCTAD/ICC Rules (16), which are based on the Hague Rules and the Hague-Visby Rules as well as existing documents such as the FBL and the ICC Uniform Rules. This standard set of contract rules attempts to fill the gap in the field of international multimodal transport liability legislation that was to have been filled by the United Nations Convention on International Multimodal Transport. They have also been incorporated in widely used multimodal transport documents, amongst which the FIATA FBL 1992 and the the Baltic and International Maritime Council (BIMCO) Multidoc 95. Although these Rules give the impression of simplicity, they lack the stature of mandatory international legislation. They cannot set aside the compulsory rules of international conventions. The result is remaining uncertainty in terms of liability and legal position. The Rules apply when they are incorporated into a contract of carriage, in whatever form this is made, in writing, orally or otherwise, by reference to the 'UNCTAD/ICC Rules for multimodal transport documents' (2, p.19).

The most recent in an ‘unconventionally’ long list of attempts to regulate multimodal transport uniformly is the UN Convention on Contracts for the International Carriage of Goods wholly or partly by Sea (the “Rotterdam Rules”, was adopted by the General Assembly on 11 December 2008). The Convention, establishes a uniform and modern legal regime governing the rights and obligations of shippers, carriers and consignees under a contract for door-to-door carriage that includes an international sea leg. The Convention builds upon, and provides a modern alternative to, earlier conventions relating to the international carriage of goods by sea, in particular, the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (Brussels, 25 August 1924) (“the Hague Rules”), and its Protocols (“the Hague-Visby Rules”), and the United Nations Convention on the Carriage of Goods by Sea (Hamburg, 31 March 1978) (“the Hamburg Rules”). The Rotterdam Rules provide a legal framework that takes into account the many technological and commercial developments that have occurred in maritime transport since the adoption of those earlier conventions, including the growth of containerization, the desire for door-to-door carriage under a single contract, and the development of electronic transport documents. The Convention provides shippers and carriers with a binding and balanced universal regime to support the operation of maritime contracts of carriage that may involve other modes of transport.

Because of the lack of an international convention on multimodal transport it is difficult to determine at the outset of a multimodal transport what – international and/or national – law will apply to the contract as a whole or to its various parts. Which regime is deemed applicable depends on a myriad of factors; the nature and the extent of the multimodal contract, which modes of transport have been accounted for in the contract and in what way, what documents have been drawn up, the addressed court’s views on the scope of possibly applicable unimodal conventions, etc (2, p.11).

With no international convention applicable to contracts for the multimodal carriage of goods, such contracts are usually governed by the so-called ‘soft law’; the United Nations Conference on Trade and Development and International Chamber of Commerce Rules 1992 are frequently referenced in multimodal carriage contracts. Some jurisdictions also have their own instruments which address the matter at a regional level, such as Decision 331/1993 of the Andean Community, which was later partially modified by Decision 393/1993 (collectively, the ‘Andean Multimodal Regime’ (AMR)) (17).

A noteworthy example of the existing confusion surrounding multimodal contracts and the manner in which courts handle this legal jungle are the two instances of the English case known as *Quantum* (see *Quantum Corporation Inc. and others v Plane Trucking Ltd. and Another*, [2001]) (18). It seems clear that differences in opinion such as these between the German, Dutch and English courts of law, and even between the courts of these countries among themselves, underline that the law which is applied to a multimodal contract is uncertain at the outset; it depends on which court is addressed and how the scope of application rules of the potentially applicable regimes are interpreted by said court (2, p.28).

Countries worldwide have implemented a series of policies to encourage the development of multimodal transport. In 2011, the EU Commission claimed “Roadmap to a single European transport area - towards a competitive and resource-efficient transport system” to further promote the development of sustainable transport and improve the service of intermodal transport chain (19).

The strategic document “Roadmap to a single European transport area - Towards a competitive and resource-efficient transport system” presents the Commission’s vision for the future of the EU transport system and defines a policy agenda by 2050. The European Union policy White Paper introduces the principles for the development of the European transport infrastructure. It defines a two-layer European transport network for the rail transport (separately for passenger and freight transport), road network, sea and inland waterways, air infrastructure and infrastructure for multimodal freight transport (bi-modal and tri-modal terminals). The key proposals concerning multimodal transport of goods (e-Freight) are as follows: to create the appropriate framework to allow for tracing goods in real time, ensure intermodal liability and promote clean freight transport: put in practice the concepts of ‘single window’ and ‘one-stop administrative shop’; by creating and deploying a single transport document in electronic form (electronic waybill), and creating the appropriate framework for the deployment of tracking and tracing technologies (RFID, etc.); ensure that liability regimes promote rail, waterborne and intermodal transport.

This will also concern the deployment of smart mobility systems, such as the air traffic management system of the future (SESAR), the European rail traffic management system (ERTMS) and rail information systems, maritime surveillance systems (SafeSeaNet), river information services (RIS), intelligent transport systems (ITS) and interoperable interconnected solutions for the next generation of multimodal transport management and information systems (including for charging), definition and deployment of an open standard electronic platform for vehicle onboard units, performing various functions including road charging.

In relation to Ukraine, the TEN-T extension to Ukraine is already included in the Association Agreement. In recent years, Ukraine has also begun to focus on the development of a comprehensive transport system, to make the advantages of a variety of modes be one system. According to Ukrainian Transport Policy development of draft law on multimodal transport is determined as a priority.

In 2014 the European Union and Ukraine signed an Association Agreement that constitutes a new state in the development of EU-Ukraine contractual relations, aiming at political association and economic integration (20). Chapter 7 of the Agreement includes provisions for transport cooperation in order to promote efficient, safe and secure

transport operations as well as intermodality and interoperability of transport systems. According to Article 369 this cooperation shall cover development of sector strategies in light of the national transport policy (including legal requirements for the upgrading of technical equipment and transport fleets to meet the highest international standards) for road, rail, inland waterway, aviation, maritime transport and intermodality, including timetables and milestones for implementation; development of the multimodal transport network connected to the Trans European Transport Network (TEN-T) and improvement of infrastructure policy; promotion of the use of intelligent transport systems and information technology in managing and operating all modes of transport as well as supporting intermodality etc.

The major impact of the Association Agreement on multimodal transport development can be categorized as approximation Ukrainian standards and policies with EU policies; improving the movement of passengers and goods; increasing fluidity of transport flows between Ukraine, the EU and third countries; removing administrative, technical, cross border and other obstacles; improving transport networks and upgrading the infrastructure; the liberalization of transport market; extension of the TransEuropean Transport Networks TEN-T.

So, after the overview presented above it is obvious that EU policy promotes services for multimodal logistics for a resource-efficient transport. To meet the requirements for a seamless multimodal transport system, new technical solutions should be promoted concerning infrastructure and vehicles. As for Ukraine, legal framework process concerning multimodal transport activities, multimodal transport operators and multimodal carriage contract, as well as the system of liability for multimodal transport operators is slow and facing many pitfalls both in the drafting of the law and its adoption. Lack of regulation of road and inland waterway transport is having serious impact on multimodality. So it is necessary to eliminate existing barriers to logistics and multi-modal solutions within the framework of national corridors and integration to TEN-T.

From a European perspective, the only uniform law relevant to multimodal carriage at this point of time is the framework of international carriage conventions. All of these conventions deal with the carriage of goods by only one specific mode of transport. But still the problems do not end there. The transition areas, the places where the regimes are stitched together, cause difficulties as well. When exactly for instance does the sea stage end? Is storage in the port area accessory to the carriage, is it absorbed by the carriage contract, or is it perhaps a part of the contract that is not covered by transport law at all (2, p. 28).

The results show that the transport sector is rapidly transforming itself into a highly integrated. It is a systematic combination of railway, road, water transport, aviation, and other traditional transport modes that can take advantages of each individual transport mode and achieve higher efficiency. However, despite being one of the main types of transportation, multimodal carriage of goods is not regulated at the international level. A thorough investigation of the existing framework of multimodal transport law, the rules of private international law and the options provided by choice of law based on a contractual condition.

As for Ukraine, one of the worst transport problems is the failure to adopt a uniform law on multimodal transport so there is no legal base for multimodal transport system development. There is a need to raise transport efficiency legislation in order to better integrate road, rail, air and waterborne travel (sea and inland waterways) into a seamless logistics chain. Although, the primary requirement for multimodal transport development in Ukraine will include the development of multimodal transport terminals across the country, such as terminals that consists of rail, water, road cargo handling facilities. Moreover, the draft transport policy would be expected to establish the regulatory regime for multimodal transport by regulating the level of competition between multimodal transport operators within the same mode, for this is not the current practice in Ukraine today.

In conclusion, the main recommendations tend to suggest a future development of the multimodal transport towards further integration, better implementation and an attractive investment mechanism.

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3.13. ESTABLISHING THE DIRECTION AND DISTANCE OF THE SHOT

The first Criminal Procedure Code specifically related to the use of firearms was issued by the Austrian Emperor Joseph I. A lawyer introduced by him in the early 18th century stated that during the investigation "be the weapon of murder, note the quality of the bullet and, if possible, compare it to the wound "(paragraph 5, article 3).

Investigational practice shows that site inspections where firearms were used as a weapon for committing a crime are characterized by a particular complexity¹.

The shot marks are the result of the interaction of the bullet (or balls) with a barrier. This interaction results in various types of damage (piercing), which depend on the type and caliber of the weapon, the type and battle of the cartridge, the distance from which the shot was made, the physico-chemical characteristics of the destroyed barrier, etc. Parallel to the mechanical action of the bullet (or shotgun) on the resulting damage and injuries affect the products of burning - hot gases, gunpowder and metal particles, gun lubricant and others.

The first task the investigator has to solve by shooting is to answer the question of whether an aperture is a pierce. To do this, make a thorough look at the damaged area and then take samples for chemical analysis. In the case of blind spots (without exit aperture), a bullet, a ball, a plug or parts of them must be searched at the bottom. If there is a two-sided orifice in a thick bulkhead, it can be said that it is a missile from a firearm, provided that the diameter of the inlet is smaller than the exit. Hatching shotguns are also very specific, especially if they are shot at a lesser distance. Most of the holes in these cases are concentrated in the center and a smaller part around it. Breakthroughs on clothes may be holes in irregular shape, but in most cases, when a weapon is used, tears are produced in two mutually perpendicular directions. These ruptures are usually due to the mechanical action of the gunpowder that spreads over a larger area.

After determining the nature of the mechanical damage and its origin, chemical and physico-chemical testing of the deposited products is made around the inlet opening of the piercing belt and the belt. These deposits contain fine particles of unburnt gunpowder, chlorine compounds from the capsule composition, metal dust from the mechanical rubbing of the bullet with the barrel groove and the cartridge. The particles together with the gunpowder form a gas cloud that has different shapes and densities. If the cannula of the weapon is worn, an uneven friction of the bullet occurs, as a result of which deposition products contain more iron, copper, zinc, tin, antimony, lead, nickel and other metals.

¹ See Bikov, Angel. Forensic science. Sofia, Trud, 2011, p. 242.

The gas cloud has the greatest density at the outlet of the barrel, then quickly dissipates. With the use of fire and hunting firearms, deposition is possible at a distance of up to 250 cm, which is established by means of a renderofluorescence and neutron activation analysis. In some literary sources, a distance of up to 50 cm is indicated, but these data are obtained only as a result of chemical research. The characteristic features of the puncture, the sweeping belt and the deposition of them can be used to determine the type of weapon and the distance of the shot. This type of research is essential for close distances when it is necessary to determine the circumstances in which the shot was made. On the other hand, by determining the distance at a close shot, the expert can answer the question of the caliber weapon, the inlet and outlet aperture, the mutual arrangement of the weapon and barrier, and so on. To do this, experimental shooting is carried out at different distances and the tracing and tracing patterns are tracked. These results may indirectly be used by the investigation authorities to clarify the circumstances of a crime - murder or suicide, deliberate harm or accident, and so on.

A modern method for determining the distance of the shot, the type and the caliber of the weapon on the basis of the metal traces around the piercing offers J. Kolev. For this purpose, the author uses an X-ray spectrometer and a special crystal analyzer. As a result of a large number of experiments, specific data were obtained for the determination of the major types of hand firearms (small caliber pistols and carbines, calibration pistols of 6,35, 7,62, 7,63, 7,65, 9,00 and 9, 00 Makarov, caliber fighting rifles 6,50, 7,62 and 8,00 mm, hunting rifles of caliber 10, 12 and 16). The developed method makes it possible to draw a general conclusion that the deposition of the metallic traces takes place under a strictly regularity, although the factors that determine it are different. In cases where two or more punches (relatively close to each other) are caused by a bullet, the sighting method is applied - a laser beam is passed through the piercing to trace the bullet trajectory and depending on the distance of the bullet shots to determine with greater or lesser accuracy the location where the shooter was.

The distance of the shot in a hunting weapon can also be determined by the diameter of the scattering on the hit barrier. For example, when shooting with a hunting weapon, caliber 12 and 16, the diameter of the ball is from 7 to 12 cm. However, this dependence is influenced by some side factors to be considered in the experimental studies. With regard to the weapon, these are the caliber and the peculiarities of the surface of the barrel, and, in terms of ammunition, the type and quantity of gunpowder, the shape and diameter of the balls, the type and quality of the gunpowder, and so forth. These factors have a significant effect on the diameter of the bladder distraction at distances greater than 5 meters, so in these cases, the expert should be more careful in conducting and evaluating the experimental firing.

The traces of the shot, and especially those resulting from the mechanical interaction of the bullet (or shotgun) with the broken bullet, can be used to determine the number of bullets passed through it and the location from which the shot was produced. Most often these data are detected by a simple view and, if necessary, by microscopic examination. However, determining the direction of the shot depends on the broken barrier. When the bullet passes through the damaged bulk, it draws particles of it (which are moving in the direction of the shot) and comes out with them, therefore the diameter of the exit aperture is usually larger than the diameter of the inlet. In other cases - in the case of metal partitions - the piercings are bent in the direction of the shot.

Forensic science and forensic medicine differ in three distances:

1. A shot from the stand - the weapon's weapon is touched by the body.
2. Short shot - action of the designer and additional factors.
3. Shot from a distant (near) distance - action of the project only.

The characteristics of the shot are determined mainly by the mechanical action of the gases. They penetrate before and after the designs, exerting immense pressure on tissues and increasing the size of the entrance wound. That's why when the shot is stopped, the entrance wound is usually larger than the exit, because of the action of the gunpowder gases.² The morphological type the entry wound at a shot from a standstill depends on the position of the weapon to the body. In the case of a tight (hermetic) stop channel, it is a continuation of the barrel channel of the weapon, so all additional factors enter the wound channel. Nevertheless, there is always a blackening around the edge of the entrance wound.

In case of a shot, especially in the case of short arms (pistols, etc.), as a consequence of the entry of the gases into the entrance wound, undercutting, raising the skin and striking the barrel in the barrel can result in a footprint, injuries, wound), by the action of parts of the weapon located near the barrel. When a bone mat is present, a torn star wound with a different number of rays is produced, at the center of which there is a round wound and a wringing and blackening belt. In a mouth-to-mouth shot, explosive gases cause distinctive rays with reddening in the corners of the lips, and the skull and the brain can explode explosively.

² This is the reason for not a few mistakes in practice. Such a mistake was made in the oral conclusion of the doctors who first participated in the survey of the corpse of Lora Karavelova. The tragedy led Yavorov to attempted suicide the very night he was found heavily injured in the right temple, and gave rise to many attacks on the poet. Thanks to the precise work of the investigator I. Bozhilov had in time proved Yavorov's innocence. By the conclusion of suicide, the re-forensic medical examination with the participation of Dr. At. Todorov, later professor and founder of forensic medicine in Bulgaria. The conclusion made after the autopsy of the corpse of Lora was explicitly stated that "the bullet road has a direction from the front to the front ... and that the appearance and condition of the chest wound gives reason to assume that the shot is produced with a duct touched to the chest." (See Tzekov, Tzeko. Forensic science. Sofia, Ciela, 2006, p. 296.

In the case of a hinged duct (unhealthy stubble), some of the gases squeeze between the dull cut and the surface of the body or clothing. In the presence of a compensator, additional fumigation is obtained, the number of which corresponds to the number of its apertures.

For a near-shot shot, additional factors are:

1/ Explosive gases. They have the:

a) Mechanical action - tears the tissues and can form irregular multiple-lesioned entry wounds (under underlying bone);

b) chemical action - CO is associated with hemoglobin in the underlying tissues and muscles (diameters 5-10 cm);

c) Thermal action - less frequently.

2/ Flame - Hair scrub, burning the skin around the wound or the clothes.

3/ Sooty - black, impregnating the skin around the entrance wound, forming a ring of blackening. Soot dust particles contain mainly metallic particles: from the decomposition of the capsule composition, from the cartridge, from the designs, sometimes from the barrel.

4/ Lubricant - detected by ultraviolet light.

5/ Unburdened particulate matter and metal particles (from the cartridge, capsule, barrel, and projections) - crack in the skin around the entrance wound, forming scarred abrasions and bruises.

From the distance of the shot and the charge depends on whether all or just some of the additional factors will work. The maximum distance to which gunpowder and large metal particles are flying and depositing is the boundary between close and near-shot. The scattering area allows them to determine the distance of the shot.

For the detection of near-shot traces, their character and features are used special methods:

- immediate microscopy - for deposited gunpowder and other particles in clothing, leather;
- histological examination - special staining for metals (lead, iron, copper);
- chemical and other methods - for particulate matter, soot, metal particles and carboxyhemoglobin;
- contact-diffusion method (color fingerprint method) - identification of metal particles on hands, clothes,

skin, type and topographic location.

Metal particles are also detected by spectrograph (emission), X-ray fluorescence or neutron-activation analysis, and in microscopy. Particularly useful is the X-ray fluorescence analysis for close proximity detection, as it is non-destructive in addition to its high sensitivity, accuracy and speed. Proofing of soot, gun lubricant and others is done by photographing objects with infrared rays, but on a projectile, shot or debris shot, incl. and the direction of the wound channel is by X-ray examination.

Balls come out of the barrel of the weapon in a solid beam and gradually disperse like a cone. Bore wounds are small and have all the features of the entry guns. Depending on the distance of the shot, the balls fall into a bundle and act as a single contact projectile - causing a round wound with no tissue widening. 2-3 cm. In the body the balls are scattered and form many channels. Very rarely, there are starting wounds. At greater distances, there are a number of separate injuries without or with a central wound. In order to determine the distance of the shot, the distraction between the injuries must be measured. To determine the distance for a particular rifle and shot type, the same quantity and quality of gunpowder must be used by experienced shots.

For long distance shots:

A. The gunshot wound on the skin at perpendicular penetration is characterized by:

(a) a round or oval wound with loss (loss) of tissue ("minus tissue").

(b) a ring (s) of widening (contusion ring) of a width. 1 to 3 mm. The width of the ring and the size of the missing tissue of the entry wound depend on the design speed - the larger the defect is, and the ring of the wound is narrower.

(c) a rubbing ring (smearing ring) which is deposited on the bush ring mainly on its inner edge - a grayish-black ring, which should not be mixed with the action of the additional factors.

B. The exit firewall in shape may not be distinguished from the entrance, more often it is a sloping-irregular, star-shaped, round, etc., but as a rule without a ring of scuffing and smudging.

An annoying channel is the way the project passes. It gives directions on the direction of the injury, it is studied positively. It is characteristic in perpendicular passage through flat bones - the diameter is approximately the same as that of the outer plate design.

Guns, bullets, sleeves, shot balls, etc., seized from the scene. Cartridge filling made by hand or factory is packaged according to the accepted rules for the packaging of material evidence and sent for expertise in ballistic labs. Traces of material evidence relating to firearms offenses are the subject of a forensic-ballistic expertise that can provide answers to the following issues, in particular on the traces of the shot:

1. Is a defeat given by a firearm affected by the object?
2. What type of weapon is the defeat on the body / object?
3. From what distance was the shot produced?
4. Are there any signs of a close shot on the object or clothes of the victim?
5. From which place was the shot produced?

6. In what direction was the shot produced?
7. Is the wound indicated on the victim's body (entrance or exit is the aperture on the object)?
8. Did the defeat of the bullet have occurred?
9. What is the defeat - bullet, shot, etc?

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3.14. UNEMPLOYMENT AS SECURED SOCIAL RISK AND ORDER OF OBTAINING FINANCIAL COMPENSATION RIGHT

The concept of "unemployment" is used for the first time in Britain in 1911, but the phenomenon itself appeared in the free economy long before that. In the Republic of Bulgaria, the regulation is advocated with the adoption of the Act on job placement and unemployment Social security in 1925. Unemployment is a basic feature of modern industrial societies, in which the economy reacts to changes in production and consumption through the dynamics of supply and demand.

Unemployment is a socioeconomic phenomenon for market economy in which a part of the active workforce desires to work, but cannot find job. The exact sign and criterion for unemployment determination is made by means of the norm and legislation of the State concerned. In Bulgaria, as unemployed are considered to be persons who are aged from 16 to the age of retirement, registered in the Labour offices. Unemployment, as a phenomenon, is typical for societies that include free market initiative and free labour market, where the free workforce is supplied and demanded depending on the objectively emerging necessity of each market entity. Function of the State is to regulate the market so as to ensure the constitutional right of the Bulgarian citizen, pursuant to Article 48, Para. 1 of The Constitution "The citizens have the right to engage in work. Concern of the State is to create the conditions for carrying into effect this right¹.

The Legal regulation of unemployment as secured social risk is contained in number of Legal acts, as the basic ones are: Social Insurance Code (SIC - Article 54a - 54g), Ordinance for the Award and Payment of Benefits in the event of Unemployment (OAPBU), Regulation for Promotion of Employment (RPE) and Rules for Implementing the Regulation for Promotion of Employment (RIRPE), Employment Agency Rules of Procedure (EARP). They are created to implement the fundamental constitutional Law in the Republic of Bulgaria relating to the unemployed citizens and their welfare².

The Unemployment as a secured social is not legally defined. According to the Bulgarian Legislation, it is governed as a contingency, in the event of which a person becomes unemployed due to the termination of employment or other legal relationship connected to actual employment that is provided an obligation for unemployment security. The occurrence of the social risk "unemployment" is connected to the emerge of adverse effects on an secured entity, caused by termination of employment and his/her removal of the security entity's register. These effects are being expressed by the lack of work-related income, deterioration in his social status and emergence of financial difficulties for his/her family³.

Characteristic features, which define the term "unemployment" are:

- performance of a person;
- termination of the labour relations, relating to employment consideration and compulsory insurance for unemployment social risk;
- a condition of objective incapability for getting started new labour activity;
- expectation and willingness for starting new job of the labourer

By § 1, item 3 of RPE it is created legal definition of "unemployed person", defined as "active jobseeker". The content of this definition includes compulsory requirements to the persons in this category such as: the person to be registered in the Labour Office, he/she must not have refused an appointment to employer, organized by the Labour office as well as visited employers on their own⁴. "The unemployed" is the unemployment secured PhE (Physical Entity) to whom the risk "Unemployment" has been realized and from being secured social risk it has become a contingency.

The right of registration is regulated via the provision of Art. 18, para. 1/RPE, according to which each Bulgarian citizen at age 16 and above as well as every another person who is citizen of a Member-State of the European

¹ Constitution of the Republic of Bulgaria (Art.48)

² Constitution of the Republic of Bulgaria (Art..51, para.2)

³ Mrachkov V., Social Security Law, 2003г., Sofia, Sibi

⁴ Regulation for Employment Encouragement (§1, i.3)

Union, or another State-Party of the Agreement on the European Economic Area and who actively looks for a job can be registered in Employment Agency (EA)⁵.

The Employment Agency via Labour office Directorates directly implements services related to the registration of entities in search of job, which is regulated by the text of Art. 18, Para. 1 and Para. 2 of EARP. The registration is implemented personally by the use of permanent or current address of the entity at Labour office Directorates. The registration of the unemployed is implemented in a special register in which are enlisted the personal identity data, the amount of the occupational record and service, ground for termination of the employment service, including the reasons led to that termination. For each entity a personal registration card and a note are established for presenting at the proper National Social Security Institute (NSSI) which are necessary for establishing the subjective right for financial benefits.

Category of insured persons against the risk "Unemployment"⁶.

The group of persons with rights for benefits falls into the following categories:

- Employed people with employment contracts for period more than 5 years or 40 hours per month;
- Civil servants, judges, prosecutors, public bailliff, investigators, members of the Supreme Judicial Council, inspectors at SJC;
- Army personnel under the Defence and Armed Forces Act of the Republic of Bulgaria, public servants under the Ministry of Interior Act;
- Contractors for management or control, receivers and liquidators of all types of limited companies - general partnership, OOD, EOOD, OOD, AD and EAD.
- Sole-trader contractors engaged to work from 01.01.2007 and managing and control contractors of unincorporated businesses (Art. 357 of Obligation and Contracts Act)
- Persons on elective posts who receive rewards (Mayors, Aldermen) and servants of the Bulgarian Orthodox Church and the others registered religions by the Religious Denominations Act (only in case of received reward).

The unemployment compensation in its law meaning is a periodical financial payment made by State Social Security which replaces the lack of labour income, earned from a labour activity due to contract termination prejudged compulsory security. The last mentioned partly compensate the reward loss earned from labour activity when unemployed as a result.

For acquiring financial compensation right when unemployment occurs a requirement is created for minimum period of compulsory social security for all security events. The prerequisite for social security and the requirement for occupational record are contained in the Regulation of Art. 54, para. 1 of Social Security Code (SSC). This text contains the compulsory condition for the shown group of persons to have made or owe social security contributions for all secured social risks for at least 9 months during the last 15 months before termination of the social security. This period of time is the required amount of occupational record serviced immediately before the termination of the social security.

Next requirement, predicted by the lawmaker, concerns the released from work person who must not to have started working for which to be liable to social security.

Another prerequisite that must be available is the person not to be pension granted for occupational record and age or early pension.

Absolute prerequisite is the unemployed person to be registered as unemployed at the proper Labour office by permanent or current address. In cumulative realization of the mentioned prerequisites emerges the right for financial compensation at unemployment. The unemployment financial compensation is granted on the basis of registration form to NSSI by permanent address of the unemployed. The registration form together with the compulsory applications must be deposited personally to the proper NSSI. On the basis of the deposited requests for granting of unemployment financial reward, the competent administrative authority shall act by injunction.

When the registration form is deposited in 3 months period from the date of social security termination, the compensation is paid from this date. When exceeding the regulated 3-months period for duty justified reasons, certified with a formal document, the required compensation is granted from the date of social security termination, too. In cases of exceeding the period for unjustified reasons, the starting date of unemployment social security financial compensation is made equal to the date of depositing the registration form at NSSI. The unemployment financial compensations are granted monthly during the month following that to which they refer to. When receiving a compensation for temporary work disability or compensation for unemployment due to legal act, the unemployment compensation is liable to suspension according to the regulation of Article 54 of SSC. The payment is renewed from the day of discounting the cause of suspension for the period left. The procedure for suspending and renewing the unemployment financial compensations is formed on the basis of the declarations of the unemployed person who declares the beginning of the pointed out circumstances within 7 days.

Amount of the financial compensation and payment periods.

⁵ Regulation for Employment Encouragement (Art.18)

⁶ Social Security Code (Art.4)

The daily unemployment financial compensation is 60 per cent of daily average compensation or daily average social security income, on the basis of which social security contributions are deposited or owed to "Unemployment" Fund for the last 24 months that precedes the month of termination of social security and cannot be less than the minimum daily amount of the unemployment compensation, regulated by the Budget Law of the State Social Security per each year. In 2017 this amount is 7.20 lv.

The unemployment financial compensations are paid monthly during the month that follows the month for which the compensation is owed depending on the occupational record duration of the persons (Art. 54c/SSC).

Occupational secured record for the period after 31 December 2001 (years):	Period of compensation payment (months):
to 3	4
from 3 to 6	6
from 6 to 9	8
from 9 to 12	10
over 12	12

Statistics №1.

Economy, is not efficient measure and does not provide a good result. Consicquently, the basic goals must be increase of the competitiveness and social status of unemployed.

The States of the European Union mainly rely on training, guidance and counselling for actually helping the unemployed and 18% of the funds are used for subsidized employment and 74% in Bulgaria-for temporary employment. ***The Datas are for 2015.

Graph: IME

За какво държавите харчат публични средства в подпомагането на заетостта, 2015 г., %
Източник: Евростат



Amount of the financial compensation and payment periods:
State Public Funds Spend for Employment Support:

Source: Eurostat European Union:

18% - Direct creation of Employment

41% - Training

41% - Other politics of Employment Market

Bulgaria:

74% - Direct creation of Employment

12% - Training

14% - Other politics of Employment Market

Statistics №2

Datas of the National Statistical Institute show that the unemployment in Bulgaria is decreasing in the third quarter of 2017 to the lowest level since 2008. For the period July - September the unemployment coefficient computed by the Institute is decreasing to 5.8%. This is the lowest unemployment level since 2008 when the coefficient is reaching 5.6%⁷

The datas of NSI also show that it is observed a tendency of smooth decrease of the unemployment and increase of employment to both, men and women as well as to people of different educational degree, including primary and middle school degree against the background of economical decrease,

Conclusion.

There is a steady tendency in Bulgaria of unemployment decrease during the last two years. Nowadays, the unemployment is at its lowest level seen ever and this circumstance get us back to the levels before the economic crisis.

Despite the positive indications, there still exists the problem with the high share of long-term unemployed persons of the total number of the unemployed ones in the State - nearly 55% in the third quarter. That is more than 110 thousand people who rapidly lose their work qualification and there is a big possibility these people to join the group of discouraged ones (those who do not look for job because they do not think they would find one).

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3.15. GENDER EQUALITY IN THE WORK OF THE SUBJECTS OF PUBLIC ADMINISTRATION

Before we begin to consider my topic, it is worthwhile to determine what is "public administration" and who are its subjects. After analyzing different opinions and views of the notion of "public administration", we can say that this is a set of state and non-state actors of public power, the key structural elements of which are the bodies of state

executive power and executive bodies of local self-government [15]. The subjects, in my opinion, are the bodies authorized to carry out publicly - managerial functions and act in order to ensure both the interests of the state and society as a whole within the limits provided to them by the laws and the Constitution of Ukraine.

Why is this topic relevant today? It is because equality of men and women is an integral part of human rights is the foundation of democracy and social justice, the "face" of the state.

What is gender equality? It is a fair, equal treatment of women and men, ensuring their existence in conditions that in no case narrow or undermine their rights with respect to one another.

XX-XXI centuries have become the era of establishing gender equality, which means the establishment of the foundations of gender balance and gender democracy. Countries of Europe at a fast rate turn into practice long declared provisions that expand opportunities for women, their participation on the basis of equality in all areas of social life which is one of the most important factors of economic and social development. For example, in many European countries governments are headed by women as well as achieved parity representation of men and women in the parliament. Over the recent period, Ukraine has also taken significant steps towards studying and understanding of gender issues. This is done taking into account not only national legislation, but also international documents. This, in particular, the Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; Charter of the United Nations, 1945; Declaration on the Elimination of Discrimination against Women, 1967; Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1949; Convention on the Elimination of All Forms of Discrimination against Women, 1979; Convention for the Protection of Human Rights and Fundamental Freedoms, 1950; Convention on the Elimination of All Forms of Discrimination against Women, 1980; Beijing Declaration, 1995 and others.

A very important step for our country was the adoption of the Constitution of Ukraine in 1996, which approved the new foundations of the organization of civil society, including the principle of equality of women and men. Thus, according to Article 24 of the Basic Law of Ukraine, citizens have equal constitutional rights and freedoms and are equal before the law. There can be no privilege or restrictions on the grounds of race, color of skin, political, and religious beliefs, gender, ethnicity and social origin, property status, place of accommodation, by language or others signs. [7]

The highlight of Ukrainian legislation is also the presence of a large number of laws and regulations that regulate gender equality issues. For example, the high hopes for resolving the issues of gender policy in Ukraine were entrusted to the Law of Ukraine "On ensuring equal rights and opportunities for women and men", adopted in 2005. However, the law is rather a declarative document, because it does not provide a procedure for filling complaints and penalties for the violation of rights. It would also be useful to keep statistics on recorded complaints about the violation of equal rights and opportunities for men and women, as well as the number of punished persons.

An important element of legislation in the field of gender equality is the Decree of the President of Ukraine "On Improving the Work of Central and Local Executive Bodies on Equal Rights and Opportunities for Women and Men" (2005) [10] and the Resolution of the Cabinet of Ministers of Ukraine "On the conduct of gender expertise" (2006) [9]. In 2008, amendments to the Labor Code of Ukraine were introduced, which stipulates that "the collective agreement establishes equal rights and opportunities for women and men" [1]. In addition, in 2008, amendments to the Law of Ukraine "On the Commissioner of the Verkhovna Rada of Ukraine on Human Rights" were introduced, which stipulates that the Commissioner exercises control over the observance of the rights and opportunities of women and men [1]. In 2012, the Law of Ukraine "On the Principles of Prevention and Counteraction of Discrimination in Ukraine" was adopted, which prohibits discrimination on the basis of gender [5], the Law of Ukraine "On Employment of the Population", which provides equal opportunities for all citizens (including regardless of gender) to a free choice of activity [4]. 2012 also marked the introduction of amendments to the Family Code of Ukraine, according to which the marriage age for women under 18 was raised (this is equal to the age of marriage of men) [2]. In 2015, the President of Ukraine approved the National Human Rights Strategy, where one of the strategic directions is "ensuring equal rights and opportunities for women and men" [11].

This list of normative acts regulating issues in the field of gender policy and equality is not exhaustive, but it is now necessary to determine their effectiveness and application in Ukraine, in particular, in the activities of public administration actors.

The issue of realizing equal rights and opportunities of women and men in all spheres of society's life is entrusted to: Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine, Ministry of Social Policy of Ukraine, Ministry of Justice of Ukraine, Ukrainian Parliament Commissioner for Human Rights, National Agency for Civil Service, etc. Separately are determined powers specially the authorized central executive body power with questions providing equal rights and opportunities of women and men as well as authorized persons (coordinators) from questions of providing equal rights and opportunities for women and men in executive bodies authorities and local authorities self-government.

The activities of public administration actors must include a balanced participation of both men and women, which implies not only the presence of a proportional amount but also conscious activity based on mutual respect for different views and positions and understanding differences in the experience and needs of each sex.

In 2105, the analysis of gender representation in state authorities and in local self-government bodies demonstrated a lack of gender balance. A particularly acute issue can be seen in the representation of women and men

in the higher echelons of power, resulting in reduced quality and efficiency of decision-making. For example, according to the State Statistics Service of Ukraine, as of 01.01.2014 in Ukraine there were 295 709 civil servants, of which 221 096 women and 74 613 men. Officials of local self-government accounted for 84 548, including 64 147 women, 20 401 men. On the other hand, the ratio of civil servants to managers by category of positions shows the opposite statistics of representation. 83.9% of men and only 16.1% of women hold posts in the first category; 65.6% of men and 34.4% of women-the second category. The ratio of posts in the third category is almost balanced (53.8% of men and 46.2% of women) [17].

At present, in the Verkhovna Rada of Ukraine, the number of people's deputies is 422, of which only 52 women. But there is a fact that can not but please - the indicator of women's composition increases during each convocation of the Verkhovna Rada of Ukraine [16]. At the moment, the Law of Ukraine "On Political Parties", namely, Article 10, Part 1, Art. 8 stipulates that "the charter of a political party shall contain the size of the quotas that determine the minimum level of representation of women and men in the electoral roll of candidates for people's deputies of Ukraine from the party in the national constituency, candidates for deputies of local councils in multi-mandate constituencies and shall be at least 30 percent of the total number of candidates in the electoral roll"[6] However, liability for non-compliance with this paragraph is not provided by Ukrainian legislation.

A study conducted by the Ukrainian Women's Fund among political parties represented in the Verkhovna Rada of Ukraine revealed such a contradiction. On the one hand, political parties declare equal conditions and lack of discriminatory policies regarding women in political parties; on the other hand, the lack of women in leading political positions is explained by the fact that the advantage is given to more professional and competitive candidates (in their opinion, to men). At the same time, the purposeful engagement, training and strengthening of the role of women in the work of their political forces is not of interest in most of the parties that participated in the survey [12].

As for the Cabinet of Ministers of Ukraine, the situation is not better here. Since 1990, the composition of the Cabinet of Ministers of Ukraine has changed 21 times (with the present inclusive), but the post of Prime Minister has only twice headed by a woman (Y. Tymoshenko) In general, the composition of Ukrainian governments was almost totally male. Only individual governments included women, which was an exception rather than a rule. One of such deviations from the rules was the government headed by V. Pustovoitenko (1997-1999), which included as many as three women ministers. Other governments included one / two women, or they were exclusively male. However, in the Cabinet of Ministers of Ukraine, there is a positive trend towards the growth of the number of women in the team, since at the moment the government of V. Groisman also has three women: I.O. Klimpush-Tsintsadze, LM Grinevich, U. Suprun [18].

Unfortunately, many politicians do not consider women as effective public administration administrators, and therefore are not offered as candidates for high government positions. An important aspect is that balanced participation of gender groups is an effective mechanism for improving the quality and effectiveness of public administration actors.

Every year a global study is conducted by the World Economic Forum - the Gender Gap Index (Global Gender Gap Index). The study measures the gap between men and women according to different indicators in four main areas: economic participation and opportunities; educational level; health and life expectancy and political rights of both sexes. As of 2016, Iceland is the leader in the rating. The top ten countries with gender equality also included Finland, Norway, Sweden, Rwanda, Ireland, Philippines, Slovenia, New Zealand and Nicaragua. The last steps in the ranking were occupied by Syria, Pakistan and Yemen. As in the past year, Ukraine has the worst position in gender equality in the field of political rights. Value index in this sphere left the same as last year - 0.098, while equality is measured 1. In particular, according to the ratio of women to men in parliament, Ukraine has an index of 0.137; on the distribution of ministers' posts - 0.118 [14].

To date, no country in the world has yet succeeded in achieving full gender equality. Closer all of this indicator, as has been mentioned is Iceland, which closed 88% of the gender gap. Ukraine was on 61st place.

In science, there are three main arguments for the need to promote the professional development and consolidation of women politicians and women civil servants. The first argument is that the respective representation of women and men in legislative and representative bodies is a matter of democracy. The beautiful sex makes up more than half of the population of Ukraine, therefore, they must have a corresponding influence on the making of political decisions. The second argument is that the beautiful sex also possesses great intellectual resources. Therefore, by limiting women, society automatically loses experience and fresh potential. And last but not least, the argument that the interests of men and women due to their physiological differences can not coincide, therefore, they can not represent the others. Women's views are often ignored, which leads to negative impacts on the psychological, economic and political conditions of the entire society.

Summing up, I consider it necessary to immediately respond to the problems of gender equality not only in the field of activity of the subject in the public administration, but also in the daily (routine) manifestation of such discrimination on the basis of sex. I agree with the opinion of many scholars on the introduction of a mechanism for review of complaints, response mechanisms, development and introduction of legal liability in the laws of Ukraine. To overcome gender inequality in the activities of public administration actors, consider expedient carrying out of motivational and promotional measures aimed at increasing the attraction of women to the sphere of public administration. Last but not least important aspect is the introduction of training programs on gender standards and

principles of gender policy not only for civil servants (including taking this knowledge into recruitment), but also for young people in educational institutions of various accreditation levels.

Sexual discrimination can only be eliminated by changing the system of gender roles and stereotypes that exist in society and consolidating these roles. However, it is impossible to change these stereotypes in a moment, which prompts us to take periodic and persistent steps!

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4.1. PRACTICE OF FINANCIAL INSTRUMENTS PROMOTING TO STIMULATE REGIONAL DEVELOPMENT IN UKRAINE

The development of any country is impossible without regional development. After all, the provision of social services to the population and the efficiency of the state's economy as a whole depend on how strong the regions are. At the current stage of Ukraine's development under conditions of fiscal decentralization, gradual transfer of significance in decision-making processes concerning socio-economic development of territories to the regional and local levels is characteristic, which requires revision of the main provisions of the formation of regional policy. The main principles of realization of reforms of regional development policy in Ukraine should be taking into account financial possibilities of different regions. Under such conditions, the issue of increasing the autonomy of the regions becomes urgent, which in turn leads to the need to study financial instruments for stimulating regional development.

In today's conditions of the unstable situation of the economic system of Ukraine, the solution of financial issues is a significant lever of its stabilization and sustainable economic and social development of regions, and of the state as a whole [1, p.155].

The policy of stimulating regional development in Ukraine is realized through a certain set of instruments, particularly in financial ones. Financial instruments for stimulating regional development are instruments of activating influence on a certain territory, aimed at ensuring its socio-economic development through the activities of state and local authorities. Financial instruments of stimulating of regional development include budget, tax, investment and credit instruments. Let's consider in more detail each of the listed financial instruments.

Thus, a group of financial instruments that have a significant impact on the promotion of regional development is made of budget instruments. The main budget instruments for stimulating regional development in Ukraine are intergovernmental transfers. The system of transfer instruments determines the interaction between state and local budgets, which allows each citizen to receive a certain level of public services, regardless of the territory of the region in which he lives. The imbalance in the financial security of the regions requires an adequate response from the state, which must ensure the provision of established social guarantees. At the same time, state support should serve as an additional, not the main source of financial resources.

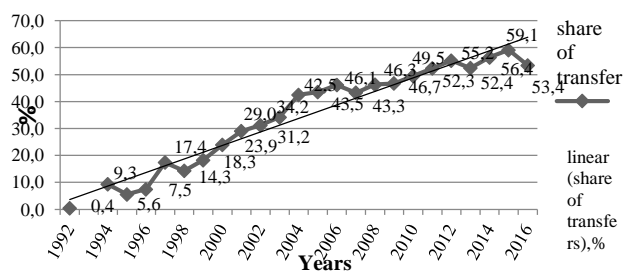
According to the amendments to the Budget Code of Ukraine dated December 28, 2014, intergovernmental transfers are divided into [2]:

- 1) basic grant - a transfer from the state budget to local budgets for horizontal equalization of the capacity of territories;
- 2) subventions;
- 3) reverse subsidy - funds transferred to the state budget from local budgets for horizontal equalization of the capacity of territories;
- 4) additional grants.

Such changes significantly influenced the entire mechanism for the formation of local budgets. The most important changes are related to the fact that the alignment is carried out not by expenditures, but by the revenues of local budgets. The equalization takes place in two taxes: the corporate income tax for regional budgets and the personal income tax for the budgets of the united territorial communities, the budgets of cities, districts and region budgets.

The equalization formula assumes that local budgets with an income below the 0.9 average for Ukraine receive a basic grant of 80% of the difference to this threshold. For local budgets with a level of revenues in the range from 0,9 to 1,1 equalization is not carried out. And those who have this index of fiscal capacity over 1.1 deduct to the fund equalization half of the excess funds through a reverse grant.

It should be noted that the provision of subventions from the state budget to local budgets is aimed at improving the quality of social services for the population in the sphere of housing and communal services, health care, education, etc. Therefore, this is one of the important factors supporting the social sphere of local self-government bodies.



Pic.1. Dynamics of the share of intergovernmental transfers in the revenues of local budgets of Ukraine in 1992-2016 *

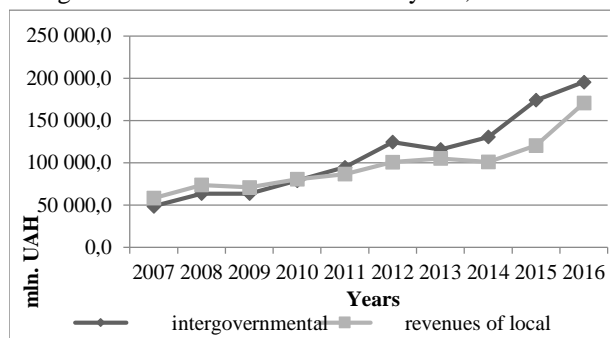
* Source: compiled by the authors according to the data of the State Treasury Service of Ukraine [3].

Let's analyse how the share of intergovernmental transfers in the revenues of local budgets of Ukraine has changed during the years of independence (pic. 1).

From Picture 1, we see that the dynamics of the share of official transfers from 1992 to 2016 has a steady tendency to increase and increased over the corresponding period from 0.4% in 1992 to 53.4% in 2016. On the one hand, this trend shows that the state is making efforts to equalize imbalances in the socio-economic development of the regions, on the other - it is a direct indication of the gradual increase of the centrality of the country's financial system. This is a

negative sign that violates modern European norms and traditions of forming a flexible, cost-effective system of local finance. This situation shows an increase in the dependence of local budgets on transfers and a reduction in their financial autonomy.

For a clearer understanding of this trend, compare the dynamics of local budget revenues and the dynamics of intergovernmental transfers in recent years, since it was then that there were major changes in them (pic. 2).



Pic.2. Dynamics of local budget revenues and intergovernmental transfers in 2007-2016 *

* Source: compiled by the authors according to the data of the State Treasury Service of Ukraine [3].

As can be seen from Picture 2, the total volume of both local government revenues and transfers received increased steadily, however, after 2010 the volume of intergovernmental transfers began to exceed the amount of local budget revenues without taking into account transfers. That is, the continued increase in the financial dependence of regions on the redistribution of financial resources from the state budget. In general, in 2016, intergovernmental transfers exceeded local budget revenues by 24 647.4 million UAH [3]. This indicates the preservation of the main trend of local finance in Ukraine, namely an increase in the gap between its own budget resources and the need for attracted transfers.

Significant dependence of local budgets on the state budget is evidence of imperfect division of powers

between levels of governance and the system of intergovernmental fiscal relations, and also points to problems with increasing the revenue part of local budgets due to the weak economic development in some regions of Ukraine [4, p.29].

In order to overcome the problems in the field of intergovernmental fiscal relations, the necessary steps are the following:

- formation of favourable conditions for the increase of own income base of local budgets;
- adjust the coefficients more widely to take into account local specifics, while defining the volumes of local budget expenditures;
- legislatively define for each budget year a list of depressed territories with the purpose of effective financial equalization;
- apply competitive selection of projects in the process of granting investment subventions to territories.

The use of this kind of financial instruments as tax, namely tax incentives, has a great importance for regional development. Further, let's dwell on the use of tax incentives in the context of stimulating regional development.

The Tax Code of Ukraine clearly stipulates that a tax allowance may be given in ways of [5]:

- tax deductions (discounts), which reduces the tax base before tax and fee;
- reduction of the tax liability after tax and fee;
- establishment of a reduced rate of tax and fee;
- exemption from taxes and fees.

Tax incentives are aimed at stimulating and supporting taxpayers by reducing their tax obligations or creating other, more tax-exempt taxpayers than other taxpayers. In general, tax incentives in Ukraine are one of the most popular instruments of tax incentives. However, the number of provided tax privileges indicates the quality of the results of their functioning.

The tax on profits of enterprises occupies an important place in the number of privileges granted in Ukraine. It should be noted that taking into account changes in the legislative base, from January 1, 2015, the inclusion of 10% of the income tax on enterprises of the private sector of the economy in the regional budgets income is envisaged. Foreign experience convinces that the most effective incentives for increasing the competitiveness, restructuring and growth of the economy are the benefits provided by the income tax and are innovative. After all, due to the use of tax instruments, the state has the opportunity to influence the investment activity of enterprises. At the same time, tax benefits negatively affect the volume of income tax revenue to the budget. In the period from 2007 to 2016, there is a tendency in Ukraine to reduce the number of privileged persons and, as a result, the amount of benefits received.

In modern economic conditions in Ukraine, it would be advisable to reform the system of preferential taxation, particularly, in the direction of providing tax benefits on income tax to those enterprises that carry out their activities in the sectors of priority, while establishing clear criteria for granting privileges for which the funds released will be directed towards investing, modernizing, and not being transmitted abroad.

In European countries, income tax incentives are aimed at promoting entrepreneurship by stimulating innovation and investment activities. The distinction between benefits is not only in the time distribution of tax savings for the enterprise that uses them, but also in the mechanism of their impact on the potential of such a business entity.

Nowadays, one of the components of ensuring the dynamics of Ukraine's economic growth is the introduction of an innovative development model. It is this way that enables our country to preserve and make the most effective use of existing scientific and technological potential for structural technological changes and take a significant place in the world community [6, p.14].

For the system of taxation at the regional level, in general, all the main drawbacks of the country's taxation system are characteristic, in particular, the low incentive role of tax privileges and excessive tax burden on business entities. Therefore, in order to eliminate the disadvantages of the mechanism of taxation of profits of Ukrainian enterprises, it is necessary to take measures that would reduce the tax burden on enterprises, increase the flow of foreign investments into the economy, modernize the material and technical base of production, increase the competitiveness of Ukrainian enterprises, which will bring the economy to a qualitatively new level.

The use of tax incentives in Ukraine can help solve a number of problems of economic development of the country and its regions, but they provide appropriate conditions for minimizing adverse effects. Therefore, it is necessary to carry out an assessment of the effectiveness of tax privileges, which will eliminate ineffective ones and increase the financial capacity of local self-government bodies. It is necessary to provide tax breaks in Ukraine for enterprises that carry out scientific research and implement them in production, develop various information and communication technologies. Ultimately, such benefits will promote the development of innovation in the country.

In order to ensure the financial independence of local self-government bodies in fulfilling the functions assigned to them in ensuring sustainable development in the territory subordinated to them, considerable attention should be paid to their own sources of revenue. But, in spite of the formation of a sufficient amount of own revenues, the region can be considered self-sufficient only in the presence of flows of investment and credit resources, which provides injection of funds into the financial base of the region and is a potential for self-financing.

However, investment and credit instruments remain the least popular financial instruments to stimulate regional development in Ukraine.

Local authorities are indirectly affected by the process of attracting investment resources to the region because they practically do not participate in the formation and can't guarantee the stability of the legislative and regulatory framework, they don't have the right to provide tax privileges other than local taxes. Proceeding from this, measures to stimulate investment in the region remain: informing about promising objects for investment; eliminating bureaucratic obstacles at the local level, etc.

In order to stimulate regional development, it is expedient to attract investments on the basis of creating a general favorable investment climate for all types of capital. At the same time, the main reasons for the growth of the unevenness of investment activity, the low investment attractiveness of individual regions are: the cessation of state investment in many spheres of the economy, the tightness of the domestic market, high tax and administrative pressure on the business that is trying to compete, the lack of a practical majority of market institutions. Therefore, in order to attract investments, it is necessary to determine the level of needs of the region in investments, priorities of investing in structurally shaping branches of economic activity that are capable of giving impetus to the socio-economic development of the region, as well as to identify the features of reproductive processes and the effectiveness of possible costs in the long run. This process will be facilitated by: a parity combination of direct and portfolio investments into the region's economy, taking into account both the interests of the enterprise itself and the region as a whole; stimulating investment activity at the expense of enterprises' own funds; tax incentives for the reinvestment process in the region's economy; attraction of funds of the banking system and savings of the population. In this case, to mobilize investments it is expedient to attract funds to the investment process in the investment process in order to solve the main tasks of social development of the region. On the other hand, it is important to take into account the extremely low level of public confidence in the state due to the depreciation of deposits of the population. Under these circumstances, private investors have no financial resources to transform into long-term loans needed for the region's economy [7, p.103-104].

It should be noted that an important source of financial support for the development of local self-government and a powerful financial tool that helps to effectively solve current and long-term problems related to financing of budget expenditures are credit instruments, namely, municipal borrowings.

Despite the relative stability of the regulatory framework, the institutional environment of local borrowing in Ukraine is characterized by weak development of informal institutions, as evidenced by the lack of credit culture of local authorities and low credibility of creditors.

Therefore, the practice of issuing local loans in Ukraine is not widespread, and in some regions there is no experience of municipal borrowing. Such experience exists mainly in large cities (Kyiv, Dnipro, Odessa, Kharkiv, Lviv) and industrially developed regions, although European experience suggests that local finance is the most effective financial tool for local governments.

In Ukraine local governments can carry out local borrowings in the form of issuing a local loan bond; conclusion of agreements on obtaining loans, credits, credit lines at financial institutions. However, the issuance of local bonds in recent years has a tendency to reduce. The main issuers of this financial instrument were Kyiv, Lviv, Odesa, Donetsk, Zaporizhzhia and Kharkiv City Councils, due to the considerable interest of local authorities in using such an effective source of funding to address the social needs of the regions. Also, during 2007-2016 there is a situation where no issues of local bond loans were registered (2010, 2013, 2015, 2016).

This situation on the bond market of local loans is explained by [8]:

- the inability of local budgets to compete with the state, which draws a lion's share of liquidity in the domestic borrowing market;

- a decrease in the level of public confidence in financial institutions;

- low level of municipal financial management;
- lack of transparency and limited access to information on the activities of issuers of municipal borrowings;
- weak protection of the rights of creditors in the case of defaults of local governments due to the disorderly process of debt repayment, low liquidity of collateral objects, which is a significant barrier to the development of the market for municipal borrowings.

The use of municipal borrowing as one of the alternative sources of financial resources formation in Ukraine is episodic, which in turn also indicates a low level of decentralization of financial resources.

Consequently, it can be concluded that regional development depends to a large extent on the level of financial support, therefore, in today's conditions there is a need to strengthen the financial basis of regional development. It is obvious that there is a certain mismatch between the needs of local self-government and the criteria for their financial sufficiency. The available financial resources of local budgets do not allow local self-government bodies to independently carry out their powers without state support. The growing dependence of local budgets on transfer resources contradicts the principles of fiscal decentralization and does not ensure effective regional development.

For the successful implementation of regional development, it is necessary to use different sources of financial support in the amount sufficient to finance the necessary measures and programs, in particular to apply investment and credit instruments. The scheme of choosing financial instruments for stimulating regional development should be flexible and based on a comprehensive analysis of the demographic situation, the use of natural, industrial, scientific and technical and labor potential, the results of assessing the level of development of the economy and the social sphere of a certain region, and taking into account the influence of external political, economic and other factors and expected trends in the impact of these factors in the future. Proper selection and successful use of financial instruments to stimulate regional development will achieve a high level of economic development of both regions and the state as a whole.

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4.2. ISSUES OF FINANCIAL MANAGEMENT AT THE COMMERCIAL BANKS

To perform analysis of the bank's total costs they should be classified as interest costs and non-interest costs. Normally, the interest costs comprise the most part of the expenses. These include costs related to investing of the bank's assets into the deposits, clients' assets - into the loans and deposits, issuance of the securities, payment of the rent and other similar costs.

In analysis of the interest costs, their share in the bank's total costs should be evaluated, as well as the effect on their size of the change of the balances at the clients' accounts intended for payment of the attracted funds and their average interest rate level (Both, for the total resource base and by individual types of the resources), identify compliance if the interest rate dynamics with the general interest policies of the bank based on the liabilities.

Bank's non-interest costs include: commissions, labor remuneration, operation costs, foreign currency and other currency operations, exchange rate differences, operations of sale and procurement of the precious metals, securities and properties, costs resulting from the negative results of precious metals' revaluation and other current operations' costs. Bank's operation costs are easier to control and analyze as most part of them, particularly, labor remuneration, operation costs are relatively constant and fully predictable values.

It is reasonable to calculate actual average value of all resources of the bank based on the weighted average formula, regarding all types of resources and their share in the total value, based on the actual prices, including the bank's own resources.

$$K = P_{NB} \cdot q + P_{IBC} + P_{DC} \cdot q + P_{SD} \cdot q$$

Where, P_{NB} – is average price of the national bank's resources

P_{IBC} – average actual value of the interbank credits,

P_{DD} – real average interest of the demand deposits;

P_{CD} – real average interest of the call deposits;

q – Share of the credit types.

Average value of the resources and hence the bank's costs will be as high as the liabilities are reliable and stable, i.e. as high are the deposit terms and amount.

Significant part of the commercial bank cost analysis is analysis of the costs for production of the bank's aggregate products and cost prices of the products and operations.

Similar to the cost prices of the industrial goods, though quite conditionally, the banks consider so called cost prices of the banking operations, comprising integral part of the pricing mechanisms of the credit organizations. It could be analyzed by consolidated or total operations or by groups of certain specific operations.

Consolidated operation value in analysis the aggregate coefficient of the bank operations cost price

K_vS can be calculated by the formula:

$$K_vS = \frac{R - Dd}{A - An} \cdot 100\%$$

Where:

R – bank's total costs;

Dd – Additional incomes;

A – total balance assets of the bank in the period under consideration;

An – amount of the non-income generating asset items.

This coefficient is the minimal one that does not provide profit, price of the aggregate bank product and one of the key indicators generalizing effective use of the resources by the bank.

In analysis of the internal value of the bank product the costs related to its activities are identified, the soundness of their performance is evaluated and effect of change of the key factors on the product value is studied, among them: value of assets' attraction, quantity and structure of the assets, interbank costs.

According to the generally accepted techniques of costs calculation, bank's key costs related to performance of their active operations are classified as the direct and indirect costs. Direct costs are attributed to performance of the certain operations of group of operations while indirect costs are on general banking nature and are the overhead costs by their substance. Identifying the direct and indirect costs by operations, we can calculate internal value of each banking operation.

It is reasonable to calculate the average coefficient of the internal value of individual operations with the following formula:

$$K_{vsi} = \frac{R_i + K_i - D_i}{A_i - A_z} \cdot 100\%$$

Where:

R_i – direct costs of the bank's operations of given type;

K_i – Bank's indirect costs

D_i – Additional incomes;

A_i – assets of the operations of given group

A_z – frozen assets of given operations sphere.

Analysis of the interval value of the bank operations allows identification of more income generating types. Lower is the coefficient, in relation to this situation, the higher is their economic effectiveness, with respect of cost price.

Analysis of the bank's key operations or their key types should be performed as at the stage of formation of the price of credits to be granted, also at a time of making actual costs, including the unplanned ones, in the process of deals, in the course of credit servicing.

One of the ways of determination of the active operation for attraction of the bank's funds is its calculation as the share of total active operations multiplied by all funds attracted by the bank.

Direct costs of the operation, in addition to the ones related to procurement of the resources, include technical support of the operations. Part of these costs is obtained by direct calculations and the other – by statistical comparison of monetary value of the active operations and aggregate costs for certain procedures of these operations.

Analysis of the cost price of individual bank operations by items allow accurate attribution of certain costs (especially the general banking ones) to the specific operation (for example, in calculation of the cost price of credit operations by items, costs for procurement of the license on foreign currency operations, commissions for procurement (or sale) of the foreign currency, costs for the cash bags, repair and restoration etc. will be included. In calculation of

the bank's shared costs for providing activities with each operation are proportionally distributed over all operations, including those that do not belong either to the direct or indirect ones).

Cost price of any operation is obtained from its characteristics – its type, terms, interest accrual method and other terms and conditions.

Internal value of the credit operations can be calculated in the other way as well. Its substance is that the contractual interest includes actual price of the credit resources, as well as the spread – difference between interest rates of bank's attracted funds and those paid to the borrowers; this is determined independently by each bank. In addition, for profitable operation of the bank, the contract price of the credit shall not be lower than average value of the resources, i.e. the sufficient margin (M_d) comprising minimal difference between the assets and liabilities rates of the operations allowing the bank covering the general costs of functioning that do not generate profits. Given figure is calculated as follows:

$$M_d = \frac{R_o - R_p + R_a - D_p}{A_d}$$

Where:

R_o – is operation costs;

R_p – paid interests

R_a – administration maintenance costs

D_p – other costs

A_d – average balance of the income generating assets.

Other incomes include those from the operations that are not of credit nature, as well as fines and penalties from the interests and commissions of the past period.

Bank costs can be divided into three key groups: 1. those included into the cost price of bank's services; 2. attributed to the financial results of the banking activities; 3. those made to the profit account remained at bank's disposal after taxes. Analysis of the bank's costs, based on the above classification, should be performed regarding reasonability and feasibility.

This, approach related to analysis of the bank's aggregate costs allow studying of the entire set of the bank's costs, evaluating the effect of not only key factors on them but that of the factors that hardly could be identified based on the classifications of the costs on the basis of single characteristic. Costs analysis allow identification of the reserves for improvement of the bank's profits and their effective use.

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4.3. CONCEPTUAL AND METHODOLOGICAL APPROACHES TO IMPROVING THE ASSESSMENT OF FINANCIAL STABILITY OF BANKS UNDER ECONOMIC INSTABILITY

In current complex economic conditions of special importance is the financial stability of banks, which is a prerequisite for efficient redistribution of temporarily available funds in the economy in favor of financing investment projects, expansion and intensification of production, the solution of important social problems, which are extremely important for Ukraine, whose economy and financial sector are extremely weak. During the period 2014-2016, a total of 85 banks went bankrupt or were withdrawn from the market for other reasons. As at 01.01.2017, 81 banks were being liquidated and 4 banks were run by the IDAF Interim administration [1]. This affects the level of trust of economic agents in banks and is one of the most important factors in reducing the growth rate of their resource base and the ability to carry out credit and investment support for the development of the national economy. So, the problem of impartial assessment of financial stability of banks in Ukraine is particularly urgent.

The issue of the financial stability of banks has been covered in the publications of many leading foreign and domestic scientists. Among them noteworthy are the findings by O. Baranovskyi, who defines the essence and economic importance of banking system stability [2]. Other scholars, such as O. Zaruba, R. Shyller and N. Sheludko, treat the methods of determining the financial stability of commercial banks [3, 4], V. Kovalenko substantiates the methodology and practice of strategic management of the banking system financial stability [5], O. Krukhmal defines theoretical approaches to the definition of the concept of bank's stability and its financial component [6], R. Mykhailiuk suggests a tool for managing financial stability of commercial banks [7] etc.

However, despite the depth of the conducted research, the terminology of financial stability of banks remains controversial: the existing techniques for assessing the financial stability of banks remain imperfect and do not give proper weight to the impact the transparency in the disclosure of information about the state of affairs in the bank has

on it. Nevertheless, there is a need to study conceptual and methodological approaches to assessing the financial stability of a bank in order to strengthen its market positions in a volatile economic environment.

The study proved that unlike the problem of stability of other economic entities, the issue of stability of banks has its own peculiarities, namely in terms of the sources of formation of financial resources, assets structure, performance assessment and their importance for the economy. All these factors determined the logic in defining the concept of “financial stability of a bank”. Of paramount importance in interpreting the concept is the indication that financial stability, as a kind of the general concept of stability, should display the bank’s ability to solve the tasks arising from its mission, to fully carry out its functions, to ensure its financial stability under manifold socio-economic conditions. Financial stability is the result of a successful countermeasure, taken by a bank against the negative factors of the internal and external environment, and is assessed by a set of indicators, some of which characterizing the bank as financially stable and others – as financially unstable, which makes it impossible to integrally measure the financial stability.

According to these methodological approaches, financial stability of a bank is a qualitative dynamic integral characteristic of bank’s ability to solve the tasks arising from its mission, to perform its functions efficiently, to ensure purposeful development through resource transformation and risks minimization.

So, the results of the analysis showed that among the main problems of banks in Ukraine in 2014-2016 was a significant outflow of resources from the banking system, and their increase in 2014 was stipulated by a significant devaluation of the hryvnia rather than an increase in the inflow of resources. In addition, in recent years, the quality of credit portfolios of banks has declined. There was a decrease in the clientele, which negatively affected the liquidity and solvency of the country’s banks.

An important component among the multitude of indicators of systems of monitoring the stability of the financial sector on the whole and its separate segments in particular is the Financial Stability Indicators (FSIs), developed by the IMF. This methodology is used by the NBU to regularly develop and distribute the 12 major and the 10 recommended financial stability indicators (FSIs). The basic groups of FSIs are presented in Fig. 1.

Indices of financial stability are indicators of the current financial state and stability of financial institutions of the country and of counterparties in the non-financial corporations and households [8]. The core indicators for capital adequacy decreased in 2015 compared to 2014, notably, the ratio of regulatory capital to risk-weighted assets decreased by 3.29 percentage points, and as at the end of the year it was 12.31%; as at 01.10.2016 it was 14.22%, which is a positive change of 2.19% compared to the beginning of 2016 (Fig. 1).

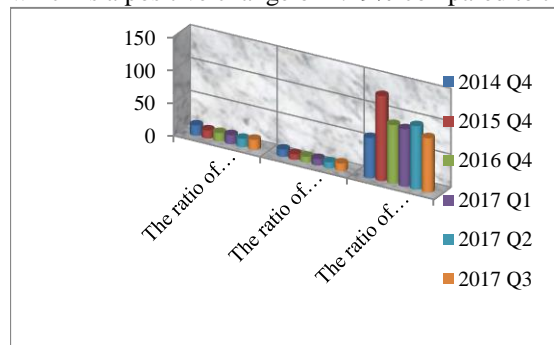


Fig. 1. Dynamics of the indicator of Ukraine's banking system financial stability by the capital index (2014-2016)

Indicators of financial stability of Ukrainian banks by the index of liquidity in 2014-2016 were constantly changing without a clear tendency. Among the indicators of financial stability of a bank by the profitability indexes informatively important are the norm of return on capital and the norm of return on assets. As it can be seen, these banking system indices in 2014 - 2016 had a negative value, which indicates the financial instability of Ukrainian banks. Having analyzed the core FCI indicators, a conclusion was made that the banking system of Ukraine in 2014 and as at 01.01.2015 is financially unstable. Within 2015, the banking system losses reached a record low of UAH 66.6 bln [9]. It was caused by the devaluation of the national currency when in 2014 the exchange rate of the hryvnia to the US dollar halved. The outflow of deposits from banks, a decrease in capitalization of banks and an increase in the norms of obligatory reserve of the NBU are the reasons for the unprofitability of the banking system. In the analyzed period of 2015-2016 the aggregate indicator decreased but the situation improved in 2017 when the aggregate indicator of current financial sustainability increased from 11.98 to 12.12, which means an increase in financial stability of banks.

So, the assertion can be made from the analysis gives that the problem of financial stability of banks is extremely relevant to the banking system of Ukraine. The World Economic Forum in Davos, which took place in January 2016, acknowledged the reliability of Ukrainian banks ranking them 140th out of 144 countries [10]. The financial stability is largely determined by the reliability of information about the actual state of affairs in each individual bank. However, the banks operate in a market, the characteristic feature of which is information asymmetry.

To improve the bank’s performance assessment mechanism, a concept was worked out aimed at increasing the market value of banks in order to ensure the stability of their functioning in the money market (Fig. 2).

To achieve the objective of the paper the following tasks were set:

- to research the major problems of assessing bank performance at the current stage of banking system development;

- to consider and analyze the methodology used to assess bank efficiency;

- to improve the mechanism for bank efficiency.

In order to realize the concept, banks must observe the following set of principles: complexity, systemacy, scientific substantiation, adaptability, dynamism, concreteness, optimality, efficiency and transparency. The principle

of complexity implies that the assessment of the financial stability of banks should be complex due to the need for combining the planning process and its implementation to achieve the ultimate goal; systemacy involves the use of the system of indicators providing a comprehensive assessment of the financial status of banks in dynamics; scientific justification implies the use of only scientifically verified models and approaches to the assessment of financial sustainability; adaptability means the existence of minor reforms in assessing the financial stability of banks that do not change its essence but facilitate its use in all conditions of bank performance within the existing legal framework; dynamism refers to the assessment of the financial stability of banks under the influence of factors of the internal, micro- and macro-environments, which dynamically change over time; the principle of specificity confirms the reliability of the provided information; optimality involves a combination of optimal conditions and a list of financial indicators, which will provide an increase in the financial stability of banks; the principle of efficiency means the use of operational measures to ensure the stabilization of the banking system, especially in terms of monetary policy; transparency implies free access to comprehensive information on financial indicators of banks.

The tools for achieving the goal are as follows:

- research into the system of indicators for assessing bank efficiency;
- developing a model for assessing bank efficiency as part of the model of financial stability of banks.

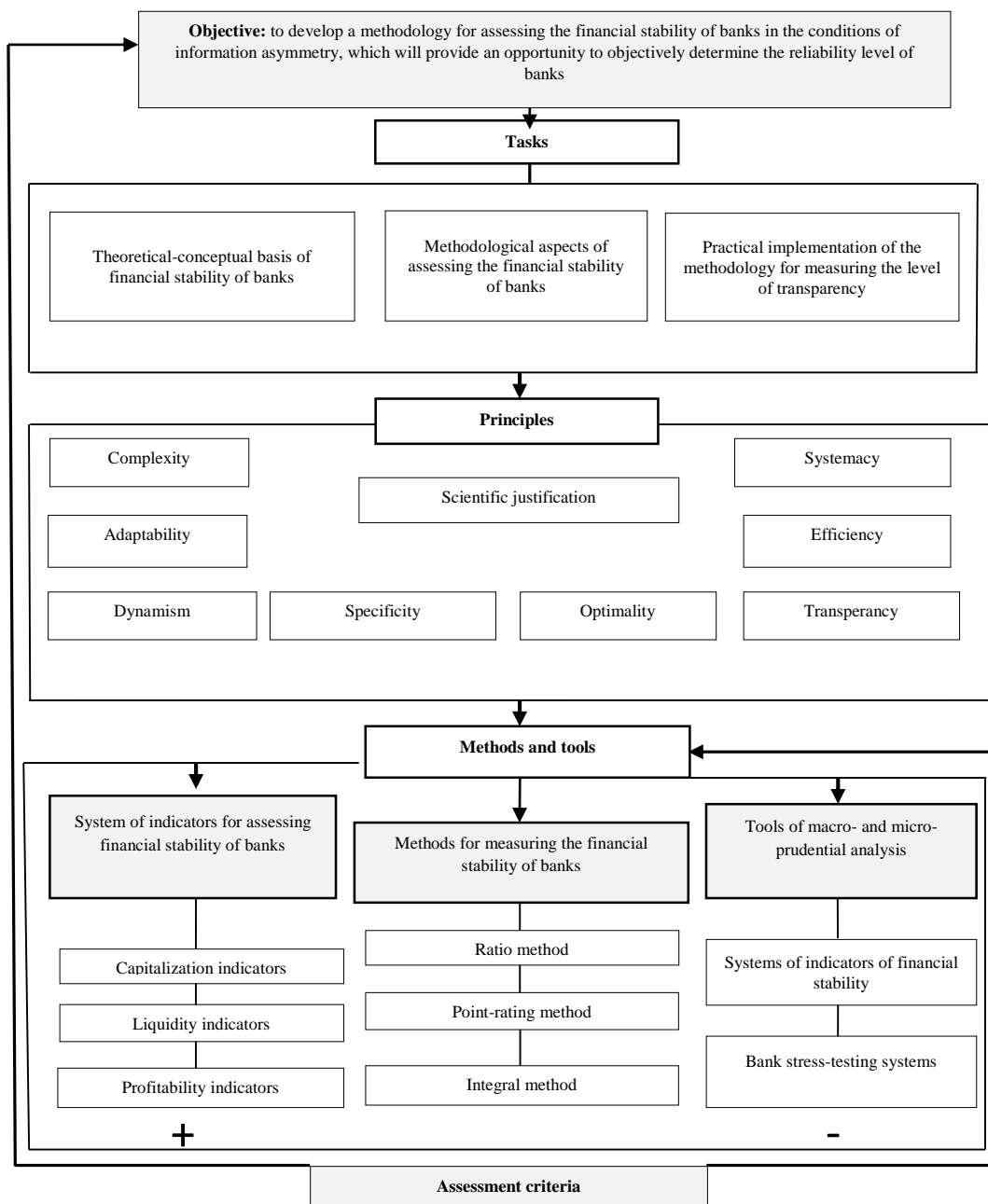


Fig. 2. The concept of improving the methodology for assessing the financial stability of banks in the conditions of information asymmetry. Summarizing the results of the conducted research, it was established that in current banking practice in Ukraine, the three most common methods of determining the financial stability of banks are used, namely:

- 1) ratio analysis;
- 2) point-rating method;
- 3) integral analysis.

The study of banking analysis methods has shown that the coefficient method is used most commonly, which involves calculating the system of financial ratios. In this method, various ratios are used, the indicators of assessing the financial stability of banks being of paramount importance. Remarkable is the fact that domestic scientists are unanimous in determining the majority of indicators for assessing the financial stability of banks, which are based on the structure and capital adequacy. However, the scholars disagree about the requirements for criteria values of the equity capital/assets ratio. Nevertheless, the assessment of the financial stability of banks only in terms of capital appears to be insufficient, since it depends on the quality of assets, on the structure of borrowed and debt funds, and on their dynamics as well. The ratio method is quite simple, understandable and easy to implement in practice, but, at the same time, has its disadvantages. Credible conclusions about the financial stability of banks can only be made after processing the comprehensive information about the bank, which is often confidential. The existing asymmetry of information may cause the inadequate assessment of financial stability of banks. Moreover, this method also does not include a generalized assessment of financial stability, so the conclusion on the level of financial stability of banks is made by an analyst based on his own experience and qualifications, which makes the results subjective. In addition, an ample quantity of financial ratios makes it difficult to adequately compare a large number of banks [6].

The point-rating method involves analyzing specific areas of bank activity, including capital, asset quality, management quality, profitability, management and risk-taking. A classic example of the point method is the CAMELS rating system, developed by a group of US experts. This technique is widely used in the world practice and in Ukraine in particular. The implementation of the CAMELS rating system assumes that each bank will be assessed for capital adequacy, assets, management, earnings, liquidity and sensitivity to market risk in points based on documents submitted to the banking supervision agency. The overall rating is calculated as the arithmetic mean of each assessed component [5].

Although the CAMELS state ratings is quite efficient, it is imperfect, primarily due to the lack of analysis of the individual components changes over time as well as the trends and tendencies of such a change in the current period. The NBU has developed its own approach to the application of the CAMELS rating to assess the bank activity, guided by the provisions of the developed "Early Reaction Systems" (ERS). However, the methodology for rating the financial stability of banks used by the NBU is top secret: a set of economic indicators of banks, which determines their rating, is never published and is confidential, is calculated by the regulator for internal use. The calculations are done for all financial institutions at least twice a month to identify hidden issues. The NBU claims that the methodology must be kept in secret to avoid fabrication in financial statements. At the same time, the system indicators is, actually, are similar to the mandatory economic standards, which banks must calculate and comply with according the Instruction "On the Procedure for Regulating Banking Activity in Ukraine" [11]. Unlike official standards, which are partially published by banks, the algorithms for calculating in the ERS are much more rigid and objectively better reflect the state of affairs in a financial institution. That is why the NBU keeps the calculated results in secret. The main characteristics estimated by the ERS are capital adequacy, liquidity, level of problem and insider loans, the gap between capital formation and asset placement (so-called gaps), return on assets and other indicators [12].

Among the banking analysts of the CIS countries, well-known is the rating methodology, developed by a group of Russian economists under the supervision of V. Kromonov. The calculation of the rating involves three stages. At the first stage, the balanced-based absolute characteristics are identified, at the second stage the parametric ratios are calculated, and at the last stage the current reliability index is calculated. The parametric ratios include overall reliability coefficient, instantaneous liquidity ratio, cross-correlation coefficient, overall liquidity ratio, capital security coefficient, fund capitalization of earnings coefficient. This technique, like many others, is used to assign a rating by individual indicators without taking into account the overall bank's status within the system.

Another example of the commercial banks rating is the modified Euromoney method. This method was developed by the Association of Latvian Commercial Banks based on the methodology for assessing the efficiency rating of Euromoney banks where qualitative factors are replaced with capital adequacy indicators, equity capital and assets. Both methods are unsuitable for a comprehensive analysis of the banking institution's activities. Each of these techniques focuses on a certain aspect of the bank's activities. In particular, the Kromonov's methodology determines the stability of the banking institution, and the Euromoney method allows ranking banks, depending on their size. It should be noted that one of the problems of rating techniques is the inability of rating analysis to determine the absolute reliability or efficiency of the banking institution. The reason for this is the inability of all methods to provide a comprehensive assessment of the commercial bank activity.

In determining the potential of the financial stability of a bank it is common to use the method of determining its integral indicator, which enables to obtain a generalized dynamic assessment of financial stability of a bank including the aggregate impact of individual factors. The advantages of using an integral indicator are as follows:

- Firstly, it synthesizes the overall impact of all the indicators covered in the study;
- Secondly, reduces the problem of assessing financial stability to one quantitative value
- Thirdly, it enables to detect changes in the financial stability of a bank in dynamics.

The conducted research revealed that the set of coefficients for assessing financial stability of banks is formed mainly on the basis of the analysis of their sources of funds, that is, the analysis of liabilities is carried out without taking into account changes in assets, and therefore, the possible impact of changes in assets on the stability of banks financial activities is not taken into account. Therefore, in order to develop an adequate and reliable model of an integrated assessment of financial stability of Ukrainian banks, it is appropriate to consider the indicators characterizing the quality of bank's assets and liabilities management.

The analysis of alternative methods of assessing the financial stability of banks used in practice showed that none of these techniques can ensure the determination of the absolute reliability and efficiency of the banking institution. The reason for this is the inability of all methods to give a comprehensive assessment of the activities of the commercial bank. We consider that to develop a model for assessing the efficiency of a bank's activity it is expedient to combine the assessment methods and approaches in order to select the most important coefficients and to carry out the subsequent comparative analysis of the results of these studies, taking into account the aggregate impact of individual factors (resource stability, asset quality, risk management quality). This approach, unlike the existing ones, will enable to make a comprehensive assessment of the bank's performance and obtain a generalized dynamic assessment of financial stability.

In conclusion, it should be noted that assessment of financial stability of Ukrainian banks is crucial for the opportune identification of problems related to its provision and finding possible ways to strengthen the financial position and financial performance of banking institutions, determine the banks' ability to provide credit support for the development of the national economy and to more actively influence economic processes in society.

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4.4. ACCOUNTING OPERATIONS FOR INTERNATIONAL CALCULATIONS: RISKS AND THEIR WARNINGS

The main feature of the modern world economy is a significant increase in the processes of integration. In connection with this, widespread cooperation between business entities that located in different countries becomes common [1]. Ukrainian enterprises integration into global economic relations is one of the most important prerequisites for a competitive economy formation. The effective implementation of foreign economic activity positively influences the pace of development, the creation of a competitive market environment as well as the transformation process success in Ukraine. Foreign-economic activity of enterprises is based on the effective use of resources, labor cooperatives, rational spending of finances and carrying out operations on international settlements with foreign partners.

The conduct of international settlement operations is characterized by a high degree of risk. Such a paradigm is due to the fact that, in today's globalization processes, the risk with settlement operations problem has become fundamentally and totally new, which leads to extremely high losses and requires the use of effective measures to

prevent fraud, manipulation and all kinds misuse in this regard. Since calculations of foreign economic activity entities are accompanied by risks related to constantly changing legislation, changing expert-import calculations conditions payment system of Ukraine it's necessary to coordinate and combine them with international payment systems [2]. Therefore, actual questions are to control and to prevent risks of international settlement operations under the conditions of legislative acts of Ukraine implementation on combating corruption appear issues, which indicates the novelty of this subject and its relevance about scientific decisions adoption.

At present stage of settlement operations exploration the given subject has been studied with insufficient analyticity and has no developed and substantiated scientific and practical base in the field of calculations during up-to-date formation period of accounting science, ambiguity of interpretation and discussions on many issues, in the absence of an adequate regulatory framework, determined the research direction whose purpose is a comprehensive disclosure of theoretical and methodological problems accounting calculations, receivables to the requirements of legislation, and with the financial statements international standards, and also the aim is to develop practical recommendations for improving the existing accounting system of international payments, and to assess the risk and methods for optimizing all types of debt.

As one can see from research the authors believe that international payments are a system for regulating payments (Butinets F.F., Zhiglyva I.V., Parkhomenko V.M., Kadurina L.O., Strelnikova M.S., Drozdova G.M., Borinets S.Ya.).

One cannot but agree with such an interpretation of "international payments", which leads M.S Ryazanova. Under international calculations, she understands "the system of mechanisms for the implementation of monetary requirements and obligations arising between different subjects of international economic relations." We believe that among the investigated definitions for the purposes of accounting, the most suitable is M.I. Savliuk' one [3], which he interprets as follows: "International settlements are monetary settlements between institutions, enterprises, banks and individuals related to the movement of inventories and services in international trade". This definition allows solving such issues as the type of settlements ("cash settlements", namely, cash or non-cash), entities of international payments (institutions, enterprises, banks and individuals) and business processes, as occurs at enterprises (TMS movement or provision services to international counterparties).

Regarding the types of international payments, one can say they depend on the specifics of the entity (between specific contractors, between banks, between the bank and the counterparty, between the state and the bank, between the states), the interaction of subjects (direction, through intermediaries) and from the terms of settlement (cash, with the provision of a loan) [4]. Consequently, we can conclude that the choice of form of calculation depends primarily on the kinds and types of settlements. Each form of settlement is used under certain circumstances and has its advantages and disadvantages both for the foreign seller of the goods or the person who renders services from the exporter abroad and for the buyer or recipient of the services in another importing country.

It is also known that when performing foreign-economic settlement operations, settlement participants encounter currency and tax risks. In order to avoid risk, it is necessary to reach a compromise between the sides of the foreign economic agreement, which should ensure the coordination of their interests and the choice of optimal conditions and forms of payment. After all, the emergence of disputes between the buyer and the seller leads to additional costs in terms of collection of penalties, the settlement of relations in court, which negatively affects foreign economic relations between the parties to economic transactions.

Thus, when conducting international settlement operations, it is generally not possible to avoid risks, as there may be risks associated with counterparties, receivable risk (risk of delcorder); production risk (risk of non-fulfillment of the agreement /contract); the risk associated with the economic or political situation in the country - political risk; the risk of delaying the transfer of a certain amount of settlement; currency risk (if settlement transactions are carried out not in the national but in another currency).

The counterparty risk is an element of uncertainty in the performance by the counterparty of its contractual obligations related to the repayment of borrowed funds. In his work "Economic Way of Thinking," American economist Paul Heine noted that the condition for the generation of profits from enterprises is the uncertainty and the associated risk.

The study of risks and management of them originates from the second half of the XX century in the era of scientific and technological revolution. Thus, in the American English dictionary of N. Webster (1828), "risk is considered as" danger, the possibility of harm or harm. " In the explanatory dictionary of Dal V. (1863-1866 biennium), "risk" is interpreted as "the possibility of danger, failure", "act at random, to do without correct calculation". The Great Economic Dictionary (1998) defines "risk" as "the possibility of an event with negative consequences as a result of certain decisions or actions".

In general, the risk is the probability of obtaining an unpredictable negative result of activity, which is reflected in the accounts [5]. Risk in its nature is a probabilistic category, and in this sense, the most grounded of scientific positions to characterize and measure it as a probability of a certain level of losses. Possibility of losses due to the refusal of the counterparty to fulfill its obligations during the term of the transaction, while the calculations have not yet been made for it are a risk to settlements. This type of risk is characteristic of a loan. As a rule, for long time intervals: from the moment of conclusion of the transaction to the calculation. Therefore, in our opinion, settlement risk is the possibility of non-receipt of cash at the time of settlement by transaction due to default or shortage of liquid

assets in the counterparty, as well as due to operational malfunctions. In other words, it is a risk that transactions will not be executed in a timely manner. This risk associated with cash flows is manifested in relatively short intervals of time. It should be noted that the settlement risk significantly increases when transactions between counterparties located in different time zones.

Settlement risk can also be interpreted as a risk associated with a failure or delay in the transaction execution in the transaction execution system. For example, in the currency market in the course of the transaction, one party fulfilled its obligations to supply the currency, and the other party failed to meet its obligations due to crashes in the settlement system. Thus, everything that can happen is usually happening, and therefore, in order to predict future events, you need to know the basic laws that characterize the risk of international settlement operations. It is necessary to distinguish three main characteristics of the risk of international settlement operations:

- alternative to risk - it is a multivariate solution of risk, the very essence of the identified danger implies this characteristic;

- contradictory risk - obtaining significant results (profit, social effect), acceleration of social or socio-technical progress. At the same time, the risk of international settlement operations leads to: socio-economic or moral losses; before the collision of objectively existing risky actions with their subjective assessment; there is no full input; availability of an alternative solution without proper consideration of objective patterns of development of internal and external phenomena;

- Uncertainty of risk requires studying all for the possibility of sources of uncertainty and reliable information in order to take into account the risk.

There are two reasons for the risk of international settlement transactions - objective and subjective. The first reason is to choose a solution by the person in the presence of an alternative and the probability of obtaining a certain result. The second reason for the existence of risk is predetermined by the probability of many natural, social, technological processes, multivariate relations of the subjects of the economic sphere of society. The objective and subjective causes of the risk of international settlement operations are directly related to the uncertainty surrounding the different levels of the environment, which covers the external and internal environment. Such causes of risk arise from the subjective-objective processes, which has a dual nature of influence and opportunities.

Since Ukraine is a relatively a young state, the issue of increasing attention to international settlements has started to be paid more attention more recently than recently.

The issues related to the theoretical substantiation of the concepts of risk in the economy and accounting, the reasons for their occurrence, classification and the impact of risks on the results of the activity, were investigated by V.V. Vitlinsky, L.I. Donets, I.Yu. Ivchenko, O.E. Kuzmin, V.V. Lukyanova, G. Markovitz, A. Marshall, J.S Mill, F. Knight, A. Pigou, D. Ricardo, N.U. Sensor, A. Smith, D. Stefanich, J.Schumpeter and many others. Some issues of organizational principles of accounting, analysis and control under risk conditions were considered in the works of F.F. Butynets, G.L. Verbitskaya, V.V. Vitlinsky, I.M. Vygovskaya, S.M. Diachek, L.M. Kindratska, M.S. Klapkiv, B.M. Mizyuk, L.O. Prymostky, N.S. Skopenko, O.I Yastremsky.

Despite the availability of research and publications, the risks in accounting are still not thoroughly studied. The problem of overcoming uncertainty and avoiding risks in the economic activity of enterprises remains unresolved. There are no development of effective methodological support for risk management of the company's debt, aimed at increasing solvency, financial sustainability and profitability of enterprises.

According to survey respondents from PricewaterhouseCoopers, the most common economic crimes are illegal property appropriations (76%), corruption and bribery (22%) and mechanization with settlements (24%). The rest are less used, accounting for 8% (unfair competition) and 26% (cybercrime).

Due to the fact that society becomes less tolerant to non-compliance with ethical norms of behavior, the misuse of payments extends to all branches of economy of Ukraine and the world.

According to the results of the study [6 p. 5] that in 2015 there was an abusive use of settlement operations in 7 sectors of the economy, among which the leading financial services sector occupies almost 50%. This is due to the fact that the attitude of Ukrainians towards financial institutions and the system of state regulation of financial markets is characterized by mistrust and pessimism. According to experts, from 40 to 60 billion USA dollars are outside the financial sector of the country, which in UAH equivalent is equal to or exceeds all planned measures of the state budget of Ukraine.

The second and third places are communications (40%) and energy and mining (43%). This tendency testifies to theft of funds and the detection of corrupt connections in the verification of financial and economic activity in the fuel and energy sector.

The rest of the crimes committed in settlement operations relate to such sectors of the economy as retail and consumer goods (36%), insurance (29%), industrial production (25%) and consulting services (13%). The machinations of settlement operations in these industries include lowering the value of obligations, reducing costs, overproduction of income, creating temporary differences (that is, the total income of several reporting periods is correct, but in one period, the revenues are overestimated, and in the other is underestimated, for example, due to premature recognition of revenue, this form of borrowing from the future in order to "decorate" the existing activities); incorrect classification of the articles of the balance sheet (usually the deliberate attribution of non-current assets to

current or current to long-term to improve the current liquidity ratio and other financial indicators), committing fraud with the disclosure of information.

Recognizing the results value obtained by the researchers, it should be noted that to date problems of detection and prevention of fraud and abuse in the system of carrying out settlement transactions between enterprises of different ownership forms remain insufficiently studied. Therefore, it is necessary to study the existence hypothesis of abuses in the conduct of settlement operations to prevent criminal offenses in the field of accounting, management and control, as well as to develop recommendations for the early detection of falsification of settlement operations, which will prevent the adoption of inappropriate management decisions.

Recognizing the economic characteristics of fraud and abuse, the essence of such concepts as falsification, manipulation and fraud should be investigated. The notion of "falsification" from the late Latin *falsificato*, then *falsificado*, is forgery, which means to make a fake (false [7 p.737]) a copy of something to deceive [7 p.461].

According to the business dictionary of B. Graham, B. Briandley and S. Williams [8 p. 189] and the economic dictionary of A.N. Azrylian [9 p. 886], falsification of payments is a fraudulent or fraudulent record in the accounting calculations of an enterprise made for the purpose of concealment, appropriation of goods and cash. According to the F.F. Butynets' interpretation of the accounting dictionary, under falsification, one should understand the processing of pre-misleading or falsified accounting documents and records in the registers of accounting [10 p. 178].

Consequently, we can conclude that the concept of "falsification" is a deliberate distortion, distortion of information while performing settlement operations for deception. That is, the problem of falsification of settlement operations in the current conditions of the development of accounting methodology, it is carried out against the backdrop of globalization processes and causes a fundamentally new character.

Briukhanov M.Yu. [11] distinguishes manipulation within the limits of laws and standards that define fraud. Fraud is a selfish crime against property that is socially dangerous [12 p. 82]. The criminality and the possibility of committing fraudulent actions are explained by the imperfection of individual laws and the imperfect organization of the financial system by the complexity and multisensitivity of financial and economic ties, incompetence, legal ignorance, negligence, irresponsibility, as well as inappropriate trust of managers of the enterprise and individuals.

Regarding the risk assessment of individual accounting calculations and the same types of facts of economic life one can say in the process of accounting for losses it is important to take into account the following factors. Complicated circumstances may be: ambiguous and sometimes contradictory nature of regulations (high probability of errors); the presence of unsettled operations, etc. The complexity of accounting reflects the facts of economic life, requires for their proper design high qualifications of personnel controlling the bodies. If their qualifications do not match the complexity of operations, the likelihood of errors increases, most of which intentional distortions appear because of the high likelihood of their use for committing abuses. Accountants and controllers should be able to identify and assess the signs of interdependence: a) the terms of transactions that differ significantly from the typical (terms of payments, prices, guarantees, etc.); b) absence of logic for carrying out one or another operation; c) different from the usual order of registration and display operations; d) the divergence between the form and content of transactions; e) priority, given without obvious reasons by certain contractors; f) absence of justifying documents or a guideline visa on them (inefficiency of the internal control system, possibility of fraud); g) operations in which the personally interested management or to which it manifests increased and unusual interest (the possibility of fraud).

Consequently, in view of the above, we can assert that Ukrainian counterparties engaging in foreign trade activities should comply with the Incoterms 2010 rules, since compliance with these rules will reduce the level of risk, avoid falsification in documents and ensure fulfillment of contractual obligations by the parties, which will relieve the emergence of conflicts between them, as well as the resolution of such conflicts in court. The competent organization of internal control and accounting of settlement operations increases the reliability of reporting and avoids risky violations and differences.

Implementation of these areas enables to detect and to prevent quickly fraudulent transactions in accounting. The main tasks of prevention of fraudulent actions in settlement operations are: timely and correct documentation of settlement operations of the enterprise; control over correct and timely payments with suppliers, banks, tax authorities and other contractors; control over compliance with the forms of settlements established on the roads with counterparties to exclude overdue debts in order to control the timeliness of repayment of payments on debts.

Successful implementation of reforms in Ukraine depends to a large extent on the development and implementation of the latest payment systems, the latest payment instruments of international settlements, which is a necessary component of structural adjustment of the economy and acceleration of economic growth and improvement of export-import settlements, the payment system of Ukraine and harmonization and combination of them with international payment systems.

Thus, in today's conditions of development of globalization processes, the problem of abuses associated with settlement operations has acquired a fundamentally new character, which leads to extremely high losses and requires the adoption of measures for the prevention of criminal acts and their timely detection

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4.5. ETHICAL COMPONENT OF PERSONAL POTENTIAL IN ECONOMIC PROCESSES

In the conditions of globalization of economy and diversification of information society of a problem of ethics get new influence. It is difficult to designate the periods of historical development with lack of interest in morals, morality, ratios spiritual and corporal. A. Smith the philosopher by training several years prior to a release of the monograph "Research about the Nature and the Reasons of Origin of Wealth of the People" has offered the world the work "Theory of Moral Senses"[10]. His contents is relevant so far. Unfortunately, for various reasons the vast majority of apologists of the classical economic theory don't pay attention to A. Smith's preventions. Their essence in the following. First, existence of system communications between personal egoism of the person and his responsibility to others. In treatment And. Smith: "Whatever degree of egoism we have assumed in the person, his nature, obviously, participation to what happens to others, participation owing to which happiness them is necessary for him is peculiar even if it would consist only in pleasure to be his witness"[10]. The person is for various reasons not capable to refuse participation in the fate of others. Within many centuries of manifestation of egoism, compassion, emotional estimates of itself and others is in the center of attention of psychologists. Secondly, indisputable value of respect of others opinion. Person, participating in production process, constantly is under a press of public opinion. Admiration, condemnation of others always will also remain result of influence of a social environment and moral stereotypes. Thirdly, moral, ethical principles and mechanisms of realization demand huge labor and sincere efforts: "... what advantage, what education are found by us in behavior of the person keeping at the most important for him circumstances that prudence and self-control most of which of all improve any passion, in behavior of the person showing only such aspirations which can meet sympathy in strangers!" [10] the Limited volume of article doesn't allow to focus attention on all problems formulated by A. Smith in "The theory of moral senses".

Initiators of the undertaken reforms it is free or involuntarily main attention was concentrated on abstract provisions of the economic theory. The benefit became a main objective of production of goods and services. Ethical values, social processes and the phenomena have appeared outside full-scale scientific and humanitarian researches. The economy, sociology were taken prisoner narrow specialization and practical expediency. The economic theory and practice is characterized by discrepancy. On the one hand – growth in incomes, profits, expansion of material consumption. With another – human generosity, justice, morality and other virtues of the person. In Aristotle's concept of people has to seek for self-improvement constantly. His major form philosophers recognized virtue as the finest and high in life.

Personal potential became a subject of economic interest in the 60th years of the 20th century. At first J. Galbraith in work "New industrial society"[1], and then Aurelio Peccei (the first founder of the Roman club) [5] have tried to formulate the relation to a role of human qualities in functioning of economy. J. Galbraith has concentrated attention on limited mechanisms of the market. They, according to the scientist, aren't capable to create conditions for satisfaction of the needs for public benefits. Besides their equitable distribution is almost impossible. In too time development of the person, society and a civilization are in direct dependence on the level of education, able-bodied physical, intellectual and moral health. The appeal to a problem of non-material values is caused by lack of their trade dress. Ethics always performed function of public benefit. Expression forms, the principles, mechanisms of transfer

don't arise from air, constantly demand system expenses. The aspiration to commercialization creates a significant gap between material and financial attention to material and social consumption. Decrease in rates of economic growth even more often arises because of neglect moral values. Losses of society from the road accidents can be an example of considerable material losses. The official statistics doesn't give objective information on the human and capital investments directed to overcoming consequences of unethical behavior on roads. Only losses of human lives as a result of the road accidents are known. In Republic of Belarus in four last years there were about 1800 accidents in which about 2400 people have died. However not all road accidents find reflection in reports[8]. In certain cases the people who have died in hospital aren't considered by the victims of road accident. Long ago it is known that the main reason for death of people and destructions of material property is violation of the rules. Apologists of abstract ethics can deny communication ethics behavioural components and rules road accidents. In our understanding empirical ethics are, first of all the relation of the person to laws, norms, the principles of behavior. Violation of the rules of the movement, production requirements on production, a distance between the teacher and the student, the doctor and the patient, etc. in full illustrate negative attitude towards the person.

Owing to the fact that even the simple list of publications on a problem of personal potential can occupy several pages we focus attention on the characteristics caused by economic processes. This approach is cast by A. Pechchei's reasonings in work "Human qualities": "And to apply own power, having learned to expect and warn any undesirable poksledstviye of the activity, the person can prevent free or involuntary abuse reached only thanks to the corresponding cultural evolution". [5] Ethical problems of development of a civilization become more important a problem. Their nepoznannost, tension has reached critical level in all spheres of activity of the person. According to the well-aimed statement of Karl Rogers: "Penetrations into infinity of space and a microcosm of atom cause reverential horror, but, apparently, they will lead to general destruction of our world if only we don't make great progress in understanding and building relations between certain people and groups. I think that knowledge which is available in this area is very poor. But I hope, day when we invest the money equal to the cost of one-two big rockets, in researches of understanding of the human relations will come". [6] But even already available knowledge isn't put into practice yet. "In each culture certain notions of what has to be an ideal of the person are created" [3,69]. Having carried out small historical and analytical digression of formation of an ideal of people, it is possible to provide some characteristics. In Ancient Greece was sought to be brought up comprehensively developed person combining the high intellectual, moral potential and physical potential. The Olympic Games became the most important mechanism of formation of the called qualities of the person. In the territory of other countries an ideal of the person it was considered to be valorous voyn. (Sparta, Persia). Has offered the USA to the world of the person businessman. All his actions have to be directed to obtaining the maximum benefit. According to the American values of people always and everywhere has to be the first, win the competition, etc.

The world of the person is presented by a complex of various ideals. The choice of an ideal of development of the person and future society never before was particularly acute so, as in the conditions of modern development. On the one hand – the accruing globalization processes advancing society of boundless consumption. With another – problems of limited resources of production and as won't seem paradoxical, limitation of consumption. The last, in our opinion, accrues every year. By various estimates in the world of people makes such quantity of goods about which existence doesn't learn during all life. For production practically nobody demanded goods spends huge human and natural resources. The organization of favorable production demands the person who doesn't have high moral qualities. Advance of goods on the markets of other countries is based on diversification of aggressive opposition. Mass media are crowded with examples of identification of the level of development of the person with consumer preferences. If you, for example, don't eat "a fuagr or snails", then you the second-class citizen, etc. Unfortunately, reforming of the economic relations on the basis of abstract market laws is followed by refusal of education human in the person. We understand formation of the personality, i.e. highly socialized person who is capable to understand the events as this process, to effectively use knowledge on advantage of society.

Economical and technical globalization demands the scientifically based answer to a question of a rational ratio of independence of judgments, responsibility and imitation. The independence of judgment and consumer economy represent the new system of social and economic contradictions. The person capable to form and set aside own judgments is, first of all, a source of progressive development. Besides he shows depth of negative consequences of vision of the world others eyes. A kind of lack of independence of judgments and behavioural the practician has described P. Sorokin in the book "Crisis of Our Time" "If the individual has no strong beliefs concerning what is correct and what isn't present ... has no respect for the duties, and, at last, if his search of pleasures and sensual values are the most important in life what can conduct and control his behavior in relation to other people? Anything, except desires and desire". [12] It is possible to answer a possible question of opponents of a ratio of independence of judgments, behavior and ethics with P. Sorokin's words: "In such conditions when the person loses any moral or rational control and even just common sense what can keep him from violation of the rights, interests and welfare of other people? Anything, except physical force". [12] Problems of behavior of the people who aren't burdened by own opinion have stepped over borders of personal space and personal responsibility long ago. The person who is only capable to repeat others words, to duplicate others opinion, is free or involuntarily widely uses brute physical force. The more in the company of people for whom demonstration of physical force becomes meaning of life the there are more various conflicts. Cruel fight of material riches amplifies constant physical impact. False opinions, ideological

delusions on power of economic self-regulation serve as the nutritious soil for ignoring of moral norms and principles of behavior, complete negation of a real possibility of education comprehensive to the developed personality.

Consequences of two and a half decades of reforms serves as a peculiar mirror of losses in the humanitarian sphere. Honoring bad, dull, and sometimes primitively animal consumption it is difficult to justify with economic achievements in the form of GDP growth, decrease of the inflation rate and strengthening of a course of national money. The refusal of the culture of education of the new person and transition to new economic reality is followed by destruction of traditional values with their replacement by the eminence of material consumption. Considering the fact that the market economy is based on promotion of individualism, recognition of constant fight for consumption society according to P. Sorokin becomes "... almost completely "atomized", and the conflict between values of various people and groups becomes especially irreconcilable, inevitably generate the fight of special intensity noted by the broadest variability of forms. Within society she takes in addition to other conflicts the form of rise in crime and cruelty of punishments, especially explosion of revolts, revolts and revolutions"[12]. It would be desirable to note that market fight gains special sharpness in the field of moral ethical standards and the principles. The society deprived of habitual norms and values appears even more often without means of support. The enterprise and age force out morals, morality, high diligence, devotion and responsibility. The social and economic stability allowing the person to use as much as possible available potential is replaced with high removability of control modes, and sometimes simple addictions of owners. The private property was more expensive than human life. For her glorification to people of certain age it is persistently inspired in a thought of intellectual inferiority, inability to bring benefit, etc. Thus, society has appeared in a situation of replication of the new welfare values incompatible with human nature.

The secret of the human person still remains a complex problem of humanitarian scientific knowledge. And his actively transcendental acts (mood, will, an act) are subject to valuable judgment, that is are ethics subject. "In structure of the personality the major place belongs to the relation of the personality to such social phenomena as equality, justice, morality, the right"[11]. Justice in platonovsky philosophy is built to the first place. Justice resists to rough egoism of the certain person. The fundamental difference egoistical from fair behavior is that the person egoist seeks for achievement of the only purpose – possession of the benefits by the principle "all for me and only for me"[11]. There will be something for others for him has no value. In the head of the 20th century the fair behavior of the personal attitude towards surrounding people and conditions has been stated to V. Pareto. V. Pareto efficiency is defined by the scientist as follows: "this such condition of some system at which the value of each private indicator characterizing system can't be improved without deterioration in others"[4]. Use of the theorem of V. Pareto only for assessment of economic efficiency of some subjects of social production has limited character. Any changes which are carried out by the private owner or the state have to be estimated from positions of additional income not for certain people, and all society. Ethic and personal approach, making the decision, is based on use of the right to change only if consequences don't do to anybody additional harm[4].

V. Pareto's theory about justice of distribution has been by the scientist the basis for methodology of economic welfare. The started reforms in the territory of the former USSR have been proved by need of increase in welfare. It, unfortunately, is still treated now very narrowly. For this reason there is a huge need for the appeal to theoretical heritage of V. Pareto. The optimum according to V. Pareto means that the total welfare of society reaches a maximum in case any further change leads to deterioration at least one subject. According to the second principle of the theory of welfare the movement towards an optimum is possible only in the conditions of distribution of resources which increases welfare at least of one person, but at the same time doesn't cause damage to nobody else. It is indisputable that the reality doesn't show direct mechanisms of influence of ethical principles and standards of behavior on effectiveness of activity. Ethics – deeply a latentna. In questions of interrelation of function of usefulness of the person acting ethically and functions of usefulness of other individuals it is necessary, according to P. Kozłowski, "to distinguish two parties, one of which is connected with action, and another – with experience of consequences of action"[3, page 101].

The simplified interpretation of the principles of the classical economic theory offers the theory of three factors of production: work, capital and earth. Despite radical changes in the equipment, technologies, production management, textbooks according to the economic theory duplicate primitive structure of social production. Work – as one of factors isn't connected with his carrier. For this reason economic practice uses and estimates human activities for abstract indicators. There is it against the background of a historical denial of conclusions about limitation of the person his production function. The paradoxicality and discrepancy of modern economic practice is that during reforms "runs the show" abstract professionalism. It occurs in conditions when the theory hasn't provided definition of the concept "professionalism" so far. Highly specialized education, exception humanitarian components from professional and educational spheres, replacement of true human values with the sizes of the got profit ignore ethic and moral elements of activity. Human life value even more often is defined by the sizes of the bank account. Commercialization of education, science, culture, education is proved not by payback of functioning of institutes of socialization. It is difficult to explain the unilateral and simplified interpretation of economic heritage from positions of scientific methodology. A. Smith in work "The theory of moral senses" has stated the basic principles of value of morality of the human relations. Now they gain true scientific and practical meaning[10].

In 2017 the Nobel committee has awarded an award on economy to Richard Taler, having recognized, thus, the supreme value of behavior of the person. The most important visible form of morality of the person, in our opinion,

is the level of development of self-checking. In "The theory of moral senses" A. Smith has stated reasonings on constantly conducted fight between "passions" and "the impartial viewer"[10]. Following momentary passions of people, in A. Smith's interpretation, extremely seldom thinks of the remote consequences of the behavior: "The pleasure which we can get in ten years, interests us so a little in comparison with what we can enjoy today"[10]. A. Smith (it is necessary to recognize it) was not the only economist who tried to pay attention to importance of behavioural factors. Unfortunately, little-known not only among humanists, but also many economists Robert Shtrots, estimating importance of self-checking, I have used the poem by Homer about Odysseus and Sirens. Sirens peculiar version of antique female rock group. Seamen couldn't resist fascinating singing. Who wanted to see them, directing the ship to rocks, suffered ship-wreck. Many at the same time perished. Odysseus has decided to limit access to irritants and thus to save seamen. We won't be to describe the methods used by Odysseus for achievement of a goal. The main conclusion of ancient wisdom speaks about importance of formation of mechanisms of self-checking.

Modern the equipment and technologies, their effective and safest operation are possible only in the conditions of strong and almost trouble-free system of self-organization and self-checking. Unfortunately, now at all levels of human relations uncontrollable emotions often dominate. The emotional fieriness is skillfully maintained by consumer economy. The rational person remained on pages of textbooks and monographs. Cultivation of nonexistent behavioural model of the person, according to R. Taler demands refusal of the outdated economic theory. "A rational person "is too limited a model to explain our decisions and actions. This book rethinks everything, this book rethinks everything you know about human behavior, and helps to extract the maximum benefit from this"[13]. Human life is a set of more difficult situations, than purchase of products or visit of spectacular actions. Choice of profession, the partner in life, the birth and education of children, etc. quite often are followed by failures. "Uchiktyvy a chasktokta the nekudachknykh of reksheniye, the priknimakemykh in these the siktukatsikyakh, slozhkno to podkderzhat utkverkhzhekny that all pokdobkny reksheniye yavklyakyut-sya a raktsikonalkny vykbor [12].

In life of people very seldom makes rational acts. Adoption of the provision on emotionality, passion of behavior allows to speak about need of formation of new objects of a humanitarian research of the person. P. Sorokin it is very figurative and reasoned in article "The sociologist's notes. About the inhabitant and philistinism" I have described indifference influence, indifference on the taking place events. "Serious sociologists of such public group or a class don't know. And, however, such group or a class, undoubtedly, existed and exist. Serious sociologists and parties of inhabitants don't know. And, however, such party of non-party inhabitants is given. It is more than that, it is the most widespread and most numerous party... What characterizes her? The answer says: interests of the stomach and purely personal wellbeing. Any inhabitant for the whole world looks and everything estimates sub speciae of interests of the stomach"[11]. we won't provide contents of all article, each word as a peculiar will to modern sociologists and economists about the most important directions of researches, about the imminent need of integrated researches. Inhabitant and egoist, in our opinion, different sides of the same coin. For the egoist it is absolutely indifferent that will remain for others if he has had an opportunity as much as possible to satisfy the requirements. For him justice is expressed in a tendency all only for me. The value of life of other person is estimated by him quantity of the benefits which will receive.

Economists always appear in difficulty when the answer to a question of the negative consequences accepted (even the best), theoretically reasonable decisions is required. The reason, in our opinion, consists in non-recognition of almost total absence of rational and economically competent actors. All economic policy pursued in recent years – an essence the brightest confirmation - on the one hand boundless egoism of public servants, and with another – absence not only rational behavior, but even conditions for his realization. The abstract models of macroeconomic balance postponed from textbooks have already led to considerable decrease in the standard of living of people. However many economists continue to profess and realize the economic theory of rational. The correctness of assessment of a real situation in the economic theory obliges us to pay attention to that fact that in the eighties 20th century. The Nobel laureate Amartya Sen in work "About ethics and economy" has subjected to sharp, but constructive criticism refusal of practical economy from ethical components. It is difficult not to agree with the scientist: "the economic theory in that look in what it exists, can be made more effective if begins to pay attention to ethical reasons which form behavior and judgments of people". [8] In the operating system of economic values, mechanisms of their realization there is no place ethical a component at all. As the reasons of this state, first of all, the quantitative measuring instruments reflecting the level of development of the person in the different countries and regions act.

In 1990 PROON has published the first report with assessment of economic and social progress of the countries of the world in which was is formulated the following: "Development of the person is process of expansion of a range of the choice. The most important elements of the choice — to lead long and healthy life, to get an education and to have the worthy standard of living. Additional elements of the choice include political freedom, the guaranteed human rights and self-esteem". [2] This frame of reference is focused on improvement of quality of human life, expansion and improvement of his opportunities in all areas. The concept of human development has replaced so-called "classical" theories of economic development which were based on an indicator of gross national product, considered the person only as the driving force of economic development and proclaimed economic growth a main goal of social progress. However worship of quantitative indices has remained. If we count by means of quantitative measuring instruments, to define progressive changes, it is necessary to recognize existence of the latent conflicts between the interests of different social groups. Still Adam Smith pointed to tool importance of "rules of conduct": "These general

rules of conduct when they are recorded in our brain by means of a habitual reflection, bring big benefit in correction of the perverted indulgence to the desires as regards it is appropriate and correct to do in a concrete situation"[9]. Difficult tool ethics are built in public morals. Improvement of relations of production, increase in efficiency at the enterprises and a set of other types of economic activity are inconceivable out of ethical standards. The target effectiveness, level and structure of consumption define a ratio of social norms and market principles. Balance between them is objectively caused, but theoretically and almost vague.

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4.6. MERGERS AND ACQUISITIONS OF COMPANIES IN THE DEVELOPMENT OF UKRAINE'S PARTNERING WITH THE EU

Achievement of competitive advantages by modern enterprises can take place in two main directions: first, expansion of its presence on the market, up to its full monopolization; and secondly, improving the quality of products. An enterprise can also combine these two approaches. For consumers, of course, the second approach is the best. Since the monopolist in most cases imposes on consumers not only the price of products, but also her, not always attractive, qualitative characteristics. One of the key factors for improving quality is the implementation of innovative activities that require significant amounts of investment resources. In most cases, the company becomes a hostage to the situation and can not independently, without external influence, move to a new level of innovation development. In this case, the output for it is integration with a more efficient enterprise, which will act as a donor of innovations in the field of technology, organization, marketing, etc. There are many examples of such integration in automotive, food, financial and other types of economic activity. These processes are exacerbated for national commodity producers as a result of the emergence of more competitive foreign enterprises in the market. Therefore, in the context of European integration processes, the question of establishing partnerships with foreign companies is an important direction not only in scientific research, but also in practical work. The opening of the Ukrainian economy has necessitated the participation of its companies in a competitive struggle, in which competitiveness begins with the introduction of relevant norms and standards. The introduction of such standards will contribute to the gradual alignment of the Ukrainian economy, its "tightening" to the levels of development of the European Union. This also applies to the scientific, technical and innovation spheres, which are inseparable parts of the economic system, and therefore their integration into the global economy should correspond to the general vector of economic integration.

At the same time, the state, in such circumstances as a market regulator, should not only stimulate enterprises to improve the quality of products, but also act in favor of national interests. That is why in the last few years issues of economic security of the state are being discussed more and more not only in political circles, but also in the scientific environment, given the active involvement of the national economy in the processes of European integration.

Integration of economic relations opens for Ukraine new opportunities for access to new knowledge, new technologies, new organizational solutions, but also contains a number of dangers and threats that can further aggravate the negative effects of structural imbalances in the economy of Ukraine. One of the directions of implementation of integration processes at the enterprise level is the deepening of integration between them in the course of realization of programs of joint activity. The most typical manifestation of such integration processes is the activation of mergers and acquisitions (M & A) transactions. The objectives and tasks of implementing these agreements are extremely diverse: from the combination of capital to achieve joint projects to gain full control over the sectoral market through hostile takeovers of major competitors. It is in the latter case that the greatest danger to the development of the economy lies in view of the possibility of significant contradictions between corporate and state interests.

Investment security is an effective tool for making efficient decisions regarding the development of adequate conditions and needs of the investment activity model, taking into account external and internal factors of influence. Mergers and acquisitions are one of the main ways of concentration of capital, a means of access to international markets, a source of new resources, which, in turn, makes it necessary for its further study.

Therefore, the consideration of mergers and acquisitions in the context of economic security in terms of integration with the EU is of scientific interest.

The study of key issues in M & A issues, in particular in the context of the functioning of the sectoral markets, the peculiarities of manifestation and the characteristics of friendly and hostile takeovers in the corporate sector, economic security, associated with the peculiarities of manifestation are sufficiently deepened in the scientific literature, in the writings of such authors as: O. Bazhenova, Y. Berlach [1], Z. Varnalius [2], P. Gohana [3], D. Depamphilis [4], V. Spirit [5], A. Kizim, V. Margasova, V. Muntian and others. However, the role of M & A processes in the development of enterprises in the context of establishing partnerships with EU enterprises due to their impact on the economic security of the state is insufficiently researched.

The main objective of the paper is to study the methodological principles for assessing mergers and acquisitions in view of their impact on the country's economic security in terms of establishing partnerships with EU enterprises.

Presentation of the main results and their justification.

It should be noted that from the standpoint of the national economy, economic security describes its state, which protects national interests, resilience to internal and external threats, the ability to develop and protect the vital interests of people, society and the state. In this context, the country's economic security reflects organizational and economic measures to counter factors that are capable of violating the ability of the economy to maintain or quickly restore the critical level of social reproduction. Particularly acute manifestation of the emergence of threats and threats that adversely affect the state of economic security is the spread of illegal schemes of redistribution of resources and ownership in the market of mergers and acquisitions in the implementation of hostile takeover mechanisms. As a result, the nature of competition and the structure of the economy are changing.

On the other hand, the M & A process is one way to substantially increase the level of capitalization of Ukrainian companies, due to the increased degree of openness of the country's economic system to international competition. Given the above mentioned international mergers and acquisitions can be considered one of the main ways to implement a partnership development strategy with EU companies.

Among the main reasons that increase the popularity of fusion transactions in Ukraine, financial analysts distinguish the possibility of their use as:

- a tool for increasing competition in a particular market segment, when owners are more actively looking for ways to increase the investment opportunities of their enterprises;
- resource concentration tool;
- strategy of countering competitors;
- an optimization tool for taxation by purchasing unprofitable enterprises;
- a way to maximize control in the relevant market.

In the most general sense, according to Depamfilas D. [4], mergers and acquisitions represent two practical ways of merging companies, leaving only one of them retained as a legal entity, becoming the main owner and gaining control of another company, it's a subsidiary or individual assets. From the practical point of view, such a combination of companies can be realized through a "friendly merger" in order to concentrate resources or "hostile takeover", aimed at maximizing control in the relevant market. As a rule, hostile takeovers are accompanied by the use of unlawful methods and mechanisms. The most unfriendly mergers and acquisitions are characterized by the highest level of dangerous impact on financial and economic stability and on the corresponding security spheres. In Ukraine, according to V. Dukhov [5], more than 70% of acquisitions are on an illegal (raider) basis.

World experience has shown that any merger and acquisition processes can have negative consequences for the national economy, regardless of the nature of their implementation. That is why world practice has resulted in a significant number of practical measures to assess the impact of mergers and acquisitions. As an example, the US experience in calculating the Herfindahl-Hirschman index is worthwhile. The US Department of Justice defines the degree of concentration of the market in this way: the index is below - a small market concentration, - average market concentration, - high concentration of the market. Any merger of companies in the United States automatically leads

to the application of antitrust law in the event that it increases the concentration by 0.1 on the average concentration market (and by 0.05 in the high-end market) [6].

The main players in the market of M & A transactions in Ukraine for the third year in a row are Ukrainian companies focused on agriculture, food production, financial and insurance activities, manufacturing of basic pharmaceuticals and pharmaceuticals, and healthcare, telecommunications.

Thus, according to the reports of the CMS legal group, the total volume of M & A transactions in Ukraine in 2016 compared to the previous period increased by 20% to EUR605.3 million, while their total number decreased by 2.6 times - up to 54 transactions. Major M & A agreements in 2016 became [7]:

- an exchange of assets between the UniCredit financial group and ABH Holding (Luxembourg) holding the transfer of 99.9% of the shares to UkrSotsbank in exchange for 9.9% - shares in ABHH, the transaction estimated at EUR 296.3 million;

- purchase by American company Cargill for EUR 90.9 million 51% of the reloading terminal at the port "Pivdenny" (Odesa region);

- Purchase by the agrarian group "Kernel" of the requirements for the oil extraction plant "Hellada" (Kirovograd region) for EUR 87.1 million;

- Purchase by Fairfax Financial Holdings Limited, an international financial group, of 9.99% of shares of Agroindustrial Holding "Astarta" for EUR 34.2 million;

- Purchase by Dragon Capital Investments Limited of the Pyramid Shopping Center in Kyiv for EUR 21.9 million;

- Purchase by the Federation of Trade Unions of Tatarstan of the "Foros" sanatorium, which was previously owned by Igor Kolomoisky, for EUR 16,7 million;

- purchase of "1 + 1 media" by the Swedish Modern Times Group MTG AB of the Ukrainian satellite and Internet TV operator Viasat Ukraine for EUR16.1 million;

- purchase of Rozetka's online store in the metropolitan suburb of Brovary for EUR 14.6 mln;

- Purchase by businessman Sergei Tigipko of Radisson Blu Hotel Hotel Podol in Kyiv for EUR 9.2 million;

- Georgian Industrial Group (GIG) purchases 29.3% of the shares of the Ukrainian producer of insulin PJSC "Indar" (Kyiv) for EUR 4.3 million.

In 2017 VTB Bank and BM Bank are expected to sell. In addition, a number of transactions are expected with troubled assets of banks (NPL) against the purges of the banking system, and in the information and communication technology sector, where Ukraine is actively competing with Romania, Bulgaria, Hungary and Poland for investment.

Unfortunately, we can state that in Ukraine merger and acquisition processes are virtually uncontrolled. "... 70% of all merger and acquisition transactions in the country in 2016 were made by 20 businessmen. The number of these people in comparison with last year has decreased ... and therefore the trends of next year - we will see only 15 people in the M & A market. These are people who: a) are in power; b) close to power "[7].

Consequently, the experience convincingly proves that the need for state control over the processes of mergers and acquisitions for the Ukrainian economy is gaining importance, since, in the face of demonopolization of state ownership, a "pro-government monopoly" is actually formed. These processes in the national economy, the artificial destruction of competition through the monopolization of markets create additional threats to the economic security of Ukraine, lead to a deterioration of the international image of the country, restrain the integration of the national economy into the world economic space.

In accordance with the above, the necessary procedures are in place to ensure an unbiased approach to the assessment of mergers and acquisitions and determine their impact on the country's economic security. In fig. 1 presents the author's technique [8], which is proposed to be extended to decisions on the consideration of mergers and acquisitions in the national economy from the point of view of the investment component of economic security. The methodology envisages several basic steps and the implementation of the identified successive steps.

At the 1st stage, in order to ensure the objectivity of the procedure for reviewing deals, it is proposed to form three coalition of experts: from the representatives of the National Security and Defense Council, the AMCU and independent experts on a professional basis. It is assumed that there is a consensus between the coalitions in solving the problems of evaluating the M & A deals proposed for consideration.

At the 2nd stage of the coalition of experts, the list of components of economic security is formulated, which fully covers all its aspects. It is important to get a list of parameters coordinated by all coalitions. In the case of certain differences, it is advisable to apply a methodology for debugging and testing strategic assumptions [9], which enables them to reach agreement on solving similar problems. Possible list of components of economic security is given in the table. 1.

In addition, for each activity, the values of the current Herfindahl-Hirschman index are calculated and the levels of concentration of the markets (insignificant: medium and high) are determined (values and are determined by expert way).

The third stage involves the application of the calculation of weighting factors of the components of economic security. To do this, it is suggested to use the expert assessment method on a 10-point scale, followed by their normalization or the scale of pair comparisons, within the framework of the Analytical Hierarchy (AHP) developed by T. Saati [10].

Components of economic security

Table 1

Components of economic security		Marking	Weights *
1.	Financial	Π_1	W_1
2.	External-economic	Π_2	W_2
3.	Investment	Π_3	W_3
4.	Scientific and technological	Π_4	W_4
5.	Energy	Π_5	W_5
6.	Social	Π_6	W_6
7.	Demographic	Π_7	W_7
8.	Food	Π_8	W_8
9.	Industrial	Π_9	W_9

* are defined in the next step.

In the framework of this study, we will consider an example of weighting coefficients by a group of independent experts, since their view is more objective.

When applying the AHP scale, the matrix of pair comparisons of the components of economic security will look like this:

$$A = \|a_{ij}\|_{n \times n} = \begin{pmatrix} 1 & 4 & 5 & 6 & 1 & 2 & 7 & 1 & 3 \\ 1/4 & 1 & 2 & 3 & 1/5 & 1/3 & 4 & 1/4 & 1/2 \\ 1/5 & 1/2 & 1 & 2 & 1/6 & 1/4 & 3 & 1/5 & 1/3 \\ 1/6 & 1/3 & 1/2 & 1 & 1/7 & 1/5 & 2 & 1/6 & 1/4 \\ 1 & 5 & 6 & 7 & 1 & 3 & 7 & 2 & 4 \\ 1/2 & 3 & 4 & 5 & 1/3 & 1 & 6 & 1/2 & 2 \\ 1/7 & 1/4 & 1/3 & 1/2 & 1/4 & 1/6 & 1 & 1/7 & 1/5 \\ 1 & 4 & 5 & 6 & 1/2 & 2 & 7 & 1 & 3 \\ 1/3 & 2 & 3 & 4 & 1/4 & 1/2 & 5 & 1/3 & 1 \end{pmatrix}$$

The desired weighting factors of the criteria are the actual numbers of the constructed matrix $A = \|a_{ij}\|_{n \times n}$, but they can be calculated by the approximate formula:

$$W_i = \frac{\sqrt[n]{a_{i1} \times a_{i2} \times \dots \times a_{in}}}{\sum_{k=1}^n \sqrt[n]{a_{k1} \times a_{k2} \times \dots \times a_{kn}}}, \quad i = 1; 2; \dots; n \quad (n=9). \quad (1)$$

As a result, we obtain a vector of weight coefficients: $W_1 = 0,2046$; $W_2 = 0,0569$; $W_3 = 0,0390$; $W_4 = 0,0272$; $W_5 = 0,2540$; $W_6 = 0,1250$; $W_7 = 0,0200$; $W_8 = 0,1894$; $W_9 = 0,0840$, which allows identifying the parameters of economic security, on which it is necessary to determine the criterion limitations.

It should be noted that, according to the method of T. Saati [10], it is possible to check the contradictory nature of expert estimates by calculating the index of coherence and comparing it with the reference values J^* . In case of non-fulfillment of condition: $J \leq 0,1J^*$ (for $n=9$ value $J^* = 1,45$) it is necessary to review the estimates of paired comparisons of components of economic security.

Stage 4. If the weighting coefficient determination procedure is carried out by each of the expert coalitions, then the concordance coefficient can be used to check the coherence of their estimates [11]:

$$\omega = \frac{12S_\omega}{m^2(n^3 - n)}, \quad (2)$$

where $S_\omega = \sum_{j=1}^n \left(\sum_{i=1}^m r_{ij} - \frac{m(n+1)}{2} \right)^2$ (m - the number of coalitions; r_{ij} -rank; j -the component of economic security, identified by i -the coalition of experts; $\sum_{i=1}^m r_{ij}$ - the sum of ranks j -the component identified by all expert coalitions.)

This formula is used if there are no equal ranks in the assessment of the components of economic security by a coalition of experts; if such ranks are available, the coefficient of concordation is determined by the formula:

$$\omega = \frac{12S_\omega}{m^2(n^3 - n) - m \sum_{i=1}^m T_i}, \quad (3)$$

where T_i - the rank of linked ranks in the ranking i -the coalition, and $T_i = \sum_{k=1}^{N_i} (t_k^3 - t_k)$, N_i - the number of groups of equal ranks in ranking i -the coalition; t_k - the number of equal ranks in k -the group of related ranks when ranking i - in a coalition.

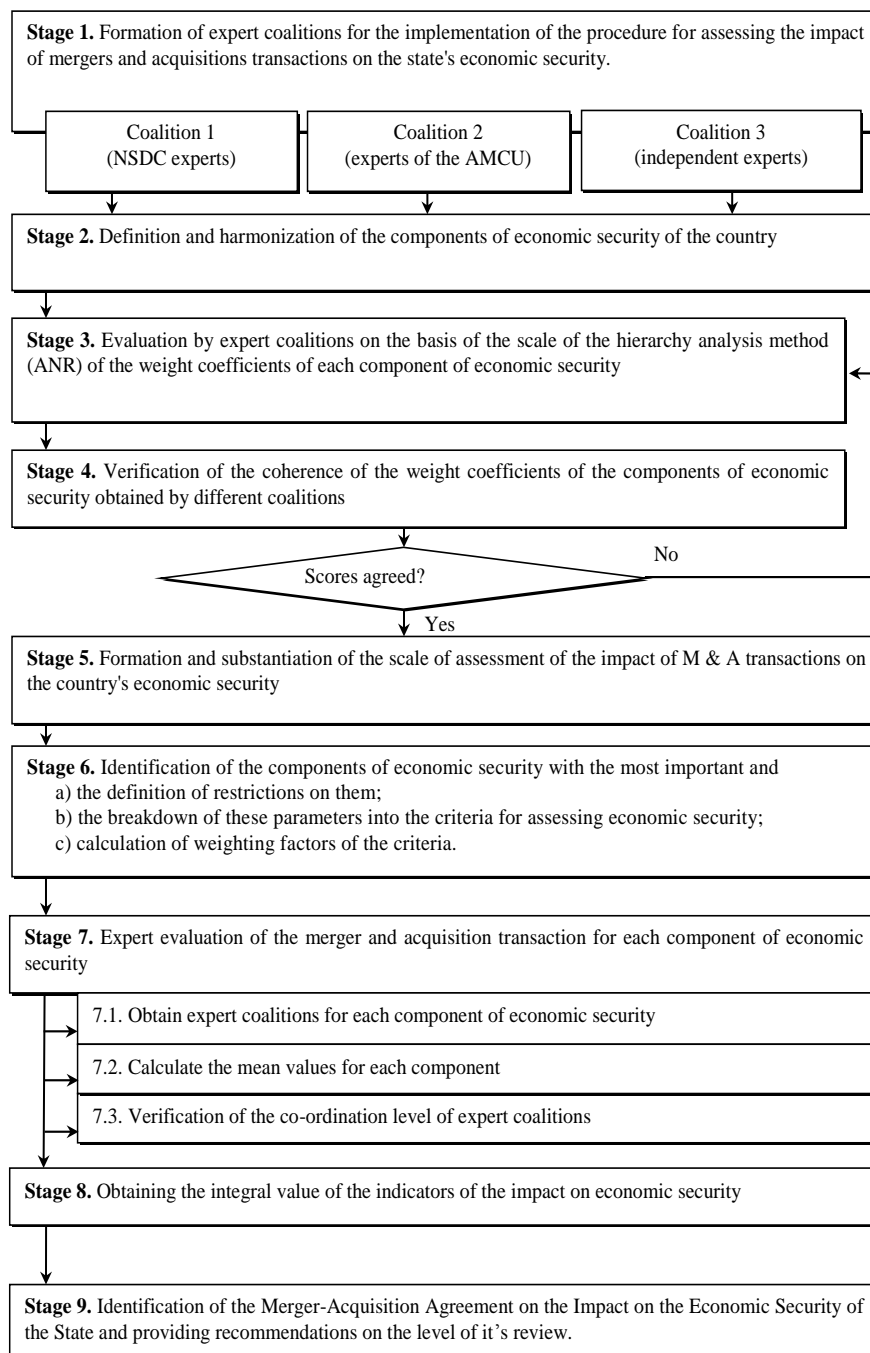


Fig. 1. Stages of the process of assessing the impact of mergers and acquisitions transactions on the state's economic security [8]

At the 5th stage, based on the 10-point scale, it is necessary to develop a scale for assessing M & A transactions for their impact on the country's economic security. Here for the value of the integral index of influence P - it is proposed to introduce three zones: "green": $P \in [0; P^*]$; "Yellow": $P \in [P^*; P^{**}]$ and "red": $P \in [P^{**}; 10]$ each of which is determined by the limits, which expertly establish and agree coalitions of experts.

Stage 6. On the basis of the calculations carried out at the 3rd stage, we will define the component of economic security with the greatest "importance". In our case it is - investment security - Π_3 . The need for a separate consideration of investment security in determining the integral indicator of economic security is due to the strategic nature of the investment process to ensure the further development of Ukraine.

We select the criteria by which it is proposed to determine the level of this component by the coalitions of experts: the degree of dependence on foreign sources of investment; share of used foreign technology; competitiveness of industrial products; the level of penetration of foreign capital; potential of synergy, etc. In determining the list of criteria, it is also desirable to focus on the methodology approved at the legislative level, in particular [12]. For each

coalition of experts by the formula $P_3^{(j)} = \sum_{k=1}^l w_k p_{3k}^{(j)}$ ($j = 1; 2; 3; l$ - the number of criteria for assessing investment security), you can calculate the integral level of investment security (w_k - weighting factors of investment security assessment criteria, determined by expert way; $p_{3k}^{(j)}$ - the evaluation j - the coalition of experts by k criterion for investment security).

It should be noted that in order to verify the coherence of experts 'coalitions' ratings on the criteria for investment security, a procedure similar to that which will be applied below to determine the level of economic security can be used.

Just as it was done for the integral indicator of economic security, we also introduce three zones: "green": $P_3 \in [0; S^*]$, "yellow": $P_3 \in [S^*; S^{**}]$ and "red": $P_3 \in [S^{**}; 10]$, where is the value S^* and S^{**} determined and agreed by experts.

Stage 7. Let's denote through $P_i^{(j)}$ - an assessment of i component of economic security ($i = 1; 2; \dots; 9$), defined j coalition of experts ($j = 1; 2; 3$).

Calculate average values: $P_i = \frac{P_i^{(1)} + P_i^{(2)} + P_i^{(3)}}{3}$. To verify consistency is necessary

1) to calculate $\Delta P_i^{(j)} = |P_i - P_i^{(j)}|$;

2) set expert limit value ΔP_i ($i = 1; 2; \dots; n$):

a) if for some values i inequality is not fulfilled $\Delta P_i^{(j)} \leq \Delta P_i$, then it is necessary to carry out the procedure for coordinating the evaluation of the agreement by experts' coalitions for these components of economic security;

б) if $\Delta P_i^{(j)} \leq \Delta P_i$ ($i = 1; 2; \dots; 9$), then it is considered that the consideration of coalitions regarding the level of influence of the agreements on the components of economic security is coordinated among themselves.

Stage 8. After carrying out all the assessments and procedures for checking the consistency of the coalitions of experts' considerations, the value of the integral indicator of the impact of the M & A agreement on the country's economic security will be calculated using the formula:

$$P = \sum_{i=1}^9 W_i \cdot P_i \quad (4)$$

Stage 9. Based on the estimated values of the integral indicator of the impact of the M & A agreement on the country's economic security P , on investment security P_3 M & A agreement is positioned in the decision-making matrix on mergers and acquisitions (Figure 2), which is developed taking into account the competences of the National Security and Defense Council and the AMCU, as defined by Article 4 of the Law of Ukraine "On the National Security and Defense Council of Ukraine" [13], the Regulation about the concentration [14], the methodology for calculating the level of economic security in Ukraine [12].

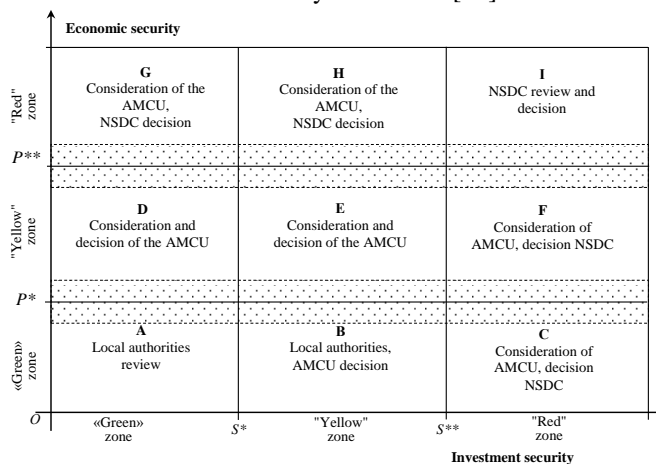


Fig. 2. The matrix of identification of the decision-making level for merger and acquisition transactions, author's development

It should be noted that the application of the developed matrix when considering the M & A agreement should take into account the change in the index Herfindahl-Hirschman ΔH . When exceeding the limits set for each market change ΔH M & A agreement must necessarily be considered either by the Committee or the Administrative Board of the AMCU Committee.

Conclusions

Thus, the methodological support enables to solve a number of problems connected with:

- objectification of the processes of assessing the impact of M & A transactions on the relevant component of the country's economic security;
- coordination of considerations and assessments of the coalitions of experts of the National Security and Defense Council, the Antimonopoly Committee and independent experts on the impact of

M & A agreements on any of the components of economic security;

- simplification of the procedure for preparing an information base for decision-making on concluding M & A agreements by the relevant state authorities;

- justification of the level of government management for decision-making, depending on the results of the process of assessing the impact of M & A agreements on the state's economic security.

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4.7. ECONOMIC-MATHEMATICAL SOLUTION OF THE PROBLEM OF PRICE FLUCTUATIONS

The most important component of antimonopoly policy in most countries is the policy regarding the sectors of social use, which contain natural monopoly segments (electricity, telecommunications, railway transportation). As effective form of these sectors regulation, can be creation of conditions for formation of prices, which satisfy both producers and consumers.

For example, state regulation of prices has been stopped in Ukraine and actually control the formation of consumer prices for food, medicines, and other socially important products. Dropped the concept of «maximum ROI», limiting the level of allowances. Consequently: oligarchic group retail chains of hypermarkets, which actually form a private monopoly formations, acting in concert when setting prices. Antimonopoly Committee thus detects inactivity, which can also qualify as a destructive latent management. This has led to the arbitrary increasing prices of the most popular food: bread is at 47%, pasta – 49%, fish – 51%, fruits, vegetables – 67%, utilities increased three times, medical – almost double. For the six years the life of average Ukrainians increased by 80%, and real income has decreased more than 10% [1].

The problem of pricing optimization, in aspect of satisfaction of interests of producers, consumers and state has great urgency for science.

Scientists of different countries investigated theoretical aspects of prices formation. Own views on this issue were expressed by John Berman, P. Doyle, F. Kotler, M. Porter, T. Nehl, V. Pinishko and others [2-4]. Theoretical aspects of pricing tools investigated in scientific papers of Adam Smith, David Ricardo, A. Marshall, K. Buzhymyska, I. Bakushevych, A. Kolesnikov and others [5-7]. At same time, the question of ensuring of all interests of manufacturer's contractors in aspects of adequate pricing is still urgent. At the same, time governmental competitive policy has great importance in aspect of price regulation on socially important commodity markets.

Furtherly will try to build economic and mathematical model of evaluation of pricing factors impact in cond of it ions of commodity markets. We must define the set of attributes that are important for the formation of the social economics in society. That supposes determination of degree of prices fluctuation vulnerability of such subjects of national economy as state, businesses and households. Ranking of prices volatility impact on welfare decrease of national economy subjects is based on 10-point scale based on expert estimates (Table 1).

Table 1

Ranking of significance of prices volatility impact on economic state of national economy subjects				
№ #	Impact factors of prices volatility on socially important commodity markets	Ranking of prices volatility impact on welfare decrease of national economy subjects, points		
		State	Enterprises	Households
1	The unstable political climate in the country and inept management of national economy	4	3	3
2	The high level of the shadow economy and uncontrolled activity of oligopolies	5	2	3
3	Hyper inflationary processes in the national economy	2	4	4
4	The massive agiotage and increase of demand for the products	1	2	7
5	Price discrimination by the monopolies	1	6	3
6	Total points	13	17	20

Consistency of expert assessments is checked by determination of consent coefficient (E), which is a coefficient of multiple correlation formula:

$$E = \frac{\sum_{i=1}^m \sum_{l=1}^m R_{il}}{m^2}$$

Where m – the number of experts;

R_{il} – correlation coefficient of i and l experts assessments.

According to author's conception, economic interests, which appear in process of pricing regulation, are considered as a system of three agents – state, enterprises and households.

There can be used Spearman's rank correlation coefficient and Kendall's coefficient of concordance. Spearman's rank correlation coefficient is more reliable.

According to results of calculations, we may ascertain the fact that market relations agents are uncoordinated in aspects of pricing regulation on commodity markets.

According to the problem formulation, we have condition, which results the following systems:

- 1) HH – HH (household);
- 2) HH – E (enterprise), E-E;
- 3) E – S (state);
- 4) HH, E – S.

Paired relations are checked every time by the test of Spearman. "Counterparties E" can be limited by the number of $i = 1, 2, \dots, N$. Costs of "counterparty E" $c_i(y_i)$ are dependent on produced product y_i (where $y_i \in [0, \infty)$). The price of services is defined as λ . The objective function of i «counterparty E» is represented by difference of its income $E_i(y_i)$ (where $E_i(y_i) = \lambda y_i$) and costs $c_i(y_i)$:

$$f_i(y_i) = H_i(y_i) - c_i(y_i) \quad (1)$$

In a process of further model building the following class functions will be used:

$$c_i(y_i) = r_i(y_i - a)^3 + b \quad (2)$$

This class of functions is useable for displaying of expenses dynamics of «counterparty E». There are following features of these functions:

- availability of fixed costs of pricing policy implementation;
- the price growth is accompanied by a value decrease of unit costs before the fracture point achievement, after which their increase begins.

Four mechanisms are proposed for discussion, which are mentioned above. Comparison of economic motivation is prepared by using of following parameters:

- $F(y)$ – utility function «counterparty C»;
- $Y(y)$ – the result of actions of «counterparties E»;
- $F_i(y_i)$ – profit of the i -th «counterparty E»;
- $W(y)$ – the sum of target functions of system participants.

1) Utility function «counterparty C»

$$F(y) = \lambda \sum_{i=1}^N y_i^0 - \sum_{i=1}^N (r_i(y_i^0 - a)^3 + b) \quad (3)$$

Differentiate formula (3) on y_i^0 and equate the result to zero:

$$F(y)'_{y_i^0} = \lambda - 3r_i(y_i^0 - a)^2 = 0 \quad (4)$$

According to the last expression, the following can be obtained:

$$y_i^{0\pm} = a \pm \sqrt{\frac{\lambda}{3r_i}} \quad (5)$$

It is obvious, that the maximum of «counterparty E» utility function can be achieved only in one case (5):

$$y_i^0 = a + \sqrt{\frac{\lambda}{3r_i}} \quad (6)$$

According to the said, the total amount of utility functions of all participants in the system is defined by formula below:

$$W(y) = F(y) = \lambda aN + \frac{2}{3} \lambda \sqrt{\frac{\lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} - bN \quad (7)$$

Spearman's rank correlation coefficient calculations confirm the lack of interrelation between the interests of market relations contractors (Table 2).

The impact of price fluctuations on the economic interests of market relations agents

Table 2

№	Pressure on price fluctuations on socially important commodity markets	Ranking of price fluctuations impact on welfare reduction of national economy entities, points			Comparison of ranks			The sum of lines	Squares amounts
		State	Entrepreneurs	Households	Rx	Ry	Rz		
1	State political instability and inept national economy management	4	3	3	4	3	2	9	81
2	High level of shadow economy and uncontrollable activities of oligopolies	5	2	3	5	1,5	2	8,5	72,25
3	Hyperinflationary processes in the national economy	2	4	4	3	4	4	11	121
4	The massive hype and increase of demand for the products	1	2	7	1,5	1,5	5	8	64
5	Price discrimination on the part of monopolies	1	6	3	1,5	5	2	8,5	72,25
6	Total points	13	17	20	15	15	15	45	410,5
7	The calculation of amount	Spearman's coefficient for			$\sum d_{xy}^2 = 26,5$	$\sum d_{yz}^2 = 22,5$	$\sum d_{xz}^2 = 26,5$	for Kendall's coefficient $\sum d_i^2 - (\sum d_i)^2 / n = 5,5$	
8	Coefficients	Spearman			-0,325	-0,125	-0,325	Kendall 0,061111	
9	Assessment of significance	Using			Student's Criterion			Pearson's Criterion	
10	Investigated criterion value				-0,768	-0,282	-0,768	$\chi_{kp}^2 =$	0,733333
11	Critical values				0,7649	0,7649	0,7649	$\chi_{kp}^2 =$	9,487729

$$R_{yz} = 1 - \frac{6 \cdot \sum d_i^2}{n^3 - n}$$

According to formula, results of calculations are following:
Evaluation of Spearman's rank correlation coefficient χ^2

$$R_{yz} = 1 - \frac{6 \cdot \sum d_i^2}{n^3 - n} = -0,125$$

Investigated value is equal to: $t_r = R \sqrt{\frac{n-2}{1-R^2}} = -0,282$

According to the received results of calculations, an extremely weak inverse interrelation between enterprises and households is determined. That fact is proved by Spearman's coefficient, which values are statistically insignificant. Analogically, calculations for other systems are the same (for HH - EE, EE - EE).

The calculation of «Counterparty S» utility function is similar to (7):

$$F(y) = \gamma \lambda \sum_{i=1}^N y_i - \gamma \lambda \sum_{i=1}^N \left(a + \sqrt{\frac{(1-\gamma)\lambda}{3r_i}} \right) = \gamma \lambda \left(aN + \sqrt{\frac{(1-\gamma)\lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \right)$$

In this case the economic motivation mechanism involves the following points:

$$f_i(y_i) = 0 \quad Y(y) = aN + \sqrt{\frac{\lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \quad (8)$$

Total sum of utility functions of all participants has the following form:

$$W(y) = F(y) + \sum_{i=1}^N f_i(y_i) = \lambda aN + \left(\lambda - \frac{(1-\gamma)\lambda}{3} \right) \sqrt{\frac{(1-\gamma)\lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} - bN$$

Thus, the total sum of utility functions of all system participants has the following form:

$$W(y) = F(y) = \lambda aN + \frac{2}{3} \lambda \sqrt{\frac{\lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} - bN$$

S - EE

In this case, provision of pricing services is logical at the price equal to λ , excluding some normative γ . This normative reflects the proportion of «counterparty E» income transmitted to «counterparty S» as a return of profit (of VAT). Normative γ belongs to interval of $[0,1)$. The interval is open on the top side, so in case when $\gamma=1$ we have situation, when «counterparty E» has benefit of being inactive. In other case, it is that activity of «counterparty E» will be unprofitable, what contradicts to content of economic motivation mechanism.

Taking into these conditions, the benefit of i -th «counterparty E» $H_i(y_i)$ will be equal to $(1-\gamma)\gamma y_i$. The objective function has the following for these conditions (including (1) and (2)):

$$f_i(y_i) = (1-\gamma)\lambda y_i - r_i(y_i - a)^3 - b \quad (10)$$

Normative γ can be represented in a form of internal tax rate on income. In order to determine the actions of «counterparties E», there must be done operations similar to (4), (5):

$$f_i'(y_i) = (1-\gamma)\lambda - 3r_i(y_i - a)^2 = 0 \quad (11)$$

$$y_i^\pm = a \pm \sqrt{\frac{(1-\gamma)\lambda}{3r_i}} \quad (12)$$

Analogically to (6), it is possible to determine the variant of probable maximum of «counterparty E» utility function:

$$y_i = a + \sqrt{\frac{(1-\gamma)\lambda}{3r_i}} \quad (13)$$

The action, which is chosen by «counterparty E», doesn't depend on value of b . According to his statement we can exclude this term from further calculations.

Calculation of «counterparty S» utility function is analogical to (7):

$$F(y) - \gamma \sum_{i=1}^N y_i - \gamma \sum_{i=1}^N \left(a + \sqrt{\frac{(1-\gamma)\lambda}{3r_i}} \right) - \gamma \lambda \left(aN + \sqrt{\frac{(1-\gamma)\lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \right) \quad (14)$$

In this case, result of actions of all «counterparties E» is presented in the following form:

$$Y(y) = \sum_{i=1}^N y_i = aN + \sqrt{\frac{(1-\gamma)\lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \quad (15)$$

A benefit of the i -th «counterparty E» is represented by formula below:

$$f_i(y_i) = (1-\gamma)\lambda y_i - r_i(y_i - a)^3 - b = (1-\gamma)\lambda a + \frac{2}{3}(1-\gamma)\lambda \sqrt{\frac{(1-\gamma)\lambda}{3r_i}} - b \quad (16)$$

Total utility functions of all participants has the following form:

$$W(y) = F(y) + \sum_{i=1}^N f_i(y_i) = \lambda aN + \left(\lambda - \frac{(1-\gamma)\lambda}{3} \right) \sqrt{\frac{(1-\gamma)\lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} - bN \quad (17)$$

It is obviously, that expressions (14)-(17) are dependent on normative « γ », which is managed by «counterparty C». It is possible to determine optimal ratio of normative « γ » for «counterparty S». In order to do that we need to define the value of normative « γ », which will maximize the expression (14). At the same time, this value must be positive (16).

$$R_{\gamma} = 1 - \frac{6 \cdot \sum_{i=1}^N d_i^2}{n^2 - n}$$

$$R_{\gamma} = 1 - \frac{6 \cdot \sum_{i=1}^N d_i^2}{n^2 - n} = -0,325$$

Calculation of Spearman's rank correlation coefficient resulted in the following value:

$$r_s = R_{\gamma} \sqrt{\frac{n-2}{1-R^2}} = -0,768$$

According to received results, there is a weak inverse interrelation between enterprises and the state, and the COP is not statistically significant.

In this case, the price is the sum of cost for services provision and profit return ratio ρ , expressed as a percentage share of the cost. The rate of «counterparty E» profit return ρ is profitability. In case of profit return ratio ρ equal to 0, the situation refers to the first observed mechanism of economic interests.

Analogically to the first option, the implementation of planned y_i^0 objectives is optimal scenario for «counterparty E».

According to the conditions of this mechanism, reformulate form of (3) is the following:

$$F(y) = \lambda \sum_{i=1}^N y_i^0 - (1-\rho) \sum_{i=1}^N (r_i(y_i^0 - a)^3 + b) \quad (18)$$

After differentiation (18), we simplified results and rejected unnecessary decisions. As a result we received the following statements:

$$F(y)'_{y_i^0} = \lambda - 3(1-\rho)r_i(y_i^0 - a)^2 = 0 \quad (19)$$

$$y_i^{0\pm} = a \pm \sqrt{\frac{\lambda}{3(1-\rho)r_i}} \quad (20)$$

$$y_i^0 = a + \sqrt{\frac{\lambda}{3(1-\rho)r_i}} \quad (21)$$

According to calculations, for this economic motivation mechanism we have the following:

$$F(y) = \lambda \sum_{i=1}^N \left(a + \sqrt{\frac{\lambda}{3(1-\rho)r_i}} \right) - (1+\rho) \sum_{i=1}^N \left(r_i \left(\sqrt{\frac{\lambda}{3(1-\rho)r_i}} \right)^3 + b \right) = \lambda aN + \frac{2}{3} \lambda \sqrt{\frac{\lambda}{3(1-\rho)}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} - bN(1+\rho) \quad (22)$$

$$f_i(y_i) = \rho \left(r_i \left(\sqrt{\frac{\lambda}{3(1-\rho)r_i}} \right)^3 + b \right) \quad (23)$$

$$Y(y) = aN + \sqrt{\frac{\lambda}{3(1-\rho)}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \quad (24)$$

$$W(y) = F(y) + \sum_{i=1}^N f_i(y_i) = \lambda aN + \frac{\lambda}{3} \left(2 + \frac{\rho}{1+\rho} \right) \sqrt{\frac{\lambda}{3(1-\rho)}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} - bN \quad (25)$$

$$R_{yz} = 1 - \frac{6 \cdot \sum d_i^2}{n^3 - n}$$

Results of provided calculations: $R_{yz} = 1 - \frac{6 \cdot \sum d_i^2}{n^3 - n} = -0,375$

Evaluation of Spearman's rank correlation coefficient. According to calculation, we have received following results:

$$r_s = R \sqrt{\frac{n-2}{1-R^2}} = -0,768$$

HH-E-S

Objective function of «contractor S» has the following view:

$$f_i(y_i) = \Psi \lambda \sum_{i=1}^N y_i - r_i (y_i - a)^3 - b \quad (26)$$

After differentiation (18), we simplified results and rejected unnecessary decisions. As result we received the following statements:

$$f_i'(y_i) = \Psi \lambda - 3r_i (y_i - a)^2 = 0 \quad (27)$$

$$y_i^{\pm} = a \pm \sqrt{\frac{\Psi \lambda}{3r_i}} \quad (28)$$

$$y_i = a + \sqrt{\frac{\Psi \lambda}{3r_i}} \quad (29)$$

According to calculations, for this economic motivation mechanism we has the following:

$$F(y) = (1 - N\Psi)\lambda \left(aN + \sqrt{\frac{\Psi \lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \right) \quad (30)$$

$$f_i(y_i) = \Psi \lambda \left(aN + \sqrt{\frac{\Psi \lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \right) - r_i \left(\sqrt{\frac{\Psi \lambda}{3r_i}} \right)^3 - b \quad (31)$$

$$Y(y) = aN + \sqrt{\frac{\Psi \lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \quad (32)$$

$$W(y) = \lambda \left(aN + \sqrt{\frac{\Psi \lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} \right) - \frac{\Psi \lambda}{3} \sqrt{\frac{\Psi \lambda}{3}} \sum_{i=1}^N \sqrt{\frac{1}{r_i}} - bN \quad (33)$$

We use Kendall's concordance coefficient (see. Table 2) in order to confirm the absence of links between the economic interests of market relations agents in conditions of pricing and state pricing regulation.

According to the simplified formula, excluding connected ranks we have following results:

$$W = \frac{12 \cdot S}{m^2(n^3 - n)} = 0,0611; \quad S = \sum d_i^2 - (\sum d_i)^2 / n = 5,5$$

Results of calculations are indicating the lack of communication between contractors.

Evaluation of Kendall's concordance coefficient by the criterion of χ^2 . According to calculations. We have received following results:

$$\chi^2 = \frac{12 \cdot S}{m(n^2 - n)} = 0,733;$$

For each of the four systems (1- HH- HH; 2 - HH, E,E-E; 3- E-S; 4 - HH- E - S) there were developed and formulated following model parameters:

- For 1) - (7), (8) and (9);
- For 2) - (14) (15) (16) and (17);
- For 3) - (22) (23) (24) and (25);
- For 4) - (30) (31) (32) and (33).

Designed models are enabling the possibility to use the most flexible pricing policy, price discrimination and state pricing regulation. In its turn, it enables us to provide economic interests of producers, consumers and the state on the maximal degree. Thus, the every case is checked by Kendall's and Spearman's coefficients. Coefficients show a weak link between economic interests of agents. When we talk about state - there is lack of communication.

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4.8. PROSPECTS FOR A REAL ESTATE DEVELOPMENT IN UKRAINE

Effective functioning of the property market is one of main factors of economic growth in any country. Necessary of providing complete control of the current process is led to the emergence on real estate market new professional participants – development companies – who deal with user value formation of the real estate properties and provide more efficient management of investment activity in real estate field. Nowadays the activities of developmental companies are less explored which leads to identification of them with other participants of other participants of real estate market.

The issue of development companies' organization draws attention of scientists throughout the world, which indicates of its significance. One of the latest are researches of such scientists as R. Peyser and A. Frey, G. Fridman, I.I. Mazur, V.I. Shapiro, S.N. Maksimov [1,2,6]. Nevertheless, in national science activity of developmental companies is little-investigated. The scientists who devoted themselves to study this problem are E.A. Polishchuk, S.G. Chigasov, A.V. Ignatenko, [3-5]. Polishchuk E.A. firstly gave definition of the 'developmental services' concept, it the place of developmental companies as part of infrastructure market was also singled out. However, the question of prospective resources and development projects searching remains topical at each stage of their implementation.

The object of the article is to identify the peculiarities of Ukrainian real estate developmental market and prospects of developmental projects implementation.

Appearance of development has to be connected with active development of real estate market in Ukraine, when customers began to pay attention not only to quality specifications of the project, but also to quality aspect when the necessity to realize completed project with maximum benefit. Emergent of real estate developmental market as independent kind of business in Ukraine appeared is accounted for 1998 – 2000. The number of developmental companies is growing with every year, but they are quiet often they are identified with other participants of real estate market, more specifically with construction companies, property management companies and consulting companies. It is necessary to consider the term 'development company' in order to avoid such situations.

The most comprehensive definition of development companies functions are offered by R. Peizer and A. Fray: 'Developers initiate, create, finance, organize and control the process of development from beginning to finish. They take the greatest risk to create and reconstruct real estate and obtain the greatest benefit. Generally, developers purchase land parcel, determine the target market, develop construction program and design, obtain necessary authorization documentation and financing, assemble object, lease it out, manage and sell it.' [1, p. 3].

Thus, developmental company is financial intermediary on the real estate market which accumulates investment funds of investors or invests its own funds with the aim to implement development of real estate object acting as author of the idea and with that taking responsibility of organization and management of this project. Note that the object of real estate companies is implementation of investment project in the real estate sphere.

The most successful and comprehensive definition of the developmental project is made by Maksimov S.N.: 'developmental project is the project of real estate development which is realized in five stages: initiating of development project, evaluation of the location and feasibility of the study object, design and project evaluation, agreement undertaking, marketing, managing and results disposal' [6, p. 22]. Accordingly, while realization of any kind of investment project in the real estate sphere developer performs certain functions (table 1).

Table 1 – Stages of developmental project management

Stage	Events (functions of developer)
Pre project stage	Goal setting and determining the main strategy of development
	Market research and determining of coincidence of location for the project implementation
	Development of alternative complex concepts of building development
Estimation of site and feasibility study	Analysis of supply and demand possibilities of the project
	Analysis of financial feasibility of developed concepts of building development
	Prior advising with regulatory agencies
	Prediction of the likely positions of other interested parties
	Determining the probability of finance obtaining
Purchase of land parcel	Development of project financing schemes
	Search and evaluation of land parcel
Design and evaluation of the project	Purchase of land (ownership or lease)
	Forming of developer team
	Business plan project preparation
	Designing, calculation of costs and evaluation of project performance
	Obtaining approvals and permits for the state control
Contracting and construction	Amending the project and obtaining a permit for final approvals
	Choosing the contractor and contract design with him
	Establishment of interaction system between participants of the project
	Establishing of the control system for the progress of the process implementation
Marketing, management and sale of real estate	Development of the period, method and personnel for the marketing company
	Ensuring the preservation and object safety
	Analysis where required the changes in sales agent work
	Cash flow managing for the project

Pre-project stage involves the development of ideas, investment analysis of real estate market, development of alternative concepts of construction work, analysis of financial appropriateness of the developed concepts, selection and preliminary discussions with key stakeholders. Once the developer is determined with the idea, it goes to the stage of land acquisition. Initially he performs the search, and then rents and buys it. Design stage includes the development of possible project financing schemes and funding sourcing. Already at this stage team formation takes place, cost estimation is fixing and also tender for the construction work is held.

Construction stage provides maintaining of building and construction works by the development company, quality inspection of works. However, if the development company doesn't have assembly and construction unit in its structure, it only controls and inspect the quality of the works which are performed by the construction company. At the stage of real property advancement advertising company is held, marketing strategy and pricing policy is held. After this the stage of managing and results implementation takes place providing return of loans to the commercial banks, investors funds, real estate object implementation (sale or lease).

It should be noted that among the following stages of the project one of the most important is organization of its financing which maintains project investment resources which consists not only from monetary terms, but also other investments including fixed and working capital, property rights and intangible assets, credits, loan and mortgage, land use rights and others.

The real estate is considered to one of the lowest risk spheres of long-term investment with enough high level of commercial viability. However the main condition of availability to the above-noted advantages is higher level of capital expenditure. As far as big development projects need vast investments, their realization is back-breaking for company's own finances. So developers have to raise funds from external sources. At the same time considering multiannual West practice specifically investment from external sources correspond the core of Development. Of course for supplying the adequate level for investment project on the part of potential investor, development company takes part in the project financing by their own sources (nearly 20-30%). Generally it refers to the initial project stage with maximum risk.

External financing for developer is the most profitable because the usage of only own sources for development of scale projects is non-effective. Except the scale rise of dealings and market share such practice allows to raise the return on own equity through the "degree of financial leverage" which is the objective factor which derives from the appearance of borrowed funds to the extent of capital which is used by the company. So the usage of debt capital allows the company to bolster the profit margins on the owners' equity.

At the same time organizing the developer's project it should be noted that the dynamic of investments should provide the project realization according to time and financial constraints and reduction in expenditure of finance sources and project risks have to be provided at the expense of accordant structure and financing sources and established organizational arrangements including: fiscal reliefs, guarantees, different forms of participation [2].

Decision making about the choosing of developer's project forms of financing in real estate sector is usually made according to the next stages:

- forming the variants of developer's project including expenses and potential gain;
 - initial investigation of project viability (project practicality on the basis of expenses and drawing);
 - working-out of a project realization plan (risk assessment, resources' supplying etc.);
 - fund raising which includes: view of potential forms of financing and selection of particular type;
- determination of companies which will finance; determination the finance sources structure;
- control on plan and financing terms execution.

To be noticed is that depending on developer's project realization level different sources are engaged to financing. This can be seen on the next scheme of developer's project financing (fig. 1).

Pre project stage			
Contributions from developers		Advances of customers	
↓			
Estimation of site and feasibility study			
Contributions from developers		Advances of customers	
Purchase of land parcel			
Contributions of customers		Investors' funds	
Design and evaluation of the project			
Customer's contribution	Investor's funds	Venture investments	
Contracting and construction			
Bank loans	Bond issues	Investor's funds	Project financing
Marketing, management and project implementation			
Investor's funds	Net profit	Depreciation	

Fig. 1. Financial sources of developmental project on different stages of its realization

As seen the first stage is financed basically on developer's own finances because this project milestone has the highest risk. But investors who has a tendency to risk might take such risks on themselves (employer advance payment). The second stage is also usually financed on developer's own finances. The project third stage is financed on account of investors and own finances when it is made the project property approach.

Developers' companies refer to investors when they don't have enough owned assets. Please note that developer's project financing on this stage has risky character that's why investment resources are the most expensive. After buying the land property (project stage) developer's company raise investors capital and continue using employers' inpayments. During the construction developer's company raise investors' capital, bank, obligation loans and Escrow-credits. It stands to mention that this stage is the most capital-intensive as it needs considerable volume of investment assets.

During the project property promotion it is usually used the investors' capital. It is impossible to use bank loans and obligation loans on this stage as their goal destination is project property construction. Management of the project property and results realization funded with net profit on sales, amortization, project property rent etc.

Nowadays the majority of developers use standard ways of financing such as bank crediting, internal funds, investors' funds and CFF for housing property. But with the development of economy there are new methods of fund raising. It should be noted that Construction Financing Funds allow to raise capital and to find buyers for future real estate objects at the same time. The goal of creating CFF is draft of housing accommodation in property by fund grantors.

Another way of housing finance can be performed by purposed bond certificates which provide discharge of duties by housing construction project transfer (object part). Issue of purposed bonds is made on sum which can't be exceeded the value of construction object according to approved documentation and which isn't exceed the equity triple size or amount of collateral which is given with this purpose by third parties.

Bond redemption happening at the condition of bonds transfer from owner's securities account to securities account of issuer of the depository. Registration of ownership of the appropriate number of square meters of investor's purposed bonds is dependent on the number and series of his own bonds. Thus, the developer manages to attract funds immediately, and convey property after completion of construction by redemption. In Ukraine, the issue of purposed bonds is actually one of the possible methods of investment resources in construction.

For large-scaled development projects in the area of non-residential property is advisable to use project financing. Its main difference from other forms of loans is the fact that the source of repayment is generated project cash flows and collateral debt – assets of funding. Project financing allows to estimate more reliable the borrower's creditworthiness and consider all investment projects in terms of sustainability, efficiency, security, risks and feasibility, as well as to predict the outcome of the project [4].

Note that comparing with the traditional bank lending, project finance has the following features. In schemes of project financing as a financial investment project implementation participants also often act except commercial banks investment banks, investment funds, leasing companies and other lending institutions. Particular attention is paid to the identification, assessment and reduction of risks in the implementation of investment projects. It is created the project company in order to implement the investment project by sponsors (initiators). Its creation is largely due to the fact that received credit is seen on this company balance to adequately reflect cash flows generated specific project not to mix it with other projects.

One more type of commercial real estate financing is consortium credit financing. Consortia are created for credit financing big development investment projects which can't be financed by one commercial bank. Application of such scheme allows complying with all the standards set by the National Bank of Ukraine on large loans to diversify credit risks and meet the needs of the investor's resources.

Among projects which have been implemented by attracting the consortium credit financing can be named the multifunctional complex "ESPLANADE" in Kyiv where the credit sum was 61,6 million \$. The loan was issued to the company "Three O" by state banks "Oschadbank" and "Ukreximbank". Also the loan with the sum of 21,5 million \$ was given to development company FIM-Group by two banks (JSCB "HVB Bank Ukraine" and Bank Austria Creditanstalt AG). The aim of the loan was to obtain a loan refinancing equity FIM Group, invested in the construction and reconstruction of two commissioned facilities what allowed to obtain funds for financing the development of new projects without focus on limits from creditors [7].

In the period 2013-2015 in Ukraine, the dynamics of construction has changed significantly - its volume has decreased by 3 times. Capital investment has shifted towards housing construction. Financing of development projects was carried out at the expense of the company's own funds, borrowed funds were almost not used. However, since the end of 2016 construction work has intensified for all types of construction [8]. High degree of buildings' deterioration and a lot of suspended development projects indicate a high potential for growth in development activities in Ukraine. At the same time, considering external and internal factors, experts predict that among the sectors-drivers of the Ukrainian economy in the coming years will be construction. In this regard, the prospects for development activities in the real estate market are significant.

Consequently, developers are financial intermediaries on the real estate market which accumulates investment funds of investors or invests its own funds with the aim to implement development of real estate object acting as author of the idea and with that taking responsibility of organization and management of this project. Moreover, the

greater project degree is, the greater share of external resources is in financing structure. This is due to the feature of the development project and its risky nature of the initial stages of implementation. .

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4.9. STRATEGIC DIRECTIONS OF THE ESCO MARKET DEVELOPMENT IN UKRAINE AND THE EU

According to earlier studies [1], it has been proved that ESCOs develop, implement and provide or arrange financing for upfront EE investments for its clients. Repayments from savings allow clients to compensate ESCO’s ongoing savings monitoring, Measurement & Verification (M&V) costs and assumption of risk through EPC or Third-Party Financing (TPF). The fundamental concept of the ESCO business model is that the client does not have to come up with any upfront capital investment and is only responsible for repaying the investment made or arranged by the ESCO. The two dominant EPC models in the world are shared savings and guaranteed savings. In Europe, a third approach is used called “chauffage”. In a shared-savings EPC, the ESCO finances the total upfront capital cost of the project and is totally responsible for repaying the lender. The client pays the ESCO a percentage (or it can be a fixed amount) of its achieved savings from the project, large enough for the ESCO to repay the project investment to its lenders, cover M&V costs and any other associated costs. The energy-end user assumes no direct contractual obligation to repay the lender, only the ESCO has this obligation. In a guaranteed savings EPC, the client essentially applies for a loan, finances the project and makes periodic debt service payments to a financial institution. The ESCO bears no direct contractual obligation to repay the lender, only the energy end-user assumes this obligation. The ESCO’s guarantee is not a guarantee of payment to the lender but rather a guarantee of savings performance to the energy end-user that is usually equal to its repayments to the lender. “Chauffage” or integrated solutions generally refer to a greater value-added approach. The concept offers conditioned space at a specified price per energy unit to be consumed or per some measurable criteria (square footage, production unit, etc.) through a supply and demand contract offered by the ESCO. The ESCO manages all supply and demand efficiencies. This concept derives from a previous contractual French approach of energy services delivered by a private company to a public authority or to another private body (e.g., owner of aggregate properties) called “contrat d’exploitation de chauffage” leading to the wording “chauffage” to qualify this form of EPC. In the former French approach, the contract used to contain up to three elements designated under energy supply cost; maintenance cost, total guarantee cost (replacement cost of the equipment at the end of its life).

In the course of the research, differentiation of ESCOs on the basis of their marketing approach was presented on figure 1. Separate ESCOs characteristics are given in the table 2, according to the source [1].

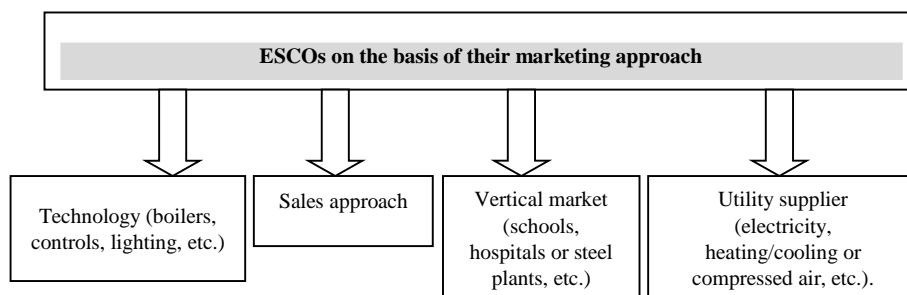


Fig. 1 – Differentiation of ESCOs on the basis of their marketing approach

Table 1 – ESCOs classification and characteristics

№	CATEGORIES	CHARACTERISTICS
1	Independent ESCOs	ESCOs that are “independent” in the sense that they are not owned by an electric or gas utility, an equipment/controls manufacturer or an energy supply company. Many “independent” ESCOs concentrate on a few geographic markets and/or target specific client market segments.
2	Building equipment manufacturers	ESCOs owned by building equipment or controls manufacturers. Many of these ESCOs have an extensive network of branch offices that provides a national (and international) footprint, with sales forces and specialized national staff providing packages of EE, renewables and distributed generation “solutions” to client market segments.
3	Utility companies	ESCOs owned by regulated or state-owned electric or gas utilities. Many utility-owned ESCOs currently concentrate on regional markets or focus on the service territories of their parent utilities.
4	Other energy/engineering companies	ESCOs owned by international oil/gas companies, non-regulated energy suppliers or large engineering firms.

The next part of our work summarizes the trends identified in the market and draws conclusions about common barriers that hurdle ESCO market development [2]. Success factors that facilitate the uptake of the ESCO business model have also been identified. Finally, a set of recommendations is provided for a further ESCO market development.

Table 2 – Trends of functioning ESCO market in European Member States and Ukraine

№	TRENDS OF FUNCTIONING	CHARACTERISTICS
1	Increasing awareness	The awareness and understanding of energy efficiency services has increased and providers are met with a lower degree of mistrust compared to previous years. The rise in energy prices (increasing the importance of energy consumption in cost efficiency) and a shift in mindsets related to defining energy efficiency as both a competitive advantage, tool to improve the green image of an organization and moral obligation related to environmental awareness are all factors for the raised awareness. The knowledge of the ESCO concept has also increased, creating more confidence in the market, where potential clients start to consider energy efficiency services more business-as-usual than as a specialty. In some countries, financial institutions have acquired more experience in financing energy efficiency projects and in taking into consideration the guaranteed savings offered by some ESCOs and energy performance contracting. For instance in France, finance institutions can cover the risk of the guaranteed savings by insuring the savings. Yet, low awareness of the specifics of the ESCO model and skepticism towards its advantages among both clients and financiers remains one of the most commonly reported barriers to the deployment of ESCO projects in the large majority of countries surveyed.
2	Enabling public procurement rules	Public procurement rules and evaluation criteria in the public tendering process remain the main barrier for ESCO project development in the public sector. However, significant improvements have been achieved in some countries in removing these barriers and/or by establishing procedures that favor ESCOs. For instance in Spain, until October 2007 when the new national procurement law was approved, procedures were not adapted to long term service contracts. With the entry into force of this law, public contract are limited to 20 years. The new Energy Efficiency agreements 2008-2016 in Finland aim at ensuring that the Municipalities are able to use ESCO services when implementing energy efficiency investments. In an increasing number of countries local authorities can retain the financial savings generated from energy saving projects, which has a crucial impact on their ability to enter into contractual arrangements with ESCOs.
3	Active public support	Public authorities have been increasingly active in supporting the development of an ESCO market in some countries by preparing ESCO model contracts, opening credit lines, working with public banks and preparing calls for tender to implement energy services in public buildings. In Sweden, to spur EPC projects, the Swedish Energy Agency is pursuing a "portfolio of flexible mechanisms" which include the formation of an ESCO network, customer oriented information, guidelines for the procurement process, model contracts, and project evaluation. The role of public support is to enhance both the demand for energy services and the supply of services, including by establishing appropriate framework conditions that channel private financing.
4	Economic downturn	The financial crisis and economic downturn have had important impacts, both positive and negative, on the initiation and development of ESCO projects. The economic downturn made ESCO clients more unstable, reducing their activity, increasing the difficulty in ensuring energy savings and raising the risk of insolvency. The economic downturn has also raised the importance of contractual flexibility. On the other hand, the financial crisis and economic restrictions have focussed the attention on achieving cost reductions through energy efficiency measures and taking advantage of the flexible financing mechanisms offered by ESCOs. In order to counterbalance the economic downturn, many projects have been initiated in the public sector with financial incentives for projects in the private market (especially related to building refurbishment). The shift in new projects from the industrial sector to public buildings has been related to the tightened access to finance in the private sector and higher investment risks.
5	Diverse market trends across national markets	Problems related to the stalling of the ESCO market often depend on the problematic access to finance, cross-subsidised energy prices and the unavailability of energy consumption data to construct baselines. In other states (such as Finland, the United Kingdom and Norway) the awareness and understanding of the ESCO market has increased, but without experiencing any rise in project implementation or market volume. In Norway, the number of ESCO has actually decreased during the past years with a shrinking ESCO market. The main barrier in these markets is the access to finance, which can be partly related to the economic downturn and financial crisis. By 2009 Ukraine have established a market with a high number of active market actors. In these countries the market transformation is related to changes in the legal framework and the availability of grants for project financing. Some European member states, such as Sweden, Italy, Spain and Denmark, have undergone a significant growth over the past years.

The study analyzed the existing barriers that hamper the deployment of the ESCO concept and EPC are identified (Fig. 2).

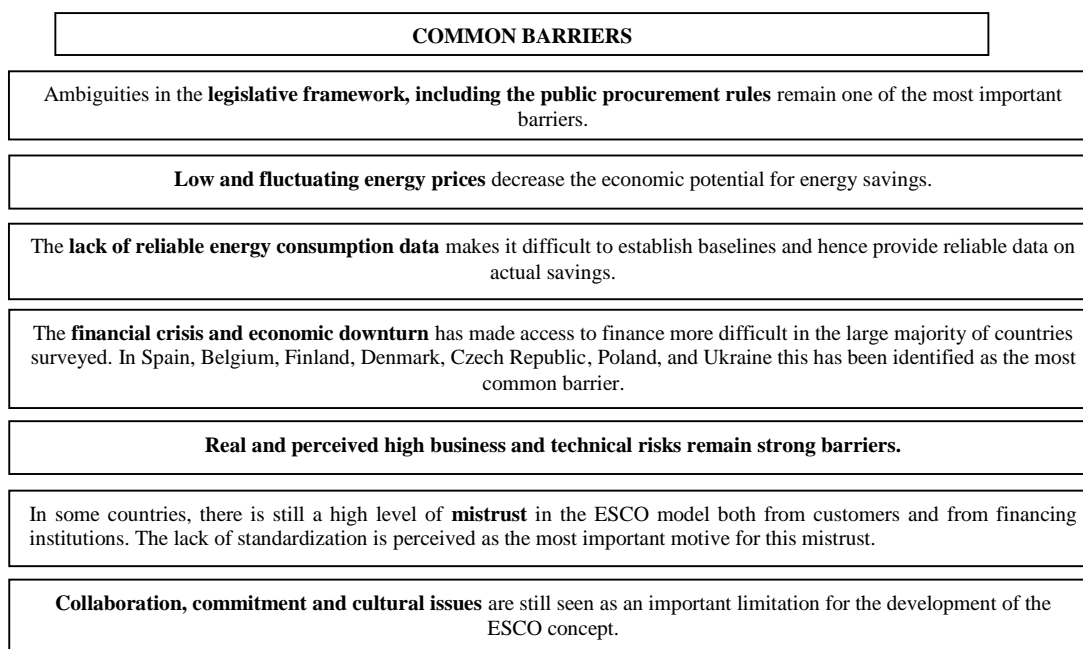


Fig. 2 – Common barriers in European Member States and Ukraine

Next in this work examines market conditions and emerging opportunities related to energy efficiency for buildings in Europe and Ukraine.

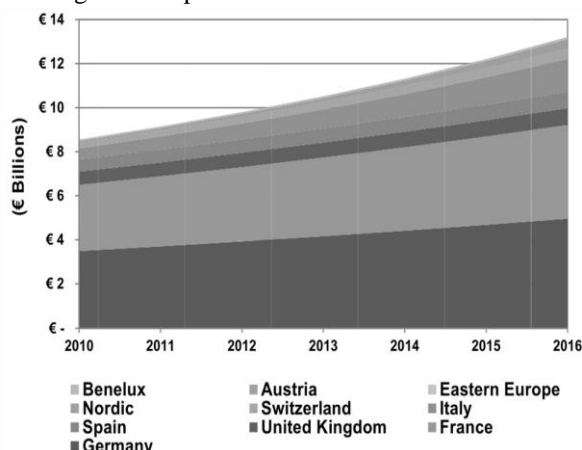


Fig. 3 – ESCO Revenue by Region, Baseline Scenario, Europe: 2010-2016 [3]

Analyzing ESCO Market in buildings we note that new buildings and major renovation in the European Union will be “nearly zero energy“ by 2021, through the phrase’s definition will vary significantly by country. Regulatory support has begun and will increase with the 2011 and 2014 updates of National Energy Efficiency Action Plans. Less than 1% of existing space is nearly zero energy at present, primarily Passive Houses. Of the 30 billion square meters of floor space in Western and Eastern Europe, 74 % is residential, and 2 % is affected annually by new construction or major renovation. Certified green building space will increase from less than 1% in 2010, to more than 2% in 2016, and is already 2% in France. Most energy efficiency promotions have focused on residential and public buildings. The largest energy efficiency markets are in Germany and France (fig. 3), comparable to the combined market of the rest of

Europe. In Germany, half of the cities require Passive House construction in new public buildings. Although most ESCO activity is in public buildings, large ESCOs and construction companies have barely started adopting Passive House methodology. In France, the Grenelle plan for the environment stipulates that new construction will produce net positive energy by 2020 [3].

Corresponding to [4] were identified influencing factors on ESCOs (table 3) in particular we consider an European Experience.

Table 3 – Influencing factors on ESCOs : European Experience [4]

№	MAIN SPECIFIC BARRIERS	POSSIBLE SOLUTIONS
1	Lack or mismatch of appropriate financing: high transaction costs; high perceived risk of ESCO investment; lack of expertise/ experience on financial market; lack of “off-balance sheet” solutions, more commercial banks financing needed; accounting problems (investment vs. operating costs).	Favorable policy framework to shorten payback times (energy saving obligations, tax schemes, feed-in tariffs, building certifications). Pooling strategies to reduce transaction costs. Lower investment risks through financial instruments (funds, guarantee schemes + ESCO assurance).
2	In relevance of residential buildings sector, incl. social housing: split incentives or landlord/ tenant dilemma; decision making process in multifamily properties; social housing: legal issues to increase rent.	Removing legal barriers

On the basis of existing studies directions [2] are systematized in the table below (table 4).

Table 4 – Directions for a further market development [2]

№	DIRECTIONS	CHARACTERISTICS
1	Focused policy support and supportive policy frameworks	It is essential to have a sound legislative framework that enables ESCO type projects and policies and measures that promote energy efficiency investments. In order to promote ESCO projects in the public sector a number of important steps are necessary. Firstly, adaptation of the public procurement laws in order to facilitate the evaluation of EPC providers and adapting the project cost evaluations in order to take into consideration lifecycle costs, including maintenance and energy costs. Secondly, update the procurement regulations by allowing group tendering by consortia and EPC providers to be evaluated on other grounds than previous EPC projects would facilitate the entrance of new and smaller actors in the market. Third, allow the inclusion of energy efficiency in technical tender specifications and use of lifecycle costing in public tender specifications. Clear, practical and ready-to-use guidelines on how to apply energy efficiency criteria in public procurement procedures are needed in order to improve the practical implementation of energy efficient public procurement.
2	Project bundling	Successful project bundling strategies can help overcome many of the key barriers to financing of ESCO projects. To achieve sufficient scale, a strategy is required that allows for the aggregation of individual projects, technologies, service offers, and investments into a larger and more comprehensive lots.
3	Accreditation and standardization for confidence	The establishment of a national legal framework for the identification and the establishment of quality standards and certification schemes for ESCOS is essential in order to boost the ESCO markets and maintain confidence in them.
4	Facilitating the access to appropriate forms of financing	The engagement of financial institutions is crucial for the establishment of a successful ESCO market. In immature ESCO markets public authorities or development financing institutions (DFIs) – including public banks – may need to promote customised financing products to respond to the specific barriers to energy efficiency financing present in each national market.
5	Establishing bankable ESCO project pipelines	Ensuring mechanisms for project development and delivery is instrumental in generating a steady flow of investment ready projects. The range of further tools available for ensuring bankable ESCO project pipelines includes: targeted communication about the profitability of energy efficiency investments; programmer and technical assistance facilities that build the capacities of market participants to develop and structure finance for projects, most notably providing training for feasibility study and business plan preparation across a range of possible project proponents.
6	Establishment of an ESCO association and the collaboration with national energy agencies	An ESCO association can act as a reference point for ESCOs customers and suppliers and, by grouping and concentration of ESCO professionals, can represent the point of view of the industry with a unified voice. In addition, the establishment of an association or a similar platform or forum could concentrate resources in information dissemination and capacity building. The association can create a support network for potential clients with capacity building, give direct advice, and access to information. The association could organize workshops and knowledge sharing events with ESCOs, potential clients and financial institutions in order to increase the knowledge of how ESCOs engage in projects and what benefits can ESCOs bring to project management from a perspective.

The study was started in [5] where the features of financing of energy service companies were found. In this study, the main objective was to reveal the peculiarities of the functioning of the ESCO Market in Ukraine and the EU, to identify the barriers and prospects for the development of this direction.

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5.1. FEATURES OF REGRESSION'S DIFFERENT TYPES APPLYING DURING MODELING OF ECONOMICAL PROCESSES

Regression analysis is an extremely important section of mathematical statistics which combine practical research methods of regression dependence between variables according to statistical data. Its purposes are definition of a general view of the regression equation, creation of unknown parameters estimates and check of statistical hypotheses of regression. It's the most popular and universal tool for modeling, analyzing, explaining of factors, that influence on the social and economic process, as well as forecasting statistical data. Modeling of the economic phenomenon allows understanding better its essence that can help in making of administrative decisions and choosing the most effective measures. Numerous regression techniques are widely used by statisticians and analysts of all the world. Nowadays there are hundreds of regression types, which apply different techniques to estimate relationship between one response variable and other remaining independent attributes in various contexts. And all of them are used for modeling and forecasting different economic, social and business processes.

It is difficult to make regression analysis without understanding the basic terms and concepts that are characteristic of regression statistics. The main aim of regression is to find the line or curve that realize the best fits of the data minimizing the distances between data points and the founded curve or line. But there are a lot of different curves, that can fit the data. As well as there are various kinds of regression techniques for making predictions. And the problem of researcher is to choose the curve, which is the best fitted of the data and to decide what regression to use depending on different contexts.

All techniques are mostly driven by three metrics – number of independent variables, type of dependent variables and shape of regression line. Let's consider different regression types, their features and applying spheres. The first type of regression is the oldest, the simplest one and the most widely known modeling technique – Linear Regression $y = f(x, b) + \varepsilon, E(\varepsilon) = 0$. In matrix notation it is represented by an equation: $Y = a + bX + \varepsilon$. Linear regression establishes a relationship between dependent variable and one or more independent variables using a best fit straight line. The main function of the Linear Regression is $f(x, b) = b_0 + b_1x_1 + b_2x_2 + \dots + b_kx_k$. This kind of regression usually uses the Ordinary Least Squares estimation method with minimizing the sum of the squared residuals. But the modern data has rather chaotic structure. However, the model must describe common regularities. As a result, the linear regression model is not always predicting the values of the dependent variable qualitatively. So, such model can become incorrect and unstable. Thus, the linear regression is the base for building another type of regression.

The matter is that the Ordinary Least Square Method (OLSM) is the most common method used for fitting a regression line. It minimizes the sum of the squares of the vertical deviations from each data point to the line. Because of using only squared, there is no difference between positive and negative residuals. OLSM is reliable and effective only if the data and the regression model satisfy all the assumptions required for this method. But economic data often violates the assumptions and requirements of this method. Thus, it is important to use regression tools with diagnostic tools that allow assessing whether regression is the appropriate method for the analysis, and the data structure and model can be applied.

OLSM regression provides the most precise, unbiased estimates only if the following important conditions [1]:

- the relationship between dependent and independent variables must be only linear in the coefficients (in some cases if this relationship isn't linear, it's necessary to change model to linear transforming the variables);
- absence of multicollinearity, autocorrelation, heteroskedasticity in the multiple regression;
- residuals must have chaotic structure;
- average value of residuals must be equal to zero;
- the residues have normal distribution.

Multicollinearity in regression models can increase the variance of the coefficient estimates that in its turn make the estimates very sensitive to every change in the model. Consequently, the coefficient estimates are unstable. So, in the multicollinearity regression models it is necessary to select the most significant independent variables.

Very serious block for many regression models is the specification error, that is not full model with lack of important independent variables. Thus, this model inadequately represents dependent variable. Specification error becomes visible when in deviations of the regression model statistically significant spatial autocorrelation is observed. In other words, when deviations of the model are clustered in space (underestimations – in one area of the studied territory, and overestimations – in another). Clustering of data is considerably inherent in many economic indicators therefore this problem is very relevant in a research of social and economic processes. In these cases, it is possible to use Geographically Weighed Regression or other spatial regression to receive good model.

For example, this method allows a model the fires for definition of greatest risk zones and for identification of those factors which influence their emergence and distribution. The common system of risk assessment methods, which can be used for identification of different kinds of risks on the regional microlevel, for assessment region risks, for building economical and statistical models and as the result for receiving the statistical forecasting was considered

in our previous article [2]. But this regression analysis helps to understand better the reasons of the occurring phenomena to making more correct decision, and to prevent the similar phenomena in other territories and in other time. Modeling of the phenomenon based on the available data for making the forecast for other territories or for their state in the future – one more option of using the regression analysis. But spatial data have two properties which complicate requirements for carrying out the statistical analysis. Firstly, geographical data more often not spatial data, have autocorrelation. It means that the objects located more closely from each other are usually more similar, than the objects located at a distance from each other. So, when using usual, not spatial methods there is an overcalculation of this factor influence. Secondly, the geography is important first of all for spatial data. Moreover, often changeable processes are the most important for model; these processes are different on various territories. These features can be described as territorial changes. Therefore, special methods of the regression analysis which are accented on these features of spatial data have been developed. They are intended for improvement of modeling the relationship of such data. One spatial regression methods most effectively consider spatial autocorrelation, others – geographical inconstancy of the phenomena. Today there are no spatial regression methods which would be effective for all features of spatial data. But for correctly making GWR model the spatial autocorrelation usually isn't a problem. The main instrumental tool for creating GWR models is ArcGIS Desktop [3].

If the power of independent variable is more than 1, then Linear Regression become a Polynomial Regression. The simplest Polynomial Regression is Quadratic Model, which is represented by the following polynomial equation: $y = a + bx^2$ or $y = a + bx + cx^2$. In this regression model, the best fit line is not a straight line. It is a curve – parabola, that fits into the data points.

The Quadratic Regression model while researching of social and economic processes is applied in such situations:

- when the observed result has a change in structure with only one bend, i.e. at first values of dependent variable decreased, and then since some moment began to increase or, on the contrary, after temporary increasing values began to decrease;

- if it's necessary to emphasize more intensive dynamics of dependent variable, than at the Linear Regression. Let's notice that Linear Regression shows the uniform dynamics, and Quadratic Regression – uniformly accelerated;

- when transition from Quadratic Regression to Polynomial Regression more than two degree previous two conditions are applied similarly: changes on the curve there are more than one, and dynamics forces with when polynomial degree of a is increasing.

It's necessary to remember that using to get lower error must be proved. Otherwise, this situation can result in over-fitting. It's important to understand that a higher degree will give an extremely values in forecasting, that very seldom can be applied to social and economic processes. These types of regression are very easy transformed to Linear Regression by a change of variables, so, there is no need to stop on their detailed overview.

The Linear Regression model is not always capable to predict values of an effect variable qualitatively. Choosing the simple equation for creation of model, we do not impose any restrictions for values of an effect variable. And such restrictions can be essential. One of approaches to do impose restrictions on dependent variable is to use Logit Regression.

Logit Regression is the statistical model used for prediction of emergence' probability of some event by fitting data to a logistic curve. It's one of the numerous generalized linear models. It has some disadvantages inherent in Linear Regression – low error tolerance, dependence on a data set, but in general it works better, and can be reduced to the form of Linear Regression. In general, a Logit Regression model is intended for problem solving of prediction of value of the continuous effect variable provided that this effect variable can accept values on an interval from 0 to 1. Owing to such specifics, it is often used for prediction of probability of some event depending on values of some number of predictors. It is possible to use a logit regression and for problem solving with a binary response. Such tasks appear when the dependent variable can accept only two values – 0 or 1, Yes or No etc. and model named Binary Logit Regression. Let's give a concrete example. Let it is required to predict effectiveness of introductions of the new economic program or reform for different population layers. Such procedure is very difficult and subjective, but result from their carrying out can be only two – the reform is effective or not (for every respondent and at all). As predictors can be given two groups parameters, the first one – that characterized personality of respondents and the second – respondent's relations to reform's questions. The task came down to classification of all despondences on two groups. For the first group the forecast on reform's introduction positive, for the second – negative. The solution of a similar task can influence making decision on carrying out the program – whether it is worth introducing if the probability to give the positive reply from despondences and positive changes for the population is small?

Binary Logit Regression Model uses the following equation: $y = \frac{e^{b_0 + b_1 * x_1 + \dots + b_n * x_n}}{1 + e^{b_0 + b_1 * x_1 + \dots + b_n * x_n}}$. Let's assume that the binary effect variable is the continuous probability of $p \in [0; 1]$. Then it is possible to transform this probability with help of the logit transformation: $p' = \ln \frac{p}{1-p}$. When carrying out a logit transformation to both parts of Logit Regression the equation given above we'll receive usual Linear Model of a multiple regression: $p' = b_0 + b_1 * x_1 + \dots + b_n * x_n$. Solving it, we'll receive values of regression coefficients which then help to restore probability p [4].

However, application of logit transformation to the Logit Regression equation creates some problems. When solving a linear regression, if was fitted some hypersurface to observed values – a straight line in the case of simple regression, the plane – in the case of two independent variables. Also, we demand a normality and a lack of mistakes' correlation.

Transforming to a Logit Regression equation the fitted surface will be more difficult. And the condition of mistakes' normality becomes not actual. And this makes impossible uses of the estimation' methods applied to the linear problems. Thus, OLSM can't be applied to Logit Regression. In this situation may be used only likelihood method. According to this method process of assessment of regression coefficients comes down to maximizing probability of emergence of concrete selection.

Similar situation has place with the Logical Regression. But the Binary Logit Model uses only responsible binary variable, while the Logical Regression is applied when all variables have a binary nature, in particular, in algorithms for determining quantitative indicators. This is a specialized, more accurate form of logistic regression, used when all variables are binary. It is a specialized, more robust form of logit regression and is widely useful in the case where each variable is a 0/1 rule. To make the Logical Regression it's necessary to find value the following function: $g(E(Y)) = b_0 + \sum b_j * L_j$, where L_j is the Boolean combination of conjugate quantities. The goal behind logic regression is to identify predictors that are Boolean combinations of the original predictors.

Poisson Regression is the advanced Logit Regression Model. It gives not binary answer – it's used for selections of groups and creation of classifications and even regression trees. According to this model the assumption becomes that the probability of event $y = 1$ is equal: $P\{y = 1|x\} = f(z)$, where, $z = \theta^T x = \theta_1 x_1 + \dots + \theta_n x_n$, x and θ — vectors-columns of independent variables' x_1, \dots, x_n and parameters (regression coefficients) $\theta_1, \dots, \theta_n$, respectively, and $f(z)$ — logit function, which was given above.

As it was mentioned above, regression model, which is based on the OLSM can't include multicollinearity factors. But the main problem of creation economic and social model – is a big power of correlation between different indexes. So, almost all models, which contain economic factors automatically have the multicollinearity problem. In this case, OLSM doesn't work and it's impossible to get correct values of model' coefficient and moreover good forecast.

To eliminate or reduce multicollinearity, expediently to use different methods. The simplest of them is the elimination of one or more variables from the model. In this case, which variable to leave, and which one to remove from the regression, is the main task of researcher. It solved on the base of correlation matrix and regression analyses with the using of Student criteria. But often finish model after elimination of correlated factors has only one variable, that isn't enough for getting realistic forecast [5].

If from the economic point of view none of the variables can be given preference, then leave one of the two variables that has a greater correlation coefficient with the dependent variable. To eliminate multicollinearity can be used also transition of the initial explanatory variables x_1, x_2, \dots, x_n , connected by close correlation dependence, to new variables representing linear combinations of the initial ones. For example, the role of this combination can play vectors called main components of initial explanatory variables. Then it's necessary to consider regression made on these main components, where they are generalized explanatory variables, which must have economic interpretation.

Another method for eliminating or reducing multicollinearity is moving from unbiased estimates determined by the least squares method to biased estimates, which, however, have less scattering relative to the estimated parameter. Ridge Regression successfully uses this approach. According to technique of this regression type it's necessary to add some positive number called the "ridge" to the diagonal elements of the $X'X$ matrix makes the estimates of the model parameters biased. But at the same time the determinant of the matrix based on the normal equations system increases. Thus, it becomes possible to eliminate multicollinearity in the case when the determinant of the matrix $X'X$ is close to zero. By adding a degree of bias to the regression estimates, ridge regression reduces the standard errors. Ridge regression lets to give the evaluation of regression parameters using the following formula: $\hat{b} = (X^T X + \lambda I)^{-1} X^T y$. So, it solves the multicollinearity problem through shrinkage parameter λ .

The next type of regression, which is rater popular when modeling economic processes is LASSO-Regression (Least Absolute Shrinkage and Selection Operator). It can reduce the dimension of the coefficients, turning some of them into zeros. And this is very convenient, when the initial data are strongly correlated. This regression is similar to the previous, except that the regression coefficients can be zero (some of the factors are excluded from the model) because of it has added advantage of automatic variable reduction techniques. In fact, LASSO-Regression uses a penalty function based on $\|b\|_1 = \sum |b_j|$. Using of this function has several limitations [6]. For example, in the case of high-dimensional data with few examples, the LASSO selects not more than n variables (n show the number of examples). Also, if there is a group of highly correlated variables, then the LASSO tends to select only one variable from a group and ignore the others. To overcome these limitations can new type of Regression – ElasticNet which adds a quadratic part $\|b\|^2$ to the penalty. So, the estimates of the ElasticNet method are defined by the following expression [7]:

$$\hat{b} = \underset{b}{\operatorname{argmin}} (\|y - Xb\|^2 + \lambda_2 \|b\|^2 + \lambda_1 \|b\|_1).$$

In other words, ElasticNet is a generalized method of LASSO and Ridge. Really, if $\lambda_1 = \lambda$ and $\lambda_2 = 0$ this regression transforms into LASSO and if $\lambda_2 = \lambda$ and $\lambda_1 = 0$ then ElasticNet become the Ridge Regression. So, LASSO and Ridge are special cases of ElasticNet which finds an estimator in a two-stage procedure. On the first stage for each fixed λ_2 it finds the ridge regression coefficients, and then does a LASSO type shrinkage.

Let's compare four types of regressions: Linear, LASSO, Ridge and ElasticNet according to their target functions. It's useful to introduce functional operator L , responsible for the error of the model. These models try to find coefficients b_i to minimize the error. But the structure of these errors is different. Linear Regression minimizes the expression: $L = \sum(\hat{y} - y)^2$. For LASSO-Regression this expression is added to the new component to reduce the values of the coefficients b_i . So, according to the LASSO the expression could be minimized as $L^1 = \sum(\hat{y} - y)^2 + \lambda * \sum|b_i|$. For Ridge Regression operator for minimizing uses another component: $L^2 = \sum(\hat{y} - y)^2 + \lambda * \sum b_i^2$. Combining LASSO and Ridge Regressions it was obtained ElasticNet Regression with its operator $L^3 = \alpha L^1 + (1 - \alpha)L^2$. It is also useful when there are multiple features which are correlated.

So, in the last considering models it was added penalty for large values of b_i in minimizing expression. And the value of this penalty is proportional to the value of the parameter λ . In this way, these regressions are more effective than Linear for multicollinearity economic data. Considered methods LASSO, Ridge and ElasticNet called Regression regularization works well in case of high dimensionality and multicollinearity among the variables in the data set.

Ecologic or Environmental Regression is used in cases where data are divided into sufficiently large strata or groups (regression is applied to each of them separately). For example, this type of regression is used in political science to assess the group behavior of voters based on summary data. Or it's very useful for assessment of economic region indexes comparing different regions. But it doesn't work correctly with data divided into millions of regressions, because of some, the most success models may be completely inaccurate, and successful models can be damaged by noisy models with a high degree of agreement. Therefore, this kind of regression is not suitable for predicting extreme events, for example earthquakes, and exploring causal relationships like global warming.

Bayesian Regression is like ridge regression, but it assumes that in the data, the noise is normally distributed, and this fact makes it possible to obtain a more accurate model. However, in practice, especially if we are dealing with large data, the initial knowledge of the data can't be known accuracy, so the assumption is based on the conjugate values, and this is an essential disadvantage of this type of regression. Bayesian regression – it's a kind of penalized likelihood estimator, and thus somewhat it similar to ridge – more flexible and stable than traditional linear regression. The Bayesian regression is significantly applied in risk detection in banking [8].

Whereas OLSM results in estimates of the conditional mean of the response variable given certain values of the predictor variables, Quantile Regression aims at estimating either the conditional median or other quantiles of the response variable. Quantile Regression is the extension of Linear Regression and it uses when the conditions of Linear Regression are not applicable. Quantile regression is used for extreme events – this type involves special introducing a bias into the result, increasing the accuracy of the model. This type of regression is often using in the sphere of trading or industrial production etc.

LAD Regression (LAD – Least Absolute Deviation, a method of the least modules) is used for assessment of the unknown quantities on observed data containing unbiased errors and for approximate representation of the given function. It is also like the linear regression, but uses absolute values instead of squares – as a result, accuracy of models without complication of calculations increases. While, in Linear Regression applying OLS technique, in LAD regression is used absolute values for errors rather than squares. Operator for the assessment of this type of regression can the following view: $L^4 = \sum|\hat{y} - y|$.

Jackknife regression – the type of regression which is used for a clustering and reducing of data. At the same time, it hasn't disadvantages of classical types, providing approximate, but at the same time very precise problem solving, moreover it's steady against mistakes, perfectly works with “independent” variables which correlate or haven't normal distribution. Jackknife regression is one of the resampling methods.

When analyzing empirical data, it is not enough to obtain a point estimation of the numerical variable parameter. It is also necessary to study it statistical properties, first the distribution of the obtained estimate, that is the basis for building confidence intervals and testing statistical hypotheses. Since the exact type of data distribution, as a rule, is unknown, approximation methods are use. The classical approximation theory is based on an asymptotic method uses a standard limit the distribution of sample parameters.

A modern alternative to the asymptotic method is the simulation of the empirical data distribution using the methods of repeated samples generation. The term of repeated sampling in general differs from the usual term used in the methods of selective analysis. If, for example, the analysis of economic process is performed, and the slice of data is selected at a specific location and at a certain time, then select the second, third, etc. a piece of information will be impossible, because it will be data from another place or taken at another time. Therefore, the problem is: how, having only one experiment, to evaluate the value of the required indicator and to obtain a measure of the accuracy of this estimate.

In the case when it is not possible to obtain true replications of observations, are developed "pseudo-selections" methods helps to obtain the necessary characteristics of the considered parameter: estimates of mathematical

expectation, variance, and confidence interval. They are Resampling methods, combined four different approaches: Randomization or Permutation, Cross-Validation (CV), Bootstrap and Jackknife methods.

Regardless of which regression models were chosen by the researcher to describe social and economic processes, it is necessary to apply any Resampling method.

Randomization consists on multiple random mixing of rows or columns of the observation table relative to the levels of influence of the factors studied. At each iteration of the permutation test based on the generated pseudo-selection, simulated values of the analyzed indicator or statistics are calculated, which are compared with the analogous values founded from empirical data. During permutations, neither the composition of the original table nor the number of groups with different levels of influence changes, but only there is a random exchange of data elements between these groups.

Cross-Validation is technology of validation of model for check, how successfully applied the statistical analysis in model is capable to work at an independent data set. Usually CV is used in situations where the purpose is prediction, and it would be desirable to estimate how predicting model is capable to work at practice. One cycle of Cross-Validation includes splitting a data set into parts, then creation of model on one part (called training set), and validation of model on other part (called test set). To reduce dispersion of results, different cycles of CV are carried out on different splittings, and results of validation are averaged on all cycles.

Bootstrap in statistics is a practical computer method for studying the distribution of statistics of probability distributions, based on multiple generation of samples by the Monte Carlo method based on the available sample. It allows quickly and easily evaluate a variety of statistics (confidence intervals, variance, correlation, etc.) for complex models.

The Bootstrap idea is to use the results of the computations in the samples as a "fictitious population" in order to determine the selective distribution of the statistics. In fact, many "unreal" samples, called bootstrap samples, are analyzed. The purpose of data analysis is to obtain the most accurate sampling estimates and to generalize the results to the entire population. Usually a few thousand samples are randomly generated, from this set can be found the bootstrap distribution of the statistics which are interested in.

So, let's have a sample at the first step, select one of the sample elements randomly, return this element to the sample, randomly select the element and so on. Let's repeat the procedure of random selection n times. In the bootstrap, a random selection is made with a return, the selected elements of the original sample are returned to the sample and can then be re-selected. Formally, at each step, it's selected the element of the original sample with probability $1/n$. In total, there are n elements of the original sample and the probability of obtaining a sample with numbers N_1, \dots, N_n , where $N_i \in [0; N]$ is described by a polynomial distribution. Such samples are generated several thousand, which is quite achievable for modern computers. For each sample, an estimate of the interested value is constructed, then the estimates are averaged. Since there are many samples, we can construct an empirical distribution function of estimates, then calculate quantiles and a confidence interval [9].

Jackknife is like bootstrapping, it is used to obtain statistical conclusions about the estimation of bias and to estimate the standard error of statistics when random sampling of observations is used for calculation. The main idea of Jackknife's variance estimation is to systematically recalculate the statistical estimate by removing one or more observations at a time from the sample population. From this new set of statistics values, the estimate of the bias and the statistics variance estimate can be calculated. As a rule, with Jackknife it is easier to apply complex sampling schemes in comparison with boosting.

Considered methods of studying social and economic processes, of course, are not exhaustive. However, they make it possible to diagnose the statistical structure and to choose a vector for further study of chosen phenomenon's properties. On the practice, research is not usually limited to one method, but creates a system of harmonious combination of a set of these methods, and not only them. Such complex researchers recommended to make with the help of special programming tool. The most popular and convenient to statistical modeling is R.

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5.2. PROFESSIONAL MEDIA COMPETENCE DEVELOPMENT FOR TEACHERS OF FOREIGN LANGUAGES BY MEANS OF CONTINUING EDUCATION COURSES: THEORETICAL PRINCIPLES

According to the “Recommendations of the European Parliament and Council of Europe” on “Education Competences for Lifelong Learning” from December 18, 2016 as well as “New Ukrainian School”, the key teacher’s competences¹ include digital and information competence. From the European perspective, the main competence of interaction with digital media is defined as confident and critical use of information society technologies (IST) for activity, recreation and communication that combines: advanced search of data, its collection and processing, critical and systematic use, value assessment and distinguishing between the virtual and real world; The importance of working with tools for transforming data, perception and introduction, the ability to receive access to online services, as well as critical thinking, creativity and innovations is also mentioned.

Nowadays, society requires a highly motivated teacher with sound academic background, media literacy skills, capable to child-centered education, free creativity and professional lifelong self-improvement. Apart from specified characteristics, a foreign language teacher needs to maintain a high level of communicative and professional media competence. Since the main role in the process of teaching foreign languages plays communication and organizing interaction for learners, a teacher faces new challenges in the field of applying media. As mentioned by Paul Gruba, PhD, the University of Melbourne: “...If teaching English as a foreign language can be seen as the study of language in context, then looking closely how media shapes the context can be a productive area for investigation” (16, 181).

Teacher’s professional development includes the ability to navigate in modern information world, comprehend, perceive, interpret and analyze media messages as well as create and disseminate one’s own in the context of teaching and educating new generations. The target implementing and use of media education elements in foreign language teacher’s professional activity enables to improve one’s language proficiency and also the level of media literacy that is required in the context of open society. That is why applying not only classical approaches, methods and learning techniques by teachers but also media education approach can develop the motivation of all learners, let them be actively involved in the process and ensure the quality education services.

High attention to professional media competence of foreign language teachers is explained by the correspondence of lesson topics and content to the main fields of a person’s life which are anyway introduced in a form of media text. Therefore, a modern teacher has to motivate students to critical and informed media consumption for the further creation of one’s own messages based not on one-side topic coverage or unconscious rendering of dictated opinions but on the individual processing of different sources, seeing the whole picture and interpretation skills. For cultivating the culture of interaction with media, creativity and communication skills, critical thinking, teaching advanced perception, interpretation, analysis and assessment of media texts, inducing learners’ self-expression through media outlets, it is essential for teachers of foreign language to master media information and literacy skills, apply media education techniques in practice and improve students’ media literacy for them to become competitive alumni at the market for services and modern European citizens in future.

The problem of quality information selection, spreading of “screen-screen” communication in modern society, information and study overload of learners, a total transporting of simulated world and virtual images (avatars) to real life by young people, worldview generation gaps and other criteria make “face-to-face” communication more difficult. The lack of teachers’ guidance and learning materials on how to implement media education elements in education is the reason for low education quality and efficiency. The outlined tendencies of modern education determine the importance of professional media competence development for the teachers of foreign languages by means of continuing education courses.

Ukrainian researchers of the investigated problem who made a significant contribution into the development of professional media competence in education are: V. Ivanov, G. Pocheptsov, H. Onkovych, V. Osadchyi, S. Its, O. Baryshpolets, A. Voloshyna, D.M. Fateeva, I.M. Cheremys. This domain of education is thoroughly studied by such foreign researchers as Marshall McLuhan, Andrew Hart, David Buckingham, Renee Hobbs, Len Masterman, W. James Potter, Cary Bezalgette, Robert Kubey, Cyndy Scheibe and Faith Rogow, Jack Jackino, Fred Schnell and others who introduce international experience in media education development, show a variety of methodologies and sources, give the possible ways for teachers’ professional media competence improvement. In 2010, the “Conception

¹Competence – dynamic combination of knowledge, ways of thinking, views, values, skills, abilities and other personal characteristics constructing a person’s capability successfully to carry on professional or continuing learning activity [New Ukrainian School: Teacher’s Guide. Chapter 1: Overview on New Ukrainian School Conception. – 2017. – P. 6-7].

Key competences combine personal and social issues within education, refer to comprehensive maintaining of different activities that makes possible to introduce and measure the corresponding indicators; Competences are more specific than general and are obtained not only while learning disciplines but also by means of non-formal education and environmental impact. Key competences can be characterized by: multifunctionality, interdisciplinarity, complexity, orienting to critical thinking, reflections, and one’s opinion expression.

for Implementing Media Education in Ukraine” was approved that speaks for existing demand on preparation of different models and forms of professional media competence improvement by means of formal and non-formal continuing teachers’ training.

However, we still observe the lag of Ukrainian education in comparison with other states in the context of media literacy development, insufficient level of professional teachers’ media competence development, taking not all opportunities of formal (courses of advanced training, second education, etc.) and informal (self-education, project activity, etc.) continuing education. Though, the implementation of a better world experience through direct borrowing without a thorough analysis and adaptation to Ukrainian conditions is impossible due to the significant difference between the national and western educational systems.

Currently, there are different approaches to defining the term “media literacy”. The difference is caused by several factors that identified several vectors of media literacy development in the world. First, the peculiarities of mass communication, in particular activity of media outlets and mass culture impact on the social systems of different regions led to the need for selection of appropriate information and communication skills and tools. Secondly, the level of development and the educational systems in different countries do not allow to introduce a single mechanism for teaching media literacy, and therefore, understanding essence and structure of the concept appears differentiated. Thirdly, non-simultaneous development of information technologies and the shift in demand for different environments paid consumers’ attention to the reality that is taking place and transforming under their local borders. As Cindy Scheibe and Faith Rogow argue: “...the word media literacy is used in many various meanings and understood differently by people. This is like different kinds of bread: even if the basic ingredients are the same, different bakers can produce not one and the same bread”.

International organization UNESCO managed somewhat to specify the definition by claiming that media literacy, in complex with the information literacy as the basis for freedom of speech and information, provides citizens the opportunity to comprehend the functions of media and other information sources, critically to analyze the content perceived and to make the corresponding decisions, being consumers or producers of information or media content.

National Association for Media Literacy Education (of the United States) defines media literacy as the ability to receive, analyze, assess, create and use all communication forms in the interdisciplinary context. Media literacy, according to the researchers, appears to be an important, complete and strong respond to challenges of virtual environment and communication stream that are constantly transforming.

Researchers from the Academy of Ukrainian Press, in particular Prof. V. Ivanov (3) notes that media literacy should be the result of media education and consists of a set of motives, knowledge, skills and abilities that facilitate the collection, use, critical analysis, evaluation, creation and dissemination of media texts in various forms as well as genres, and also includes the analysis of complex processes of media functioning in society. Media literacy is aimed at ensuring that a person is active and competent, with the developed ability to perceive, create, analyze, evaluate media texts, understand sociological, cultural and political contexts of media functioning in the modern world, and also representative systems that they use. The life of such a person in society means civil responsibility.

According to the vocabulary of media education, media pedagogy, media literacy and media competence by A. Fedorov, media literacy is the result of media education process, the ability to analyze and synthesize time-and-space activity, the ability to "read" (decode) media text. Teacher’s media competence, according to A. Fedorov forms a set of one’s knowledge, abilities, skills, motives according to such indicators as motivational, informational, methodical, practical, operational and creative, which allows to carry out media education activities in audiences of different ages (11, 24).

As introduced by experts from the National Association for Media Literacy Education (of the United States), professional media competence development is possible when teachers first of all improve their skills of media analysis looking for the answers to the following key questions (5):

1. Authorship and audience.
 - 1.1. Authorship
 - 1.1.1. Who created the message?
 - 1.2. Goals
 - 1.2.1. What was the goal for creation?
 - 1.2.2. What does the message push the audience for?
 - 1.2.3. What kind of audience is the message targeted?
 - 1.3. Economy
 - 1.3.1. Who paid for the message?
 - 1.4. Influence
 - 1.4.1. Who can win or lose from the message?
 - 1.4.2. Is this message useful for me and others?
 - 1.4.3. Does narrator wants us to remember the message?
 - 1.5. Reaction
 - 1.5.1. How can I respond to the message?
 - 1.5.2. How does this message influence my feelings?
 - 1.5.3. What emotions can influence the interpretation of message?

2. Messages and meanings.

2.1. Content

2.1.1. What does the message induce to think about?

2.1.2. What can be found out from the message?

2.1.3. What ideas, values, information or views are evident?

2.1.4. What was not said about in the message?

2.2. Techniques

2.2.1. Which techniques are used and why?

2.2.2. How do they render this message?

2.3. Interpretations

2.3.1. How can people understand the message differently?

2.3.2. What is my interpretation and what can I get from my reaction?

3. Representation and reality.

3.1. Context

3.1.1. When was the message created?

3.1.2. When and how was it shared?

3.2. Reliability

3.2.1. Is this a fact, view or something else?

3.2.2. Can the message be true and to what extent?

3.2.3. What are the information sources?

Upon completion of the information analysis, a media-educated teacher can give it to students for reflection in a complex with the topic. Learning foreign languages requires discussing the events, phenomena and relevant news that occur in society. Therefore, a foreign language teacher of new Ukrainian school should learn how to work with a huge amount of data that has impact on social life, choose the key ideas from it, improve students' knowledge and actively use media messages in the process of education.

American scholars S. Sheibe and F. Rogou [5] singled out the knowledge, abilities and skills that belong to media literacy concept:

- *Free access to modern media technologies and high quality content;*
- *Comprehension of simple messages coming from media sources, put analytical questions to these sources and messages;*
- *Pay enough attention to media messages and their role in social life;*
- *Analyze and decode media messages for independent and critical perception;*
- *Assess the value and usefulness of media messages;*
- *Create media messages for different purposes and refer to different media formats;*
- *Reflection on how personal experience and values influence the reaction to media messages;*
- *Participate in activity that is carried out as a result of using interactive media technologies (e.g. Wikipedia, social media and virtual worlds).*

S. Sheibe and F. Rogou [9, 44] have also defined the functions of media competent teachers for meeting educational requirements:

- Integrate the skills of XXI century, in particular, ability to independent thinking, team-work, focus on productive activity and assessment of one's work;
- Teach thinking skills which are necessary for having a job;
- See the media technology boom from educational perspective with respect to media as a part of students' extracurricular activity, combining school work with students' daily routine;
- Pay attention to convergent media technologies that can improve sustainable abilities and skills;
- Teach literacy through quick transformation of real but not extra time provided for learning due to information overload
- Improve academic progress through involvement of students in their own cultural territory, meeting their interests;
- Integrate teaching skills with the content.

V. James Potter believes that media literacy encourages us to adapt to changes in communication technologies and draw our attention to new media messages. This makes us change both positive and negative impacts of these new forms of communication. The latest technologies provide not so many opportunities for the development of particular skills, but at the same time, develop some other. In addition, media literacy helps us adapt to changes, instead of ignoring or denying them. We adapt ourselves through interaction with a wide range of messages, analyze them, open new elements, and afterwards we assess them and determine their value.

It is necessary to realize that with the advent of new media and their influence on the consumers' audience, the role of teachers is undergoing important transformations. At the present stage of education development, the teachers' function as some sort of encyclopedia of knowledge is no longer relevant, but instead a teacher appears to be a

moderator of the educational process who is responsible for applying media and providing the important information to students, data processing in the most accessible and comprehensible way, organization of group work on the basis of analyzed material, etc. These transformations require new organizational forms, methods and technologies for the development of professional media competence.

According to O. Buturlina [1], the use of media in educational process depends on the ability of teachers to organize the learning environment, to combine the latest informational and traditional pedagogical practices in order to conduct exciting classes, to encourage educational cooperation and cooperation among schoolchildren. This requires a number of new skills from the teacher: readiness to manage class activity through the development of new ways of ICT and media usage that would enrich educational environment and develop students' competencies; mastering the advanced knowledge, and the ability to create new ones. Professional media competence of teachers becomes a key element in the improvement of education system. At the same time, continuing teachers' training has impact if only it is aimed at bringing certain changes in teacher's activity.

Some Ukrainian researchers (O. Boryshpolets, O. Golubeva, S. Kizim, N. Saltanovska, etc.) in the process of analysis of teacher's media competence focus on the means of mass communication and needs to use the latest technical equipment in educational establishments. However, the availability and ability to use technical devices does not guarantee the quality and professional rendering of educational material by teachers and is not the subject of media education, although it facilitates access to the presentation of content in the desired media format. Instead, the main indicator of teachers' media competence is the professional use of information received from media resources, its comprehension and retranslation in the audience for the purpose of following educational objectives.

According to I. Mostyshina, it is extremely important for modern educators to develop the skills of critical perception and comprehension, to construct verbal copies of visual images, understand semantic peculiarities of information that can be used in practice [6]. In our opinion, this process can be achieved by including the mentioned aspects in the curriculum and also by strategic vision of learning a foreign language using media education technologies.

As mentioned by N. Dudakhina, media competent teacher's training covers the improvement of skills necessary for organizing the learning process supported with various methods and systems of information exchange such as: printed, visual, audial, digital, etc., in order to ensure interactive teaching, creative activity, educational cognitive activity, increase of motivation among learners [2, 2-4]. It is worthy of note, that for this purpose a foreign language teacher needs to know for sure why, how and when to involve media in the education process and to provide the accompaniment of the presented material with the appropriate selection of comments and tasks.

The ways of dealing with information to be used while teaching are given by Ukrainian researcher, O. Yankovych who points out, that having retrieved some information from a source, a teacher has to assess its reliability and usefulness in the context of applying in the audience. It is necessary to find out which points of content are in priority. A drawback of sources in a particular situation can be an advantage in a different one, for example, generalizing is not applicable when we want to find details, however it becomes useful in case if we do not know anything about the topic [13, 91].

It is persuaded that teachers of foreign language are communicative and informative partners for their students, culture representatives of the country the language of which is taught, therefore teachers of this discipline should critically reflect upon the information coming from different channels, classify it depending on individual students' needs, define the value of certain content and correct one's activity with them. So, media education technologies promote critical thinking of teachers, shape the culture of their thinking, independence, intellectual abilities and increase reflexive mechanisms in educational activity in the context of new media education environment [4,26-27].

Consequently, professional media competence development for teachers of foreign language provides the organization of educational process using learning materials for presentation in appropriate media format. Strategic planning of studying topics in synergy with the acquisition of media education technology enables teachers to implement educational tasks and to ensure the quality as well as productivity of the educational process. Media education development helps to change the relationship between a student and a teacher, allowing for reflections and dialogues, polylogues and discussions.

Media education develops significantly more open and democratically orientated educators and aims primarily at stimulating the group learning [1, 11-12]. A media competent foreign language teacher should focus on the effective mastering of material by the students, development of their critical thinking, cultivating their picture of the world, etc. By means of media messages, a teacher offers students the key values, assertions, elements of culture and worldview of society the language of which is being learned.

While teaching it is better to give instructions to the tasks taking the media influence on modern society into account. For example, working on a foreign language section for a school newspaper or magazine will help you find interesting and useful information about students. Students work independently, and the teacher acts at the same time as the editor-in-chief, correcting mistakes when necessary, deleting the duties to students, raising responsibilities, giving evaluation of their work and communication. Organizing the discussion of video clips where situational communication of native speakers is provided also appears to be an effective teaching method. A media competent teacher acts as a moderator in subgroups of students, discussing the structure of the content watched and listened, analyzing the genre and style of speech, place of speaking, external characteristics and non-verbal signs.

Thus, professional teachers' media competence development is an adequate response to challenges of information world that can meet requirements of open education and customers of educational services (students, parents, etc.).

Open continuing teachers' training can develop professional media competence of foreign language teachers through open adult learning technologies, open content and open knowledge, system of transparency, congruence of all its components, as well as common preparation, experimental verification, reflection and usage of accumulated ideas and knowledge, information and experience exchange among all learners. Admission to educational environment and getting a high-quality education is realized without gender, age, national or territorial concerns. A modern system of continuing teachers' training provides advantages of distance learning technologies as one of the lifelong learning forms with a wide access to the best world educational resources, self-education in the easiest way, obtaining professionally oriented and personally relevant information throughout one's life. In this context, distance learning is practical way of implementing the open postgraduate education principles.

The formal system of continuing teachers' training with its professional human resources, innovative scientific and methodological, educational and information support, is able to create all the conditions for the qualitative and systematic teacher's training and media competence development.

Formal education is institutionalized, purposed, planned education with the participation of state and recognized private organizations that forms the formal education system of the country providing curricula and relevant qualifications recognized by the state.

Formal education is a state system of professional development for specialists with approved educational (professional and research) programs and terms of training. It occurs, as a rule, in specially created conditions (institutions) and is controlled by the state. Educational institutions of this system provide "educational qualifications" – certificates and diplomas which confirm the acquisition of a certain level of knowledge, abilities, skills, and competences, assessed according to generally accepted criteria.

Formal continuing teachers' training includes:

1. specialization - specialized training in order to acquire the ability to perform individual tasks and functions according to the chosen specialty;
2. Professional development is a component of formal professional education, organized form of adult education, the main purpose of which is to bring the professional and functional competence of specialists in accordance with the needs and requirements of society, the state, the labor market, as well as meeting personal educational requests, cultivating one's competitiveness in the professional field;
3. Internship - the specialist's experience while carrying out professional tasks, responsibilities and functions of a particular activity or field of knowledge;
4. Obtaining another specialty based on educational level and practical experience previously attained.

Continuing foreign language teachers' training is running on the basis of institutions through realization of the licensed and certified professional, study or research programs by specialist, as well as participation in projects, trainings, internships, re-training for the whole course period.

Non-formal education is institutionalized, purposed, planned education, not providing educational programs and qualifications, being additional, alternative and / or complementary to formal education during lifelong education. It serves to ensure the right of people in all ages for free access to education but does not provide obligatory structural sequence for obtaining education and can be short-term, intensive or not, including courses, seminars, and practical classes. Informal education does not have age, professional or intellectual restrictions on the participants, is often not time limited.

Non-formal education is carried out in educational centers, universities, clubs, cultural centers, museums, libraries, studios, schools, workshops of crafts, computer and language courses, interest groups, etc. The field of non-formal education includes individual lessons led by andragogues, coaches, tutors as well as trainings and short-term courses pursuing practical short-term goals. Institutions or organizations engaged in non-formal education usually do not award qualifications and do not formally assess the achievements of participants. Formal qualifications may be obtained by a specialist through the development of specific individual programs of non-formal education and the corresponding recognition of the acquired knowledge, skills and competences by the authorized body.

Informal education (self-organized education, self-education) is an unorganized, not always conscious and purposed process that is running throughout the life. This includes obtaining the necessary knowledge, skills, abilities in the form of life experience by specialists. Informational education is realized at the expense of the teacher's own activity in cultural and educational environment, while the specialist transforms the educational potentials of society into effective factors of development. Informal education can be carried out through the purposed communication, reading, watching TV programs, visiting cultural institutions, travelling, etc. Like non-formal education, informal education is not time limited, is not necessarily systematic, has no age, professional or intellectual restrictions on the participants, its results can be approved within the formal education in the way provided by the current legislation.

Continuing teachers' training is the integral component of lifelong education in Ukraine, the form of adult education that meets their personal requirements and needs for obtaining some knowledge, improvement of skills, personal and professional development throughout one's life.

Professional media competence development among foreign language teachers during continuing training courses provides in particular:

- Creation of educational space network for productive professional polylogue focused on the production of professionally relevant information and processing ICT streams;
- Provision of advanced and differentiated educational services;
- Functionality and flexibility;
- Modularity, the presence of built-in tools for developing and editing educational content;
- Full and comfortable interaction of all participants;
- Synchronous / asynchronous communication;
- Providing information and communication support for the professional development of specialists through the creation of a unified information and technology infrastructure for continuing teachers' training system, including educational telecommunication network, knowledge sharing platforms, educational websites, educational portals, information databases, electronic catalogues, personal web resources, etc. ;
- Development of media competence, media culture of specialists, including ability to navigate the information space, increase the volume of information, create their own electronic products, build their own style of communication in society, etc. ;
- Wide personal access to the best world educational resources;
- Obtaining educational, professionally oriented and personally relevant information throughout the whole andragogic cycle.

Professional media competence development of foreign language teachers by means of continuing teachers' training primarily includes the preparation of topics for trainings, practical classes, thematic discussions, etc., special courses that will help students to acquire new knowledge, skills, and master the skills of implementing media education in the educational process. In order to provide media education process carried out by professional foreign language teacher, it is necessary to understand how media messages work (taking into account their influence on the audience) and use them for education of a competent person.

The innovative resource of the professional development for specialists of the new formation, and the improvement of one's professional media competence, is the Virtual Department of Andragogy of the Central Institute for Continuing Teachers' Training under the National Academy of Educational Science of Ukraine. This educational platform will help the teacher continuously to ensure one's self-development and self-improvement throughout life by means of formal and informal education.

The Virtual Department of Andragogy (hereinafter - VDA) is an independent, non-profit, voluntary, virtual-integrated scientific community of specialists in the field of adult education, national and foreign andragogues, creative, socially active specialists in the field of interdisciplinary and transdisciplinary sphere, created for:

- Carrying out research, research-methodical and coordinating activities on the development and introduction of new techniques and technologies of professional teacher's activity by means of formal and non-formal continuing teachers' training;
- Joint implementation of research findings;
- Participation and conducting scientific and practical events on different levels;
- Knowledge and experience dissemination, etc.

The founder and moderator of VDA is the Department of Philosophy and Adult Education, Central Institute for Continuing Teachers' Training "University of Educational Management", National Academy of Educational Science.

The main goal of the VDA is to create a virtual cluster community of teachers for conducting research and methodological, experimental and practical activities on the development and implementation of the innovative techniques and methodologies of adult education in formal and non-formal postgraduate education; training of highly skilled professionals in the field of adult education, coordinating activity of researches on professional development of specialists, etc.

Discipline Profiles of VDA: Philosophy of adult education; the history of formal, non-formal and continuing teachers' training; inclusive adult education; methodology of professional development for andragogues; research and methodological support of professional development for andragogs; monitoring of professional development of specialists, etc.

For realization of the main goal, the VDA conducts the following activity:

- Systematic study of national and world adult education problems;
- Analysis of the state policy in the field of education, employers and key stakeholders on the professional development of specialists, as well as meeting the educational needs of the person as a specialist or consumer of educational services;
- Development and testing of variation adult education models in the national and foreign educational practice;
- Involvement of potential partners from research, methodological, and practical spheres in solving urgent tasks of professional development of specialists in accordance with socio-economic transformations in the context of knowledge society;

- Providing research and methodological assistance to post-graduate students and andragogues by the national and foreign researchers;
- Research, educational, organizational, methodological, information and communication support of specialists undergoing professional development according to the national education models of advanced training courses and in the intercurricular period within the single andragogic cycle;
- Promoting self-development and self-education of andragogues through networking, experience exchange, training and peer education among community members and other citizens within formal and non-formal continuing teachers' training;
- Providing advisory, research and methodical assistance to the members of Adult Education Department through joint educational events (trainings, round tables, seminars, conferences, webinars, chats, videoconferences, online studios, laboratories, pedagogical web-quests, Internet consultations, coaching sessions, Internet lectures, etc.);
- Sharing the information and providing open access to research methodological findings, carried out on the basis of VDA;
- Studying, analyzing, generalizing and promoting the latest techniques in formal and non-formal adult education;
- Promotion of interaction among non-profit organizations and society, mass media, local self-government bodies, and commercial structures for the development of adult education system.

The VDA provides for the following forms of participation: legitimate peripheral participation (LPP), which is determined on the basis of the agreements on research collaboration of the Department of Philosophy and Adult Education with other structural units of the virtual education cluster, and a modified form of participation that provides an opportunity for non-members of the virtual community to participate in the VCA.

The author's section "Media education studio" (moderator -Artemy Ponomarevskyi) has been launched within the VDA. The section is aimed at disseminating ideas and practices for competent perception, analysis, interpretation and interaction with the media, as well as their implementation in the educational process. Success of future alumni of being patriots and innovators depends on how foreign language teachers can create, distribute their own media products, select information, and appeal to reliable sources. Targeted introduction and use of media education elements in the professional activities of teachers will increase their level of professional media competence, which is a requirement of time in an open society.

Thus, the "Recommendations of the European Parliament and the Council of Europe" (December 18, 2016) "On Educational Competences for Lifelong Learning", define the main competence of interaction with digital media is as confident and critical use of information society technologies (IST) for activity, recreation and communication that combines: advanced search of data, its collection and processing, critical and systematic use, value assessment and distinguishing between the virtual and real world; The importance of working with tools for transforming data, perception and introduction, the ability to receive access to online services, as well as critical thinking, creativity and innovations is also mentioned. The Virtual Department of Andragogy gives preference to distance learning technologies as one of the forms of continuous education system providing a wide access to the best world educational resources, self-education in the easiest way, the acquisition of professionally oriented and personally relevant information throughout one's life.

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5.3. ANALYSIS OF POLTAVA DRINKING WATER QUALITY IN THE CONTEXT OF STANDARDS OF UKRAINE AND EU

The current state of anthropogenic impact on the environment entails a change in the regime of groundwater and underground water. At present, there is a tense situation with the provision of the population of Ukraine, including Poltava, with quality drinking water.

The quality of drinking water in Ukraine is determined by a significant number of important characteristics. DSTU 7525: 2014 was issued and approved in 2014. In the preface it is said: "This standard implements the norms of the Law of Ukraine "On Drinking Water and Drinking Water Supply", the State Sanitary Rules and Norms (DerzhSanPiN) "Hygienic Requirements for Drinking Water, Intended for Human Consumption" 2.2.4-171-10, the basic requirements of Directive of the Council of the European Union 98/83 EU of 3 November 1998 on the quality of water intended for human consumption, Guidelines for drinking-water quality of WHO (2011) and codex Alimentarius Commission "General Standard for Bottled/Packaged Drinking Waters (Other Than Natural Mineral Waters)" CODEX STAN 227-2001» [1]. Table 1 shows the values of the main indicators of drinking water quality specified in the Ukrainian standard, the EU Directive and the norms of drinking water in Switzerland (817022102 EDI) [1 - 3].

Standard values of the basic physical and chemical indicators of drinking water quality of centralized water supply Table 1

Indicators	Ukraine DSTU 7525: 2014 (DerzhSanPiN 2.2.4-171-10)	EU (Directive EU 98/83)	Switzerland (817022102 EDI)
The color, degrees	≤20	Acceptable for consumers	colorless
The intensity of the odor, points	≤2	Acceptable for consumers	Acceptable for consumers
The turbidity, NUT (nephelometric unit of turbidity) (1NUT=0.58 mg/dm ³)	≤1 (≤0.58 mg/dm ³)	Acceptable for consumers	≤1 (≤0.58 mg/dm ³)
pH	6,5-8,5	6,5-9,5	7-8
The total hardness, mmole-Eq/dm ³	≤7,0	not normalized	not normalized
Calcium (Ca ²⁺) ions, mg/dm ³	not normalized	not normalized	not normalized
Magnezium (Mg ²⁺) ions, mg/dm ³	not normalized	not normalized	not normalized
Aluminum (Al ³⁺) ions, mg/dm ³	≤0,2	≤0,2	≤0,2
Ammonium-ions, mg/dm ³	≤0,5	≤0,5	≤0,5
Total Fe-ions, mkg/dm ³	≤200	≤200	≤300
Sodium (Na ⁺) ions, mg/dm ³	≤200	≤200	not normalized
Potassium (K ⁺) ions, mg/dm ³	not normalized	≤12	not normalized
Alkalinity, mmole-Eq/dm ³	not normalized	not normalized	not normalized
Chloride-ions, mg/dm ³	≤250	≤250	not normalized
Sulfate-ions, mg/dm ³	≤250	≤250	not normalized
Nitrate-ions, mg/dm ³	≤50	≤50	≤40
Nitrite-ions, mg/dm ³	≤0,1	≤0,5	≤0,1
Permanganate oxidation, mg[O]/dm ³	≤5	≤5	≤3
Zinc (Zn ²⁺) - ions, mg/dm ³	≤1	not normalized	≤5
Total Chrome-ions, mg/dm ³	≤0,05	≤0,05	≤0,05
Lead (Pb ²⁺) ions mg/dm ³	≤0,01	≤0,01	≤0,01
Manganese (Mn ²⁺) ions, mg/dm ³	≤0,05	≤0,05	≤0,05
Copper (Cu ²⁺) ions, mg/dm ³	≤1	≤2	≤1
Cadmium (Cd ²⁺) ions, mg/dm ³	≤0,001	≤0,005	≤0,003
Cobalt (Co ²⁺) ions, mg/dm ³	≤0,1	not normalized	≤0,2
Nickel (Ni ²⁺) ions, mg/dm ³	≤0,02	≤0,02	≤0,02
Dry residue (WSS), mg/dm ³	≤1000	≤1000	not normalized

It is obvious that the norms of drinking water quality of centralized water supply in the standard of Ukraine are quite "strict" in comparison with the norms of the EU and especially of Switzerland. A significant number of drinking water indicators from the EU (the color, the intensity of flavor, the intensity of the odor, the total hardness) and Switzerland (the color, the intensity of flavor, the intensity of the odor, pH, the total hardness, Na-ions concentration,

Chloride-ions concentration, Sulfate-ions concentration and dry residue (WSS) content) are not regulated. Unfortunately, the content of calcium ions (calcium hardness), magnesium (magnesium hardness) and alkalinity are not regulated in all norms. In the penultimate version of DerzhSanPiN, the alkalinity was regulated within the range of 1.5-6.5 mmole-Eq/dm³, and the present DSTU sets this standard only for water of decentralized water supply (0.5-6.5 mmole-Eq/dm³). The quality of drinking water from centralized water supply from the supplier meets the standards. In reality, consumers of Ukraine in most of the settlements are supplied with water, which does not meet the quality standards for the main physicochemical indicators. The main reason is the poor state of the water pipes. Therefore, the population consumes water and unaware of health risks. The discrepancy between the quality of drinking water and standards can be detected only with regular monitoring of the main physical and chemical indicators of drinking water quality.

For many years, we regularly sampled drinking water from centralized and decentralized water supply in Poltava and Poltava regions. The Poltava region and Poltava belong to Livoberezhny Dniprovsky district of sufficient water content in accordance with the map of hydrological zoning of Ukraine [4]. The state of the region's water resources according to the integrated environmental indicator is assessed as poor. The problem of pollution of drinking water in Poltava is significant even for centralized water supply because of the unsatisfactory condition of water supply facilities. The quality of decentralized water supply is also unsatisfactory.

The current situation in Ukraine is disappointing, especially for the south-eastern region. There are practically no underground water sources because underground water is polluted by industrial waste water. Therefore, the population has to use water from surface water intake. The state of this water is unsatisfactory [4].

In general, there are 147 stable sources of underground water pollution in Ukraine. In addition, there are 93 large intakes of underground water (with a capacity of more than 5000 m³/day), the quality of which deteriorated due to anthropogenic impact [5]. A total of 22 artesian wells, grouped in 5 water intakes, are counted on the balance of the communal enterprise Poltava regional council "Poltavavodokanal". Each water intake has its own reservoir of clean water, chlorinator and pumping station of the second lift. The centralized water supply of the city of Poltava is used by 98% of the population, the standard amount of water per person is 300 liters [6]. Water extracted from an underground source with a depth of 600-800 meters should have physical and chemical performance indicators that meet the standards [1]. But the population of Poltava suffers from a number of diseases. The first place among the causes of mortality is occupied by cardiovascular disease. Undoubtedly, this is due to the lack of vital calcium- and magnesium-ions in drinking water of centralized water supply, the quality of which on the content of these ions does not meet the physiological needs of the human body. The lack of a scientific approach and poor public awareness are contribute to the deterioration of the situation. The main criterion for drinking water quality is its impact on human health. The problem is still unresolved.

Therefore, the purpose of our work was to identify the possible impact of centralized water supply on human health. The task of the work was to determine the main physical and chemical water quality indicators of the centralized water supply in the city of Poltava, to investigate them for compliance with the Ukrainian standard and compare them with the existing EU and Swiss norms.

Drinking water samples of centralized water supply were selected in accordance with the requirements of standards in various districts of the city of Poltava:

Sample №1 - Poltava, Kyivs'kyi district, Zinkivs'ka street;

Sample №2 - Poltava, Sady-1;

Sample №3 - Poltava, Zhovtnevyi district, Bozhenko ((now Danyla Apostola) street);

Sample №4 - Poltava, Leninskyi (now Podolsky) district, Levada

The authors have experimentally determined the main physical and chemical indicators of drinking water quality of centralized water supply.

The results of experimental studies are presented in Table 2.

Basic physical and chemical parameters of the water of Poltava centralized drinking water supply Table 2

Indicators	Sample №1	Sample № 2	Sample №3	Sample №4
The colour, degrees	7,04	7,04	5,44	13,45
The intensity of flavor, points	0	0	0	0
The intensity of the odor, points	0	1,0	0	1,0
The turbidity, NUT (nephelometric units of turbidity) (1NUT=0.58 mg/dm ³)	< 0,3	< 0,3	< 0,3	< 0,3
pH	7,9	8,0	8,2	8,0
Total hardness, mmole-Eq/dm ³	0,48	0,29	0,7	0,36
Calcium (Ca ²⁺) ions, mg/dm ³	5,96	3,4	7,4	6,95
Magnezium (Mg ²⁺) ions, mg/dm ³	2,28	1,44	3,96	0,12
Aluminum (Al ³⁺) ions, mg/dm ³	0,9	1,2	1,3	0,9
Ammonium-ions, mg/dm ³	0,250	0,166	0,135	0,271
Total Fe-ions, mg/dm ³	0,3	0,4	0,3	0,3
Sodium (Na ⁺) and Potassium (K ⁺) ions, mg/dm ³	350	330	450	400
Alkalinity, mmole-Eq/dm ³	5,8	6,6	6,4	5,8
Hydrocarbonate-ions, mmole-Eq/dm ³	353,8	402,6	390,0	353,8
Chloride-ions, mg/dm ³	241,9	186,3	322,5	303,1

Sulfate-ions, mg/dm ³	83,4	80,9	89,4	93,2
Nitrate-ions, mg/dm ³	≤ 0,5	≤ 0,5	1,35	1,21
Nitrite-ions, mg/dm ³	0,060	0,055	0,044	0,189
Permanganate oxidation, mg[O]/dm ³	2,24	2,16	2,56	2,48
Zinc (Zn ²⁺) - ions, mg/dm ³	≤ 0,005	0,015	0,008	≤ 0,005
Total Chrome-ions, mg/dm ³	≤ 0,02	≤ 0,02	≤ 0,02	≤ 0,02
Lead (Pb ²⁺) ions mg/dm ³	≤ 0,01	≤ 0,01	≤ 0,01	≤ 0,01
Manganese (Mn ²⁺) ions, mg/dm ³	≤ 0,02	≤ 0,02	≤ 0,02	≤ 0,02
Copper (Cu ²⁺) ions, mg/dm ³	≤ 0,02	≤ 0,02	≤ 0,02	≤ 0,02
Cadmium (Cd ²⁺) ions, mg/dm ³	≤ 0,001	≤ 0,001	≤ 0,001	≤ 0,001
Cobalt (Co ²⁺) ions, mg/dm ³	≤ 0,01	≤ 0,01	≤ 0,01	≤ 0,01
Nickel (Ni ²⁺) ions, mg/dm ³	≤ 0,02	≤ 0,02	≤ 0,02	≤ 0,02
Dry residue (WSS), mg/dm ³	1000	870	1160	1030

Source: Author's experimental research

Chemical analysis of water samples revealed that water quality does not meet a significant number of indicators in the standard [1]. The indicator of total (calcium and magnesium) water hardness meets the main normative document (DerzhSanPiN), but do not satisfy the physiological needs of human. All the hardness of water is carbonate, so the calcium and magnesium ions are completely removed at boiling. The constant hardness is zero. The low content of calcium and magnesium ions in water has a particularly negative effect on the human body, leading to an increase in the number of cardiovascular diseases. According to scientists, the mortality from cardiovascular diseases is much lower with the use of hard water (ie, with an increased content of calcium and magnesium) than with using of soft water (minimum amount of calcium and magnesium or high sodium content) [7-9]. There is an increased content of sodium ions in the samples of the studied drinking water. Parameters of the cardiovascular system are better in areas where the population uses hard water: lower overall blood pressure, lower heart rate in resting condition, and lower cholesterol in the blood. The content of calcium in the cell is a universal regulating factor for all cellular functions, regardless of cell type. Insufficient amount of calcium in water affects the increase of absorption and toxic action of heavy metals (cadmium, lead, mercury, aluminum, etc.). Heavy metals compete with calcium in a cell, use calcium metabolic pathways to penetrate into the body, replace the calcium ions in important regulatory blocks, thus blocking their normal functioning. Therefore, it can be argued that soft drinking water with low calcium and magnesium content is a significant ecological risk factor for cardiovascular pathologies and other common calcium-magnesium regional diseases [8].

Harmful to human health is the increased content of aluminum ions. Final effect of excess content of aluminum ions in the human body has not yet been studied. But scientists argue that excessive accumulation of aluminum in the body affects on the state of the musculoskeletal system (osteoporosis, rickets-like diseases), kidneys (nephropathy, risk of urolithiasis), central nervous system (delay development of children, encephalopathy of patients undergoing dialysis, Alzheimer's disease). [7, 9, 10]. The deposition of aluminum in tissues can contribute to the development of fibrotic changes in them. The toxicity of aluminum is associated with its antagonism with respect to calcium and magnesium. Aluminum is able to influence the function of parathyroid glands and easily form compounds with proteins, accumulating in the kidney, bone tissue, central nervous system. Impairment of memory, nervousness, depression, learning difficulties, hyperactivity may be signs of aluminum exposure to the central nervous system. Symptoms of aluminum deficiency in humans and animals are poorly understood. However, it is commonly believed that a reduced content of aluminum in hair tissue can reflect metabolic disturbances in bone tissue. Aluminum strongly affects the nervous system, since these ions accumulate in the nerve tissue, which causes a serious CNS disease. In addition, the presence of these ions reduces the absorption of phosphorus in the body, which can lead to a violation of phosphoric-calcium metabolism.

Since there is an increased concentration of sodium-ions in water samples, the use of such water also poses a threat to human health. This can be the cause of hypertension.

The increased content of chloride ions, also detected in water samples, is usually the cause of irritation of the mucous membranes, eyes, skin, respiratory tract. Use of such water increases the probability of diseases of the cardiovascular system, the appearance of neoplasms (stones) of the genitourinary system, the appearance of inflammatory processes in the digestive system, stomach, esophagus, increases the probability of the appearance of cholelithiasis [7 - 9].

The increased content of total iron ions in drinking water can be caused by a poor state of water pipes. Excess of total iron increases the risk of heart attacks. Prolonged use of such water causes liver disease, hemochromatosis, allergic reactions.

The soil degradation map of Ukraine demonstrates that the soils of Poltava region are highly saline. The chemical composition of water is primarily determined by the composition of the water-soluble constituent of the soil and this primarily influence on the macro-component composition of water. Therefore, there is an increased level of dry residue (total mineralization) in some water samples. This indicates an increase in the total content of water-soluble salts.

The population tries to improve the quality of water in domestic conditions and buys filters of different price categories. We decided to identify changes in the basic water quality indicators after processing with a reverse osmosis filter.

The results of experimental studies are presented in Table 3.

Table 3

Basic physical and chemical parameters of water of
Poltava centralized drinking water supply after treatment using a filter

Indicators	Sample №1 (before filter)	Sample № 1 (after filter)
The color, degrees	7,04	0
The intensity of flavor, points	0	0
The intensity of the odor, points	1,0	0
pH	7,90	7,71
Total hardness, mmole-Eq/dm ³	0,48	0,12
Calcium (Ca ²⁺) ions, mg/dm ³	5,96	1,6
Magnezium (Mg ²⁺) ions, mg/dm ³	2,28	0,48
Aluminium (Al ³⁺) ions, mg/dm ³	0,9	0,3
Alkalinity, mmole-Eq/dm ³	5,8	0,72
Chloride-ions, mg/dm ³	241,9	28,36
Sulfate-ions, mg/dm ³	83,4	3,84
Total Fe-ions, mg/dm ³	0,3	0,02
Nitrate-ions, mg/dm ³	≤ 0,5	0,04
Dry residue (WSS), mg/dm ³	1000,0	109,8

Source: Author's experimental research

After filtration, the water quality became better with respect to the content of aluminum ions and pH, but becomes worse in terms of the total alkalinity. The content of calcium and magnesium ions was insufficient for normal functioning of the organism, and filtering reduced their content additionally. WSS (water soluble salts content) remains normal, but the water has become ultra-fresh with a minimum content of vital macro-components and microelements. In demineralized water (distillation or reverse osmosis allows to clean well, but natural composition of macro- and micro-elements disappears from it, and in the future such water has to be artificially mineralized), In demineralized water, drugs are not fully effective because of the absence of calcium, magnesium, potassium, iodine, fluorine, zinc, and others necessary for the activation of enzymes involved in the exchange of medicinal compounds when they enter to the body. Since the biological role of calcium and magnesium in the body is significant, prolonged use of water, depleted on calcium, can lead to its deficiency in the body (in children who live in areas with soft water, the tooth enamel is covered with spots resulting from decalcification of dentin; Ury disease (Kashin-Beck's disease), which is an endemic polyhypermicroelementosis of strontium, iron, manganese, zinc, fluorine) [8, 9].

Hypocalcemia (decrease of a concentration of calcium in serum to less than 9 mg/dL) and hypercalcemia (elevated levels of serum calcium to a concentration of more than 11 mg/dL) indicate the pathology. Changes in the concentration of calcium in the extracellular fluids affect its concentration inside the cell. In the case of hypocalcaemia there are convulsions, hyperreflexia, spasms of the larynx, which can cause death by asphyxiation. These phenomena are the result of a decrease in the excitation threshold of nerve and muscle cells. In the case of hypercalcemia the neuromuscular excitation is reduced; if the concentration of calcium in the blood reaches 16 mg/dL, there comes a deep nerve function disorder – psychosis, stupor and even coma [11].

Hypomagnesaemia - reducing of magnesium concentration in the blood serum less than 1 mmol-eq/L. Hypermagnesemia - increase of concentration of magnesium in the blood serum above 2,2 mmol-eq/L. Hypermagnesemia most often occurs as a result of excessive consumption of magnesium and / or renal failure. It is characterized by hyporeflexia, oppression of consciousness, skeletal muscle weakness, arterial hypotonia and even possible respiratory arrest [13].

Minimum availability of the organism by magnesium is observed in autumn and winter. Clinical manifestations of magnesium deficiency include almost all organs and systems. They are conventionally divided into several groups: cardiovascular, cerebral, muscular-tetanic, visceral, exchange. If magnesium deficiency developed quickly, it leads to increased nervous excitability of the cell, namely of the muscles. More often it could be spasms, tics, sleep disorders, arrhythmia, apnea. Clinical manifestations of magnesium deficiency, which develops slowly, are associated with the formation of metabolic disorders. Long term effects of magnesium deficiency occur in the development of arterial hypertension, other cardiovascular diseases, diabetes. The exhaustion of the magnesium reserves occurs during stress and physical overload [12]. Deficiency of magnesium and pyridoxine, magnesium and glycine for children leads to the development of autism, dyslexia, deviant behavior, attention deficit disorder with hyperactivity. Magnesium deficiency in utero and during adolescence leads to a deficiency of the formation of connective tissue. This leads to the formation of mitral valve prolapse [12]. Alimentary magnesium deficiency occurs more often. Therefore, dietary recommendations should take into account not only the quantitative content of substances in food, but also the bioavailability. For example, fresh vegetables, fruits, herbs (parsley, dill, green onions, etc.), nuts of a new crop are characterized by a maximum concentration and activity of magnesium. The intensity of absorption of magnesium increases in the presence vitamin B₆ and some organic acids - lactic and aspartic [12].

Calcium from food is absorbed quite fully, if all the optimum conditions are satisfied. Calcium of milk and milk products are particularly well absorbed. Consumption of this element substantially increases during lactation. Calcium is excreted with milk of a woman who feeds a child in the amount of 140-300 mg per day [14]. Calcium antagonists are the oxalic acid (found in chocolate, spinach), a large amount of fat, phytic acid (found in grains). These substances interfere for the absorption of calcium. It has been established that an excess of magnesium affects the absorption of calcium. The optimal absorption occurs at a ratio of calcium, phosphorus and magnesium was 1:1,4:0,5. (ground cucumbers 1: 1,8: 0,6) [11]. For the required amount of calcium people should take a lot of amount of milk or cheese, which significantly increases cholesterol content. In addition, only 50-70% of all calcium from food is digested in the child's body and 25-30% in the adult body [9]. When using phosphate-containing drinks (Coca-Cola, Pepsi-Cola) there is a "washout" of calcium from the human body.

That is why it is necessary to supply calcium and magnesium in the body with drinking water of normative hardness.

1. The state standard of drinking water quality in Ukraine is basically in line with the current norms for drinking water in the EU. The standard is aimed at improving the quality of drinking water.

2. When comparing the established norms of quality of drinking water of centralized water supply, it is obvious that the standards of Ukraine are rather "rigid" in comparison with the norms of the EU and especially of Switzerland.

3. Implementation of this standard should contribute to solving the problem of improving the health of Ukrainian citizens.

4. Implementation of hygienic and ecological requirements for drinking water quality requires the allocation of appropriate financial resources and significant organizational and practical measures from the state and local budgets for the modernization of modern laboratory equipment of sanitary and epidemiological and ecological organizations, strengthening of their control functions, development and implementation of monitoring of the quality of drinking water.

5. Drinking water of Poltava centralized water supply for some indicators does not meet the quality standards of Ukraine and EU. The use of drinking water in the city of Poltava is dangerous for the human organism.

6. It is impossible to compensate or change in the living conditions and using the filters the mismatch of all the quality indicators. It is proved that not all ions can be removed in living conditions using even expensive filters.

7. Distillation or reverse osmosis can significantly reduce the content of water-soluble salts (macro-component composition). But at the same time the entire natural composition of macro components and microelements disappears from this water, and then such water has to be artificially mineralized. Most people can't afford such expensive equipment.

8. In order to ensure the quality of drinking water in accordance with established norms, it is necessary to modernize the existing and to purchase of new equipment for water purification and to develop new, modern technologies of preparation, transportation and supply of drinking water to consumers. It requires significant efforts by producers and suppliers of drinking water.

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5.4. TECHNOLOGICAL PLATFORMS AS AN INSTRUMENT OF INNOVATIVE DEVELOPMENT OF EDUCATIONAL ESTABLISHMENTS

Creative people are always the force of scientific achievements. We carry out the research of attempts and results with the hope to get a desirable result in direction of our work designing certain character of event, processes, physical phenomena and algorithms. Modern technologies allow to design different phenomenon that gives the possibility to observe virtual events on a screen of the monitor or on a structural layout in turn. Such technologies save plenty of time and allow avoiding the same errors. For example, a programmer, who writes managing the program of the electronic device can always model the implementation of the program and observe the stages of the implementation, sometimes noticing the unexpected displays of behavior of the electronic device. Having research (design) technologies developers get the expected results quicker without spending money on every repeated process.

The process of computer design is based on the terms of algorithm implementation and the acceptance of decisions according to the terms. For example: the aircraft behavior design in the hands of a beginner always warns him from future possible emergency situations depending on the height and speed of the flight.

In economics there is a number of computer programs that form business processes too which predict not efficiency of capital investments or the whole link of business based on the known calculation formulas.

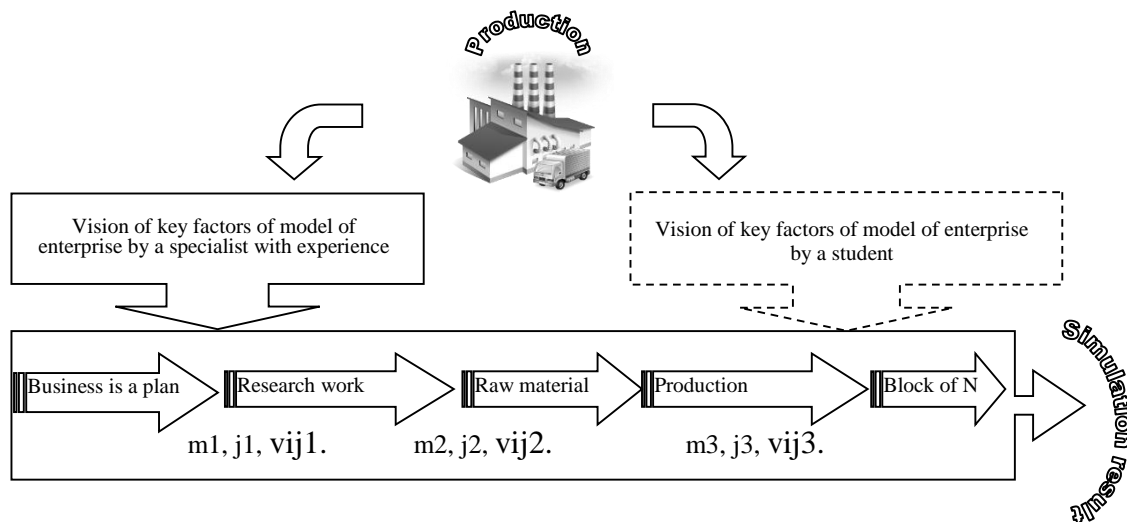
In his researches K.B. Batoroyev notices that models became an intermediate link between the real and material world and the theory that describes this world; they are in the middle between the empiric and theoretical, theoretical and methodological levels of knowledge [1, p.142].

In educational establishments at a discussion or analysis of business processes we got used to give the elements of these processes as a block of chart where every link represents the course of events or interconnection.

Usually students try to approach a model to the real objects closer and consider that it is better. The criteria of usefulness of economic model are not its accordance to the real economic processes but the accordance of the prognoses of the real events [2, p. 20].

Depending on detailed transformation of existent enterprise the models may be structural or extended. In the structural model the connection and the regularity of the economic system are interpreted in a mathematical form. The extended economics-mathematical model contains the current and normative material that describes the operating of the economic system conditions. [3-14p.].

On pic.1. the chart of transformation of enterprise is represented on a sectional operating simulation model. Such model is recorded as a matrix which elements are the blocks that answer algorithmically-logical descriptions of operating departments of the enterprise in turn. Each of these blocks has the limitations of research and can use the matrix of rectangular or block - diagonal structure. The block consistent structure of the economics-mathematical model shows that the subdivision or economy is relative to the economic system.



Rice.1. A chart of transformation of enterprise is on a sectional operating simulation model

An economics-mathematical model includes:

- 1) linear form of variables or target function;
- 2) functional limitations of variables, that is presented by the system of linear equations and inequalities that form the condition of the problem:

3) limitation of inalienability of variable quantities.

I. $C_{\text{(екстр)}} = \sum_{j=1}^n c_j x_j$ – цільова функція;

$$\text{II. } \begin{cases} \sum_{j=1}^n a_{ij} x_j \leq b_i & (i = 1, 2, \dots, m) \\ \sum_{j=1}^n v_{ij} x_j \geq B_i & (i = 1, 2, \dots, m) \\ \sum_{j=1}^n v_{ij} x_j = Q_i & (i = 1, 2, \dots, m) \end{cases}$$

III. $x_j \geq 0$,

де: n – кількість змінних величин x_j ;

Rice.2. Schematically structural economics-mathematical model [3. 25p]

m is an amount of limitations;

j is a sequence number of variable quantity;

i is a sequence number of limitation;

x_j is a variable quantity of j - industry of economy;

c_j is an estimation of unit of products of j - type of activity;

a_{ij} is a technic economic coefficient that shows the norm of charges of i - type of resource on unit of j - type of activity;

v_{ij} - production of i - type of products volumes are on unit of j - type of activity;

B_i –guaranteed amount of production of i - type of products;

b_i - the amount of resource of i -type;

Q_i -the fixed amount of production of goods and i -type.

For automation of calculations it is possible to use the electronic tables or one of the programmed foods which take into accounts not only coefficients, indexes but the actual prices.

So there are such questions as what computer programs have the best tools and can effectively design business processes? From the other side the computing engineering is the instrument of implementation of the algorithms that in turn require setting of economic concepts into language accessible for the computer program.

There are plenty of different tools of design and management processes at present time. The widest are ARIS, IBM, BizAgi, FoxManager etc. The important advantage of the designing programs is dividing the software into functional parts that allow organizing the group approach to a model.

For organization construction of not only a model and description of processes but also executive computer additions that programmatically independent one from the other. For an example the software product of Bizagi BPMN Process Modeler consists of a few programmatic modules. BizAgi Modeler that is used for a design and description of business processes and BizAgi Studio that allows to convert models into the executable programs. For description it is not necessary to know a programming language but it is enough to take to use the descriptions and graphic blocks of the program.

Obviously, that the use of the designing programs by specialists on one side and students from the second side differ. The process of studies is based on the methodical providing of evaluation of knowledge of the students or independent working of tasks and control of the purchased knowledge. So the evaluation of knowledge of the students is represented as a result of modeling events. The work done in such case is estimated by normative points that are middle results that show the depth of the purchased knowledge.

For quality control of knowledge a modern teacher takes pedagogical technologies and, depending on direction of preparation, finds approaches to evaluation of knowledge. Introduction of pedagogical approaches in practice of evaluation is needed to put in order the students' work and also for process control of studies and the evaluation as its separate link. The application of technological approach or design algorithm will release a teacher from a vagueness in a construction and realization of pedagogical process of evaluation and will give an opportunity to move actively to the aim at the clear ground of every element and will improve the level of readiness for this type of activity substantially.

A major requirement to the estimation of knowledge and abilities of students is objectivity that consists in an exact evaluation, adequate establishment of criteria that is shown out in on-line tutorials. This requirement means that the estimation must characterize the amount and the quality of knowledge and abilities on one's own methods and means of control, personal qualities of the teacher that carries out control [4, p. 27-29.].

Approaching of educational process to the realistic working terms of processes of production, organization of business, technical and technological processes simply has high realistic efficiency of studies. Similar projects induced to creation of virtual enterprises where every participant is in the real terms and feels responsibility for the work and the position.

Pleskach V.L. examines a virtual enterprise as a concord of the territorial disconnected firms or employees that change labour products and communicate exceptionally with the help of electronic gadgets at the minimum or fully absent personal contact [5].

For the students of economic profile virtual enterprises have key advantages of virtual forms of realization of business simply as it is the possibility to operate and apply the best of offered resources, knowledge and capabilities with the least charges of time. Understanding the situation that the business project moves in the direction of unprofitableness it is always possible to remodel and to return on a right way. The participants of virtual enterprise can be not only in one building but they may be territorially divided. Due to this advantage and also the network character of virtual organization the basic competitive advantages of virtual enterprises flow out.

In scientific works of the European researchers of B. Asheim, R. Boschma, P. Cook [1] there are the examples of innovative introductions on the border of different economic sectors that partly or fully cooperate.

In an educational process it is difficult to organize a virtual enterprise with multifunctional ties for the design of the newest economic processes. In scientific literature lately widespread idea of diversification i.e. the partial or complete use of related technologies and knowledge in the region in different branches of production.

Business relations between the multifunctional types of activity develop the ability to mental perception and processing of information that do not relate towards activity at first sight.

During the organization of design or virtual enterprise it is difficult to plan related perception of multifunctional elements of description of enterprises. So a relationship creates necessary pre-conditions for the increase of efficiency of business communications and interactive studies exactly while absolute equality of competences often results in limitation of cognitive development.

Scientific researches of Boschma R. in this sphere confirmed that neither radical diversification that stipulates considerable competences necessities of local companies nor narrow branch specialization of regional or national economy that can provoke duplication of cognitive necessities and branch reserve of researches is not the effective stimulus to the innovations [6, p. 8]. Only co-operation between the technologically related types of economic activity assists to the development of interactive studies and innovative activity of companies [7, p. 895].

It is obviously that to organize the emulation of enterprise accordingly to described terms is very difficult. The collaboration with a few operating enterprises incorporated by general interests and job results within the informative availability is needed. Modern information technologies, namely cloud resources, CRM-systems induce the economy and technologies to organization of technological platform that is the result of tool of innovative development.

The first technological platforms are known in Europe, beginning from 2004 on January 4 in 2004. European Research Advisory Board (EURAB) meant a concept - European technological platforms (ETP) as one of major European missions or guided initiatives sent to strengthening the potential of Europe by innovations. One of primary purposes of activity of ETP is an economically reasonable program of scientific researches development and rapid introduction of scientific results in practice [8].

Specialists that work in directions close to the questions planned to decide by means of technological platforms can take part giving the developments as the element of technological platform. EURAB bring in scientific priority developments to the plans after corresponding directions on that financing is planned. Thus the personal interest of scientists increases in publicly-private partnership and applying of scientific researches is accelerated in industry.

In other words the technology «Possibility from everyone» shows by itself the effective system that investigates the real business as a playground but in reality it is a powerful technological platform for a few enterprises separated one from another.

Technological platforms play a decisive role in the improvement of compatibility of research priorities of EU with the necessities of industry. They present a whole chain in an economic cost, guaranteeing transformation of knowledge generating in the process of researches, in technologies and productive processes and in the end it is the optimization of economic processes.

Each author gives the research and has a copyright and possibility of permanent improvement in the mode of actual business that is the key to success of technological platforms construction.

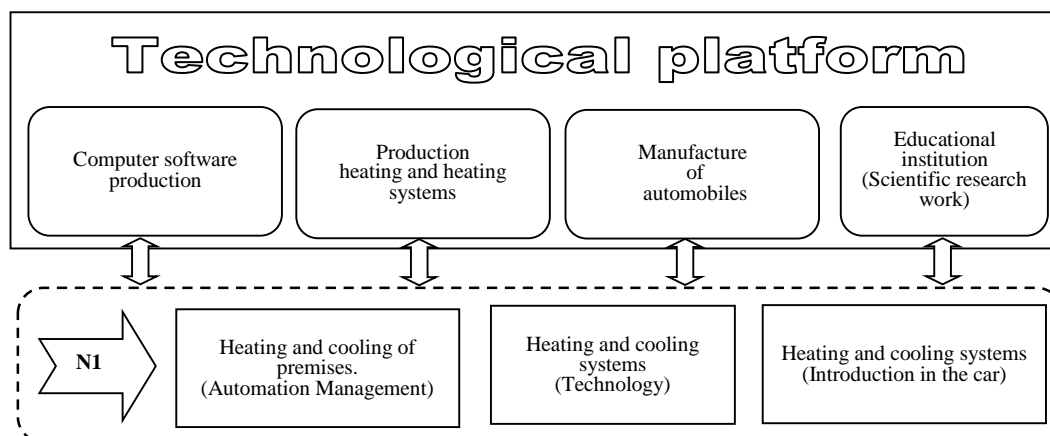
So the technological platforms are an ideal scientifically-research ground for educational establishments. As shown on pic. 3 in most cases the technological platforms are examined as one of instruments of development of the territorial-placed groups of depended organizations (N1): the suppliers of products, accessories and specialized services, infrastructures, research institutes, institutions of higher learning and other organizations that complement each other and strengthen competition powers of separate companies and technological platform on the whole.

Platforms depending on the list of participants can be focused on the development of different partnerships the main of which are:

- 1) the connection between scientific organizations and institutions of higher learning;
- 2) the connection between scientific organizations, institutions of higher learning and industry;
- 3) the connection between different companies.

The tendency of annual reduction of organizations that carries out scientific technical activity with the maintenance of almost unchanging structure of their distribution as the branches of sciences: most almost identical parts (near 38%) are natural and technical sciences, the least part are humanity (near 5%) [9].

Research work like designer bureaus, scientific and production and project departments and the problems related to absence of necessary fundamental and applied researches that can give potential for their further application in the interests of domestic industry and able to provide the decision of active and perspective jobs diminishes to the minimums.



Pic.3. Structure of technological platform of the territorial placed groups

A progress of scientifically-research work in educational establishments grows. Higher institutions of can bring in the substantial contribution in forming enterprises of scientifically - technical work for mastering and producing the products with fundamentally new descriptions and also forming by the results of monitoring of co-operations of Higher institutions with the enterprises of industry for realization of appropriate characteristics.

11,74% (in 2014 - 9,52%) from general quantity of the budgetary financing DiP is the organization of the sector of higher education of Ukraine. Thus the greater part of these facilities is sent to fundamental researches and DiP Higher institutions - 229,63 million hrn. (55,95%) and 170,36 million hrn. (41,51%) accordingly. On the development of the major newest technologies the government gave 7,85 million hrn. (1,91%) and on the projects and programs in the field of international scientific and scientific technical cooperation it gave 2,40 million hrn. (0,58%) and on the state works after scientific and scientific technical programs it gave 0,20 million hrn. (0,05%) [9].

The participants of activity of the Technological platform are characterized by high research and educational potential. Introduction of cloud technologies brought to the development of the system organization of business as service but not as an enterprise and it unites the possibilities of CRM and ERP due to family of cloud additions of Microsoft Dynamics Intelligent Business Application that supports all aspects of business on the scientific and methodological levels. So educational establishments based on the technological platforms and information technologies determine the competitiveness of country by the optimization of business processes.

Today the modern computer systems come forward to one of the main factors of increasing the competitiveness of national economy, increasing the efficiency of production, optimization of administrative processes, increasing the labour and capital productivity. Based on scientific work of educational establishments and appearance of new informative services they become the main means and the environment of development and realization of scientific, economic and social activity, foremost in such areas, as state technological platforms. The transition of industry from the empiric methods of planning and constructing that lean against model tests is provided to scientific methodologies based on research-model computer presentations.

Technological platforms give fundamentally new possibilities of design of meaningful physical, economic, biological, climatic, social processes and other that it is impossible to model and predict in ordinary terms.

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5.5. APPLICATION OF THE PRINCIPLE OF CONFESSION TOLERANCE AND MULTICULTURALISM IN THE DESIGN OF RELIGIOUS EDUCATIONAL ESTABLISHMENTS

Preservation of cultural heritage is an extremely important task for every state. Sacred constructions of various periods shape the architectural face of the city, giving it an individual and unique character. Unfortunately, in Ukraine, for a considerable period of time, the atheism existed, the period during which the sacred objects were destroyed, the stagnation of the development of sacred architecture and art.

Today, Ukraine is in the period of the renaissance of the lost and multiplication of the cultural and sacred heritage. New sacred buildings and complexes for the representatives of different religions are being built (since Ukraine is a poly confessional state), which determine the necessity to have high qualified priests in religious educational establishments.

The urgency of the necessity to train religious staff is evidenced by the Law of Ukraine "On Amendments to some laws of Ukraine regarding the establishment of educational institutions by religious organizations" (dated April 24, 2016), according to which official religious organizations are allowed to establish higher, vocational, general, pre-school and extracurricular establishments. The provision of the right to religious organizations to establish, on an equal footing with the state executive authorities, secular educational institutions of various forms and levels of accreditation and to be their owners is an important positive decision, which will also enable young people from religious families and everyone interested to get education in the appropriate religious environment.

Substantial research on the design of sacral complexes began in the early 90's. However, today the issue of design both religious buildings and religious educational establishments for different religions has not been addressed to the full extent. The studies have not paid enough attention to the issue of the canonical significance of forms and premises, the organization of internal space, the use of symbols, possible coexistence of sacral complexes of various religions. Solving these issues requires additional studies.

The study of this issue is based on the approaches that consider religious educational establishments as a complex system phenomenon, besides architectural science, the study shall also include the related sciences: philosophy, art studies, world history, as well as the history of religion.

The study is based on the materials obtained within the frame of on-site investigation of religious educational establishments of Ukraine, of near and far abroad; based on the results of the questionnaires; method of comparative analysis of domestic and foreign experience of designing religious educational establishments and sacral buildings, as well as on the method of experimental design.

With the help of on-site investigation, modern state of the functioning religious educational establishments of various religions (Christian, Muslim and Judaic) has been studied in the territory of Ukraine and abroad (in Russia, Belarus, Uzbekistan, Poland, Turkey, Italy).

An overview of the current state of the design and operation of the religious educational establishments in Ukraine made it possible to identify shortcomings in the organization of functioning of these establishments. A comparative analysis of the religious educational establishments of various religions and countries made it possible to determine possible prospects for the development of institutionuch establishments.

Among the disadvantages of religious educational establishments in Ukraine, one can distinguish that the material base of the investigated facilities does not meet modern requirements to educational process by 50-60%; most establishments do not have comfortable training facilities; many establishments operate in adapted buildings without sufficient premises required for proper functioning of the premises.

The method of the questionnaire survey consisted in interviews and questioning teachers and students of various religious educational establishments. In addition to the questions about the desired structure of the establishments, the respondents were also asked about the possibility to organize the operation of religious educational establishments for the education of the representatives of different religions. The analysis of the responses allowed to make an assumption about the necessity of formation of versatile religious educational establishments in the context of the principle of confession tolerance.

Using the method of comparative analysis, the commonalities and features of the functional and planning organization of religious educational establishments for various religions are determined, as well as common types of establishments for different religions (schools, colleges, seminaries, academies, institutes, universities).

Grapho-analytical method and experimental design method, due to building models, allowed to offer optimum solution of the religious educational establishment from functional and canonical point of view with the possibility to organize educational process for the representatives of different religions.

The principle of the creation of confessionally tolerant environment is based on the aspiration to lay the idea of multiculturalism and peaceful coexistence of communities and the functioning of the establishments of various confessions (Christian, Muslim, and Judaic) in the design solution of a religious educational establishment. This principle is also put forward in the context of the ecumenical (unifying) movement in Ukraine initiated by the Greek-Catholic Church. According to the Greek Catholics, the ultimate goal of the ecumenical movement is the return to the original unity of Christianity.

The principle of confessional tolerance consists in the possibility of organizing the functioning of religious educational establishments of different confessions in the single area. Today, many religious educational establishments work in western countries, where Christians, Catholics, Protestants get education together. On the basis

of this principle, it is appropriate to design Christian (interdenominational) theological schools (colleges, universities, seminaries, academies) with effective spiritual and intellectual programs oriented on the combination of theological education with practical training (pastoral, missionary). There is also an assumption about the possibility of designing religious educational complexes for three religions: Christian, Muslim, and Judaic. When designing sacral blocks of different confessions within this complex, neutral zones around them should be provided, which will make the functioning of the facilities more comfortable, will allow to perform rituals without any obstacle.

The typology of premises that form the above blocks of religious educational establishments is quite large and has its own specifics of organization. The main ones are sacral and educational rooms.

When designing the sacral buildings of the complex, one should not forget also the principle of religious harmony which consists in the application of canonical, which do not contradict the canons of a particular religion, architectural forms when designing a sacral building in the religious educational complex, applying the synthesis of arts and national traditions in creating the architectural image of the religious educational complex.

Therefore, the architecture of the church is the embodiment of a certain model of world perception and world creation. The meaning load is put into separate forms of the temple, as well as into the details, structures, building materials, interior decoration, etc.

The Orthodox churches of the Byzantine tradition are usually cross-shaped, the basis of their planning diagram is a square (Greek cross). In the sacral buildings of this tradition, main cubic volume with a dome and decorative baths should be found out. The dome in religious architecture (Orthodox, Muslim, Judaic) symbolizes the sky. The temple itself, mostly cubic in shape, is the earth [2, p. 16].

As a rule, three symbolic layout forms are inherent to Christian temples – a square or a rectangle (ship), a circle and a cross. Building a temple in a cross shape reminds us that the cross is the foundation of the church. A circle is the basis of the planning diagram of the rotunda temples, the symbol of eternity, the boundlessness of the universe.

The vaulted transition inside the temple, from the main volume of the temple to the cylinder (drum), is called "sails" [5, p. 48]. The columns in the central part of the church that support the central vault symbolize the "Pillars of the Church" - the saints on which the Church is kept. The upper part of the temple, as a rule, consists of a base, a drum (neck) and a dome, over which a cupola with a cross may be located. The dome over the central drum of the temple is a mean of apophatic expression of God and of its central, independent and transcendental position to everything created. The theological concept of the "eye of the vault" in the structure of the sacral building is transmitted through the windows that symbolize the eyes of the temple.

The cupola (dome) - the completion of the sacral building - is a sign of flame, fire and, therefore, of the flamy celestial Forces. Symbolic value has the number of domes. So, one dome symbolizes the unity of God; three - a sign of the Holy Trinity; four mean four evangelists and four cardinal directions; five domes symbolize Jesus Christ and the four Evangelists; seven signify seven sacraments of the Church, seven Ecumenical Councils; nine are related to the image of the Blessed Virgin Mary; thirteen domes signify Jesus Christ and the Twelve Apostles. The choice of the number of domes should depend on the dedication of the temple (Trinity, the Virgin, etc.) [11, p. 53]. In the Muslim tradition, the preference is given to the number 4, emphasizing the spatial orientation of the building to four cardinal directions.

The sacred symbols (crosses, crescents, hectograms - depending on the confession denomination of the religious structure) should be a logical continuation of the construction of the sacred facility, as well as the completion and symbol of religious affiliation.

As for the religious buildings of the western rite, then the Roman Catholic cult buildings are basilican, which should have the form of a Latin or Greek cross. The religious significance of their separate parts is also put into the basis of the planning and spatial structures of the Catholic churches. St. Augustine believed that the nave of the Catholic sacral building represents the body, and the altar is a soul. The heart of each temple is the main altar. The organization of the internal space of the Catholic temple must be subordinate to the longitudinal axis and based on the image of the old fascinated tabernacle temple, symbolizing the path to God or the ship.

Four types of planning pattern of the Catholic temple should be considered as original development of the Roman school, which can be used in designing even today: centric circle based; centric cross-domed; longitudinal traditional basilican; Jesuit longitudinal basilican dome [6, c. 9].

The symbolism of the forms is much less important in the architecture of the Protestant sacral buildings, since the Protestant Church can be any facility suitable for worship with a meeting room. The modern Protestant sacral building is being transformed, it becomes more functional, and the symbolism of form making, canon and style are related exclusively to its unitary purpose [9, p. 50].

The Muslim tradition evidences that the architectural composition of the courtyard mosque (Arab type) was introduced by the Prophet Mohammed himself. In general, it is possible to distinguish such types of mosques as courtyard, multi-column, central-dome, multi-hall (multi-dome), single-hall. The mosques usually have a roof supported by the columns, similar to the Orthodox temple building, since the construction of the first mosques was based on Byzantine architectural traditions.

In building modern mosques, the basilican tradition of building sacral buildings may be applied, therefore, the mosques acquire the form of a cube with a dome. In transition from a cubic or rectangular form to the base of the dome-circle, the stalactites - analogue of the Byzantine "sails" may be used. The dome in the sacral architecture of

various confessions has passed the civilization boundaries [12, p. 190]. He still performs the organizing urban planning function and is a characteristic feature of the religious buildings of different confessions.

Thus, a modern Muslim mosque may be a separate cubic structure with a square hypostyle hall, covered dome, with an inner courtyard, a minaret - expressive vertical dominant. The vertical in the religious architecture of various confessions (Christian bells, Muslim minarets) is interpreted as a sign of the connection between various "levels" of being - earthly and heavenly.

The structure of the tabernacle temple is also laid in the basis of the internal arrangement of the Judaic religious buildings. That is why Jewish religious constructions usually have cubic form [1, p. 13]. For religious buildings of this confession, there are no conventional architectural forms. The Judaic synagogues are usually rectangular in the plan with the apse, narthex and prayer hall [10, p. 85]. It is also allowed to design a synagogue of a circular form in the plan that symbolizes the eternity. The dome in the mass of the synagogue symbolizes the unity of the earth's temple (square prayer hall) with the heavenly sphere (dome space). The dome is erected over the main architectural volume of the synagogue, embodying, like in the Christian and Muslim doctrines, the idea of the earthly temple.

Thus, we can state some similarity of the massing and planning structure of sacral buildings of Christian, Muslim and Judaic confessions, as well as the presence of features that should be kept in mind when designing sacral buildings within the religious educational complex for the representatives of different religions.

When designing educational premises in multiconfessional religious educational complex, one should foresee the autonomy of educational facilities for the representatives of different religions. It is desirable to configure educational premises of various capacities for one or another confession in autonomous blocks, or on separate floors due to the differences in the learning process. Thus, unlike the Muslim, Judaic and Orthodox religious educational establishments, the Protestant and Catholic boys and girls can study together in common audiences. For the Muslim and Judaic confessions, it is required to design autonomous training premises for boys and girls, united by a common room-recreation for communication during extra-curricular time [8, p. 46].

According to the functional requirements, three main functional areas shall be distinguished in the educational premises in the religious educational establishments: teacher's area with a storage place for work and demonstration material, training area (work places for students), sacral area, which should be at least 2-4 m² preferably oriented to the east.

The teacher's area is traditionally formed by a desktop, ordinary or multimedia board (personal computer, device for demonstration material transmission to the screen). Thanks to the latest technology today, it is not necessary to equip the training premises in such a way that all attention is focused on the teacher's area.

Due to the possibility to organize several screens in the training space to transmit lecture material, it is not required to focus attention in one point. This allows to organize the placement of workplaces not according to the traditional linear scheme, but in non-standard way, radially, in islands, segments around the screens. In this case, the main planning element, which the harmonious educational space is formed from, becomes modern and comfortable, from an ergonomic point of view, workplace.

When designing multiconfessional religious educational establishments, it is appropriate to use block or pavilion composite solutions with autonomous blocks for studies and prayer (sacral buildings) and with common units for extracurricular and missionary work, as well as for leisure, sports activities for pupils of different confessions.

Therefore, the application of the principle of confession tolerance and multiculturalism in the design of religious educational establishments and complexes for the studies of the representatives of different religions is achieved through taking into account the peculiarities of the educational process, which is reflected in the planning solutions of educational premises and blocks, as well as taking into account the peculiarities of the arrangement of the sacral buildings of different confessions; anticipating the space around them for the possibility of free church ceremonies, as well as the observance of neutral areas between sacral buildings of different religions; preventing competition regarding the domination of sacral buildings of a particular religion in the general architectural composition. The canonicity of religious buildings of various religions is achieved by the means of architectural composition, through form making.

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5.6.REFORM OF THE PUBLIC HEALTHCARE SYSTEM IN UKRAINE: PROBLEMS AND PERSPECTIVES

Nowadays the World Community calls on all countries to focus their efforts on addressing public health problems. Having signed in 2014 the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their Member States (hereinafter referred to as the «EU-Ukraine Agreement»); Ukraine chose the European integration vector and, therefore, should have provided opportunities to gradually achieve the European healthcare standards. It should have been done by means of reforms adopted in the sphere. The reorganizations call, on the one hand, for the creation of a patient-centered health care system that is able to give equitable access to proper medical care for all Ukrainian citizens at the level of developed European states and, on the other hand, for the recognition of the priority of preventive health care measures.

According to the Action Program of the Cabinet of Ministers of Ukraine, approved by the Decree of the Verkhovna Rada of Ukraine No 26-VIII of December 11, 2014, and the Strategy for Sustainable Development “Ukraine 2020”, approved by the Decree of the President of Ukraine No 5/2015 of January 12, 2015, the health care reform has been set as one of the vital goals of the state policy. The guideline for the reform was the European Union's Strategic Plan Health 2020: a European policy framework supporting action across government and society for health and well-being (hereinafter - Health 2020).

Article 3 of the Constitution of Ukraine provides that “An individual, his life and health, honour and dignity, inviolability and security shall be recognised in Ukraine as the highest social value”. Nevertheless, the realities of today have shown that after the collapse of the former USSR, Ukraine inherited the so-called Semashko centralised, state-centered health care system which proved to be unable to maintain the healthcare at the proper level due to such factors as transition to the market economy, the economic downturn and the lack of effective reforms in the area. Therefore, these factors have led to an acute crisis in the national healthcare system.

Regarding the health of its citizens, Ukraine occupies one of the last places in the European region. Since the late 1990's, the demographic indicators of the state have shown the threatening tendencies such as fertility reduction and mortality increase, especially among working-age population. Only 15% of Ukrainian citizens are people older than 65 years. At the same time, mortality from cardiovascular diseases is one of the highest in the world and accounts for 67.3% of the total mortality rate. Infant mortality rate is twice as high as in the European Union countries. This is considered to be one of the main indicators of the quality of work of the health care system. Moreover, the level of infectious diseases is high (*Decree of the Verkhovna Rada of Ukraine No 1338-VIII, 2016*). In addition, from 12 to 14 million of Ukrainians suffer from cardiovascular diseases; over 1 million suffers from cancer, nearly 2 million suffer from diabetes, with over 130,000 of them being insulin dependent.

Due to the ineffective government policy in the area of providing sanitary and epidemiological well-being of the population, Ukraine has critically low preventive vaccination coverage levels, predominantly among children. The incidence of hepatitis types B and C is constantly increasing, and it has already become the epidemic which may have more serious consequences than HIV and tuberculosis. Furthermore, the rapid growth of outbreaks of intestinal infections, the number of which has tripled in recent years, is an indicator of the deterioration of the epidemic health well-being of the population. Therefore, the issue of biological safety and protection, the counteraction to the resistance growth to antimicrobial drugs and intrahospital infections are becoming increasingly urgent to address.

In addition, in recent years there have been alarming tendencies for medical workers to go abroad because of labour migration. Therefore, over the period of 2014-2017 more than 60,000 people, among whom there are almost 20,000 doctors, left Ukraine for purposes of employment abroad. Moreover, all this is happening amidst the significant shortage of doctors, especially in rural areas. At the same time, the military actions in the east of our state aggravate the situation. Thus, there is an urgent need to change this appalling and critical state by joint efforts of politics, professionals and communities.

Materials of the research include statistical reports on the state of health of the population of Ukraine; indicators of the activities of the national health care system; conceptual documents on health care system reforms and the regulatory framework; documents of international, domestic and regional organizations; publications on personnel policy and on international prevention experience of infectious and non-infectious diseases. As a result, in the process of work, the researchers used the following methods: bibliographic, historical, analytical, comparative and systematic approach.

Since Ukraine has adopted the solid policy line towards the European integration, it has faced a number of extremely important socio-economic problems that require both immediate and ultimate solution. Among them, one should mention the creation of a new National Healthcare System based on explicit decisions concerning a staffing system of the Ministry of Healthcare (*Health System Reform Strategy for Ukraine 2015-2025*). At the same time, the emphasis is placed on the need to develop a system of public health aimed at preventing diseases, prolonging active life and strengthening health; in other words, the system that is primarily based on the principles of preventive medicine. It should be stressed that the National Health Reform Strategy for Ukraine as a framework document was adopted by the Resolution of the Cabinet of Ministers of Ukraine No. 847-p of September 17, 2014, "On Implementation of the Association Agreement between the European Union and Ukraine". Nevertheless, the detailed plan of the reform's implementation at the governmental level has still not been launched.

In recent years, in spite of the high overall costs spent on health care maintenance and the fact that a significant proportion of them citizens cover with their own money, the health care system has not been able to adequately withstand the increase in morbidity and to protect citizens from excessive costs paid for treatment.

Moreover, the situation is worsened by the lack of a conscious attitude of citizens concerning the need to lead a healthy lifestyle. Inadequate nutrition, consumption of poor quality drinking water, general neglect of physical education and sports, drinking, smoking and other harmful habits have become a standard way of life of many Ukrainians. At the same time, the health care system concentrates its attention mainly on the treatment of the diseases and almost does not pay attention to their prevention. As a result, almost two-thirds of health care resources in Ukraine are spent on inpatient care.

At the same time, the promotion of such public welfare as health is impossible without the active participation of the public and individual citizens. World Health Organization (WHO) regards the individual choice of citizens as a significant contribution to both health successes and failures in healthcare. However, in conditions of the impoverishment of the population, one cannot expect from people to express a significant interest in the problem of their health, well-being and life safety. Furthermore, WHO notes that socioeconomic and cultural environments predetermine the choice of citizens' lifestyle (*Governance for Health in the 21st Century: A Study Conducted for the WHO Regional Office for Europe, 2011*). That is why public health issues should be addressed and considered in the context of all public policies.

Having signed in the first half of 2014 a package of documents on the Association with the EU, Ukraine has undertaken a number of political and socio-economic commitments. Among them, there is one concerning the creation of a new National Healthcare System based on the organization of public health, which is primarily rooted in the principles of preventive medicine and aims at averting diseases, prolonging active life and strengthening human health as a prerequisite of the sustainable development and economic growth.

However, the preventive component that has the undeniable priority in the health care system is nowadays practically neglected. The nature, format and effectiveness of the activities carried out in recent years have not changed significantly and do not correspond to the European directions of Health 2020 implementation and to the European Action Plan for Strengthening Public Health Capacities and Services.

Thus, we face a challenging and demanding task in developing the national public health system. It is enough to be acquainted with the main avenues for action for public health identified by the World Health Organization (Resolution EUR/RC62/12 to the European Action Plan for Strengthening Public Health Capacities and Services):

- surveillance of population health and well-being;
- monitoring and response to health hazards and emergencies;
- health protection including environmental and occupational health, food safety and others;
- health promotion, including action to address social determinants and health inequity;
- disease prevention including early detection of illness;
- assuring governance for health and well-being;
- assuring a sufficient and competent public health workforce;
- assuring organizational structures and financing;
- advocacy, communication and social mobilization for health;

•advancing public health research to inform policy and practice (*European Action Plan for Strengthening Public Health Capacities and Services, 2012*).

This document indicates that these functions have been developed and reviewed by the Member States and are constantly being reassessed for compliance with public health problems and challenges. The functions can be modified if needed in the process of re-evaluation and review, as well as in the light of new factual data and emerging problems. Almost all 10 functions to one degree or another belong the competence of the State Sanitary and Epidemiological Service of Ukraine, which still exists de jure, but has been already eliminated de facto. Considering this, we have gained a unique opportunity to develop public health system, to create an appropriate institution not only to follow WHO recommendations but also to use the accumulated domestic experience.

It should be underlined that the public health system ought to be able to provide both individual and public services to the population at the national, regional and local levels, as well as introduce measures that influence the organizational activities of other sectors (ministries, state committees, civil services, agencies, etc.) At the same time, it is necessary to pay attention to the social, ecological and economic factors of health, guided by joint approach to improving the well-being Health in All Policies.

From our perspective, Health in All Policies should be a national principle that recognises the priority of security of a person's life, health and the safe environment as a major among the interests and goals in the field of economic activity; the principle that ensures functioning of a society based on sustainable (balanced) development. Health in All Policies is used with regard to health as a concept that includes many different meanings. It is a multifaceted, among other spheres philosophical, the category that includes not only medical and biological but also social and economic aspects. According to WHO, the risk factors that affect the health of the population are subdivided into medical aspect i.e. quality and timeliness of medical care (constitute only 8-10%); genetic one (equal 18-22%); lifestyle factor (represent 49 -53%) and the state of the environment factor (account for 17-20%). That is, the human health is almost 70% dependent on many factors and, in most cases, the Ministry of Healthcare does not have the direct influence on these factors (*Hushchuk, 2016*).

The Decree of the Cabinet of Ministers of Ukraine No. 1002-p of November 30, 2016, approved the Concept of Public Health System Development. It defines the 'public health system' as a set of tools, procedures and measures implemented by state and non-state institutions for the promotion of the health of the population, prevention of diseases, prolongation of active and able-bodied age and advertising a healthy lifestyle by the combined efforts of the whole society (*The Concept of Public Health System Development, 2016*). The concept attracts attention to the vital importance of the development of human resources in the spheres of:

- recognising a staffing system as an integral part of the development of public health;
- developing and implementing an improvement strategy of human resources; defining the real and predicted needs; training of the staff, rational allocation and resource management;
- reforming the system of pre-diploma and postgraduate training courses for employees of the public health system and their continuous professional development, the introduction of the academic specialty and specialization Public Health;
- applying for and graduating individual masters programs in institutions of higher education, participating in advanced training or distance learning courses in the field of public health;
- introducing in higher education institutions the programs oriented on scientifically grounded professional activities in the field of public health in order to ensure comprehensive assessment and monitoring of the state of health of the population, to identify the factors influencing public health, to implement the measures for preservation and strengthening of public health and to assessing their effectiveness;
- conducting training in practical (field) epidemiology;
- establishing an innovative style of work with the use of new forms of cooperation between the staff of the public health sector and the medical care system, as well as employees of the health care system and social services;
- providing higher education institutions with specialized advanced training programmes for graduates oriented at carrying out scientific research, participating in internship and project activities;
- underlying the Ministry's of Healthcare responsibility for the formation and development of human resources in the field of public health;
- guaranteeing that the Center for Public Health Provide of the Ministry of Healthcare provides the assessment of needs and human resources development planning, as well as the assessment of educational needs; and develops public health education programs;
- conducting training addressed at public health issues for doctors of all specialties and other health care workers, as well as specialists from other fields, including journalism, social workers, and other representatives from the spheres of social and natural sciences;

In order to fulfil the tasks, it was extremely important to take measures to introduce such an academic specialty as Public Health and further specialization and implementation of the relevant curricula for basic and postgraduate education. The first step in this direction was made by the Government that amended the Resolution of the Cabinet of Ministers of Ukraine No 266 of April 29, 2015, "On the approval of the list of academic branches and specialties

which carry out training courses for specialists in higher education institutions”. The Amendment was aimed at comprising into the list of specialties in the field of “Health” the specialty “Public Health” (229).

It should be noted that, unlike clinical disciplines, Public Health studies the health not only of individuals but also of groups, social groups and society as a whole, due to conditions and lifestyle. In this case, living conditions, industrial relations and the state of the environment, as a rule, are decisive. Therefore, the goal of educational and professional training of public health personnel is to implement a new strategy of higher education which is to promote the comprehensive development of a human as a person and the highest value of society; to envisage in-depth general, professional, scientific and practical training of students and specialists who later will form a new type of a professional who would be able to solve complex theoretical and practical problems in the field of public health.

The educational-professional public health program should focus on the training of management personnel in the healthcare sector, competent in modern social and industrial change and innovative management practices. The program should be based on the best foreign and domestic practices and on experience in the field of preventive work. This should be done in partnership with institutions of the state sanitary and epidemiological service and healthcare centres; and taking into consideration medical statistics, programs of social protection of the population, etc. The program should ensure the necessary knowledge acquirement and promote the maximum practical orientation of the learning process. The program of training in the field of Public Health should prepare a new generation of specialists for public administration, local self-government, economic entities of various forms of ownership, including non-governmental organizations in the field of public health. This, in its turn, will contribute to the improvement and implementation of state policy and public administration aimed at solving problems related to the demographic crisis, increasing morbidity, disability and mortality among the population. Moreover, it will be aimed at offering better access of the social stratification groups to health care services, improving low economic efficiency activities of the healthcare sector and lessening the dissatisfaction of a large part of the population with the state of medical care and the protection of patients' rights. The program will solve the problem regarding the need for the development of interdisciplinary and cross-sectoral cooperation on public health in Ukraine in accordance with the above-mentioned national principle of Health in All Policies.

The curriculum of the specialty 229 “Public Health” should include modern disciplines: Public Health, Biostatistics, Epidemiology of Infectious and Noninfectious Diseases, General Hygiene, Risk Management, Mental Health, Palliative and Hospice Care, Promotion of Health, etc.

Therefore, considerable attention must be paid to the formation of a high level of expertise regarding the organization of public health protection in crisis and emergencies, as well as the protection of citizens' rights in the field of health and the environment. Moreover, the management of the medical sector within its economic and personnel policies should also be considered, since it is formed and predetermined by the following disciplines: Biosafety, Bioethics and the Basics of Medical Law, Environmental Law, Management in Health Care Sector, Economics of Health Care, etc.

The reform of the health care sector in Ukraine involves shifting the emphasis of the national policy on diagnostic and preventive care through the development of a new system of public health. Thus, the demand will be increased not only for the personnel of different qualifications and educational levels of the medical sphere but also for professionals who will be involved in public health through interdisciplinary and cross-sectoral activities.

The goals of the public health specialization are to train and retrain staff for public administration bodies in the sphere of health care, social and household maintenance, environmental protection, biostatistics, bioethics, biosafety, etc. The activities of the new professionals will be aimed at the preservation and strengthening of health, at the improvement of the environment, elimination of biological threats (e.g. bioterrorism), the formation of a healthy lifestyle based on sanogeneous thinking. Thus, these will ensure sustainable national development, the implementation of policies and the development of an effective public health system that meets international standards.

The specialty the “Public Health” should provide students with a complete understanding of the systems and institutes of domestic public health and help them to understand the system of protection and improvement of the health of people and the life environment. This will be achieved via education, promotion of knowledge about a healthy lifestyle, informing on prevention of injuries, outbreaks of infectious diseases and mass poisonings among the population, providing legal assistance and support, and implementing the managerial and economic components of the health care system's activities at different levels of the government. After graduation, students must have knowledge and skills of how to develop, monitor and evaluate programs aimed at maintaining a healthy lifestyle, preventing diseases and promoting health.

Public health professionals and staff will be able to use their knowledge in areas such as the prevention of infectious and non-communicable diseases, socially dangerous diseases, guaranteeing biosafety, mother and child health, reproductive health, mental health, providing emergency health care, health education and health promotion, and other areas related to human health.

It should be stressed that in order to accomplish the abovementioned objectives, it is necessary to have own institutions which in the near future should scientifically substantiate public health policy and practice and conduct relevant research on the restructuring of the national health care sector in Ukraine.

A key step towards developing a public health system should be the development and adoption of an appropriate public health law. It should include a comprehensive reform of the system components concerning the

establishment of the Public Health Service and its staffing and aimed at the creation of the system oriented towards a healthy person, the system capable of providing services at the level of developed European countries. In other words, this system should precipitate the approximation to the legislative, normative and administrative acts of the EU member states, defined by the program Health 2020.

The WHO definition states: "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." Therefore, while training the staff for the public health system, proper attention should be paid to issues of the person's mental health; the adequacy of his/her reactions to the social environment and society; as well as the person's neurological reactions to the force and frequency of external stimuli; and consistency of the objective reality representation of a person with representations of groups of people. Thus, the greatest emphasis is placed on the level of personal health, since the latter is determined by the ratio of human needs to the opportunities and requirements of the social environment.

1. The development of a public health system in Ukraine is possible only through the implementation and adoption of the relevant Law, as well as the introduction of the basic approach Health in All Policies.

2. It is necessary to prepare a comparable to Health in All Policies National Plan for the Development of Staffing System of the Public Health Care Sector for interdisciplinary and cross-sectoral purposes and for determining the real and possible needs of specialists of different qualifications and educational levels.

3. It is compulsory to learn from valuable European and international experience; then develop and approve educational programs and standards in the sector of public health in order to provide three education levels bachelor's (first cycle), master's (second cycle) and doctoral (third cycle) and continuous professional development.

4. It is essential to introduce Amendments to the National Classifier of Ukraine DK 003: 2010 Occupational Classification in the Public Health sector.

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5.7. THE MODERN CHEMICAL-ECOLOGICAL CONDITIONS OF THE BLACK SEA ADJARA COASTLINE

The black sea coastline has vital importance for the people working in its aquatory, in particular: it is climate producing factor of the mentioned region; it has recreational and economic importance. It is rich in mineral and biological resources of strategic importance. It is interest object of chemical industry and it is characterized with developed resort infrastructure.

During monitoring research, the special attention has to be paid to two important port Batumi and Poti gulfs in south-east aquatory of the black sea as they have special economic, navigation, recreation, tourism and other aspects. The coastline is the high risk object in ecological aspect which forces scientists to determine priority directions of the black sea protection [1].

The main polluters of the black sea water are the following: the nourishing rivers of it (Tchorokhi, Rioni, Enguri, Dunai, Dnepri, Dnestri, Doni, etc.), household and sewage waters; industrial waste, oil and soluble oil products, fertilizers, heavy metals, radionuclides. Especially severe consequences are caused by radioactive pollution of the water. After Chernobyl power plant accident the maximal consistency of radioactive Cesium was observed in the black sea surface waters. In particular, before the accident concentration of Cesium was 0.5 Pikokiuri and after

the accident it increased by 30 times and it became 45 Pikokiuri per liter [2]. The similar are data about ^{90}Sr . At present the Black Sea bottom pollution with heavy metals is noted, which have got the following succession according to concentrations: $\text{Hg} < \text{Cd} < \text{Cr} < \text{Pb} < \text{Zn}$ [3]. The sea water is strong buffer system which has got the mechanisms to resist any kinds of pollution at certain limits and to regulate its hydro-chemical consistency. Despite of important buffer capacity of the black sea the annually increasing various kinds of pollution imposes irreparable damages to genetic material of the sea in modern conditions. Therefore, the black sea and coastline of it has vital importance for the people living and working in its aquatoy. The information existing for the present time about ecological conditions of the black sea forces the sciences to set priority directions for protection of it [4], [5].

Considering the actuality and severity of the mentioned issue the goal of our research was to study chemical-ecological conditions of the black sea south-east Adjara coastline from Kvariati to Batumi port. The research subject was the black sea water samples in south-east coastline from Kvariati to Batumi Port (Autonomous Republic of Adjara, Georgia) the several spots for observation were selected in the mentioned line, in particular: Kvariati, Adlia (polluting factor – outfall of River Tchorokhi), Batumi Shota Rustaveli State University coastline (Polluters: Batumi lake, Dolphinarium sewage waters) and Batumi Port (Polluters: Oil and soluble oil products).

In the mentioned spots surface layer samples have been taken in which the following were determined: water temperature, pH , saltiness, soluble oxygen consistency, biochemical oxygen demand (BOD_5), nitrates, nitrites and sulfates from biogenic admixtures. All the parameters had been determined three times according to seasons at various periods of the year (Autumn, Winter, Spring) in order to identify seasonal dynamics of changes. Kvariati coast water was in the role of background as this place is mostly protected from anthropogenic factors at whole coastline of Adjara [6], [7].

In order to fix sea water temperature, we were measuring the temperature seasonally at surface layer of it (up to 1 meter) with thermometer. We were determining pH via electro potentiometer method at universal ionomer ЭВ-74 [8]. The correlation of sea water salt producing components is a constant quantity and it is possible to discuss saltiness of it according to one certain component. This component is chloride ions and therefore for determination of sea water saltiness we have used argentometric titration method elaborated by More and Knudsen [7], [8]. Winkler's iodometric titration method is quiet sensitive method for identification of soluble oxygen [9]. Biochemical oxygen demand (BOD_5) determination process is based on determination of soluble oxygen in two periods: before and after incubation (sample is kept for 5 days and nights in thermostat 20°C). The nitrogen in the consistency of nitrates and nitrites we determined via Photocolorimetric method by Ilovskay-Gris [10].

The warmest region of the black sea is south-east part (black sea coastline of Georgia), where average annual water temperature is from $+11$ -to $+20^\circ\text{C}$. the quantity of the mentioned parameter depends at geographical location of object to be observed and the sea flows as well and distance from the coast makes small influence at the changes [1]. During our observation period at surface layers of the sea the maximal temperature was in Autumn ($+16^\circ\text{C}$), and minimal in Winter ($+7^\circ\text{C}$). The location does not cause changes in water temperature in aquatory as it is characterized with thermal heat capacity coming out from specific nature of sea water (Table 1).

Sea water temperature and pH seasonal dynamics

Table 1

№	Location	Temperature $^\circ\text{C}$			pH		
		Autumn	Winter	Spring	Autumn	Winter	Spring
1	Kvariati (Background)	15	8	10	8.46	8.22	8.25
2	Adlia (River Tchorokhi outfall)	15	9	11	8.10	7.95	7.80
3	University littoral	15	9	10	8.02	7.62	7.60
4	Batumi port	16	7	11	7.63	7.20	7.23

pH of the Black sea water is regulated by buffer system of carbonate of carbonic acid at surface layers (0-50 m) pH is a weak alkali – 8.0-8.5. In the depth with the increase of CO_2 and H_2S pH is decreased up to 7.6 [3]. According to our data, pH is maximal in Autumn (8.56), which is caused by increase of water temperature compared to other seasons and enhancing process of photosynthesis. pH is minimal in spring -7.23. Sea water pH in Kvariati is weak (8.22-8.46). In Adlia decrease of pH compared to background (Kvariati) is 0.27-0.45 units, which is caused by the proximity of the river Tchorokhi outfall and important desalination of the sea water. At university coast decrease of pH compared to background equaled to 0.44-0.65 unit, it is caused by flowing down Batumi Lake and stream fresh waters. The important tendency of decrease of pH was fixed by 0.83-1.95 units at Batumi port, which obviously is caused by sea water pollution with oil and soluble oil products.

The saltiness of the Black sea is in the limits of 16-18.5‰ [8]. During our research period, sea water saltiness at background (Kvariati) was 18.22-21.07 ‰ and important desalination of it is caused by flowing river water and other kinds of wastes. At this aspect Adlia Coast is distinguished, where decrease of saltiness compared to the background was 9.37-11.32‰, which is caused by flows of great mases of river Tchorokhi (charts 1, 2). Minimal importance of saltiness was noted in Spring among the seasons. Sulfate consistency in water is connected to its saltiness. In Kvariati the concentration of sulfate-ions are under norms and it is 970-992mg/l. In the other locations

quantity of sulfate-ions is decreased compared to the background. The maximal decrease tendency was noted in Adlia in Spring 370 mg/l (Chart 3).

Chart 1. Seasonal dynamics of chlorides in sea (Cl⁻, g/l)

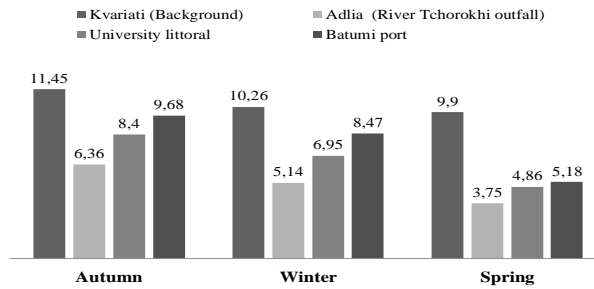


Chart 2. Seasonal dynamics of saltiness in sea (S, ‰)

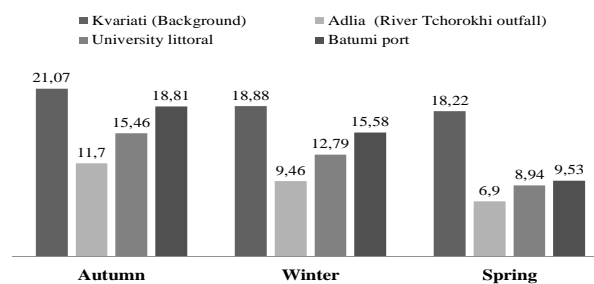
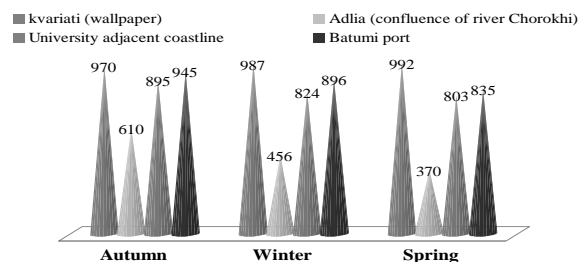


Chart 3. Seasonal dynamics of sulfates in sea (SO₄²⁻, mg/l)



The soluble O_2 consistency in sea water up to 100 m depth equals to 7.4-8.6 mg/l [6]. The received results made it vivid that changes of soluble oxygen concentration on sea water was connected to water temperature, in particular: in winter (December) and in Spring (March) when water temperature was +7, +11 °C the consistency of soluble oxygen achieved maximum 11.08mg O_2 /l, and in Autumn when maximal water temperature was +16°C, oxygen consistency was decreasing up to 5.30 mg O_2 /l (Table 2). In Kvariati the water is well aerated, here consistency of soluble oxygen seasonally is 10.05-11.08mg O_2 /per liter (MPC not less than 4mg O_2 /per liter). The important reduction of soluble oxygen is caused by water pollution with oil at Batumi port aquatory (5.30-7.10 mg O_2 /l).

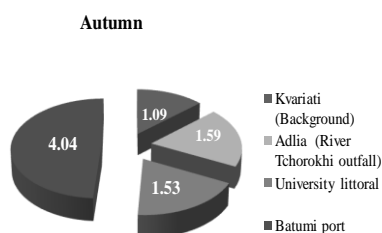
Seasonal dynamics of soluble oxygen in sea water

Table 2

№	Location	Concentration of soluble oxygen, mg/l					
		Autumn		Winter		Spring	
		X_1	X_2	X_1	X_2	X_1	X_2
1	Kvariati (Background)	10,05	8,96	10,60	9,12	11,08	9,94
2	Adlia (River Tchorokhi outfall)	8,84	7,25	9,12	8,27	9,63	8,47
3	University littoral	6,95	5,42	7,50	5,86	8,12	6,59
4	Batumi port	5,30	1,26	6,48	2,08	7,10	2,11

Therefore Biochemical oxygen demand (BOD_5) is minimal in Kvriati and it equals to 1.09-1.48 $mg O_2 / l$ (MPC- BOD_5 at the $+20^{\circ}C$ should not exceed $6mg O_2 /$ per liter). For clean sea water average multi-annual quantity of BOD_5 up to 10 m layer does not exceed 1,8 $mg O_2 / l$ [2]. According to our determination BOD_5 parameter is maximal at Batumi Port waters (4.04-4.99 $mg O_2 / l$), where increase of it compared to the background was 2.92-3.85 mg/l . Such sharp increase of the mentioned parameter is connected to periodical increase of oil and soluble oil products concentration at Batumi port sea water which causes, on one hand decrease of pH and on the other hand and on the other hand water soluble CO_2 , increase of organic substance concentration and activation of acidity processes. Therefore, at the given version maximal decrease of pH is noted compared to background (7.20-7.63). This is caused by pollution of sea water with oil products at the mentioned location, which to its part causes accumulation of great amount of organics and intensive consumption of oxygen at their acidity processes. Hence in the aquatory selected by us the most polluted area can be considered Batumi Port coastline according to biochemical oxygen demand (Charts 4, 5, 6.)

Chart 4. Seasonal dynamics of Biochemical Oxygen Demand (BOD_5) in sea water, mg/l



The average consistency of nitrates at sea surface waters equals to 25 mg/l . Nitrites consistency in surface waters does not exceed 10 mg/l . The Nitrogen Concentration in nitrates and nitrites in sea water is connected to temperature, saltiness and the quantity of organic substances [4]. Based on the researches carried by us it was demonstrated that nitrogen nitrate consistency in Kvriati does not exceed 7.9 $mg N / l$, and nitrite nitrogen consistency is 3.8 $mg N / l$, which is several times small to the set norms (MPC for Nitrate Nitrogen is 9.1 mg/l , and for nitrite nitrogen-0.02 mg/l).

Chart 5.

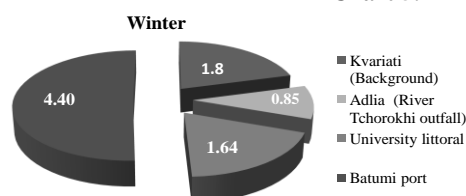
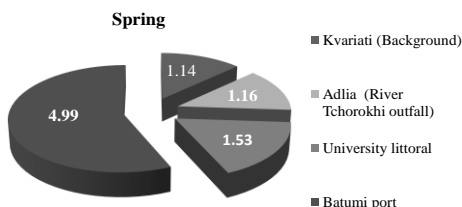


Chart 6.



In the rest locations the increase of both forms of nitrogen is noted compared to the background (Table 3). With the maximal consistency of nitrate and nitrite nitrogen is distinguished Adlia coastline (therefore 33.1 $mg N / l$ and 16.1 $mg N / l$) and Batumi port (therefore 24.1 $mg N / l$ and 13.7 $mg N / l$) waters, which on one hand is connected

to flow of non-organic and organic nitrogen consisting admixtures in the sea from river Tchorokhiand on the other hand to massive accumulation of nitrogen consisting organic admixtures in the sea water polluted by oil products. Sseasonally nitrate and nitrite nitrogen concentration dynamics is as follows: in Autumn, when during our research period maximal water temperature was (+16°C), the concentration of the mentioned parameters was decreasing which is connected to absorption these forms of nitrogen during warm period of the year by Phytoplankton in photosynthesis process. Therefore in winter when water temperature in sea surface waters was minimal (+7°C), some kind of increase of nitrate and nitrite was noted.

Nitrogen concentration in Nitrates and Nitrites

Table 3

№	Location	Autumn		Winter		Spring	
		NO_2^- mkg/l	NO_3^- mkg/l	NO_2^- mkg/l	NO_3^- mkg/l	NO_2^- mkg/l	NO_3^- mkg/l
1	Kvariati (Background)	-	6.2	3.1	7.9	3.8	7.0
2	Adlia (River Tchorokhi outfall)	10.6	16.2	12.0	30.4	16.1	33.1
3	University littoral	4.6	9.7	10.7	15.3	12.9	20.2
4	Batumi port	7.6	14.0	11.5	20.5	13.7	24.1

Hence, based on the research carried by us it is identified that the basic physical-chemical parameters in Kvariati waters such as temperature, pH, saltiness, consistency of soluble, biochemical oxygen demand for 5 nights and days, the nitrogen consistency in nitrates and nitrites and sulfate-ion concentration are under maximal permissible amount. Any kinds of anthropogenic pollution causes changes in chemical consistency of the black sea. To this aspect in the black sea south-east Adjara coastline Batumi port and Adlia coastline waters (River Tchorokhi outfall) are especially polluted. According to our researches it is identified that it is necessary to provide complex chemical-ecological monitoring of the Black sea water, in order to create data "Bank" for scientifically grounded diagnostics and forecasting of hydrochemical conditions of this strong ecosystem.

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5.8. FILTRATION OF SOLUTIONS CONTAINING BIOACTIVE SUBSTANCES AND PHARMACOLOGICAL SOLUTIONS WITH USE OF POLYMERIC MEMBRANES

Sterile filtration with use of membranes is applied for removal of microorganisms, their spores and pyrogens from heat-sensitive substances solutions.

Apart from membranes in this process depth filters are used. They consist of the different fibrous materials (mainly cellulose, polypropylene, glasscloth) or of stainless steel meshes many layers [1,2,3,4]. Depth filters detain 95-99% of the particles (depending on filter layer thickness) which sizes exceed filter rating (0.5-100 um). Filtration runs over the whole volume (depth) of the filter and requires great volume of solution to be filtered.

Depth filters have good capacity of detaining of contaminants. Apart from mechanic filtration, some components of solution is adsorbed. That is why, they mainly are used at one of the stages of filtration process for removal of mechanic particles what provides decrease of biological load at finishing filter.

In case of membrane filtration separation processes run at the membrane surface in its selective layer. Polymeric membranes are notable for thinness and different separation borders of the substances under filtration (500, 10 000, 20 000, 50 000 daltons).

In choosing of sterilization filter we shall consider such factors, as effectiveness of removal of microorganisms by filter, filter cartridge design, membrane material, membrane working space, potentiality of multiple use of filter [5].

1. Effectiveness of removal of microorganisms The filter designed for sterilization (pores sizes max. 0.2 μm) shall meet the international standard test, according to which the main index of effectiveness of filtration includes absence of bacterial cells of *Brevundomonasdiminuta* in filtrate.

For biopreparations and extracts mainly membrane filters with the pores sizes 0.1 μm are used. Such sizes pores provide complete removal of bacteria and fungi.

2. Filter cartridge design

There are disk-shaped and cartridge filters [3]. For the purpose of growing of filtration space of membrane corrugation is applied. In the modern enterprises sterilization filters are used in combination with the dosers.

3. Membrane material

Among the requirements to membrane the main ones include constancy of properties, chemical stability, wetting ability. These properties depend on membrane material.

Metaloceramic [6] and polymeric [6,7] filters are widely applied in sterile filtration. Synthesized polymers are differ for mechanic and heat stability, elasticity, resistance to the various aggressive mixtures.

Application of cellulose ethers, in spite of their affordability, is limited due to instability to alkaline agents. Synthesized polymeric microfilters are produced by the method of phase inversion or straining of pore-free filters. Currently membranes are produced from nylon, fluoroplastic, polysulfone, polysulfonamide [7,8].

The research object is presented with the fluoroplastic membrane modified by us (pores sizes 0.11 μm) which will be used for filtration of various medicinal plants extracts and pharmacological solutions.

Fluoroplastic membrane is produced by sintering of polytetrafluoroethylene polymer powder. Further formation of the film is provided by extrusion and calendaring [8].

As compared with the other materials, fluoroplastic has many advantages, the main of which include resistance to multiple wetting and drying, washing up and regeneration, treatment with aggressive solutions. Fluoroplastic is biologically safe and fit for food-stuffs and medicines (21CFR)

The works was performed using out pilot system (fig. 1). The solution was delivered from the feed tank (1) with help of compressor (2) under pressure of 1 – 1.2 atmosphere. At the entrance of membrane cell pressure was regulated with manometer (4). Resulted microfiltration we produce retentate and permeate in membrane cell which are collected separately.

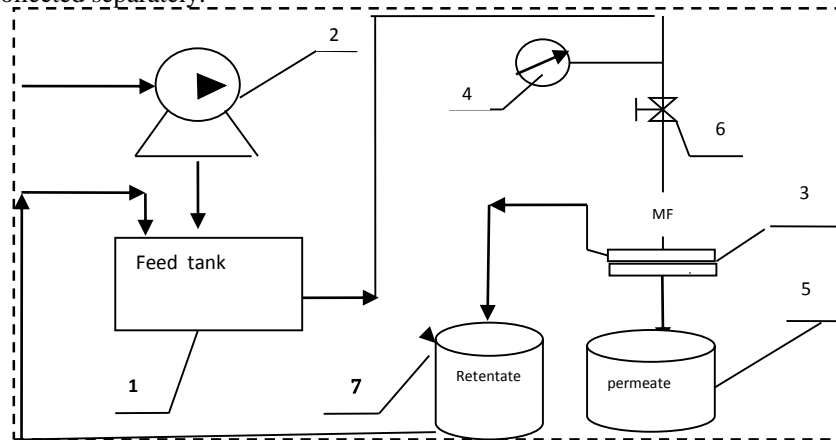


Fig. 1 Schematic view of microfiltration experimental mini pilot plant

The vegetable extract is delivered to the surface of fluoroplastic membrane placed in the microfiltration cell (fig. 2). Working space of fluoroplastic membrane is 0.01 m^2 , thickness 1 mm, working temperature 20-25°C.

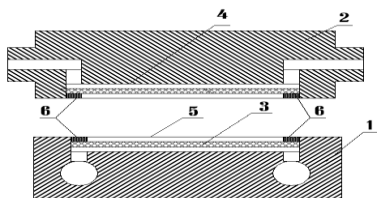


fig. 2. Microfiltration cell

1. base; 2. cover; 3. porous pad; 4. mesh; 5. membrane; 6. hermetic pads

High-throughput filtration experiments

Filtration rate, i.e. permeability is the main indicator of filtration. The membrane permeation flux is defined as the volume flowing through the membrane per unit area per unit time.

Our interest included not only filtration, but membrane regeneration process for the purpose of multiple use of membranes.

We performed the tests several times with use of pilot plant designed by us. As we think, the results shown in the article are interesting.

Test 1. First, we filtered aloe alcoholic extract in the microfiltration cell. After 4-hour operation of the module, membrane permeation flux decreased 140 times (from 280 l/m²h to 2l/m²h). We stopped the experiment and provided regeneration of the membrane. After complete regeneration were passed aloe alcohol extract through the membrane again.

Regeneration of the membrane was performed in the following order: first, we purged the membrane surface with tap water, then treated the membrane with alkali (NaOH), water and acid (HNO₃) and finally - with water up to neutral pH (Table 1, scheme 1). Then we measured permeability restoration index in respect of water and proceeded with the experiment.

Table 1. Scheme of regeneration of membrane

Scheme 1	Filtration- Cold water purge- NaOH(1, 2, 3% solution)- Cold water purge- HNO ₃ (1, 2, 3% solution) or HCl (3% solution)- Cold water purge to pH= 7
Scheme 2	Filtration- Cold water purge- NaOH(1, 2, 3% solution)- Cold water purge- NaOCl (3% solution) - HNO ₃ (1, 2, 3% solution)- Cold water purge to pH= 7
Scheme 3	Filtration- Drinking water – Sodium alkali (3% solution) – Drinking water - Hydrochloric acid – Drinking water

Test 2. After 3-hour operation of the module, membrane permeation flux progressively decreased (from 250 l/m²h to 4 l/m²h). It became required to provide regeneration of the membrane up to complete restoration of permeability. This time we performed regeneration of the membrane as per scheme 2 (Table 1). Then we measured permeability restoration index in respect of water and proceeded with the experiment.

Test 3. After regeneration we filtered aloe alcoholic extract again. After 3-hour operation of the module, membrane permeation flux dropped (170 l/m²h to 4 l/m²h). We performed regeneration of the membrane as per scheme 2 (Table 1). Then we measured permeability restoration index in respect of water and proceeded with the experiment.

Test 4. After 4-hour operation of the module, membrane permeation flux rapidly dropped (from 40l/m²h to 4l/m²h). After performing the experiment several times we can conclude that such rapid decrease of the membrane permeability is caused with aloe extract viscosity.

Namely, it is known that aloe contains such substances as aminoacids, asparagine and glutamine acids, alanine, isoleucine, phenylalanine, glycine, tyrosine, protein and many other organic substances providing origination of the film at the membrane surface and fouling the membrane pores.

We stopped the experiment and provided the membrane regeneration up to complete restoration of permeability in compliance with the above method. The results of this regeneration are shown in Fig. 3.

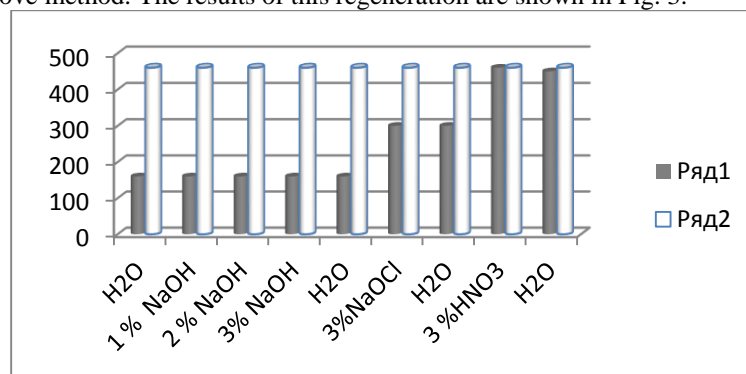


Figure 3. Membrane permeability restoration index for regeneration by the various agents

In both cases we provided complete regeneration of the membrane, what means that the membrane produced by us may be used for designing of microfiltration plants for operation in pharmaceutical industry in filtration of aloe extract.

Test 5. We passed quince leaves water extract through the same microfiltration module. After 5-hour operation of the module the membrane permeation flux dropped from 400 l/m²h to 20 l/m²h, i.e. 20 times. We stopped the experiment and provided regeneration of the membrane. Complete regeneration of the fouled membrane was achieved with 3% solution of sodium hydroxide.

After complete regeneration we again passed through the cell the retentate produced in the first filtration. After 5-hour operation of the module the membrane permeation flux dropped from 200 l/m²h to 5 l/m²h, i.e. 40 times. These results were expected, as increase of extract concentration causes decrease of membrane permeability. Further proceeding of the experiment was unreasonable. We stopped the experiment and provided regeneration of the membrane up to complete restoration of permeability with help of 3% solution of sodium hydroxide again.

Test 6. After regeneration of the membrane we performed the experiment of filtration of chamomile flower water extract. After 3-hour operation of the module, permeability of the membrane dropped 12 times. During further

1 hour permeation flux did not change and provided 24 l/m²h. We stopped the experiment and provided regeneration of the membrane with 3% solution of hydrochloric acid and upon complete restoration of permeability proceeded with the experiment with the retentate received resulted the first filtration.

Test 7. After the experiment with the membrane regeneration we performed another one: filtration of eucalyptus leaves water extract through the same membrane. After 3-hour operation of the module, permeation flux of the membrane dropped 7 times from 200 l/m²h to 30 l/m²h (Pressure 1,2 atmosphere). During further 0.5 hour permeation flux did not change and provided 30 l/m²h. We stopped the experiment and provided regeneration of the membrane in the following order: drinking water – sodium alkali – drinking water - hydrochloric acid – drinking water (Table 1, scheme 3). After complete restoration of permeability we proceeded with the experiment with the retentate received in the first filtration of eucalyptus leaves water extract.

Test 8. After the membrane regeneration we passed rosehip fruits water extract through the same membrane. After 2-hour operation of the module, permeation flux of the membrane dropped 4 times. During further 2 hour permeation flux did not change and provided 40 l/m²h. We stopped the experiment and provided regeneration of the membrane in the order provided by scheme 3 (Table 1). After complete restoration of permeability we proceeded with the experiment with the retentate received in the first filtration of rosehip fruits water extract.

In the same way we have researched filtration/regeneration processes of water extracts of St. John's wort, blueberry, blackberry leaves, also alcohol extracts of hawthorn, mint, St. John'swort and matched the appropriate modes for each of them.

Thereby, we have researched filtration/regeneration processes of water extracts of aloe, quince leaves, chamomile, eucalyptus, St. John's wort, blueberry, blackberry leaves, also alcohol extracts of hawthorn, mint, St. John's wort, aloe. The results of analyses prove that filtrate are clarified (turbidity was measured with Lovibond turbidimeter) and sterile.

After cycle of filtration we provided restoration of microfiltration membranes with the various regenerants. Resulted our experiments, we selected the regenerants and determined their optimal concentrations and regeneration time. We established that regeneration of the membranes fouled in filtration of alcohol extracts is much harder than in water extract filtration. In spite of some difficulties we have developed the technological mode of membrane restoration.

The experiments results prove that before microfiltration all kinds of extracts should be necessary exposed to mechanic filtration to avoid sedimentation of coarse fractions at the membrane surface and rapid drop of its permeability.

We have established that filtrate received with microfiltration is free of undissolved particles and that we produced really clear filtrate. Also we have proved that 0,11 um pores fluoroplastic membrane is able to detain microorganisms.

So, the filtrates produced by us resulted passing of alcohol and water extracts through the microfiltration membrane made of fluoroplastic are clear and microbiologically sterile.

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5.9. THE WAYS TO INCREASE PRODUCTIVITY AND IMPROVE BIOGEOCHEMICAL STRUCTURE OF ANTHROPOGENICALLY AFFECTED SOILS

Challenge of native lands degradation in consequence of human activity is considered by the world community to be the most up-to-date problem of all mankind. Ore mining activity is one of the most powerful factors, leading to deterioration of a natural landscapes variety. Because of mineral extraction, man-made landscapes and destructive areas are developed instead of native cenoses and agroecosystems; a whole spectrum of man-made processes are typical for the such landscapes, leading to a decrease in species richness and biological diversity within such areas. Disturbed territories formed in the process of mining are often partially restored with remediation. During the implementation of the technical stage of remediation, substrates with different potential fertility having different environmental properties and quality are used. In Ukraine, the most common model of remediation is carried out by

the means of backfill method ("dumping") using loam, clay, sand in 1 – 1.5 m layer and then placing of 0.6 – 0.8 m fertile soil on these shields.

The problem of anthropogenically disturbed soils restoration remains unresolved. Iron is one of the most essential elements in process of soil formation; its ability to change valence plays a crucial role in pedogenesis. The presence of iron in the soil in the ferric form Fe^{3+} and ferrous form Fe^{2+} is determined by regimes of soil humidity. Ferric iron developed under aerobic conditions (Fe_2O_3 is oxide practically insoluble in groundwater), and ferrous iron developed under anaerobic conditions (FeO , which is water-soluble and mobile) (Vodyanickij Y.N., 2010) [1]. The role of iron in pedogenesis include many aspects. Iron performs many functions, such as following:

1) complexing with soil humic acids; 2) ferrololysis (destruction of soil minerals as a result of iron exposure); 3) participation in soil aggregation; 4) a catalytic role in reactions of organic residues decomposition (Vodyanickij Y.N., 2003).

In soils, source minerals of rocks origin are main sources of iron accumulation. Such rocks contain iron in form of ferrous, ferric and hydroxide compounds. Because of weathering and soil formation iron released from the rocks and goes in colloidal ferric (oxide), hydroxide ferrous (protoxydic) compounds, and especially in secondary minerals (clay). Amount of dissolved iron constitutes very small part of total iron content in soil. However, in oxygen-rich soils, the proportion of Fe^{2+} in the total amount of soluble inorganic iron is small. The exceptions are soils with high pH values. Typically, concentration of iron in soil solutions varies from 30 to 550 $\mu\text{g/l}$ at circumneutral pH levels, and it may reach 2000 $\mu\text{g/L}$ in high acidic soils. At alkaline pH values the minimum content of soluble iron observed. That is why acid soils are more enriched with soluble inorganic iron than neutral and alkaline. Thus, Fe^{2+} cations in the acidic, anaerobic soils can reach levels toxic to plants, and in alkaline well-aerated soils low concentration of soluble iron may not meet the plants requirement in this metal (Sheudzhen, A. X., 2004). [2].

In current phase of pedogenesis, iron migration is relatively limited and mainly associated with diverse types of soil overmoisture, determining the permanent or seasonal anaerobiosis. In general, current weathering processes lead to iron accumulation into soil stratum in lithosphere, which is associated primarily with the extremely low solubility and mobility of iron, and its deposition that is influenced by slight changes of environment conditions.

Manifestation of a range of basic soil-forming process controlled by ratio and distribution of iron free forms is associated with free iron accumulation. Number of genetically independent soil types determined by these processes [3, 4]. Within the site of soddy-lithogenic soil with gray-green clays as a subsoil, average values of iron content amounted $0.027 \pm 0.006\%$ that characterizes their space variability. Value of mobile iron in the reference soil sample was 0.054% , which was almost two-fold greater than the data obtained on the experimental plot. On a plot of soddy-lithogenic soil with loesslike loam as a subsoil, content of mobile iron (Fe^{2+} , Fe^{3+}) was $0.029 \pm 0.05\%$; this was 1.86-fold lower than that of the reference sample. On a plot of soddy-lithogenic soil with red-brown clay as a subsoil, value of mobile iron was the highest compared with other sites, and it reached 0.036% with a standard deviation 0.008 [4]. On the site of the bulk layer of topsoil (humic layer) with loesslike loam as a subsoil, content of mobile iron was 0.033% with a standard deviation 0.007.

Concentration of the mobile iron in the studied soils was lower than 1.5-2 folds, and iron concentration reached a minimum value required to vegetation development. Soddy-lithogenic soils with red-brown clays as a subsoil are the closest to reference soil sample by content of mobile iron. Values of Fe(II) and Fe(III) in the mobile iron was determined.

The main feature of soddy-lithogenic soils is the presence and behavior of mobile iron, which increases with depth due to eluvial processes with removal of destructed mineral compounds. This is promoted by large amount of decomposed litter and pedoturbation processes, which also depend on the moisture of the investigated soil [3]. But factors of intra-soil system play also a significant role, one of which is the change in chemical potential of anthropogenically disturbed soils, that determine iron redistribution within soil profile and makes iron an element that characterizes processes of pedogenesis.

Cause of various soil horizons formation is spatial branching by vertical of migration and substances accumulation, dissolution and precipitation, redox processes, humification, and mineralization of organic matter which are characteristics of the initial stage of pedogenesis. The first stage of pedogenesis can be considered the stage of forming a reserve nutrients deposits available to organisms. This stage is characterized by development of soil with reserves of mineral and organo-mineral compounds relatively available to plants, as can be seen in the studied soils [3, 4].

It was found that the soddy-lithogenic soil onto gray-green clays consists the most mobile iron compounds. In soddy-lithogenic soils with red-brown and gray-green clays as a subsoil, and in pedozem with loesslike loam as a subsoil, active processes of weathering go within the soil layer 0-10 cm depth leading to destruction and washout of substances into the lower layers of the soil profile.

Mobile iron largely represented by ferrous iron in the investigated layers of soddy-lithogenic soils with loesslike loam, gray-green, red-brown clays subsoil and in pedozem on loesslike loam; it may be associated with a slightly alkaline reaction of soil solution (pH ranges from 7.2 to 7.9). Iron reduction in soils occurs under the effect of organic humic acids and accompanied by oxidation of that. Finally, Fe(II) -fulvate complexes are formed that involved in hydroxides synthesis.

Iron is involved in all processes of pedogenesis, so determining of its quantity and distribution by the soil profile is significant in development the ways of anthropogenically disturbed soils restoration. The data obtained allow to propose acidification of the studied soils to increase the availability of mobile iron compounds; also, studying of the soil mineral composition is required.

It can be proposed usage the values of ratio of iron mobile forms to identification anthropogenically disturbed soils, clarification differences between them and considering the patterns of iron distribution within the soil profile as the model of changes of anthropogenically disturbed soils that is of scientific interest. Study on balance of trace elements in agriculture acts as a factor determining the potential crop productivity.

Nowadays, issues of increasing land productivity and improving biogeochemical environment cannot be solved without optimization of microelement composition in soils; such composition is the result of a complex interaction of soil-forming processes from the original parent rocks as sources of microelements, as well as lateral and radial migration of the elements [4,5,6]. Chemical properties of the compounds are internal factors of elements migration that define geochemical features of their behavior in soil. Relatively high migration ability of boron in water solutions, active biogenic uptake and ability to be adsorbed by highly dispersed and organo-mineral components of soil are the most important properties of boron that defines geochemical characteristics of its distribution within the soil cover [7, 8]. Therefore, in study of anthropogenically affected soils and in development recommendation to their further remediation, concentration of boron mobile compounds in soil profiles should be determined.

Trace elements in rocks and soils can be represented by different forms: as part of their crystal lattices structure; in form of isomorphous substitutions of other ions in lattices of primary and secondary minerals; in adsorbed state on the surface of colloidal particles and crystal defects; in the form of a relatively simple salts of different solubility in the composition of the solid phase and soil solution; in composition of living matter (Dobrovolskij V. V., 1984). The total boron content in sod-podzolic soils is 2-5 mg; in gray forest soils: 3-9, mg; in chernozems: 9-12 mg per 1 kg of soil, but amount of plant-available water-soluble boron compounds is only 3 to 10% of the total boron content. Thus, most of boron compounds in soil are not available to plant nutrition. Concentration of water-soluble boron compounds was 0.1 to 0.5 mg/kg in sod-podzolic soil, 0,3 to 0,7 mg/kg in grey forest soil, and 0.4 to 1.7 mg/kg in the chernozem soil [9]. According to the degree of availability by water-soluble boron compounds (in mg/kg of soil), soil are classified into the following groups: I – very low (< 0.15); II – low (0.15-0.33); III – middle (0,33-0,50); IV – high (0,50-0,70); V – very high (> 0.70 mg) [8, 9].

Mobility of boron compounds in soils affected by liming, in which the content of water-soluble boron compounds is reduced. This is because the effect of soil liming that activates vital activity of microorganisms using boron to build organic matter in their bodies. May also be seen the antagonistic effect of calcium in relation to boron. Usually, content of boron is higher in the soil horizons with a greater proportion of heavy granulometric fractions. A significant part of the boron is associated with soil organic matter. Boron refers to the number of trace elements, and it is found everywhere in lesser amounts. In igneous rocks the content of boron increases with their acidity. In soil, boron forms several minerals, mainly silicates and hydroxides; in soil minerals belonging to tourmaline group widely represented. In the process of chemical weathering boron forms anions BO_2^+ , $\text{B}_4\text{O}_7^{2-}$, BO_3^{3-} , H_2BO_3^- , $\text{B}(\text{OH})_4^-$. Boron compounds can be absorbed by clays, organic matter and sesquioxides having the most absorption capacity. Probably, key role in this process belongs to composition of boron with oxygen and hydroxyl radicals of aluminosilicates [10, 11].

The most common forms of boron compounds in soil solutions are nondissociated H_3BO_3 , to lesser extent $\text{B}(\text{OH})_4^-$. At pH more 7,0, ions $\text{B}_4\text{O}_7^{2-}$ i H_2BO_3^- can be present. Compared with other anions, boron has strong sorption in soils; the sorption like that of cations [12].

Ca, Mg, Al, Fe, Mn act as precipitators. Iron and aluminum oxides, clay minerals adsorb boron in the soil. The adsorption depends on pH values and reaches a maximum in alkaline environment. In general, boron compounds are the most mobile in acidic and alkaline environment [13].

Boron exhibits the properties of the complexing agent, forming a less soluble complexes with Fe and Al hydroxides and organic matter. In soils a significant part of the boron associated with organic matter. Organoboron compounds are particularly important in sod-podzolic and peat soils. At the same time, it was established that boron does not form strong compounds with humus and other organic substances [12].

Form of boron compounds influenced significantly by pH values. At pH value less than 7.0 boron has the form of orthoboric acid, and at higher pH values it has the form of more complex borate ions. In the soil, content of substances adsorbing trace elements (fine clay minerals, iron and aluminum sesquioxides) plays a crucial role in dynamics of boron mobile forms [14].

In the soil the element can be in the form of different compounds. The following forms of boron as a trace element are divided: water-soluble; acid-soluble; forming a part of silicate lattices; as part of boron minerals; as complex with organic matter [15]. Boron found in plant residues becomes available after their mineralization. Boron is rapidly released during residue decomposition, taking second place after copper by the rate of mobilization from vegetative substances. This allows to consider the trace element as available to plants [15,16]. According to the calculations, about 10% of boron in soil is in mobile form; studies conducted indicate its less solubility: from 0.4 to 5% of the total content. In saline soils, solubility of boron compounds could increase significantly, reaching 25% and even 80% of the total content of the element.

Effect of organic matter on boron mobility in the is inconsistent. On the one hand, the element tends to accumulate in humic horizon; on the other hand, it can be washed to the groundwater. Such behavior of boron is because organoboron compounds have no chemical resistance. Sometimes there is boron accumulation in various fractions of humus due to the presence of sesquioxides. The formation of insoluble organoboron compounds may occur only in strongly acidic environment uncommon for most soil types (pH = 1 - 2); moreover, these compounds are rapidly destroyed. However, there are data about the important role of organic matter in boron adsorption in the literature. In the model experiments on boron adsorption by compost it was found that organic matter absorbs more boron than clay minerals, and its adsorption from solution was increased with the increasing alkalinity of the compost. Adsorption of boric acid by humic acids depends on the pH levels: it was weaker at pH values 3.0 to 6.5, and increasing at alkalizing of environment and reached maximum at pH 9.5. Suggested that adsorption of boron by humic acids in soils with an alkaline pH plays a more important role than that in acidic soils. In addition, the sorption of boron by clay minerals is affected by organic matter. It was established experimentally that the complexes formed by illite, montmorillonite, kaolinite with polysaccharides of soil organic matter contributed to the decrease boron adsorption by clay minerals in a neutral environment [14].

A characteristic feature of boron is its involvement in halogenesis processes. In this regard, almost worldwide, soil salinity is associated with accumulation of boron and development of boric salinization.

We found that the concentration of boron in the pedozem profile changes with depth and varies from 1.06 mg/kg to 2.98 mg/kg, taking the highest value in layer 0-10 cm Built trend line represents a significant vertical heterogeneity that is typical for remediated soil and probably associated with particle size and physico-chemical soil composition [6,9].

Anthropogenically disturbed soils of Nikopol manganese basin in experimental site of Research Center on Land Remediation of the Dnepropetrovsk state agrarian-economic University are well provided with boron by soil profile and space. Concentration of boron is several-fold larger than that of reference samples (southern chernozem), which indicates a high potential for growing crops, but can also lead to boric salinization of soil.

It was established that the optimum boron concentration to application it under sunflower in the studied soils was 0.1%. The plants responded much weaker after application of higher concentration. When the concentration of boron was 0.4%, the plant was suppressed due to toxic effect. Among soil variants where sunflower was cultivated without addition of boron, soddy-lithogenic soils with gray-green and red-brown clay topsoils were the most effective.

Determined concentrations of mobile boron in profiles of remediated soils varied within the range from 1.06% (pedozem) to 9.56% (soddy-lithogenic soil on loesslike loam as a subsoil).

The trend line was built, and it was established that content of mobile boron in pedozem profile was mostly similar to boron distribution in zonal soils, decreasing with depth [17].

By boron distribution in profile, soddy-lithogenic soils on red-brown, gray-green clays and loesslike loam as subsoils are characterized by high diversity with a trend for the increase with depth, which probably can be explained by the fact that all mobile compounds are water-soluble and depend on the granulometric composition of soils and their flushing abilities.

Content of mobile boron in the studied anthropogenically affected soils is very high (> 0.7 mg/kg), according to the scale for zonal soils. Concentration of mobile boron in anthropogenically affected soils exceeded values of the reference samples (southern chernozem), and its content in chernozem by several times that may lead to boric salinization in the future. Thus, all soil types are at the initial stage of formation, so the profiles have organized parts of the layers where absorption and desorption of mobile boron take place, but not all over. According to the cluster analysis, profiles of pedozem and soddy-lithogenic soils with topsoils from gray-green and red-brown clays were the most organized.

The ecological role of available boron consists in the fact that it found in soil in two forms – organic and inorganic. Microorganisms and plants needed boron for their normal development, so they use inorganic form of boron and turn it into organic forms. When microorganisms and plants complete their life cycles and die, the organic boron oxidizes and passes into the inorganic boron. Due to processes of weathering, leaching and microbial activity, concentration of boron mobile compounds is kept in the soil. Mobility of boron in soils affected by liming, in which the content of water-soluble boron is reduced. This is because the effect of soil liming that activates vital activity of microorganisms that use boron to build organic matter in their bodies.

Compared with reference sample (chernozem), concentration of mobile iron in the studied soils was lower than 1.5-2 folds, and iron concentration reached a minimum value required to vegetation development. Soddy-lithogenic soils with red-brown clays as a subsoil are the most close to the reference soil sample by content of mobile iron.

Content of Fe^{2+} in the soddy-lithogenic soils varies from 75% (red-brown clays) to 93% (loeslike loam) depending on the type of studied soils. Sod-lithogenic soils on red-brown clays have value nearest to the reference sample (60%).

Ratio of mobile iron in the forms Fe^{2+} and Fe^{3+} is important for plants, but it can have both positive and negative consequences occurred depending on the compounds forming from ferric and ferrous iron.

Coefficients of variation of the studied soils characterize their homogeneity. It was found that the soddy-lithogenic soil onto gray-green clays consists the most mobile iron compounds.

Mobile iron largely represented by ferrous iron in the investigated layers of soddy-lithogenic soils with loesslike loam, gray-green, red-brown clays subsoil and in pedozem on loesslike loam; it may be associated with a slightly alkaline reaction of soil solution (pH ranges from 7.2 to 7.9). Iron reduction in soils occurs under the effect of organic humic acids and accompanied by oxidation of that. Finally, Fe(II)-fulvate complexes are formed that involved in hydroxides synthesis.

Iron is involved in all processes of pedogenesis, so determining of its quantity and distribution by the soil profile is important in development the ways of anthropogenically disturbed soils restoration.

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5.10. RATIONALIZATION OF INDICATORS OF INFORMATION SYSTEMS BY LEVELS MANAGEMENT OF ENTERPRISES

Information systems in business practice acquire various typing configurations depending on the place of use and the destination in use.

Information systems existed since the advent of society, since at any stage of social development there is a need for management. Its organization consists of the interaction of control and controlled parts. The actual state of the latter is constantly compared with the desired management requirements. This comparative analysis is based on the data of information systems using the appropriate technologies. As a result, information is obtained, the development of which is the mission of such information systems.

A business entity of any level consists of production-technological and information systems. The first of them - the object of control, the second - its means. Both systems are in constant interaction, which is provided by communication. Implementation of system functions and their correction takes place under the control of management. And all this complex mechanism works for the main purpose - increase of efficiency of activity [1, p. 117].

In the information system, input data is transformed into output information, which is then provided to users. The information system combines intellectual and technical resources in the procedures for the collection, processing, transmission and use of the necessary information. Often many information systems there is feedback, that is to say it

receives notification of the goal management. Such information systems are called cybernetic or self-regulated [2, p. 23].

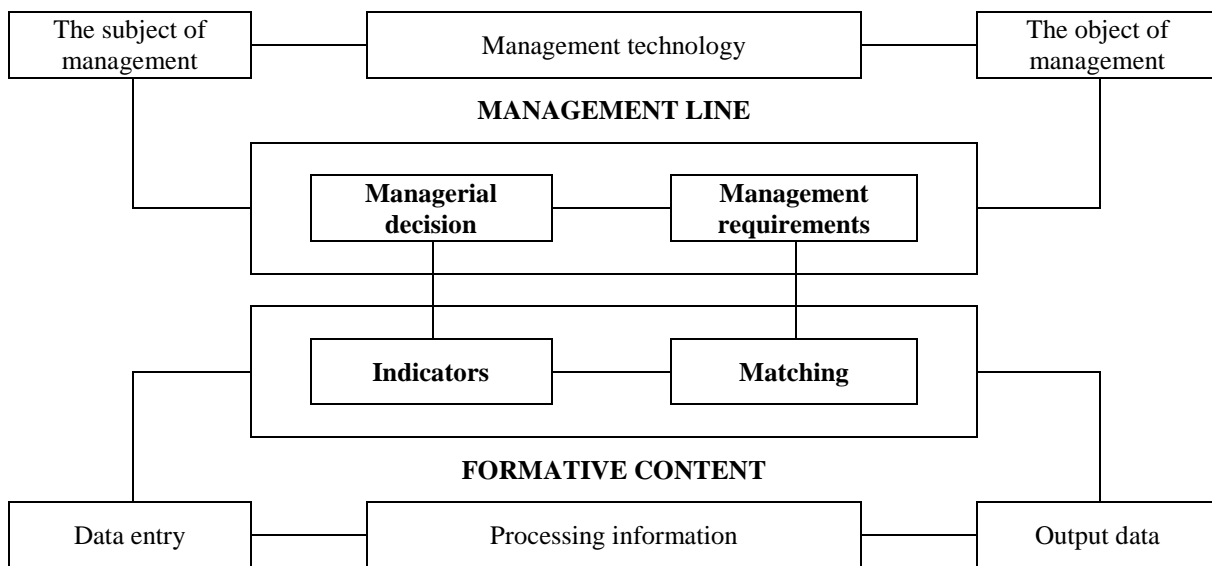


Fig. 1.1. Reconnoiter functional LED interior content and information management systems.
Developed by the author for [3, p. 23].

The information system provides the development of balanced indicators necessary for decision-making (Fig. 1.1). In the practice of managing farm justify such indicators occurs in three main levels of management: operational, tactical and strategic (Fig.1.2). Each of them is characterized by its own set of competencies and functions, while requiring the specified hierarchical specifics of the information.

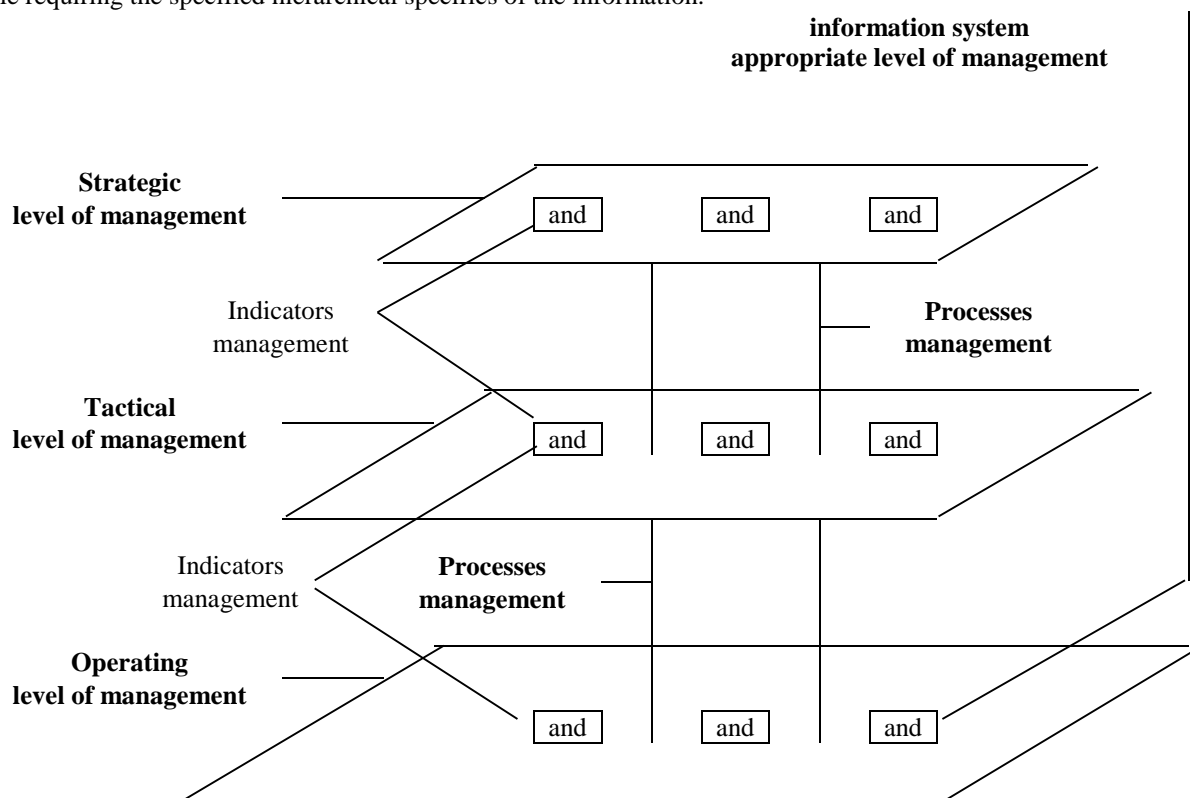


Fig. 1.2. Explication of the space of indicators of the information system by the levels of management of the agricultural enterprise.
Developed by the author [4, p. 46].

The structure of the overall information system of farm production include information systems and information systems management perspective. A distinctive feature of the first is mandatory dotychnist directly from the production process (operational level), while the latter are correlated with fully intelligent procedures to seeking a solution (tactical and strategic level). Consider them in detail.

At operational level management of agricultural enterprise development indicators by using business applications, production plans, marketing catalogs, financial reports, instructional materials, and so on. In general this level of management is focused on internal sources of data requiring high their formalization. Most of the decisions are aimed at one specific action. Clear content, and organization is not structured information environment allows frequently used to study disparate data optimization techniques, such as linear programming. The information system relating to operational management hierarchy step includes the rights subsystems business operations information system, information system process control and information system office automation [5, p. 166].

The information system of economic operations collects, processes and stores data that is the result of the activity of an agricultural enterprise, serves its information bases, provides the issuance of various documents, including the preparation of reporting. This system evolved from the first manual information systems and evolved to the level of auxiliary mechanical data processing systems, and then to automated computing systems. It collects and processes data on the basis of business transactions such as buying, exchanging, selling, and generalizing information created by various ordering of records, for example, in files.

The information process control system is designed to make operational decisions that correct the situation in the work of an agricultural enterprise, for example, automatic regulation of inventory quantities, harvesting lines management, etc. Such decisions are called programmable, since they are taken by a computer based on its own selection rules. The heaviest alternatives are established after a certain number of events have been compared [6, p. 185].

The information system of office automation ensures in the activity of the agricultural enterprise the functionality of management, supporting its means of communication. This system left in the past traditional manual paper methods for transmitting information. The text editor and e-mail came to replace the typewriter and the letters.

The next choleric structural unit for the development of balanced indicators is the information system of the tactical level of management. The latter in the activity of an agricultural enterprise is characterized by drawing up tactical plans and exercising control over their implementation. The leaders of this level face the uncertainty and, consequently, the complexity of situations requiring professional analysis, as well as the use of intuition and personal skills to solve problems. Most of the information used comes from informal sources. They are collected and evaluated by each manager on their own. At the same time, managers use formalized computer data with official data. After all, external information is very diverse. There are many variables, including unpredictable behavioral and personality factors that make tactical decisions poor-quality. The above-mentioned optimization models in these conditions are not useful enough, in contrast to the intuition of the managers themselves, although some modeling algorithms can be implemented for the preparation of various types of reviews. The next choleric structural unit for the development of balanced indicators is the information system of the tactical level of management. The latter in the activity of an agricultural enterprise is characterized by drawing up tactical plans and exercising control over their implementation. The leaders of this level face the uncertainty and, consequently, the complexity of situations requiring professional analysis, as well as the use of intuition and personal skills to solve problems. Most of the information used comes from informal sources. They are collected and evaluated by each manager on their own. At the same time, managers use formalized computer data with official data. After all, external information is very diverse. There are many variables, including unpredictable behavioral and personality factors that make tactical decisions poor-quality. The above-mentioned optimization models in these conditions are not useful enough, in contrast to the intuition of the managers themselves, although some modeling algorithms can be implemented for the preparation of various types of reviews.

In addition to the information-security function considered, the indicators of tactical level of management of the agricultural enterprise focused on the achievement of the short-term target targets also carry out revision-steering tasks. Administrators at this level of management are part of the established control system, which includes budgetary control, production control, inventory control, and so on.

The function that is constantly carried out control makes it possible to implement an act of directed influence on a controlled object. The management act, based on the object data of the information system, is carried out in order to achieve the strategy defined earlier, is called the decision-making, and the procedures for its formation are the process of supporting decision-making [7, p. 408].

The information system of the tactical level of management of the agricultural enterprise, which provides the development of balanced indicators, is divided into the information reporting system and information system of decision support.

The information and reporting system plans and provides the reports necessary to the manager. That is, it provides users with information products that meet their daily needs for decision-making. Such a system contains information about the internal environment of the enterprise, which was previously processed by the information system of economic operations.

The information support decision system helps the manager to produce them on a case-by-case basis in communication mode. She is keen on computer information systems that simulate solutions using special databases. For example, spreadsheets and other tools of modern software allow the helper to get in the job the immediate answers that are given to questions posed as "what will happen if?". This distinguishes the decision support system from predefined summary summaries of other information systems. Applying in its practice a system of decision support,

the manager investigates the possibilities of alternatives, having previously obtained experimentally verified information by the results of the analysis of the set of assumptions [8, p. 193].

The strategic level of management of the activity of an agricultural enterprise is characterized by the fact that before the development of the same name indicators, the mission, goals of management, long-term plans, strategy of their implementation, etc. are determined. Since most strategic algorithms are often unstructured by their nature, formally the information system of this level of management plays a limited role in the processing of information. In addition, it receives information limited by sources, gathering the necessary data to identify potential dangers and opportunities. The following circumstances determine the following characteristics of strategic information:

- mainly external information and a small array of internal ones, for which there is a steady demand (critical, and therefore extremely important consideration is the study of the external environment, for example, trends in economic, technological and environmental conditions, political factors, etc.);
- the future orientation (strategic planning is based on the medium and long-term, therefore, their forecasts are vital, while the information about the past results required for managers of the tactical level of management has a secondary importance) [9, p. 170].

The information system of the strategic level of management of an agricultural enterprise fulfills the following main functions:

- improves production efficiency;
- promotes innovation;
- generates strategic information resources, on the basis of which balanced indicators are developed [9, p. 407].

By its essence, the information system of the strategic level of management of the activity of an agricultural enterprise is represented in the form of an executive information system, since it provides diversified information channels of communications received from official and unofficial sources. That is, managers receive heterogeneous data in a variety of ways, including reports, letters, messages, periodicals, advertisements, etc.

For the reasons given for the information system of this level of management, it is extremely important to avoid the stiffness of the overall structural configuration. Flexibility as a property is actualized also by the presence of more than one way of feedback. Its characteristics are summarized in the following theses:

- Feedback is used for routine reporting, if corrective actions are required in the course of detecting violations;
- adaptation of feedback is carried out as a response to the correction of short-term plans and their budgets in the circumstances when the information system saved the fact of a change in the conjuncture;
- "crisis" feedback is aimed at eliminating unpredictable violations that can change long-term plans.

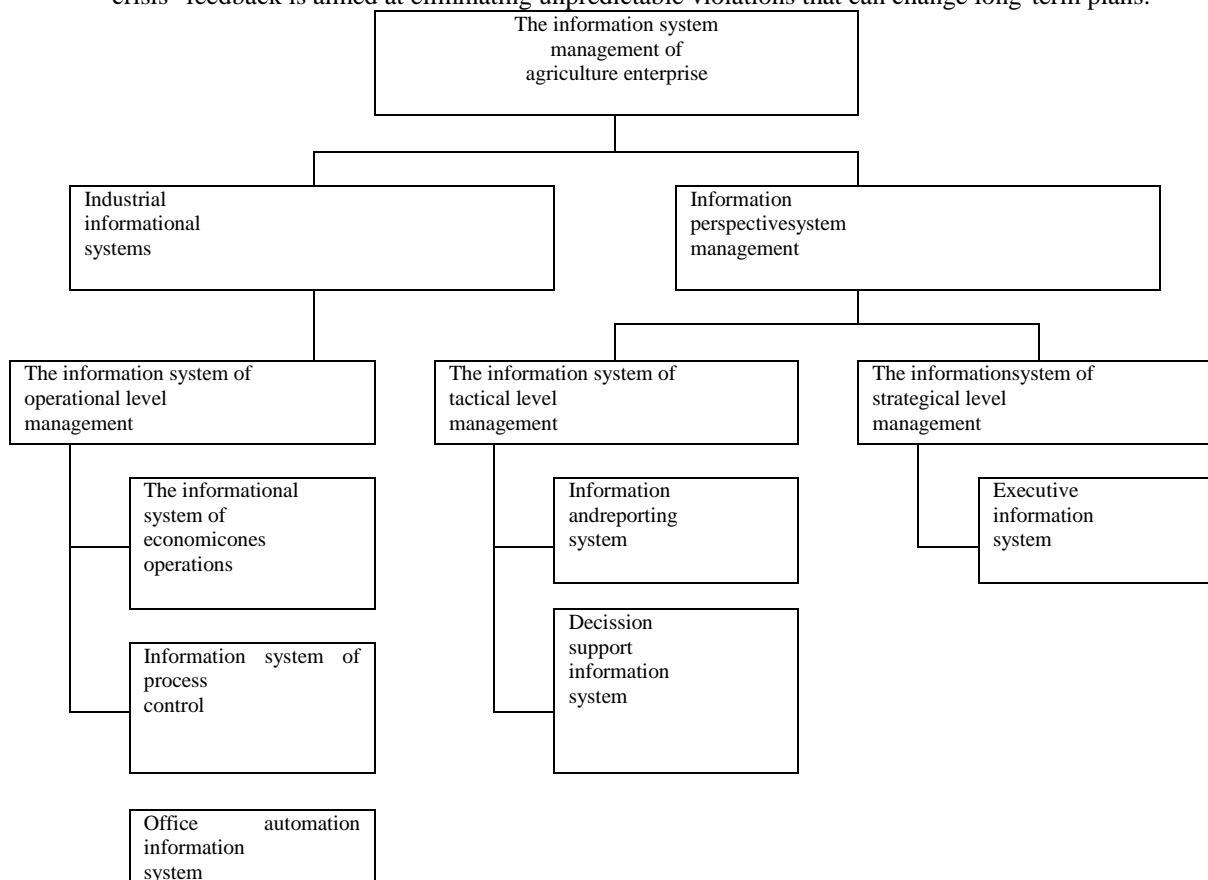


Fig. 1.3. Classification of information systems by levels of management of agricultural enterprises. Developed by the author for [2, 4].

The results of reviewing the information system by the levels of management of the activity of the agricultural enterprise (Figs 1.1, 1.2, 1.3, 1.4) allow to specify the characteristics of the hierarchical indicative dispersion within the functional and personal responsibilities of their managers.

Thus, at the strategic level of management of the activity of an agricultural enterprise, the need for the development of the relevant pointers falls within the powers of a small group of helmsman. First of all, it is about the director (president) and his deputies (vice presidents). As mentioned, this guiding steps formulated indicators mission, organizational objectives, general corporate strategy, major problems for its implementation, decisions regarding entering new markets, issuance of additional products, investment, areas of research and the possibility of introducing modern developments [10, p. 96].

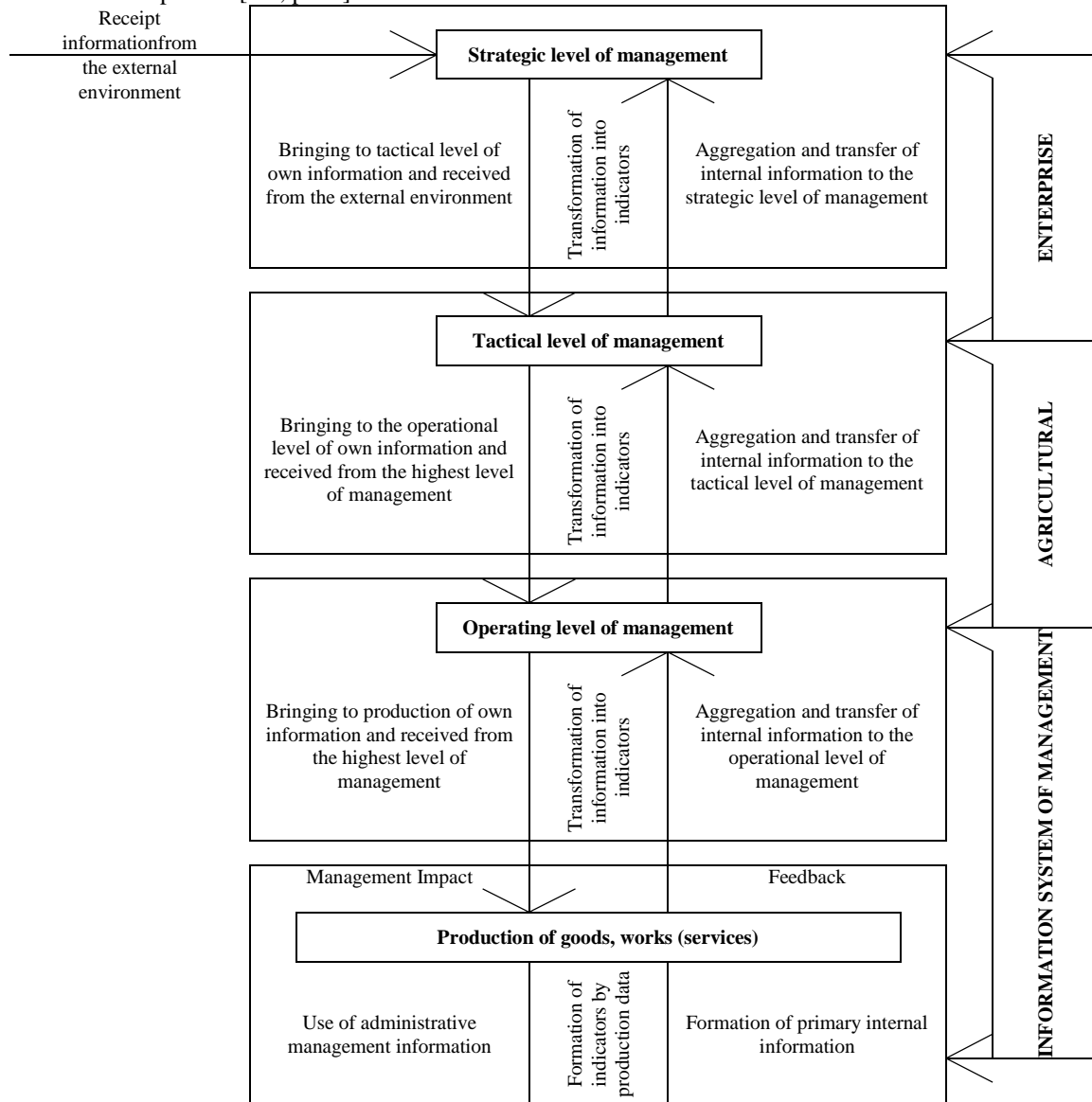


Fig. 1.4. Explication of the space of indicators of the information system by the levels of management of the agricultural enterprise.
Designed by the author for [2]

Tactical level management of the agricultural company responsible for the development of balanced indicators preparation and implementation of tactical plans (procedures) of the implementation of the decisions that were taken by senior management. Managers of this level have a fairly wide discretion in implementing the plans. For example, they independently determine: how much you need to recruit new employees; what equipment to buy additional; how to use existing information and other resources, etc. This cohort includes managers, heads of production and functional units - mainly chief specialists of agricultural enterprises.

Management of the operational management of agricultural enterprise forms indicators adjustment of each artist directly. In this category, in particular, include heads of sectors, group leaders, masters of shops, foremen of units (units), etc. [7, p. 306].

Thus, the leaders of the higher level of management of the agricultural enterprise generalize the indicators of formulation of the strategy, the average - the development of plans for its implementation, and the lower - a specific work that is carried out in accordance with these plans.

Formal managerial responsibilities define the appropriate managerial status in an agricultural enterprise. This status, in turn, determines the nature of the interpersonal relations of such a manager with his superiors, workers of equal rank, subordinates. The above-mentioned interpersonal relations in the named way provide guarantees of obtaining the helmsman the information he needs to develop indicators for the adoption of a quality decision [4].

The systematic justification of the indicators by the hierarchical stages of management of the agrarian enterprises involves taking into account the organizational features of the external processes of management of agricultural production, in particular, within the framework of the state regulation system of the agro-industrial complex (AIC). Naturally, in this case, there is a question about the functions and ratios of the well-known concepts of state "management" and "regulation", the correlation of objective and subjective in management activities. Therefore, with all the tightness of relationships, interaction and interdependence, methodologically and, most importantly, it is almost necessary, if possible, to establish more clearly their delineation.

According to the authors, the state administration in terms of content is a much broader concept, which includes both managerial and regulatory functions of the state's influence on economic, social and environmental processes both in agriculture itself and in its intergovernmental inter-branch associations.

The basic ideas laid down in the indicators display the characteristics of the current state of agriculture of Ukraine are: accumulation of contradictions and worsening economic and political; massive losses of agricultural enterprises; slow pace of reform in this industry; preservation of tendencies to narrowed reproduction. At the same time, domestic AIC remains a multiplier of sustainable development, which leads to increased attention from the state.

Today, we are deeply convinced of the following world-wide indicative accents of the joint management of the participants in the dualistic connection "the state - an agricultural enterprise (as a system-forming entity of the agroindustrial complex)": subsidizing agricultural production; strengthening the regulatory role of the state in reforming the industry; assistance in expanding the capacity of the agrarian market; state support of agriculture; Protectionism on the domestic producer [11; 240]. The state, with the help of appropriate indicators, influences the functioning of the agricultural enterprise within the framework of the implementation of agrarian policy. Agrarian policy is a system of measures aimed at ensuring the effective development of agroindustrial complex, stabilization and expansion of the agrarian market, guaranteeing food security of the country. Institutional units implementing national agricultural policy are: Ministry of Agrarian Policy and Food of Ukraine, Department of Agricultural Development of regional and district administrations, the Agrarian Fund, State Industry Association, etc. [11; 240]. In fact, all of them can be considered as representing the respective levels of management and at the same time actors regulating the activities of an agricultural enterprise outside its own. Thus, each of them generates own indicators (Table 1.1) defined by the personal location of the local information system.

The above generalizations require a clarifying clarification regarding the content characteristics of these indicators. It is about indicative benchmarks of managerial stages in the external environment of an agricultural enterprise. That is, we differentiatedly substantiate the state macro level, sectoral meso-level and the micro-level of direct organizational formation.

Table 1.1

Essential parameters of the indicators of state management of the activity of the agricultural enterprise as a component of the agro-industrial complex

No s/n	Characteristic of the content indicators	Mechanism for the implementation of indicators
1	2	3
1.	Legislative soft-ware development of agroindustrial complex	Formation of the legal framework; adoption of legislative and regulatory acts; development of the Land, Forest, Water codes; the development of state target programs, the formation of a new Concept of Agrarian Policy
2.	Conduct of agrarian reform	Determination of priorities in development of agroindustrial complex, structural transformations, types of activity, agricultural development models, land reform relationships
3.	Substantiated planning	Development of the system of calculation and policy indicators, definition of the volume of public procurement
4.	Tax regulation incentives	Saving a simplified tax system, tax breaks exemption from tax, part of income for certain Agroindustrial complex types of activities; use of the VAT charged; application tax preferences
5.	Credit and financial policy	Granting of state credits, investments; opening additional financial credit lines; application of advance payments; provision of the product loans (leasing of fuel and lubricants, agricultural gift technology); use of targeted subsidies; the hall foreign loans and investments; use of collateral land, property; introduction of fixed loan rates; in-financial leasing; introduction of cheaper commercial bank loans; additional payments, subsidies, partial the pension of the cost of agricultural machinery
6.	Price regulation	Determination of the level of oriented purchasing prices; software parity of prices; subsidizing the production of food products (standby and mortgage purchases with a view to equalizing seasonal ones fluctuations)
7.	Infrastructure software	Formation of the network of infrastructure of the agrarian market: agrarian ones exchanges, leasing companies, land bank; promotion of mother technical maintenance; development of transport and service infrastructure: trading houses, stock-making, service cooperatives, credit unions, etc.
8.	Reforming land use	Establishment of forms of ownership of land; usage rules and land introduction of payment for land; carrying out relationships land monitoring, land management, land plots
9.	Regulation import agrarian	Establishment of import duties on agricultural products, the mines of their actions; the

	products	establishment of quotas for the import of agricultural products; introduction of certification system and control over of imported agricultural products
10.	Ensuring the needs for agrarian products	Determination of volumes and structure of government orders; conclusion state and regional contracts; placement of state orders among performers
11.	Technical re-equipment and increase of production level	Development of domestic agricultural machinery; assistance in introducing new production technologies, growing storage and storage; partial compensation of agricultural costs danish technology; provision of loans for the purchase of complex rural-economic equipment; financing from the state budget (financial leasing)
12.	Software product quality food	Introduced state sanitary-hygienic examination; the state register; identification; product quality certification food

Source: developed by the author according to [11].

Thus, summing up, it should be noted that an agricultural enterprise is a complex object. It needs to be looked at in the binary awareness of the functional environment, the internal component of which is characterized by the strategic, tactical and operational levels of management, and the external - it is precisely this organizational formation as the first micro-level. Next, in the hierarchical pyramid of management, we should investigate meso-level (rayon, industry) and macro level (state). Each of them has an appropriate information system that produces its own set of indicators. Their validity is due not only to the immanence of structuring and transcendence of potentiality of opportunities, but also to the mandatory consideration of the sector specificity of the activity of a monograph definite research object.

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5.11. THE METHOD OF USING INNOVATIVE TECHNOLOGIES IN HIGHER EDUCATIONAL INSTITUTIONS IN THE CONTEXT OF DEVELOPMENT OF THE EDUCATIONAL PROCESS: THE UKRAINIAN REALITY AND THE EUROPEAN FUTURE

The educational sphere, which is the founder of worldview development and spiritual formation of individuals, is undergoing a number of significant transformational processes. The modern society is characterized by the development of an information-oriented educational space where new values and technologies, new lifestyles, and modern educational approaches meet to prepare future specialists for their self-realization in society. Reformation and modernization of the contemporary higher education of Ukraine towards its integration into the European educational space involves the development and implementation of innovative educational systems and technologies. The main purpose of modern education in the context of informatization of society is to teach students to use modern information and communication technologies [1].

Modern higher education must solve the following tasks: 1) to form intellectual, spiritual-creative, moral, psychophysical and professional qualities in the youth; 2) to promote the professional development of teachers and students, which implies the availability of general abilities to solve complex professional tasks. That is why not only foreign and domestic scientists, but also lawmakers are engaged in the problems of educational innovations, innovative development of various educational systems and pedagogical processes, and development of innovative pedagogical ideas.

According to many international experts, the knowledge and skills that young people acquire when studying in a higher educational institution are the indicators that make it possible to determine the readiness of graduates of an educational institution for life, as well as their further personal development and active participation in society [2, p. 46]. The level of implementation of technological approach is one of the most important criteria which determine the competitiveness and prestige of a higher educational institution. This raises an urgent need for retraining teachers, equipping educational institutions with modern computer technology, pedagogical software tools, electronic textbooks, etc. Therefore, the axiom of the formation of modern Ukrainian society suggests the priority development of higher education, whereas one of its main features is the widespread use of innovative technologies. It is not a

secret that modern technologies ensure systematic, purposeful, effective and productive educational activities. Learning with the help of IT technologies qualitatively exceeds the classical education.

The development and implementation of modern technologies requires new approaches to the management of education and the involvement in the traditional learning system of fundamentally new elements, since this process must be aimed not only at increasing the amount of knowledge and development of the professional orientation of future specialists, but also at achieving a new quality of organization of the educational process, taking into account modern approaches to the organization of subjects of vocational training. Therefore, the prerequisite for the use of information technology is the development of new didactic and methodological conceptual foundations of higher education through:

- the creation of subject-oriented educational and informational environments that allow the use of multimedia, electronic textbooks, etc.;
- the mastering of various means of communication (computer network, mobile communication) for the exchange of information concerning the learning of educational material;
- the teaching of the rules and skills of "navigation" in the information space;
- the development of distance education.

It should be noted that the objective process of changes in higher education contributes to the need for the development of electronic pedagogy as a science, which will bring higher education in the aspect of e-learning to a qualitatively new level. Currently, it is relevant to use interactive and virtual simulators during learning in order to contribute to the general development of the youth, the formation of its ideological culture, individual experience, creativity.

In modern educational science and practice, the term "innovative activity" is used widely, which means the updating of the technology of teaching and reconstruction of the teacher's personal settings. The concept of "innovation" was introduced in scientific research as early as in the 19th century and meant the penetration of certain elements of one culture into another. In the generally accepted interpretation, "innovation" means "novelty" [3, p. 77-78]. Modern researchers consider the concept of "innovation" in two directions: "innovation - process" and "innovation - product, result" [4]. Namely, A. Oliynyk considers innovation as an integrated process of creating, using and distributing a new practical tool, and gives it the following definition: "Innovations in the education system are processes of creation and implementation of pedagogical novelties" [5, p. 41]. Brinkley A. suggests the following definition: "Innovations are the ideas, processes, means, and results taken in the unity of qualitative improvement of the pedagogical system" [6, p. 93]. V. Safiulin has a similar opinion, characterizing innovations as the processes of introduction and implementation of pedagogical novelties [7, p. 56]. This process cannot be spontaneous, it requires management. Moreover, the innovative processes taking place in modern education require a thorough analysis of the means for their practical implementation, which most often appear in the form of technologies.

The concept of "technology" arose in world pedagogy as opposed to the existing notion of "method". In domestic and foreign theory and practice, the term "technology" appeared and started to be used first of all in the engineering and technical spheres. The origin of this term ("techne" - art, skill, ability; and "logos" - science, doctrine) implies the possibility of its use as a science about the skill of practical activity [8, p. 60-62]. The term "technology in education" gained widespread use in the United States and the European Union at the end of the 20th century due to the application of new learning tools. As a rule, "learning technology" is understood as a way of implementing the content of education provided for by curricula, constituting a system of forms, methods and means of education that ensures achievement of didactic goals set [9]. The main tasks of new information technologies of education are the development of interactive environments for managing the process of cognitive activity, and access to modern information and educational resources (multimedia textbooks and textbooks created on the basis of hypertext, various databases). The modern notion of "technology" represents a content-based generalization and has three main aspects: scientific - technology is a scientifically developed solution of a certain problem, based on the achievements of psychological and pedagogical theory and best practice; formal-descriptive - technology is a model, description of objectives, content of methods, algorithms of actions used to achieve results; process-active - technology is the process of carrying out activities, the sequence and order of functioning and change of all its components, including objects and subjects of educational activity.

The new paradigm of higher education requires that the system "teacher - knowledge - student" is designed in such a way that facilitates a student's education as a citizen, a personality, a professional. At the same time, the main focus is placed on the use of new methods, promising forms of learning, different ways of providing information that will contribute to greater efficiency and quality of education. Thus, there arises an important question: "What approaches, methods of work can satisfy the modern society and form the necessary professional and personal qualities of students?". Solving this issue requires a rethinking of the content of information technology, its importance for quality training of future lawyers in higher education institutions. And although modern educational technologies basically come down to the use of technics - computers, information networks and multimedia, - they are nevertheless aimed at a person and designed to contribute to personal development. For the modern society, IT technologies have both theoretical and practical significance, since in the conditions of globalization, they concern its historical development, help to individualize learning, establish feedback, free the subjects of the educational process from routine work.

The implementation of innovations in educational activities is a complex multi-stage mental process. With this in mind, American researcher E. Rogers divides this process into the following main stages: 1) familiarization with the problem; 2) analysis of the problem; 3) analysis of ways to solve the problem; 4) choice of the way to solve the problem; 5) perception of the consequences of choosing the decision [10, p. 13]. In our opinion, for the successful and long-term use of innovative technologies in the practice of higher education, this process should be gradual, divided into seven stages:

Stage I - Awareness by the research and teaching staff of a higher educational institution of the need for changes and innovations in the educational process, which requires the monitoring of the quality of education, the analysis of indicators of these studies, and the awareness that the effectiveness of the functioning of the educational process depends directly on the scientific and technological progress that takes place in the society, as well as on the constant professional growth of teachers themselves.

Stage II - Search and updating of new ideas. At this stage, a creative group is formed whose main purpose is to develop and incorporate innovative ideas in a project or program, identify a range of problems that need to be addressed, as well as update and discuss new ideas. That is, it includes understanding the content of innovation, familiarization with the regulatory framework for its implementation, familiarization with innovative technologies already known, selection of technologies that can be actually implemented in a particular educational institution.

Stage III - Implementation of the design of an innovation, or the definition of the prospects and strategy to achieve the goal set. The prepared project of innovative technologies should specify the purpose, tasks and main measures for the realization of new ideas, the necessary resources for the effective achievement of the goals and the method of revealing the efficiency of innovative processes.

Stage IV - Development (testing) of a new information technology. At this stage, it is important to take into account the readiness of the research and teaching staff for the implementation of innovative technologies (motivation of teachers and students, the presence of stress, awareness) and to create comfortable conditions for the work of all subjects of the innovation activity.

Stage V - Defining the strategy for the management and training of the subjects of innovative search to work in new conditions. At this stage, the ability to present educational material in a discipline through technology, to evaluate and control intermediate results, and establish communication with the audience becomes important. The effectiveness of innovations to a large extent depends on the readiness of participants to innovate. Therefore, the process of teaching educators-researchers for the mastering of the mechanisms of research work and information technologies gains special significance.

Stage VI involves the formation of a positive attitude of the teaching staff to the introduction of innovations, the need for continuous education. Despite the rapid development of information technology in society, as practice shows, neither novice teachers nor experienced experts always have the appropriate level of knowledge and skills for the effective computer support of teaching educational disciplines.

Stage VII involves the disclosure of the results of the use of innovative technologies.

After analyzing the stages of innovation implementation, it can be noted that one of the requisites of successful innovation of a higher educational institution is that both teachers and students are aware of the practical significance of various information technologies in the education system not only on the professional but also on the personal level. Therefore, innovative technologies in the higher education system should be considered as implemented innovations reflected in the content, methods and means of teaching and education of the student's personality (methods, technologies), in the content and forms of organization of management of the educational system, as well as in approaches to social services in education, which significantly increases the quality, efficiency and effectiveness of the educational process.

Today, the use of computer simulation systems, implementation of situational case technology [11, p. 69], and solving professional problems through the integrated use of knowledge in general and professional disciplines can be also considered to be innovative technologies. Thus, the introduction of modern interactive teaching methods requires a deep involvement of students in the educational process.

The most attractive and professionally needed in innovative education are active simulation methods, which are divided into non-gaming (analysis of specific situations, simulation exercises) and gaming (business games, role-playing). They are the most essential for the professional orientation of the educational process of a legal institution, because they make an important means of orienting students at such values as better mastery of the future specialty, acquisition of professional skills, creation of new algorithms of action [12, p. 71].

The traditional object-oriented approach to setting the goal, content and methods of teaching (when it is mainly offered to study objects and phenomena of the surrounding world, and not problems) shows low effectiveness. Certainly, the knowledge of certain objects and phenomena of the surrounding world cannot be eliminated, but teaching should not to be limited by this approach alone. The real life situations are syncretic, their separation into separate components (objects of study) is rather artificial. In their life, people are confronted not with individual objects, but with problems - complex life tasks, whereas their solution constitutes the content of life [12, p.72].

One of the key modern methods of teaching disciplines is the situational learning method, because it deals with real situations, and not with those invented in the classroom. In the European Union, this method forms the basis of higher education. The case method is based on the principles that in fact make one reconsider the role of teacher and

student. The teacher's obligation when using the case method involves creating in the classroom conditions that would allow students to develop their ability to think critically, analyze, encouraging them to share their thoughts, ideas, knowledge and experience during discussion. Also, the students must be aware that the teacher is in the classroom to help them, and they have to use this advantage as much as possible, while the main responsibility for the things they have learned is borne by themselves [13].

The purpose of the case method is not the transfer of knowledge alone, but teaching students to cope with unique and untypical situations that require knowledge in many disciplines and that generally occur or may occur in real life and require a fast managerial decision. Creative and analytical thinking becomes a necessary quality of a modern lawyer in the context of increased competition. Therefore, the use of this interactive educational method is very effective for developing the skills of identifying professional problems, systematizing and analyzing taught facts, developing alternative solutions, and raising the confidence of students in their abilities. Individual case analysis and discussion in a group give much more opportunities for professional development than learning a textbook or lecture notes. The most important skills that a student obtains when applying the case method are: observance, data collection, problem identification, communication, motivation, ability to perceive any verbal information from a professional point of view, independently comprehend and make an alternative solution through assessing its possible consequences, as well as determine the best ways to implement this solution.

The use of new information technologies shifts the emphasis from the purpose of education, prompts to change the scope, composition, structure of the study material at hand, focuses on the formation of a fully-fledged theoretical thinking of the learner, on the development of modern communication tools, the exchange of results of information work in the student's learning process.

Conducted sociological studies of various forms and methods of teaching in higher educational institutions indicate that the level of acquisition of teaching material through a traditional lecture amounts to 20%, a lecture using computer technology increases this indicator to 50% of information acquisition, a discussion - 70%, and a game - 90% [11, p. 67]. On this basis, game techniques and information technologies aimed at visualizing information are actively used in today's educational process of higher educational institutions.

However, despite their sharp criticism as a passive form of study, lectures remain the main form of study at higher educational institutions. Lectures are one of the traditional forms of teaching in high school. Lecturing courses synthesize a large amount of knowledge that the teacher presents in a revised form. However, lectures do not satisfy the students' demand. Their place is gradually occupied by multimedia lectures which provide visual support, training lectures, and interactive discussions that ensure active participation of students in the learning process.

The organization of multimedia lectures requires the presence of special classrooms for computerized lectures where there is a portable computer, a projector compatible with available software and sound, a screen, the ability to darken the audience, access to the Internet, etc., which requires significant financial costs, for which reason this form has not been widespread in most higher educational institutions. Today's multimedia lectures in their overwhelming majority are organized thanks to the personal enthusiasm of teachers and their creativity. One more problem for implementing multimedia lectures is the lack of training of teachers, who have not mastered computer technologies perfectly. Preparation of presentation programs and multimedia lectures requires considerable effort and substantial preparation. The cooperation between students and teachers may be interesting in solving this issue. We have offered a model for preparing multimedia lectures. Students who master modern computer technologies faster can prepare multimedia presentations on a given topic, as creative works, which will promote mutual enrichment, mutual learning of students and teachers, the growth of intellectual level, partnership building, and academic unity.

The integration processes taking place in Ukraine involve borrowing of leading European experience in the development of the educational sector. Among the new educational technologies in European countries, a special place is occupied by the training form of education, which ensures the effective formation of conscious motivations, necessary skills, expertise, and competence. This form is an alternative to lectures. The peculiarity and advantages of a training are achieved by the combination of democratic principles with interactive methods of work, which allows students to study in comfortable conditions; to create a situation of success; to participate in and determine their own pace of development voluntarily, ensuring an individual approach; to apply acquired theoretical knowledge in practice quickly; to study complex, emotionally significant issues in the safe environment of a training, and not in real life with its threats and risks; to acquire the practical skills of the future profession as quickly as possible [14]. Unfortunately, Ukrainian realities make the training form episodic in the educational process of a higher educational institution. This situation is the result of several reasons. Firstly, in order to organize and conduct a training it is necessary to provide properly equipped classrooms and special training centers which require substantial funding. Secondly, the organization and conduct of a training requires teachers-trainers (facilitators) with proper preparation. Thirdly, there is no motivation for a teacher to hold classes in the training form, as it requires considerable time, appropriate material resources, etc.

An interesting direction in the application of modern computer technology is interactive communication. Specialists distinguish computer interactive discussions of two main categories: synchronous ("chats") and asynchronous (e-mail, mailing lists, Internet forums). During synchronous discussions, students communicate effectively over the Internet, while in asynchronous discussions conversations are more like correspondence. In general, synchronous interactive discussions are ideally suited for distance education, and asynchronous - for

classroom education, diversifying the direct daily communication of students. The easiest means of communication is the use of e-mail - sending students lecture material in the form of messages, which makes it possible to actively work on its acquisition, rather than noting [15, p. 62].

The organization of online forums is more complex since they register the individual participation of students in discussions. Each participant can get acquainted with the full text of the discussion and join it. Interactive computer conversations ("chats") are the means that requires most careful planning, special computer programs and observance of ethical norms and communication procedures. Internet forums, the organization of thematic groups, as a creative task, can be organized by students themselves, while the teacher will be a participant in this process. Analysis of discussions in online forums, thematic groups can demonstrate the level of acquisition of theoretical material by students, their ability to conduct a discussion and argue their case.

Meanwhile, e-learning is intended to become the basic technology of the modern educational system. As a complete substitute or as a supplement to traditional education, e-learning is perhaps the fastest growing segment in the United States and Canada's higher education. In the modern educational science and practice of European countries (Great Britain, Germany, Poland), the term "e-learning" is gradually replacing the terms "program learning", "computer learning", becoming synonymous with the term "distance learning" [14]. In the general sense, "e-learning" (the abbreviation for "Electronic Learning") is a system of learning with the help of information and electronic technologies [16]. In his studies, M. Rosenberg interprets the term "e-learning" as the use of Internet technologies to produce a wide range of solutions that enhance knowledge and productivity. E-learning is based on some basic principles: work is carried out via a network; delivery of educational content to the end user is carried out via a computer, using standard Internet technologies. In turn, A. Rosette defines "e-learning" as a learning activity whose content is located on a server or on a computer connected to the Internet (World Wide Web). According to Cambridge University researchers, e-learning can be considered as a means of support of the learning process using information and communication technologies that are developed or applied. Horton U. understands e-learning as: a) a process of formal and informal learning when lessons and activities are conducted using electronic media (Internet, CD-ROM, video, television, mobile phones, pocket personal computers), b) a phenomenon covering a wide range of environments and applications such as network learning, virtual classrooms and digital cooperation; c) an education using web and Internet technologies for learning [17, p. 75-78]. Thus, e-learning is seen both as a teaching process and a learning process. In his research, Bates T. uses e-learning as a synonym for technology-based learning and teaching; identifies it as one of the new fields of technological research - the field of distance learning [18, p. 102].

UNESCO experts believe that e-learning is learning through the Internet and multimedia, i.e. the so-called "multimedia (virtual) learning" [19]. Indeed, e-learning is a broad set of processes that provide: learning based on the use of web technologies; learning built with the use of a personal computer, virtual classrooms; means of organization of user interaction in a network; e-learning includes "supply" of educational content over the Internet, audio and video records, satellite transmission, etc. Such education embraces the entire range of activities, from the support of the learning process to the supply of educational material to students.

Therefore, high-quality teaching of disciplines cannot be carried out without the use of means and facilities provided by computer technology and the Internet. Introduction of new technologies into the educational process is a progressive step, as it enables the teacher to present the material better, to make it more interesting, to check the knowledge of students quickly, to increase their motivation to study. Also, modern educational technologies contribute to the development of a higher educational institution itself in the presence of the following conditions: scientific substantiation of educational technologies; observance of the principle of direct interaction between the teacher and the student, the strengthening of requirements for educational materials, the expansion of the psychological field of dynamic processes in the acquisition of information; teachers' possessing of active teaching methods, positive motivation for improving the professionalism of students in the process of active learning. At the same time, successful building of teaching methods should be based on such components as: individual abilities of students; the ability of teachers to effectively implement modern educational technologies; didactic orientation with the focus on the development of a positively motivated attitude of students towards innovations; evaluation of the results of educational activities; analysis of the scheme of management of the introduction of modern technologies.

Summarizing the practical experience, it should be noted that the negative consequences of inadequate use of information technology in the educational process can be the following: the effect of "virtualization of consciousness", when the range of perceived information is narrowed, which then complicates adaptation in society; a computer, as a means of learning, cannot provide all kinds of activities that allow individuals to develop in a variety of ways; knowledge control is limited to several forms - tests or programmed surveys; work with the computer basically develops logical thinking, suppressing imaginative reception, emotionality.

Thus, based on the above, we draw the following conclusions:

Firstly, in order to keep up with the development of a modern changing world, students must have a high level of education, which is not possible without the introduction of innovative technologies into the educational process of a higher educational institution. All this requires consolidation of consciousness, joint efforts of the teacher and students, mobility around the idea of building an innovative, democratically oriented European educational space, which will provide the conditions for the comprehensive, harmonious development of an individual and the competitiveness of a future specialist.

Secondly, in the context of formation of the information society, innovative technologies have a positive effect on the educational process in higher educational institutions, because they change the scheme of transfer of knowledge and skills, stimulating new teaching methods. At the same time, the introduction of such technologies into the education system is based on the use of computers and telecommunications, special equipment, software, information processing systems, etc.

Thirdly, innovation processes are cyclical and depend on a number of factors, among which the main ones are: readiness of students to promote innovative technologies; positive motivation on the part of teachers regarding their involvement in educational activities; the optimal psychological climate of the educational process and the skill of teachers; readiness of teachers and students for self-development and creativity; a systematic approach to the process of implementation of modern educational technologies for the training of specialists in higher educational institutions.

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5.12. PSYCHOLOGICAL FACTORS OF INTERCULTURAL COMPETENCIES DEVELOPMENT OF FOREIGN STUDENTS IN THE PROCESS OF TRAINING THE UKRAINIAN LANGUAGE

In the modern globalized world, interest in the culture of other peoples and their representatives is increasing, people are trying to establish business and personal contacts, expand the boundaries of communication to intercultural relations. Problems of communication of modern society attract the attention of scientists in the field of psychology, cultural studies and sociology. Such scientists as G. Andreeva, A. Asmolov, J. V. Berry, V. Kochetkov, A. Leontiev, A. Purtinga, and others study the interaction of different cultures, factors that facilitate or hinder successful communication, analyze ethnic features of people's psyche, identify general psychological patterns of thinking and human activity and how they are displayed in national cultures, try to define universal parameters for all cultures.

Based on two components – culture and communication intercultural interaction is a complex process that takes place in special conditions (participants are aware of cultural differences of each other and speak a language, that is foreign for one of them), comprises a lot of components and depends on the influence of a number of factors, such as historical, social, socio-political, etc [8;75].

Awareness of the peculiarities of a particular culture and consideration of values of different culture-bearers are crucial to the process of communication. From the point of view of A. Adler, M. Weber, C. Kluckhohn, G. Hofstede, E. Hall culture is the basis for communication and existence of people, the basis for programming mental activity, the key element of a social group which determines the specific nature of communicative behavior and way of thinking.

Interaction with another culture is the reason for the personality's cultural transformation, which is achieved through a long and systematic participation in the communication process with representatives of the country of temporary residence. Y. Kim considers this phenomenon as a result of successful adaptation to the unusual cultural environment lasting throughout life. The scientist considers the communicative competency of the representative of another culture as the basis of intercultural adaptation pattern. He divides the structure of communicative competency into cognitive (knowledge of communication rules, understanding of culture peculiarities); affective (motivation to adaptation); operational (technical skills, intelligence) [6; 259-275].

So, the culture is a factor that shapes the understanding of the surrounding reality, produce common values and similar behavior of representatives of certain group.

Being a specific form of interaction between people in the process of their cognitive and labour activity, communication not only affects the culture, but also itself comes under its influence. According to L. Pochebut four fundamental principles of intercultural communication are as follows: understanding of cultural differences is the basis of intercultural communication and interaction; intercultural communications is ineffective when a) the system of values accepted in the other culture is subjected to criticism; b) national feelings are affected; c) national dignity is assaulted; knowledge of history, culture and art is compulsory but the process of intercultural communication should be orientated for future; the aim of intercultural communication is to respect interests both in native culture and in the culture of communication partner. The effective intercultural communication means a person's readiness to perception, understanding and acceptance of foreign behavioral stereotypes, customs and cultural values. L Pochebut determines three bases of psychological readiness for intercultural communication, they are cognitive (it is necessary for fruitful communication with representatives of another ethnic group), behavioral (determines the attitude to the representatives of another culture for effective communication), emotional (describes emotions when communicating with representatives of other cultures) [15; 95-104].

V. Krysko believes that national and psychological features of intercultural communication participants are in the following areas: motivational (comprises motives that determine activities of representatives of different ethnic groups); intellectual and cognitive (identifies the distinctiveness of perception and thinking of a certain ethnic group representatives); emotional-volitional (shows specific emotional and volitional qualities that affect the result of activity); communicative and behavioral (ensures the process of communication and interaction of representatives of different nationalities) [9; 149].

Mastering the culture of communication prevents conflicts and depressions, enables to improve the art of communicative behavior, express thoughts correctly, defend the position that contributes to the success and fulfillment of personality.

The representatives of cultural community use their own language system that reflects the perception of reality. W. von Humboldt, J.L. Weisgerber, E. Sapir, B.L. Whorf proved in their studies that representatives of different cultural group perceive the world in different ways that shows in the language at all levels, since the language system forms the opinion and it determines the peculiarities of thinking, perception of reality and behavioral stereotypes as well. The main function of the language is communicative. Language is the basic component of culture of each people. Scientists believe that there is a universal and national component in the culture of each nation. All cultures contain cultural universals regardless of place, time and society, which are the basis of intercultural understanding. National components express moral norms, values, behavioral patterns that are specific to each society.

At present, scientists (N. Babych, Z. Bakum, V. Boiko, E. Vereshchagin, V. Gak, V. Kostomarov, V. Uzhchenko) agree that differences in socio-cultural environment are displayed in the language, at its lexical-semantic level.

The use of a foreign language as well as the lack of language skills to understand, express thoughts and intentions easily affect the perception of other culture. Learning of the culture by means of a foreign language is a process of obtaining not only new knowledge, but also rethinking facts both native and foreign cultures. The language doesn't show a phenomenon from the world, but how a person perceives it through the prism of own culture. According to B. Belyaev, when using a foreign language it is necessary to form reality in another way because the same content of thoughts is shaped in different languages not only with the help of various words, but also with the help of various mental operations [2; 36].

Describing the interaction between language and thinking, V. Maslova determines the following common features: 1) culture and language show the person's view of the world; 2) culture and language interact in dialogue;

3) the subject of culture or language is a person or society; 4) both language and culture have norms; 5) historicism; 6) antinomy is a characteristic of language and culture [11; 59-60].

A. Leontiev defines the system of factors that influence the national and cultural specifics of verbal communication as follows: 1) related to cultural traditions; 2) associated with social situation; 3) related to ethnopsychology; 4) related with the presence in the thesaurus of a certain community; 5) associated with the unique features of the language of certain people [10; 191-192].

It is evident that the role of a language is not only to communicate the message, but also in the internal organization of the message. Each native speaker is the culture bearer, and therefore, linguistic signs have the ability to perform the function of cultural symbols, serving as a means of expressing the basic cultural and national features.

Thus, culture and language are the factors that determine the characteristics of communication participants, ways of expressing message, features of information transfer and perception. National and cultural peculiarities that are invisible within one culture become evident in the process of intercultural communication. The complexity of the concept gives grounds to confirm that intercultural communication, in the one hand, is the factor that separates (due to cultural differences of people), and on the other hand, it promotes the unification of people into integral whole.

Knowledge of culture of a certain community and experience in intercultural communication; general level of education, life experience; knowledge of cultural differences and adequate response influence the process of intercultural communication (W Gudykunst, Y. Kim, D. Matsumoto, S. Pilishek).

Based on the analysis of the factors influencing the intercultural communication, T. Grushevitskaya, V. Popkov, A. Sadohin divide them into formal-personal (age, gender, marital status) and individual psychological traits of character (sociability, communicative compatibility and adaptability).

By communicating with representatives of another community, people perceive their behaviour from the standpoint of their culture (norms, standards that help a person to orientate among other behavioural and thinking patterns).

As a result of this intercultural communication, distinctive features which are specific for a particular cultural group are separated. Gradually they become ethno-cultural stereotypes that are positive or negative characteristics of traits of character of a certain ethnic group, simplified emotionally coloured images that become specific to all its representatives [14; 180]. According to psychological studies (V. Ageyev, A. Bodalev, V. Kunitsina, V. Petrenko, M. Horkheimer and others) the experience of a certain cultural group accumulates in stereotypes, this experience is used in assessing other people. For one cultural group, such stereotypes are norms, and the other group can be perceived them as something unusual and strange.

When speak about intercultural communication, stereotypes perform the following functions: transmit relatively reliable information (based on generalization processes); orientate (allows identifying a person to a certain group); influence the reality (make it possible to differentiate ethnic groups).

The use of stereotypes in intercultural contacts gives a positive result only when they are used as a positive guess about a person, but not as dogma. When stereotypes applied incorrectly they cause misunderstanding and make the communication process impossible. Among the reasons when stereotypes hinder the intercultural communication scientists defines: inability to distinguish individual traits of people; create an incorrect image; based not on reliable facts, but on a personal attitude to reality, and therefore provide inaccurate information about participants of a communicative act [5; 181-184].

The discrepancy between cultural stereotypes of different communities is the cause of misunderstanding and cultural shock that arise in the process of intercultural communication. Psychological reactions of a person during the communication act can vary from a positive attitude, interest to the new culture and the desire to add new elements to the own culture to the complete rejection of another culture.

The success of mastering a foreign language largely depends on how much the content of a particular subject is in interests and needs of students. So, when developing the content it is important to take into account not only the level of its accessibility for understanding, but also the internal perception, which is defined by the appropriate reaction. I. Zimnyaya supports this position, according to her opinion the selection of learning material, the use of certain techniques, methods, exercises, etc. can be reflected through the prism of the personality, his needs, motives, activity, intelligence and other individual and psychological features [16; 64].

Scientists (T. Butyrcka, S. Grigoryan, B. Dodonov, D. Kiknadze, A. Leontiev, G. Shchukina, and others) believe that motivation is the lever that determines the quality of performance and the result of any activity. As defined by S. Goncharenko, motivation is a set of motives that promotes a person to perform certain activity. The source of motivation is a certain need based on the conflict between what a person has and what has not reached yet [4; 217].

Among the factors that influence the motivational sphere of a person, G. Rogova and A. Shchukin determine social motives and person's nature of activity. Social motives are determined by needs of a society and form an external motivation, which is significantly influenced by the information about the country whose language is being studied, its culture, understanding the language significance for the realization of needs. The nature of the activity is determined by internal motivation, which is influenced by the environment (teacher, training group, and environment). Internal motivation consists of such types: communicative, linguistic and cognitive and instrumental [12; 8-18].

When studying the structure of motivation B. Dodonov defines four structural components. They are pleasure form activity; the value of the result of the activity; reward for the activity; pressure on the person. The first two components are stimulated by the internal processes, while the other two are influenced by external factors [7; 45].

Learning activity is initiated by a number of motives that complement each other. Some of them are leading and based on internal desire of the individual to change something in the learning activity, others are shaped by external factors. According to L. Bozhovich, there are two main types of motives to learning, they are as follows: cognitive (related to educational activity) and social (determined by the environment) [3; 30].

Summarizing the experimental studies of motives (L. Bozhovich, P. Galperin, D. Elkonin, A. Leontiev, A. Markova, V. Merlin, Ye. Passov, S. Rubinstein, N. Simonova, P. Jacobson) we can conclude that there are three main categories of motives in language training. They are cognitive, social and professional.

Learning a foreign language is impossible without cognitive motives which include interests in the process of cognition, content and ways of obtaining knowledge. Their presence promotes students' cognitive activity in the process of which representatives of a foreign group get acquainted with information about history, culture, art, custom, traditions, lifestyle, views, beliefs, leisure, and hobbies that is, facts about foreign country, that interest them and give the opportunity to learn language not only through the rote learning of grammatical structure and speech patterns, but also through associative and visual thinking, appealing to information with historical and cultural background [13; 60].

Taking into account classification given by L. Bozhovich, N. Bondarenko, V. Davydov, A. Markova, A. Petrovskii, G. Shchukina, a set of cognitive motives in the process of Ukrainian language learning by foreign students was identified. Broad cognitive motives are aimed at mastering new knowledge, facts and related to learning activity. They are characterized by willingness to learn, interest to peculiarities of a language system, history and culture of Ukraine. Learning and cognitive motives head for acquisition of knowledge within the discipline and supplementary knowledge for the purpose of self-development. Social motives involve broad social (responsibility, understanding the importance of learning); narrow social or position motives (aimed at strengthening a certain position among others); motives of social cooperation (aimed at interaction with others).

Since the Ukrainian language, used by foreign students, has two functions: the language of learning and the language of sociocultural environment, the development of social motives should contribute to improving the emotional state, increasing the activity of the individual, realizing the purpose of learning and communication need. Based on the classification of L. Bozhovich, A. Markova, P. Jacobson, it was determined several groups of social motives applied in training Ukrainian language of foreign students. They are broad social (understanding the importance of learning and self-improvement); narrow social (position in society); motives of social cooperation (interaction with other people).

Among social motives of foreign students we distinguish: the enhancement of social status through the use of acquired knowledge (linguistic or professional); application of acquired knowledge for effective cooperation with representatives of other cultures; understanding the necessity of life-long learning.

Along with cognitive and social motives it is necessary to take into account professional motives for successful mastering of the material. Based on the analysis of the professional activity of an individual, N. Bakshaeva and A. Verbitskiy defined the following: theoretical interpretation of principles of professional activity; professional growth; self-development; self-fulfillment; cooperation with colleagues; improvement of activity; responsibility for the results of professional activity; pragmatic (wages, career, prestige, etc.) [1; 46].

On the basis of this classification, we determined professional motives which are used by foreign students in the process of the Ukrainian language training. They are as follows: knowledge of the Ukrainian language is necessary to prepare for the profession; linguistic and cultural information is crucial for establishing and maintaining contacts in business communication; language and cultural knowledge promote a better position in the professional sphere.

Summarizing the results of the study on identifying psychological factors that complicates the process of formation of intercultural communication competencies when learning the Ukrainian language as a foreign language we singled out: insufficient formation of motives for learning activities, independent acquisition of knowledge; a low level of comfort of interpersonal relations with a group or teachers; insufficient knowledge of cultural information and regulations of interpersonal relations; insufficient level of knowledge about native and foreign culture to analyze similarities and differences in order to apply acquired knowledge in intercultural communication; unwillingness to adapt to the cultural environment; lack of understanding the necessity to learn for successful development in the professional sphere.

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5.13. HOW TO COMBINE COMMUNITY AND BUSINESS RESOURCES FOR LOCAL DEVELOPMENT: IS THERE AN INTEREST IN VOCATIONAL EDUCATION

The logic of building Ukraine as a social state requires an involvement of significant resources, which is impossible without uniting the efforts of all sectors of society like power, community, and business. On the other hand, the development of market relations in Ukraine, while simultaneously reforming the local governments, actualizes the issue of strengthening the potential of the territories, as the intensification of competition for resources becomes not only an attribute of the Ukrainian economy, but also a global trend. This means that involvement of business into the economic and social development of communities and regions should be expanded, as the resources of the government are very limited. At the same time, it is necessary to invent such models of interaction between government and business in order to develop not only the economy, but also citizens, first of all in the direction of improving vocational education as a platform for dialogue and cooperation in the field of socially useful actions. In Germany, for example, similar cooperation has already been established and 85% of instructors of vocational education are now integrated into production meaning that they are teaching and simultaneously working at the enterprises, which is one of the factors of development of communities and regions.

Recently the problem of local development, resource provision of the communities, and competitiveness of the regions is at the center of attention of many scientists and specialists. Among them are V. Babayev, Z. Varnaliy, V. Kuybida, V. Mamonova, A. Tkachuk and others. At the same time, the issues of development and implementation of the community growth strategy as part of the regional community remain unresolved, the search for forms of interaction between local authorities and business is still unfinished, and the development of a wide range of sources and mechanisms for financing local economic growth remains incomplete.

The most important is to define the concept of "resource supply", as it reflects the forms and procedures of the authorities' actions in relation to the functioning and development of the territories: the needs of people are almost limitless, and the resources for their satisfaction are relatively limited, so the community is not able to fully meet their own needs. It is the administrative bodies that must influence the degree of matching of needs and resources, try to increase the level of satisfaction of the needs for existing resources. We suggest resourcing as a combination of methods, tools and measures of the authorities to create conditions for the most complete satisfaction of the needs of the territorial community, ensuring the balance of tasks between the public administration and resources available for their implementation.

In scientific researches and publications of the specialists, there is a sufficiently wide range of classification features that organize the types of resources. They include the following:

- by territory – international, nominal, regional, interregional;
- by composition – material, financial, labor, natural, etc.;
- by origin – primary, secondary;
- by volume – free, limited;
- by economic content – own, borrowed, involved;
- by time of use – permanent, temporary;
- by the field of use – production, current, non-productive, etc.

To establish the relationship between the individual types of resources of the territory, it is expedient to carry out the following systematization: natural (including recreational), human (including vocational and technical, mentioned above, as well as highly intellectual), technical (including number of innovations), financial (including investment), informational (including virtual), intangible (including competent). In other words, it refers to a specific resource platform of the territorial community as a set of its main components – types of resources that are interrelated in the process of ensuring the functioning and development of the territory.

We consider it is appropriate to apply a two-dimensional approach to resource management of the territories' development, which would enable to consume original resources for the achievement of development goals and to use certain combinations of resources depending on the existing conditions. In other words, the proposed approach includes two segments: the first one is the use of the potential of the territory and its expansion or diversification; the second one is the regeneration of lost resources, the development and creation of new resources, decision-making on

the direction and intensity of the development of a particular type of resources, based on predictions of future needs. This is possible only with the strengthening of the competitive advantages of the territory and active innovation; we will come back to the question of competitiveness later.

In essence, the interaction of power and business should be aimed at the development of human and technological capital. The last one reflects the material and technical component of the resource platform of the territorial community, which itself cannot provide its innovative development, since a dominant element of any socio-economic system is a person. Therefore, one of the most important community resources is human potential. And then the question arises: how can business be involved in human capital development? One way is to find opportunities for cooperation with the business in the field of providing educational services, in particular, to work out the models of engagement of business to finance the training of the necessary staff so that the received degrees correspond to the acquired skills and knowledge that are demanded by the employers. For example, in France, vocational education financing is carried out jointly by companies, regions and the state. In particular, enterprises pay a compulsory tax on apprenticeship in the amount of 0.5% of the wage fund. This tax is paid by all companies in the fields of manufacture, trade, agriculture and craft industry, regardless of the number of employees and the size of the turnover. In Denmark, vocational training takes place in schools, companies and specialized training centers. Their funding is based on the “trilateral” procedure established by the legislation: the state, employers’ organizations and trade unions have agreed to finance training without interruption from production by distributing the costs between all educational and manufacturing enterprises. All employers (both public and private) make contributions to a fund called the “Education Compensation Scheme”. The fund is jointly managed by employers and trade unions. Every year, it makes a recommendation on the level of compulsory contribution to be adopted by the Danish Parliament. [9].

We believe that applying the logic of training the specialists of the working specialties with the participation of employers in its financing in accordance with the needs of the market is able to create a competitive network of vocational education and to become the optimal solution for solving the problems of mismatch between the labor quantity and quality of the workplaces, and to promote the development of competitive human resources in the region.

Obviously, the human capital is not the only factor in ensuring community competitiveness, and vocational education is not the only area in which businesses are involved in local development. Let's consider the other mechanisms of such cooperation.

Today in Ukraine, continues the discussion around the definition of a concept of the “territory's competitiveness”, when most often the competitiveness of the region is defined as its ability to attract resources to ensure a high quality of life of the population. We consider it is necessary to make some clarifications: the competitiveness of a certain territory can be considered as a set of such inherent properties that determine the ability to compete with other territories in the country and abroad for the most effective use of their own potential, exploration of modern resources, and creation of conditions for attraction of resources from the outside. It means that the progress of the competitiveness of the territory is, first of all, determined by the ability of its subjects (enterprises, institutions, organizations, population, local authorities and management) to make good use of available resources through their mobilization (as well as the integration of production, science, education, culture etc.), and constantly care about their replenishment – by opening new varieties, as well as attracting additional resources.

The competitiveness of the local economy depends on many factors, among which experts refer to various factors.

According to the Global Competitiveness Report of the World Economic Forum 2017-2018, Ukraine remains the weakest in terms of its institutional environment as by this component it is ranked only 118th out of 137 countries. This result is one of the worst not only in relation to EU countries and other developed economies. At the same time, among the most problematic factors influencing the functioning of business in Ukraine, experts called inflation (16.3%), corruption (13.9%) and political instability (12.1%) [10].

The given data on the assessment of the institutional environment shows that the local “government-business” partnership in Ukraine is actually on the initial stage of formation. Therefore, both parties should take steps towards each other so that the dialogue takes place constructively and has concrete results in the form of joint actions aimed at conducting entrepreneurial activities that are beneficial to society and, at the same time, at strengthening the positions of the business structures on the market and improving their image.

One of the organizational forms of the pooling of power and business resources for local development is organization and operation of the clusters (often called cluster associations) that can increase the ability of the region to compete for a wide variety of resources in the domestic and foreign markets.

The main objective of creating cluster associations is to stimulate the development of local economies, to develop entrepreneurial activity by consolidating the efforts of local authorities, business and academia, as well as other auxiliary agents (associations) in order to organize clusters as the most flexible and efficient structures of the market economy oriented towards product innovation.

The economic base of the clusters allows to use of the potential of the territory in a more efficient way: stimulating the capital use, minimizing the excess of production capacity, distributing the costs more rationally, expanding the prospects of not only domestic but also foreign investment. It is worth noting that participation in cluster education does not impose restrictions on the freedom of decision-making processes of the business its agents. At the

same time, the cluster organizes their joint efforts to address the issues that a particular enterprise (organization, institution) is not able to resolve independently.

The cluster's operation is traditionally aimed at achieving the increase of the competitiveness of the cluster participants by introducing the latest technologies and quality management, wider use of information technology, reducing costs and improving the efficiency of activities due to the scale and synergy effects, the unification of approaches to logistics, engineering, outsourcing etc. In addition, employment is provided by the consolidated lobbying of the interests of the cluster participants in various government bodies.

Characteristic feature of the successful activity of the clusters is cooperation, which serve as incentives for more sophisticated methods of work; the successful realization of which generates the targeting of subjects not only on the demand of commodity markets, but also on the common needs of territorial communities.

In the city of Severodonetsk (Luhansk region) the organizational and legal mechanism for the formation and functioning of cluster associations on the territory of the city is being worked out. In 2015, Kharkiv region created an innovation and educational cluster "Agrotechnika", which included plants, agricultural households and agrarian universities of Ukraine. The activities of this cluster will be directed towards the development of its own production: farmers will receive cheap domestic equipment, and universities – agricultural machinery for testing and its further improving.

A relatively new instrument for the development of the local economy in Ukraine is public-private partnership, although in the world it has become widespread in the 90's of the last century. The World Bank defines public-private partnership as a public-private agreement on the production of infrastructure services, with the aim of attracting additional investment and increasing the efficiency of budget financing [1]. The United Nations Economic Commission for Europe (UNECE) formulated the essence of the public-private partnership (PPP) as follows: "An innovative contractual agreement between the public and private sectors in providing public services and building infrastructure that combines the best of these sectors: private sector resources, its qualifications, technology and public sector potential for economic regulation and public interest protection" [6].

It should be noted that in different countries there is a rather wide range of forms of cooperation within the PPP. In some countries, the concept of PPP relates exclusively to a concession, while in others it involves any form of outsourcing and joint ventures created by the public and private sectors [4]. However, in practice, a narrower approach is used when the PPP is considered as an equitable, mutually beneficial cooperation between the state and private business in the process of infrastructure and public service provision, subjected to the sharing of risks and responsibilities.

In the developed countries, the PPP mechanism is used in the projects related to the construction of new production facilities, infrastructure development (road transport, communication, information, etc.), geological exploration of the deposits and in the process of minerals extraction, as well as in solving energy supply problems, real estate management, modernization of objects of housing and communal services, product recycling and consumption, provision of high-quality health services, water treatment and tourism development.

In the world practice, many forms of public-private partnership are known: concessions; joint activity of the state and business, partial transfer of the property to the private sector; service contracts (government contracts); management contracts; leasing agreements; mixed agreements (*Build - Operate - Transfer; Project - Build - Operate - Transfer; Reconstruction - Operate - Transfer; Project - Build - Finance - Operate*).

According to the Public Works Financing International Major Project Survey (PWF 2009: 2), PPP road construction accounts for almost half of all PPPs in terms of value (\$ 307 billion out of \$ 645 billion) and third in number (567 out of 1,747). In the second place is the railway sector and in the third one are projects related to water. The PWF database also confirms that Europe equally represents about half of all PPPs in terms of value (\$ 303 billion) and one third in quantity (642) [8].

World examples of the use of public-private partnerships can be grouped into four groups: implementation of infrastructure projects; implementation of humanitarian projects; implementation of projects on environmental protection; implementation of projects in the field of agriculture.

In Ukraine, legislation defines public-private partnership as cooperation between state/territorial communities and private legal entities or individuals – entrepreneurs, which conforms to the statutory features of public-private partnership and is carried out on the basis of a contract in a certain order, also established by law. The state and territorial communities are represented by the respective bodies of executive power and bodies of local self-government and determined by the state partners; private partnerships cannot be public and communal enterprises. The law also defined the areas in which public-private partnership can be applied, as well as its forms: concession, property management and joint activities.

In recent years, as a result of hostilities in Donetsk and Luhansk Regions, the areas of public-private partnership were extended by production and implementation of energy-saving technologies, construction and overhaul of residential buildings that were completely or partially destroyed as a result of hostilities in the territory of the antiterrorist activities, as well as installation of modular buildings and construction of temporary housing for internally displaced residents.

The Ukrainian legislation does not include an exclusive list of PPP implementation forms: concession agreements, joint activities, product distribution, and other contracts can be concluded within the framework of its implementation.

According to the Ministry of Economic Development and Trade of Ukraine, on the basis of the public-private partnership on January 1, 2017, there were 186 projects implemented (154 concession agreements, 32 joint agreements, 1 public-private partnership agreement). These projects were implemented in the following areas of the economic activity:

- recycling (112 projects, representing 60.5% of the total);
- collection, purification and distribution of water (37 projects, representing 20% of the total);
- construction and/or operation of motorways, roads, railways, runways at aerodromes, bridges, railways, tunnels and subways, sea and river ports and their infrastructure (16 projects, which make up 8.6% of the total);
- production, transportation and supply of heating (6 projects, which is 3.2% of the total);
- production, distribution and supply of electricity (5 projects, which make up 2.7% of the total);
- real estate management (2 projects, representing 1.1% of the total);
- search, exploration of mineral deposits and extraction (1 project, which is 0.5% of the total);
- tourism, recreation, culture and sports (1 project, which is 0.5% of the total);
- others (6 projects, which is 2.9% of the total).

In the regional dimension, the largest number of projects is being implemented in Poltava (113), Mykolaiv (15), Odessa (14) and Kyiv (11) regions [2]. In Luhansk region, only one PPP project is being realized, which is a contract for the provision of integral property complexes of municipal enterprises “Severodonetskvodokanal” in concession.

As can be seen from the data, the most widespread form of cooperation between the public and private sectors in Ukraine remains the concession. World practice shows that there are other forms of public-private partnership: contracts as an administrative agreement between a local government body and a private partner, lease, property management, production-sharing agreement. The use of most of them is not regulated by the Ukrainian legislation, which greatly reduces the business’s ability to participate in the economic development of the communities.

One of the ways of engaging business in the local economic development is the mechanism of social responsibility of business. In the Green Paper of the European Union (2001), the social responsibility of business is defined as the integration into the daily business activities of enterprises and their interaction with the stakeholders of social and environmental activities [3]. The International Standard SA8000:2001 sets social security requirements that enable the company to develop, maintain, and implement policy and management practices that it can control or may influence, as well as to demonstrate to stakeholders that its policies, practices and activities comply with the requirements of this standard [7]. Governments that have signed the European Social Charter, as members of the Council of Europe, determined the goal of their policies as achievement of conditions under which the rights of citizens to social security and social assistance can be effectively implemented with the help of both nationally and international means [5].

In fact, today there are two approaches to corporate social responsibility. The first one – administrative-managerial – is based on the willingness of the authorities to actively involve economic entities in the socio-economic development of the territories on an ongoing basis. The second one – business activity – has several varieties, depending on the nature of social activities of enterprises: programs orientation on the employee development, charity and sponsorship, participation in social projects.

Principles of corporate social responsibility can be implemented through the social partnership through the interaction of state authorities, local governments, employers’ unions and professional associations for the development and implementation of a coherent socio-economic policy. At the same time, social partnership is aimed at the following basic tasks:

- achievement of the maximum harmonization of socio-economic, social and labor interests of the parties;
- creation of an effective mechanism for regulating social labor and related economic activities;
- assistance in ensuring social stability and consent in a society;
- prevention of collective labor disputes and conflicts in the area of socio-economic relations, etc.

A positive example of the interaction between local authorities and business is the partnership between the authorities of Severodonetsk (Luhansk region) and a large enterprise, the joint-stock company “Severodonetsk Association Azot”, where the majority of the city’s population is working. “Azot” provides a significant portion of revenues to the city budget in the form of various taxes and fees. These funds are used for various social and economic development programs of the city. In addition, 10 new trolleybuses purchased by “Azot” were handed over to the city for the needs of its residents in the passenger transportation.

Unfortunately, the legal principles of organization and functioning of the mechanism of social partnership, the procedure of contractual regulation of social and labor relations and related economic relations that arise in the process of its implementation are not yet defined in Ukraine.

Consequently, the conducted study can conclude the following. In order to enhance the processes of business involvement in local development, it is necessary to expand the use of various forms of partnership in different sectors of not only economic, but also social life of the community and the region, including the field of vocational education which purpose should be to develop simple projects in the area of financing the provision of professional educational

services, as well as complex integrated models that involve the transfer to a private partner of some of the state or municipal functions that are in the plane of interest of the employers (strategic planning, research, establishing a modern system of retraining and professional development of staff, etc.).

The need for not only human resources, but also other resource support for community development, requires local authorities to apply modern methods of resource management, which include management of resource efficiency, management of resource reserves, management of the development of new types of resources, etc.

The prospects of cooperation between local authorities and business are also the formation of an affiliate network and the creation of databases of social and environmental projects for joint implementation, the formation of motivational mechanisms of social responsibility of business.

In addition, the institutional component of the potential of the territory should be represented by such models of business and government as clusters, resource pools, inter-municipal cooperation, etc., that will benefit from the integration of resources on the local development level.

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5.14. HEMATOLOGIC CHANGES IN TROTTER HORSES DURING AND AFTER EXERCISE

Pedigree horses breeding became prestigious in recent years, they are mainly used in sports. Horse riding is an active recreation for people, but also a challenge for these "noble" animals. Their load must relate to the rigid training system. Racetrack training should include gradual load, exercising endurance and horse physical abilities consideration [1].

Trotting horses are prominent among the breeds, used in sports. They are characterized by the following sports features like agility and endurance. All these elements depend on the course of metabolic processes, regulated by hematopoietic system, because the health and performance of sport horses depend on its functional state [2].

Operating performance of sport horses is determined by many biological and physiological factors. Understanding these factors interrelation is required to ensure effective training and achieving sound sport results. In equine sport medicine there were conducted studies to determine some hematological parameters and reliable criteria to evaluate horse performance during exercise and physical load [3].

Knowledge of functional and metabolic processes occurring in a particular sport discipline is extremely important to understand what metabolic ways are involved, and which physiological processes are induced during various physical activities [4].

It was proved that horses induce changes between the balance of oxidant and antioxidant systems, depending on the exercise type, its intensity and duration, training condition, environmental conditions, and presence of diseases [5, 6].

During intensive exercising erythrocytes become more vulnerable to oxidative damage due to performance of active oxygen forms, high concentration of polyunsaturated fatty acids and haemferrum [7, 8].

Horse physical load is accompanied by the development of tissue hypoxia, so one need to study in detail changes of hematopoiesis indices, responsible for providing oxygen to tissues. When monitoring animal health, blood tests will detect a disease in early stages, because blood is a sensitive indicator of metabolic disorders, both physiological and pathological body conditions [9].

Some hematological adaptation mechanisms are necessary to ensure oxygen and substrates supply, coming from blood to working muscles and releasing metabolites during training. Low efficiency of these mechanisms limit the physical performance of horses [10, 11].

During physical load some physiological changes happen in horse body, like increased cardiac output, increased pulmonary arterial pressure and blood flow is optimized by erythrocytes and hemoglobin [12].

This study aim was to examine changes of erythrocytes acid resistance and erythrocytes population in trotting horses due to workloads of 1,600 meters trot races (at rest, after race, after 90 min.).

There were used in total 20 clinically healthy horses of Orlovskaya and Russian trotter breeds, aged 2-3 years for this study. The experimental animals included 5 mares, 15 stallions. Horses' body weight averaged 509.8 ± 10.45 kg (450-581 kg). All horses had active training.

All horses were studied for blood count and basic biochemical parameters, characterizing functional state of organs and systems that were within the reference fluctuation. Mares were not pregnant. All horses were vaccinated and dehelminthized, kept in the same conditions. All horses at the time of study were clinically healthy.

The daily horses' diet included: meadow hay (6 kg), oats (6 kg), wheat bran (2 kg), carrots (1kg), and was divided into three portions. Salt and water were available without restriction.

The study was conducted during trot races (with maximum trotter load of 1600 m distance). The horses were divided into two groups. The first animal group (group A; successfully completed, SC) included animals that showed high results (2 min 04 sec- 2 min 21 sec); the second (group B; not successfully completed, nSC) had trotters that covered the distance with worse time (2 min 28 sec - 2 min 41 sec). The study was conducted at rest, after race and after 90 min.

Blood samples were taken from the jugular vein using a 16-gauge needle into the vacuum blood tubes, 10 ml (Vacutest, Italy). Tubes of ethylenediaminetetraacetic acid (EDTA) were used to study the blood hematology.

The blood hematology was analyzed by an automated hematology analyzer Mythic 18 (Orphee S.A., Switzerland) and the PZ Cormay S.A. (Poland) reagents. The red blood cell count (RBC), hemoglobin concentration (Hb) and mean cell volume (MCV) were measured directly; packed cell volume (PCV) and mean cell hemoglobin (MCH) were calculated automatically.

Acid resistance of erythrocytes was determined by the method of A.I. Terskyi and I.I. Hitelzon. Blood samples were placed into centrifuge tubes, with previously added heparin at 10 IU per 10 ml of blood. Plasma was separated by centrifugation (1500 g / min for 20 min). The erythrocytes suspension was washed three times by cooled to 4°C (to prevent lipoproteins oxidation) 0.85% solution of sodium chloride followed by centrifugation under same conditions. The suspension of erythrocytes was taken by capillary (0.02) and transferred to test tubes, which already contained 10 ml of isotonic sodium chloride solution. Capillary was washed in upper layer of the solution and the tube contents were thoroughly mixed. Thus 0.2% suspension of erythrocytes was received.

Measurement of solutions optical density was carried by a photometer at 540 nm wavelength (cuvettes with 10 mm process solution thickness). Before the study both cuvettes were filled for 5-10 min with hemolytic solution with the mentioned concentration. The control cuvette was filled with 4 ml of 0.85% sodium chloride, and the experimental one was filled with 2 ml of hemolytic solution and added 2 ml of 0.2% erythrocytes suspension. Hemolytic with erythrocytes suspension was stirred by pipette tip. The sample extinction was determined immediately after mixing. Extinction changes were recorded every 30 seconds until a constant indicator is reached (during 30 seconds).

The difference between the initial and final (after hemolysis) optical density is seen as 100% and the ΔE percentage was calculated (the next extinction index was subtracted from previous one and seen as "X"), which reflects the relative percentage of non-hemolyzed erythrocytes every 30 seconds. This calculation excludes dependence of the results on the number of erythrocytes and hemoglobin concentration. The obtained data was depicted graphically. The horizontal axis reflects time from 0 and every 30 seconds, the ordinate axis - the erythrocytes haemolysis percentage. The left side of the diagram indicates hemolysis of "old" erythrocytes populations, the central part with peak is formed by the destruction of "mature" and partially "young" cells, the right side is the hemolysis result of only "young" erythrocytes [12].

Erythrocytes population structure was determined by fractionation of sucrose density gradient by I. Sizova method.

Blood samples were put into centrifuge tubes, with previously added heparin at 10 IU per 10 ml of blood. Plasma was separated by centrifugation (1500 g / 20 min). The erythrocytes suspension was washed three times by cooled to 4°C (to prevent oxidation of lipoproteins) 0.85% sodium chloride solution followed by centrifugation under the same conditions.

The erythrocytes suspension was taken by a 0.1 ml pipette and moved to Florinski test tubes, previously filled with 0.9 ml of isotonic sodium chloride solution. Pipette was washed in the upper layer of the solution and the tube contents was thoroughly mixed (thus obtaining 10% erythrocytes suspension). 0.5 ml of erythrocytes suspension was introduced into the 45° tilted column, and sucrose solution was put layer over layer on the column wall (the first layer - with the highest concentration, the last - with the lowest). This provides the distribution of erythrocytes in different concentrations of sucrose, depending on the erythrocyte age.

The column was carefully leveled at 90° to avoid mixing of the sucrose layers, and every last layer was carefully separated into a separate graded tube (7 in total). Isotonic sodium chloride solution was added into each tube, totaling volume to 10 ml. All 7 tubes were thoroughly mixed and checked for the optical density.

Measurement of the solutions optical density was carried by the photometer at 520 nm wavelength (cuvettes with 10 mm working layer thickness). A 0.85% sodium chloride solution was a control one. The received extinction amount was seen as 100%, and each tube index was seen as "X" and thus calculating the percentage of a particular faction. The indicators of the first three tests (in sucrose solutions of 30%, 26% and 22% concentrations) were added.

The obtained result was a percentage indicator of the "old" erythrocytes number. The same was done with the fourth and fifth indicators (18% and 14% solutions), by calculating the concentration of "mature" cells, while adding percentage of the sixth and the seventh results (10% and 6% sucrose solutions) and obtain a relative indicator of the "young" populations content [13].

After erythrocytes release from the red bone marrow to peripheral blood, they undergo three age stages: "young", "mature" and "old". It depends on cell membranes oxidation intensity and their antioxidant capacity. [14]

Mathematical analysis of the obtained results was performed by Microsoft Office Excel software, using standard methods of variation statistics with assessment of medium (M), its error (m), the probability was established by Student T-test.

Number of erythrocytes of the first and the second horse groups before the exercise was on the same level (Table. 1). After race the leader horses showed significant ($p < 0.01$) increase in erythrocytes number. The outsiders - on the contrary, the number of erythrocytes tended to decrease as compared to the period before exercise. After race the erythrocytes number in outsider horses was by 16.5% less as compared to the leaders (Table. 1).

Table 1 –Number of erythrocytes in trotter horses during and after exercise

Experimental periods	Successfully completed, SC	Not successfully completed, nSC
At rest	6,0–8,4 7,3±0,28	6,4–8,9 7,6±0,35
After race	7,9–10,0 8,5±0,22 ^{oo}	5,8–8,5 7,1±0,35
After 90 min	5,7–10,6 8,2±0,36	4,5–8,3 6,4±0,40 ^{x yy}

Note. ^{yy} $p < 0,01$, compared to leaders; ^{oo} $p < 0,01$, compared with the previous period;

^x $p < 0,05$, compared to animals before exercise

In 90 min after trot race finished the erythrocytes number in leaderhorses declined, but did not return to the original values. At the same time erythrocytes in outsiders decreased during recovery period (Table. 1), and were by 15.8% lower ($p < 0,05$) as compared with indicators before exercise, and by 9.9% after the end of race apparently due to exhaustion of blood depot reserve capacity. The outsider horses in recovery period had by 22.0 % ($p < 0.01$) lower erythrocytes numbers compared to the leaders.

Hemoglobin content in outsider horses at rest was by 10.5% lower as compared to the leaders (Table. 2). In the next period (after trot race) value of hemoglobin in animals of both groups tended to increase, but the leaders showed higher figures. The leaders in the recovery period had further hemoglobin increase and it obtained probability ($p < 0.05$) and was by 11.0% higher as compared to the period before exercise, which obviously points to increased performance of bone marrow and intensive formation of hemoglobin under physiological hypoxia. The outsiders had hemoglobin decreases compared with after race period and was almost similar to value before exercise.

Table 2 –Hemoglobin and hematocrit indicators in trotting horses during and after exercise

Experimental periods	Hemoglobin, g/l		Hematocrit value, %	
	Leaders / SC	Outsiders / nSC	Leaders / SC	Outsiders / nSC
Rest	123,0–170,0	114,0–156,0	35,0–47,0	35,0–50,0
	150,7±6,1	134,9±3,8	40,9±1,15	40,4±1,71
After race	139,0–183,0	125,0–162,0	39,0–49,0	33,0–51,0
	163,0±5,52	142,9±4,04	42,8±1,07	40,9±1,88
After 90 min	130,0–188,0	120,0–162,0	32,0–53,0	32,0–48,0
	169,3±5,79 ^x	138,7±5,81 ^{yy}	43,1±1,79	38,1±0,55 ^y

Note. ^x $p < 0,05$, compared with animals before exercise; ^y $p < 0,05$, ^{yy} $p < 0,05$, compared with leaders

Assessing the hematocrit value, it should be noted that in leaders after exercise it tended to increase, while in outsiders it did not change, and after 90 minutes, this figure decreased by 5.0% as compared to the period before the exercise ($p < 0.05$).

The MSV in leaders after exercise decreased by 11.0% ($p < 0.05$), and after 90 minutes of rest it restored to original values. In outsiders it was on the contrary, after exercise the MSV tended to increase (by 8.7%), and in recovery period it was higher by 15.4% as compared with values before exercise ($p < 0.05$; Table. 3).

When determining the MCH it was found that in leaders this ratio did not change during all the study period, but in outsiders after exercise it increased and obtained probability in 90 minutes after exercise ($p < 0.01$; 25.0%; Table. 3).

Such changes of red blood indexes in second group animals indicate slowed adaptation processes of "red" blood cells to physiological hypoxia during exercise and appearance of oversaturated macrocytic erythrocytes forms in the bloodstream.

Table 3 –Average values MCH and MCV in trotting horses during and after exercise

Experimental periods	MCV, fl		MCH, pg	
	Leaders / SC	Outsiders / nSC	Leaders / SC	Outsiders / nSC
Rest	42,7–73,3	42,2–58,0	15,0–28,3	16,1–21,4
	56,3±2,26	53,7±1,90	20,8±0,76	18,0±0,57
After race	42,0–55,2	43,2–73,9	16,6–21,5	15,4–25,1
	50,1±1,42 ^x	58,4±3,50	19,1±0,56	20,5±1,14
After 90 min	39,0–63,2	39,0–88,9	17,3–27,6	19,0–34,2
	53,2±2,34	62,0±4,54 ^x	21,0±0,87	22,5±1,56 ^{xx}

Note. ^x $p < 0,05$; ^{xx} $p < 0,001$, compared with animals before exercise

Population structure of erythrocytes in both animal groups did not differ at the beginning of the experiment (Table.4).

Table 4 –Erythrocytes population structure indexes in trotting horses (%)

Experimental periods	“old”		“mature”		“young”	
	Leaders	Outsiders	Leaders	Outsiders	Leaders	Outsiders
Rest	7,3–13,1 8,8±1,06	6,6–11,1 7,6±0,92	28,5–37,4 33,1±2,05	25,6–48,7 34,8±4,26	55,1–64,2 58,0±1,57	40,0–67,8 57,3±5,10
After race	3,4–10,5 6,9±1,44	4,7–6,5 6,0±0,35	24,5–35,0 29,8±2,44	27,3–35,3 30,5±1,31	57,5–70,8 63,2±3,80	58,3–66,4 63,4±1,31
After 90 min	4,2–5,9 4,9±0,32	4,0–5,1 4,5±0,20 ^{xx}	18,8–31,1 25,8±2,43	19,1–24,9 22,3±1,07 ^{xxx}	64,6–75,3 69,2±2,28	70,0–76,7 73,1±1,16 ^{xxx}

Note. ^{xx} p <0,01; ^{xxx} p <0,001, compared with the previous period

At the experiment beginning there was no significant difference in erythrocytes acid resistance in leaders and outsiders. However, if the left part of the chart (hemolysis of "old" and "mature" population) almost coincided, yet the main peak in horses that showed high results, accounted for 7.2 min, which was by 1.1 min longer as compared to the outsiders (Figure .1).

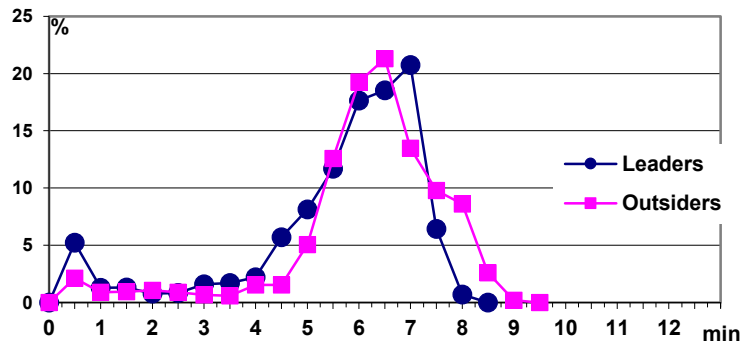


Figure 1– Acid resistance of erythrocytes (% of hemolyzed erythrocytes) of trotter horses at rest. Data are the mean ± standard error of the mean

However, leaders full time hemolysis ended within 8.5 minutes, and in outsiders by 1 minute later (9.5 minutes), indicating the circulation of bigger "young" cells number in peripheral blood.

After trot races both animalgroups trended to decrease "old" (by 1.9 % - in leaders; by 1.6 % - in outsiders) and "mature" (by 3.3%and 4.3%, respectively) erythrocyte forms. However, proportion of "young" populations increased by 5.2% and 6.1% respectively, probably due to bone marrow reflex stimulation as a resultof excessive physical activity (Table. 4).

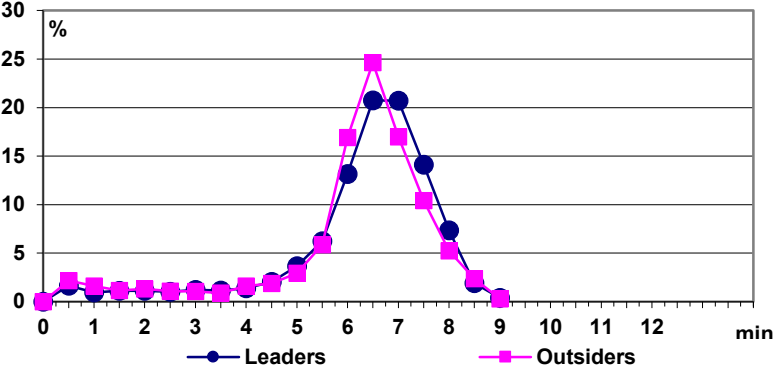


Figure 2– Acid resistance of erythrocytes (% of hemolyzed erythrocytes) of trotter horses after race. Data are the mean ± standard error of the mean

Confirmation of these changes was depictedin the erythrocytes acid resistance diagram. Erythrocytes diagramsin leaders and outsiders coincided and almost overlapped. Left and right chart parts were the same, hemolysis time completed within 9 minutes. Only the main peak in leaders was somewhat lower and smoother (Fig. 2), indicating the gradual destruction of "mature" and "young" cells under the influence of hemolytic and stable saturation with lipid components of erythrocytes membranes in the first group of horses.

After 90 mincomes bone marrow hyper regenerative response in both animalgroups, due to the deepening process of issue hypoxia after exercise. It should be noted that in the third period of study (after 90 min) leaders showed only a tendency to reduce "old" and "mature" erythrocyte forms (in 10% of animals) while increasing the "young" (in 20% of horses) ones. However, the outsiders showed credible changes of these indicators, namely the number of "young" populations increased by 9.7% (p <0.001; Table. 4), while "mature" and "old" ones were less by 8.2% and 1.45% respectively. Obviously, this animalgroup even after rest manifests increased production of cells by bone marrow erythroid, leading to "young" cells release in to peripheral blood that are more resistant to hemolysis.

Evidence of this is the erythrocytediagram that reflects the age structure of red cells and the activity of biochemical connections between the membrane components. It was established that in outsiders the main peak - happened on 6.75 minute (by 1.5% more as compared to leaders) and amounted 22.5% of populations (Fig. 3).

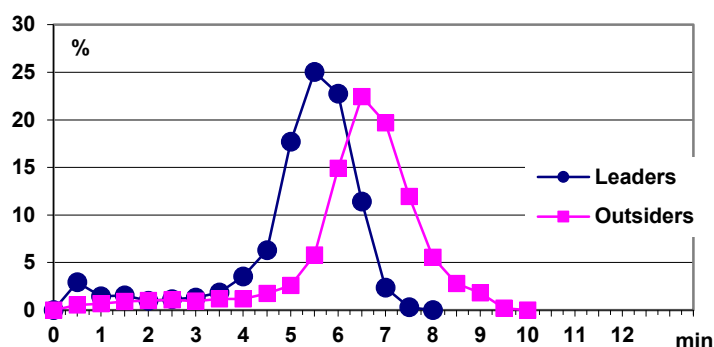


Figure 3– Acid resistance of erythrocytes (% of hemolyzed erythrocytes) of trotter horses after 90 min. Data are the mean \pm standard error of the mean

Full time hemolysis ended in 10 minutes, while in horses that showed better results it was in 8 minutes, indicating the circulation of outsiders of greater proportion of immature "young" cells in the bloodstream (due to bone marrow reflex stimulation), which are unable to fully perform the function of oxygenation, which in turn negatively affects the muscular activity of this group animals.

Exercise has variable effects on hematological parameters. These differences may depend on the intensity and duration of physical exercise. The erythrocyte number increase along with of hemoglobin concentration increase after exercise is probably the result of splenic contraction and subsequent release of erythrocytes, accompanied by erythrocyte indices change. Increase of the erythrocyte number, hemoglobin concentration and hematocrit value allow to increase oxygen transportation to body tissues. It may also be associated with physical exercise and fluids redistribution in body, but these changes are secondary in relation to catecholamine release and splenic contraction [15]. The study results showed that physical exercise causes increase of red blood cells, hemoglobin and hematocrit concentration, immediately after exercise, returning to initial values in 1 hour after exercise [16].

Cardiovascular and hematological adaptations are required for tissues supply with oxygen and nutrients for active working muscles during physical exercise and release of metabolites [10]. This study showed occurred changes in the erythrocyte number and hemoglobin concentration after exercise in horses of both groups, but more vivid changes were in leader horses. Physical exercise has a different effect on the erythrocytic indices depending on exercise intensity, ability and professional training, environmental conditions, and horse breed [17].

Our research results showed some differences in hematopoiesis indices in trotting horse of leaders and outsiders. Changes in the number of erythrocytes, Hb, Ht, MCV, MCN, acid resistance and population content of erythrocytes can be used to monitor the state of health and level of horse training.

The process of hematopoiesis (erythrocytopoiesis) is represented by the first morphologically identified germ cell, in which the cytoplasm begins to synthesize hemoglobin - it is a perioperiblast. During 4 days of development, he loses the "blast" morphology of the nuclei, passing the prognosis and normocyte stages. After the last mitosis, the picnotically modified nucleus is crimped out of the cell, there is its denucleation (by carioexpression and carriolysis) and the formation of reticulocyte [18].

Maturation of the latter is accompanied by a reduction of the synthesis (formation of protein, hema) and completely lost the ability to breath the inherent containing a nucleus erythroid cells disappear mesh substance (ribosomes, polirybosomes, excerpts of granular endoplasmic reticulum). A "young" cell after many processes and transformations becomes a "mature" red blood cell, which performs many physiological functions: transportation of oxygen to the tissues and carbon dioxide from them, the adsorption of amino acids, proteins, and their decay products, antigens, antibodies, enzymes, synthesis macroergic compounds and others. The aging processes are accompanied by chronic oxidative stress and inhibit the metabolism of red blood cells leading to lipid membranes and protein degradation and the reduction of ATP [19].

Drainage and postpartum period cause the occurrence of hypoxia, which leads to irritation of the "red" bone marrow and changes in the ratio of red blood cell populations in the peripheral blood system. According to experimental studies was found that Russian trotting breed horses within three months after birth increase the number of "young" red blood cells forms, in which there is no definite stabilization of erythrocyte membranes structural elements. As to stallions of this breed found a decrease in "mature" and increase the "young" red blood cells forms, was found acid resistance of erythrocytes to hemolytics was increased that probably indicates a genetic predisposition of significant physical activity and adaptive tsytohenezis of erythroid sprout bone marrow for oxygenation providing [20].

Concerning horses at the latent course of leptospirosis and herpesvirus infection there are changes in the erythrocytopoiesis system, in particular, they found an increased number of "old" forms of erythrocytes with the

simultaneous gradual decrease in "young", indicating the inhibition of erythrocytopopse processes, inhibition of erythrocyte maturation processes and increased aging in the peripheral blood system. The reflection of the morpho-functional state of the erythrocytopoetic system in peripheral blood can be traced on a graph of hemolysis rate of erythrocyte populations under the influence of acid solution. Erythrograms of horses at the latent course of leptospirosis and herpesvirus infection had a right shift of their major peaks and a complete time of hemolysis in animals was completed more quickly, which may prove a blocking effect of infectious agents on the elements of the bone erythroid bone marrow, inhibition of erythrocyte maturation processes and increased aging [21].

According to scientists concerning horses at the process a combined invasion – paraskarasis and stronglyidoses, the qualitative composition of erythrocytes varies even in the case of weak intensity of the invasion. This is evidenced by the reduction of the "old" and "mature" forms of red blood cells and the increase in "young" ones, which are intensively destroyed and are unable to carry out fully the processes of oxygenation. The configuration of erythrograms among invasive horses indicates its shift in the right side, which is due to the appearance of "young" red blood cells in the peripheral channel, but the reduction of the complete time of hemolysis indicates that their membranes are depleted by protein-lipid components because of the activation of free radical processes with the help the products of the life of helminths [22].

Neuropathia among horses suspected of having an alkaloidomycotoxicosis and encephalitis is caused by changes in the erythrocytic pool and hypoxia. Destructive changes in erythrocytes are reflected in their acid resistance. It is reduced in patients, which is confirmed by the reduction of full hemolysis time and rapid destruction of populations of "red" blood cells [23].

In conclusion we can state that this study results show that exercise is a very important issue in life of a sports horse, and hematological research are vital in evaluating sports horses. Changes of some hematological parameters are related to the degree of horses physical training.

Thus, according to the performed studies, the sport horses efficiency depends on the trained level of animals. During its assessment one should take into account not only conventional indicators (erythrocyte number, hemoglobin content, hematocrit value and "red" blood indexes), but especially important physical-chemical properties of erythrocytes (buoyancy, acid resistance) and regulation mechanisms of gas exchange. Thus, in animals that showed the best results, the number of "mature" and "old" erythrocytes at the expense of elimination them from the depot. However, the number of "young" erythrocytes, resistant to hemolysis in outsider animals, increases, but they are unable to satisfy tissue demand for oxygen.

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5.15. THE CHARACTERISTICS AND FEATURES OF THE ORGANIZATION HIGHER TECHNICAL EDUCATION IN THE REPUBLIC OF POLAND

Modern philosophy of education in Ukraine aims to meet the needs of the information society, to adapt the national educational process to the European educational space, interaction between the educational systems and now acquired the form of the Bologna process. Expansion the horizon of science and practice, the transformation of the techno sphere and engineering activities requires a rethinking of the methodological tools of engineering education's philosophy, revision of its fundamental ideological and value principles. In such circumstances, the higher school should not only equip the student with the professional knowledge, to promote its formation as a specialist in a particular industry, and, above all, to reveal his personal potential and guide its implementation for the benefit of society [8, p. 4].

The main task of the Bologna process is the creation in Europe of a competitive, dynamic economy based on knowledge and able to increase the number of jobs, ensure sustainable economic growth, social cohesion and eventually to confront the global expansion of American capital. Most of the activities in the framework of the Bologna process is supported by UNESCO and the European Commission with the broad involvement of the university community and student organizations.

As noted Iolanta Vilsh [4; 1], the future education should only be considered from a systemic point of view. It proves that a systematic approach is needed for a complete, generalized or interdisciplinary research, and emphasizes that "the basis of pedagogical activity is the person, which should be considered as a subject of labor. All actions of this process must be directed, on the one hand at stimulating the efficiency of the process, and on the other to promote the development and satisfaction of person. That's why a systematic approach is necessary and is optimal for considering a human person as as an employee and participant of any processes" [16, p. 148].

At the conclusion of the T. V. Schulz, education, professional qualification, developed talent, health, are understood as concepts of human capital and have a specific economic value [6, p. 28]. It is worth noting that higher education in the third Millennium becomes one of the most important factors in the successful development of society. This fact makes some states and enterprises to increase economic development, invest significant money in the development of educational services, as it became clear that investments in education are a key factor in the development of human capital. Human development in the modern world is seen as a factor of economic development [2, p. 65]. The decisive condition and indicator of human progress in life in general and in the professional activity in particular becomes the competence of the individual [9, p. 171].

We emphasize that the functioning and development of higher engineering education must take into consideration the new relationship of engineering with the environment, society, person. Engineering education, like other social phenomena, is in constant development.

Analysis of trends in the reform of higher education, that revealed basic regularity in the integration of the different systems of higher education, aimed at creating a parallel to the current professional training of specialists the enhanced fundamental training; and, conversely, the creation in parallel with the existing fundamental system of training future professionals in-depth training. After all, modern society poses challenges for the specialists in engineering activities. The main ones are: 1) the rapid development of science and technology and the need for rapid implementation of their results in economy of the country; 2) the need for the implementation of the strategy of sustainable development in the economy of each advanced country of the world; 3) increase in so-called "practical component" in the activities of the engineer. "The main purpose of higher technical education – the formation of a new mentality, that is, the formation of a person with a humanistic outlook and such properties, as the integrity of the individual, peacefulness, and kindness, the ability to choose assessments and actions, the correctness, tolerance to other thoughts. Future engineers are called to establish universal and and national moral values; to understand that

scientific knowledge, advanced technologies have meaning only when they rely on a high level of moral and spiritual education of its carriers" [5, p. 3].

The production process requires the introduction of new modern forms of work of universities, namely the open and distance learning ODL (Open and Distance Learning), multiuniversity (altenwerder) (Multiuniwersytet), University of III generation (Uniwersytet III Generacji). The remote training provides real mobility of students through the creation of instruments for the preparation and analysis of educational proposals, qualifications and competency standards.

Changes in the educational paradigm are determined by the development of information technology, digital media and the Internet. The influence of information technology on education is not only directly due to the widespread using of computers and their staffing (u-computing), but their indirect influence on rapid, profound, and sometimes dramatic changes in all spheres of human activities.

Changes and political transformations in the field of education at the university level are compulsory, writes a prominent modern Polish scholar-teacher K. Day (K. Denek), linking these problems with the processes of globalization and European integration because the "the uninterrupted functioning of society depends on whether it can create the desired images and skills, equip operational knowledge with values (trust, solidarity, responsibility)" [10, p.59].

As emphasized by S.O. Sysoeva that "especially significant transformations should take place in vocational education, as the processes of globalization, integration of the informatization the society cause profound civilizational changes that can not have an affect on the requirements for professional training. In this context, it is a very interesting experience of the Republic of Poland as a member of the European educational space and the nearest territorial neighbor of Ukraine, with which our country has a lot in common in terms of history " [6, p. 19].

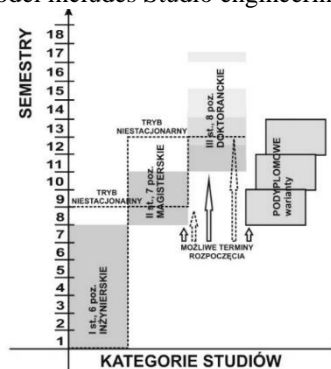
Our research has established that higher education in Poland has eight hundred year history. However, the socio-economic expectations regarding to the education has never been so widespread, universal, persistent and excessive as nowadays. This is due to the growth and tangible manifestation of the role of higher education in the development of "knowledge society" [10, p. 59]. Higher education in Poland is represented by an autonomous higher education institutions which teach of the first, second and third degree. In addition, it includes traditional universities or large academic institutions, professional colleges, public and private high schools, which differ in objectives and strategy of their activities. This diversity is a relatively new phenomenon, because before 1989 the country had a small number of higher education institutions with a clear structure, the same learning content and free from competition for central funding. To confirm this, we note that in the Republic of Poland until 1990 there were 83 higher education institutions (without branches), and they studied about 125 thousand young people. In the 1989/1990 academic year, 97 universities were functioning, and only one institution had a private character - Lublin Catholic University (Katolicki Uniwersytet Lubelski). The number of students amounted to 404 thousand, among them 100 thousand young people were studying in the system of part-time or evening education. From 1990, when there were only 112 universities, started a real boom in higher education in Poland. So the number of establishments has constantly increased, and in 2000 – 310, 2005 to 445 in 2010 to 460 [15, p. 22]. Today is functioning normally 453 educational institutions, of which 132 are state and 321 private [11, p. 185]. It should be noted that according to the Central statistical office (Główny Urząd Statystyczny (GUS) on the basis of the processed information with information system about the science and higher education (POL-on) by 30th of November each year in Poland there are 1549877 students, including 991880 in the studios of the first degree, 378780 in the studios of II (second) degree and 135223 in the studios of the third degree (jednolitych studiach magisterskich) [12].

Systemic changes and changes in the law have allowed to create institutions of higher education entities (funds, companies, cooperatives and enterprises), which were able to satisfy certain material, organizational and financial conditions [15]. High schools actively support the development of innovations and function as integrators of the environment in the region, besides the implementation of scientific and didactic purposes. Modern universities differ from one another in organizational decisions and structure, but all of them combine a significant contribution to the development of civilization, namely, the leading research and teaching innovative content. They are characterized by the internationalization of staff, students and research [3].

The Polish qualification system contains a description of the eight qualification levels corresponding to the levels of the European qualifications system. This description creates a common characteristics of learning outcomes for obtaining relevant qualification at different levels, in terms of knowledge, skills and social competence. Positions 6, 7 and 8 correspond to the universities. The universal characteristics or all levels is given in the Appendix to this Law. It should be noted that in Polish universities dominate the educational direction of social and business Sciences and administration (40% students), and only 14% of students are in the field of technical sciences [14, p.53].

It is worth noting that in the conditions of rapid changes in technology and production technology of postgraduate education of Poland has been rapidly developed. Postgraduate education is a specific form of training is designed for individuals with minimal professional education (scilicet completion of first cycle studies) that have a bachelor's degree or engineer's degree and is associated with a change of qualification or acquiring new profession, which corresponds to the own demand or the needs of the labor market. The term of education varies from one to four semesters, and ends with a diploma defense. Classes take place on weekends twice a month. Widely used Internet consultation [14, p.59-62].

A higher education model consists of a system of education that describes the educational levels, graduation characteristics at the following levels of education (including learning outcomes) and core curriculum. The accepted model includes Studio engineering, master's and doctoral studies, postgraduate education (Pic.1).



Pic.1. System of studies [17, c.31].

The emersion of engineering studies in Poland, provides for 7 semesters, and in many European countries to six, led to the desired changes in the educational process to a more general nature, but prefers the technical content and typical qualifications of an engineer whose search is initiated by the industry. Because general education leads to a strong unification from the early years of education with a simultaneous large share of the specialty; disappears the traditional division of disciplines on the basic, general sense and special. Therefore, in the modern world, the engineer is no longer forced to obtain a huge knowledge that can be easily found online or in databases, but along with the acquisition of the necessary professional skills and forming proper relationships, especially the most important: skills of teamwork and team leadership, interpersonal communication and communication with a help of foreign languages. The new education system should take these elements of the educational process into account much more than before [13].

Thus, the analysis of scientific works of domestic and Polish theoretical teachers showed that higher technical education in Poland is based on principles that are in line with the principles of educational law: a competent approach to the training specialists; humanistic character of education, the priority of universal values, education of civic consciousness, diligence, industriousness, respect for rights and freedoms, protection of the environment; protecting and developing the system of education, its national and regional characteristics; accessibility to education and adaptability to the level and features of development of students; secular nature of education; freedom and pluralism in education; democratic, state-public character of management and autonomy of educational institutions.

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5.16. IMPLEMENTATION OF THE NEW LAW OF UKRAINE "ON EDUCATION": SCIENTIFIC AND PRACTICAL DISCOURSE

The formation of a modern educational policy depends on changes taking place in the world, the regional environment, and national society. The path for European and world integration chosen by Ukraine has necessitated intensive changes in all spheres of public life. In this context, for three decades we have been in search of an effective educational development strategy that would ensure the achievement of the best world standards, economic growth of the state, help to solve social problems of the society, would create conditions for the development of the individual. In connection with this, the modernization of the educational sphere is being carried out and its system is being improved. It should be noted that the effectiveness of the functioning of the entire educational system depends on the status of the legislative provision of education. Therefore, the issue of proper legal regulation of the educational sphere remains relevant for Ukraine.

A significant number of scientific publications of Ukrainian authors (M. Bilyns'ka, V. Bul'ba, I. Vakarchuk, L. Hayevs'ka, L. Hrynevych, S. Dombrovs'ka, V. Zhuravs'ky, M. Z'hurovs'ky, N. Kalashnyk, I. Kalenyuk, D. Karamyshev, Yu. Komar, Ye. Krasnyakov, V. Kremen', I. Lopushyns'ky, V. Luhovyy, T. Lukina, S. Mayboroda, R. Naumenko, S. Nikolayenko, V. Oharenko, L. Parashchenko, L. Polyakova, L. Prokopenko, T. Finikov, S. Shevchenko, O. Shyyan, I. Shpektorenko, and others) are devoted to the theoretical and methodological aspects of public administration in education. The state of the normative-legal provision of education in its various aspects is studied by such scholars as O. Akimov, B. Derevyanko, O. Krasiv'ky, I. Lutsenko, N. Maksymchuk, I. Mykhaylyk, I. Myshchak, M. Nabok, N Shul'ha et al. In their scholarly works, the authors point to the existence of a significant number of problems in the national educational law, which hinder the development of the education system. However, they do not have a common position in their conclusions, everyone is trying to offer his/her own mechanism, own vision of the solution of these problems. In particular, V. Filippova expresses specific proposals on the systematization of Ukrainian educational legislation, considering that it is necessary for the country to adopt the Education Code, which must consistently and systematically set out established and validated legal norms, as well as norms demanded by the current state of educational relations, based on current laws and be aimed at the complex and systematic regulation of public relations in the field of education [9]. V. Beschastnyy insists on the creation of a new regulatory framework for state administration in higher education [2]. The problem of forming a scientific thesaurus of competently oriented higher education is addressed in the work of S. Sysoyeva. Analyzing the main concepts included in the new Law of Ukraine "On Higher Education" (2014), the researcher states that harmonizing step-by-step models of specialist training at the national level with the requirements of the European Higher Education Area, developing a common understanding of the qualification content at the bachelor's and master's levels in the learning outcome terms actualized a study aimed at developing different models of competencies in Ukraine. At the same time she emphasizes that the importance of such studies and normative documents developed on their basis has an adequate interpretation of the content of concepts introduced in accordance with the content of the established concepts of the national pedagogical science space [6; 7]. Therefore, it becomes clear that national educational legislation is imperfect and needs to be reviewed, clarified and changed. And, even the updated new laws do not solve the problems that have been accumulated in educational practice over the years. This also applies to the new Law of Ukraine "On Education", adopted on September 5, 2017, which was a heated debate both during the discussion of the bill and after its adoption. It is these disputed scientific and practical aspects of its implementation that led to the choice of the research topic. So, let us try to identify the main issues of implementation of the new Law of Ukraine "On Education".

Before turning to the topic of the problem stated in this paper, we give a brief historical background on the genesis of the adoption of national educational legislation. Note that in the first years of independence, the laws of the Ukrainian Soviet Socialist Republic continued to operate on the territory of the country. These legislative acts, as noted by V. Beschastnyy, reproduced and repeated the well-known ideology of the former Soviet system, served as

the dominant ideological doctrine at that time, reproduced the totalitarian practice of social (party) control over man, provided the formation of a one-dimensional personality in a closed educational space [2, p. 179]. Thus, the formation of its own educational policy and the creation of a legal educational field was an important part of the process of state building. It should be noted that the Law of Ukraine "On Education", which is the basic educational legislative act, was adopted in 1991 as one of the first in educational legislation and in general consolidated conceptual innovations that had been previously absent in earlier laws, namely: the orientation of education on comprehensive development of the individual, non-interference of political parties and religious organizations in the educational process, decentralization of managerial functions, introduction of a multi-level system of vocational education, diversification of financial sources of education support, normative principle of establishing average wage rates, salaries of pedagogical, scientific-pedagogical and scientific workers, etc. [8, p. 125]. Thus, there was a shift in education in the direction of overcoming the gap between the establishment of democratic and humanistic values in society and the actual state of the educational sphere, which retained the features of the former totalitarian regime and command-administrative system of governance.

During 1998-2002 special educational laws were adopted, in which the legal, organizational and financial principles of the functioning and development of the system of pre-school, general secondary, extra-curricular, vocational and higher education were defined. However, these laws, according to the majority of scientists and practitioners, were taken with considerable delay, therefore, did not meet the requirements of time. For this reason, throughout Ukraine's independence, the process of improving these legislative acts is being carried out through amendments and additions to existing laws on education. Their frequency is given in Table 1.

The table shows that the most changes and additions were made to the laws of Ukraine "On education" (44 times) and "On higher education" (42 times), practically twice fewer - 23 times - "On Pre-school education" and "On the general secondary education" and the fewest - 15 times - "On non-formal education" and "On vocational education". In general, changes and additions to key laws on education have been introduced 162 times over 26 years of independence. This is an average of 6.2 changes annually. It should be noted that there were two adopted legislative acts on higher education in the new edition over the last 15 years – in 2002 and 2014, in this the frequency of changes and additions to the last act was the highest – 7-8 times a year.

We are impressed by the idea of the practice of frequent amendments and additions to the current laws on education by V. Filippova, who argues that "on the one hand, it is a positive process aimed at increasing the efficiency of public administration in the field of education, but on the other hand, it is impossible not to note that a significant number of proposed changes and additions indicates the lack of lawmakers' desire to work effectively in order to fill gaps and eliminate internal contradictions in the laws on education" [9]. At the same time, she emphasizes that the practice of fragmentary current improvement of the legislation does not produce proper results, since subjects of legislative initiative often do not adequately study problems that require legislative regulation; they are not able to predict the consequences of adopting acts, which lead to the need to make numerous changes both to a specific act and to other acts related to it.

It is worth noting that in addition to the basic and special laws in the field of education, additional normative-legal documents regulating the relations of subjects of educational activity are additionally adopted. Due to this the modern legal and regulatory framework in the educational sphere is overloaded and contains some contradictions between the provisions of certain legal acts, which cause certain problems in practice, requiring the improvement or updating educational acts.

The importance and necessity of adopting a new basic educational legislative act in Ukrainian society was negotiated for several decades. The Law of Ukraine "On Education" was adopted in a new edition on September 5, 2017. Prior to this, it passed a complex way. The bill was being prepared for more than three years, agreed with all stakeholders and interest groups, changed and rewritten, and obtained the support of professional institutions and communities. Let's examine in more detail some of the provisions of the new educational act and highlight the discussion points.

First of all, it is necessary to note the innovative nature of the basic provisions of the new Law of Ukraine "On Education", which follows from the analysis of his thesaurus, presented in the general provisions of the act. In particular, among the main categories (altogether 30 names) that are clearly defined and regulated by law there are the following: autonomy, academic freedom, free education, teaching activities, electronic textbook (manual), educational institution, founder of educational institution, learner, individual educational trajectory, individual program of development, individual curriculum, inclusive education, inclusive educational environment, qualification, competence, educational process, educational activity, educational service, educational program, people with special educational needs, pedagogical activity, learning outcomes, educational level, intelligent adaptation, education system, special laws, subject of educational activity, universal design in education, quality of education and quality of educational activity [3]. Unlike the previous legislative act of 1991, which did not contain any thesaurus at all, in the new act the following categories are progressive, innovative, subject to the modern paradigm of a single educational space, their explanation is fully in line with the European trends taking place in education. Innovations of the new legislation are also defining the types of education (Article 8) - formal, non-formal and informal education; forms of education (Article 9) - institutional, individual, dual; academic integrity (Article 42); institutional audit (Article 45);

public accreditation of educational institution (Article 49); the institution of the educational ombudsman (Article 73) and others.

The frequency of amendments to the basic and special laws of Ukraine in the educational sphere in 1991-2017 (Table 1)

Years	The frequency of amendments to the laws, number of times					
	Law of Ukraine "On Education"	Law of Ukraine "On Preschool Education"	Law of Ukraine "On General Secondary Education"	Law of Ukraine "On Non-formal Education"	Law of Ukraine "On Vocational Education"	Law of Ukraine "On Higher Education"
1991	*					
1992						
1993	3					
1994	3					
1995						
1996	3					
1997	1					
1998	1				*	
1999			*		1	
2000			1	*		
2001	2	*	1	1		
2002	2	1	1	1		*
2003	1	1	1	2	1	1
2004	4	1	1	1	2	4
2005	3	2	2	1		2
2006	3	2	1		1	1
2007	2	2	1	1	1	2
2008	2	2	2		2	2
2009		1				1
2010	1	1	1			1
2011	2	1		2		
2012			1			
2013	2	2	1	1	2	4
2014	5	2	2	1	1	2*
2015	2	3	2	3	3	8
2016	1	1	3			7
2017	1*	1	2	1	1	7
Разом	44	23	23	15	15	42

* the year of the legislative act adoption

Most discussions among Ukrainian parliamentarians aroused during the discussion and adoption Article 7 of the Law of Ukraine "On Education", which regulates the language issue in education. The main objective of the article was to protect the state language and the rights of citizens who, in the absence of proper knowledge of the state language, are actually limited in their rights to obtain vocational education and employment in the country. The reaction of the governments of some of the neighbouring countries (Hungary, Bulgaria, Romania, Greece) was sharp; they expressed concern about the new Ukrainian law on education and urged the UN to conduct an investigation as to its adoption, arguing that it violates the right of national minorities to use their language. On September 28, 2017, the legislative act was submitted for consideration to the Venice Commission. On October 12, this issue was considered at the PACE debates and within the framework of a joint sitting of human rights committees of the European Parliament and the Verkhovna Rada of Ukraine. Then the participants of the discussion managed to come up with one opinion and adopt a resolution with recommendations for Ukraine. On December 8, the Venice Commission issued a conclusion that advised the Ukrainian authorities to balance the provisions of the language article. Ukraine has demonstrated openness and readiness to take into account the opinion of the international expert community on this issue. Thus, the representatives of the country managed to defend their state positions in the language issue at the international level.

However, discussions around the linguistic issue are taking place in the Ukrainian society itself. These issues were keenly discussed at the scientific communicative events held in Ukraine during October-November 2017. In particular, on October 24, a round table discussion on "Problematic aspects of the new Law of Ukraine "On Education" (in terms of determining the language of education)" was held in the National Institute for Strategic Studies. The issues of the need for changes in the use of the state language and languages of national minorities, an information campaign on the new educational legislation, as well as linguistic innovations of the Law of Ukraine "On Education" in the context of international law were discussed. We agree with the thesis voiced at this event by the Acting Director of the Second European Department of the Ministry of Foreign Affairs of Ukraine V. Bodnar, who emphasized that for the implementation of the new law on education, Ukraine needs to adopt a number of legislative changes. In particular the law on general secondary education should include educational programs, taking into account the rights of national minorities, but the amount of teaching in the Ukrainian language and the Ukrainian language instruction should be in the volume allowing representatives of national minorities to speak it fluently, and, accordingly, could

integrate into the Ukrainian society [5]. However, other special educational laws, such as pre-school, out-of-school, vocational and higher education, also need to be amended accordingly.

The article, which has caused not less sharp discussion in the Ukrainian society, is an article about the remuneration of pedagogical staff and educationalists (Article 61). The discussion was between parliamentarians and the Ministry of Finance of Ukraine in terms of establishing a salary for a pedagogue of the lowest qualification category in the amount of four subsistence minimum (draft law prepared for the second reading). According to V. Bakhrushyn, at the vote, the norm was set for the establishment of this salary at the level of three minimum wages, which is UAH 9600 (at the time of adoption of the law in the first reading this amount was twice less), and, accordingly, a significant increase in the expenditure of the state budget only to the wage fund. During the final vote, according to the author, several more norms were added which increased the budget expenditures for the implementation of the law [1]. Undoubtedly, investing in education is a very important component, first of all, for the further reformation of the educational sphere, and this is recognized by representatives of all state institutions. It is the proper financing of education today, its quality and competitiveness that will propel the formation and development of high-tech economy in the country.

Significant changes are envisaged in the new educational law in terms of management and control. In particular, the central executive authority in the field of education and science, on the instructions and within the limits established by the Cabinet of Ministers of Ukraine, exercises the powers of the founder regarding state educational institutions (Article 64). This is mostly the case for state institutions of higher education. However, under the new law, the Ministry of Education and Science of Ukraine does not have any authority to manage communal educational institutions.

The law also does not provide for the existence of educational authorities that are functioning at the present moment in the local executive bodies, and their future is not yet known. Certain power in the management of educational institutions under the new law (Article 25) is only given to corresponding councils (oblast, district, city, village, town councils, councils of united territorial communities), however, not as to bodies of local self-government, but as to founders of educational institutions.

The new Law of Ukraine "On Education" excluded the certification of institutions of general secondary education from the list of local authorities' competence and from the forms of state supervision (control). According to Article 69.2 state supervision (control) in the field of education is carried out by the central executive body for ensuring the quality of education and its territorial bodies. In addition, public supervision (control) in the field of education by public associations and other civil society institutions, the constituent documents of which provide for education activities (Article 71), is being implemented.

Envisaged by the law changes in the management system provide the heads of the educational institutions with the right (Article 26) to organize the activities of the educational institution; solve issues of financial and economic activity; appoint, dismiss employees and determine their functional responsibilities; to ensure the organization of the educational process and control over the implementation of educational programs; to ensure the functioning of the internal quality assurance system and the conditions for effective and open public control over the activities of the educational institution, etc. The heads of educational institutions themselves should be elected to these positions on a competitive basis.

Regarding the changes envisaged by the "New Ukrainian School" reform, the new law on education (Article 12.3) states that full secondary education is compulsory and has three levels of education: primary education for four years, basic secondary education with duration of five years and profile secondary education lasting three years. This means that children will complete twelve years of full-time secondary education, which confirms the introduction of a 12-year school according to the reform.

To date, many of the provisions set out in the new law on education remain unclear for the Ukrainian society and require clarification. Inter alia, a type of institution, such as an educational complex, created as a result of the merger of a pre-school educational institution and a general educational institution, functions today. This type of educational institution is not presented in the new law. Therefore, a number of questions arise: is this association possible in the future? does already established educational institution of such type have the right to continue operating and, if so, which type of institution should it be attributed to?

There is also no clarification on issues related to human resources management. If the head of the educational institution is given the authority to appoint and dismiss employees, then it is clear that there should be a position of a personnel department manager. In the system of vocational education, the personnel departments are provided in the structure and function. However, in the system of preschool, general secondary and extra-curricular education, this was not provided for by law, and there is no explanation in the new law. In addition, the mechanisms, procedures of those provisions, defined in the new law (licensing of educational activity, certification of pedagogical staff, provision of creative vacations, etc.) are not clear.

In general, it can be argued that the new educational law is progressive, contains a number of innovative provisions. This step is very important for the country as one of the first steps towards the modernization of the educational sphere. However, it does not solve all the educational problems that have accumulated for decades. The implementation of the new Law of Ukraine "On Education" requires the introduction of significant changes to special laws in the field of education, the development of a large number of normative documents of various levels. It should

also be noted that the transition to the declared in the law updated management system and education system should be consistent, gradual and every step should be explained to the Ukrainian society in order to receive public support.

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5.17. MODERN REQUIREMENTS AND OPPORTUNITIES FOR POSTGRADUATE EDUCATION IN UKRAINE IN THE CONTEXT OF ADULT EDUCATION DEVELOPMENT

Transformation of the modern civilization of society on the micro and macro levels, in all its spheres (social, economic, political, etc.) and dimensions, determines the need for the development of tools, which are capable of optimizing the development of personality and society in accordance with these changes. In addition, taking into account the speed of social and economic transformations, one of the fundamentals of these tools should be a proactive strategy. The solution to this challenge today relies on adult education (AE).

As stated in the "Concept of adult education in Ukraine", the expediency of its development is a generally recognized fact, as technological, socio-cultural, economic progress of the vast majority of countries is provided by the education of adults. Its social significance is aggravated by the current demographic situation, which is now characteristic for European countries; the peculiarity of the socio-political environment, in which the full development of the individual is possible only with the active participation in changing social processes, rapid adaptation to cultural, ethnic and linguistic diversity.

The new type of economic development, which is inherent in contemporary society, prompts citizens to change their social and professional status during their lives, constantly study, retrain, and improve their qualifications. This means that information, knowledge, and a motivation to update their knowledge and the skills needed to do this, become a decisive factor in civilization development, efficiency and competitiveness in any activity, and therefore an important factor in the sovereignty and national security of each country. The solution to these tasks in Ukraine relies on the system of postgraduate education.

The research of topical issues of the problems of education and adult education has been reflected in the works of domestic researchers, among them: O. Anishchenko, S. Arkhipova, S. Goncharenko, V. Kremen, L. Lukianova, L. Martynets, N. Nykkalko, O. Ogienko, V. Ognevnyuk, V. Oliynyk, N. Protasova, V. Putsov, L. Sigaeva, A. Sukhomlyns'kaya and others. The analysis of scientific literature confirms the increasing attention of scientists to the problems of the development of both adult education and postgraduate education in the context of modern civilizational transformations.

The purpose of the article is to determine the impact of contemporary civilizational transformations on the national system of postgraduate education in the context of the development of adult education.

It does not clearly define the principles of adult education and the basis of postgraduate education is fragmented in the laws of Ukraine, it is necessary to determine their correlation. To solve this problem will allow the work of domestic and foreign scholars and practitioners. Here are just a few conclusions that reflect the general idea in this direction.

Thus, the Concept of Adult Education in Ukraine states that adult education is an integral part of the system of continuing education, the purpose of which is the socio-economic adaptation of an adult to the transformations that take place in society; prolonged process and the result of the development and education of the individual, with the help of educational programs and through the implementation of educational services throughout life.

According to the UN General Conference on Education, Science and Culture (Nairobi, 1976), adult education is a complex of organized education processes, regardless of content, level and method, formal or other, which continue or complete education, which is received in general educational establishments and universities, as well as practical training, during which individuals who are considered as adults by the community, a part of which they are, develop their own abilities, enrich their knowledge, improve their technical and professional skills. or become newly orientated and change their attitudes or behavior in a two-way perspective: comprehensive personal development and participation in a balanced and independent social, economic and cultural development

According to M. Knowles, its main task is the training of competent people who would be able to apply their knowledge in changing circumstances, whose core competence would be to be able to engage in continuous self-education throughout his life [5].

In general, O. Ogienko notes that adult education becomes the key value of a knowledge society, creating conditions for enriching the creative potential of an adult during life at three accessible levels: 1) personal and cultural, 2) professional, 3) social and civic [5].

Thus, according to research by L. Martynets, the main goals and functions of adult education are reduced to the satisfaction of the individual's needs - in self-improvement, society - in the formation of a socially active person who adapts to the realities and economics - in the preparation of a competent, efficient professional worker. The ultimate goal of adult education is the formation of a person who actively, competently and effectively participates in economic, social and personal life.

In accordance with the current domestic legislation, in particular the Law of Ukraine "On Higher Education", postgraduate education (PE) is a specialized improvement of the education and professional training of a person by deepening, enlarging and updating her professional knowledge, skills and abilities, or obtaining another profession, specialty on the basis of acquired earlier educational level and practical experience. Postgraduate education is provided by institutions of postgraduate education or the relevant structural units of higher education institutions and scientific institutions [4].

Essentially formal, the system of national postgraduate education is capable of fulfilling the tasks of training a competent professional for the state and professional adaptation of the individual. However, the transformations that accompany the civilization development of our society make some adjustments to determine the framework of various processes and spheres of human life. As Microsoft CEO Satya Nadella said, during a speech at the International Economic Forum in Davos, by 2020, giant companies will have to spend a lot of money to "retrain" old staff. In this case, the main emphasis should be on STEM-skills [3]. Accordingly, further research will be directed in this context. Consider only the main trends.

The first challenge of our time is the competence and professional development of the worker.

According to forecasts of the well-known research company Sparks & Honey, which annually make a list of the TOP-20 professions of the future: "60% of the professions that will be needed after 10 years do not exist yet." In addition, linear career and long-term contracts are not in the trend. For an individual today the ability to learn and radically change the sphere of activity is important [2].

On the other hand, Vice President of Product Management and a co-founder of LinkedIn Allen Blue, says that by 2020, a set of competencies for most professions will include one-third of the core skills that are not yet considered to be extremely important for today's work.

So, the key competencies identified by experts at the International Economic Forum in Davos in 2016, for the perspective until 2020, have the following rating: 1. a comprehensive solution to problems; 2. critical thinking; 3. creativity; 4. ability to manage people; 5. interaction with people; 6. emotional intelligence; 7. ability to form own opinion and make decisions; 8. customer orientation; 9. Ability to negotiate; 10. flexibility of mind (ability to quickly switch from one thought to another) [3].

The above points to the statement of modern trends in the development of man, society and culture, and, consequently, education. The first is the skills of communication, the ability to negotiate and interact, to understand the person. The second is the development of brain and thinking abilities. The third is the emphasis on the development of emotional and social intelligence.

The next significant problem is due to globalization processes in the economy, which leads to increased risks, rates and competition. According to E. Toffler, the industrial era since the 50s of the XX century, began to replace the post-industrial. This transition, according to his estimation, should completely be completed by 2025 (in more detail this idea was stated in the book "The Third Wave" in 1980). Following the January Economic Summit in Davos in 2017, these trends are confirmed. Along with this, a new segment appears - artificial intelligence [1]. While high-paying jobs need a high level of qualification and versatile skills.

The digital revolution is the point of no return on the labor market. From year to year technologies will "eat" more and more jobs. Part of the "white collars" sitting in the offices will replace by robots. The digital revolution will

lead to a radical turnaround in the labor market. "This revolution will divide people into winners and losers. Our task is to reduce the number of losers," says President Rwanda Paul Kagame [3].

Technological progress and the development of artificial intelligence in the next 10 years will lead to the disappearance of many professions that are common to us now. This is stated in the report Bank of America, which CNN Money reports. By 2025, 45% of industrial tasks will be carried out at US enterprises, while now this figure is only 10% [6].

Along with this, the change of priorities in the production of goods was tangible. Oleksiy Gerashchenko believes that the benefits of the production of material goods will gradually become immaterial (emotions, services, software, etc.).

Another, but not the last, significance, challenge is the speed of change that occurs in all spheres of life of the individual and society. Referring to Gordon Moore's law, one can allow the updating of technology and information, on average, by 50% over one year. Physicists today are talking about a nine-month aging of information. Other sources say about the same pace. The same law also determines the growth of competition between producers of products and services, which is constantly increasing.

To sum up, one can identify several trends, which are in the prospect of 2020-2025, I will define new requirements for postgraduate education.

The first is the loss of relevance of about half of the modern professions and the emergence of new ones. At the same time, a set of competencies for most professions will include one-third of the core skills that are not yet considered extremely important for today's work. Development of emotional and social intelligence. A linear approach to building a career will replace human readiness to change its professional trajectory and the ability to learn continuously. All this causes the expansion of the range of tasks and directions of the software system.

The next - the post-industrial era and the digital revolution led to a shift in priority from predominant production to the production of services, research, development of knowledge, etc.; prevalence among the "class" workers of professional specialists and technicians; definition of the leading role of theoretical knowledge as the basis of innovations in economics, politics and social structure of society, etc. As a result, a prompt request for the implementation of STEM-education.

It develops the ability to research, analytical work, experimentation and critical thinking. For example, according to research from Change the Equation, in United Chata, one potential employee has an average of 1.7 vacancies in the STEM industries. At the same time, competition in other industries is about 4.1 candidates for one position. According to the Institute for the Modernization of Educational Content, only 1% of the population's participation in STEM-professions in Ukraine increases the GDP of the country by \$ 50 billion. And the needs of STEM-specialists increase by 2 times faster than in other professions.

Another trend is the large-scale replacement of human resources and a significant proportion of the able-bodied population loses their jobs. An adequate response is the development of a segment of small and medium business. According to Deborah Jacobs: free enterprise is a strategy: "Make value from yourself, make your skills with goods - and you will have a profession that will not go away, because you yourself created demand for it."

It is also worth keeping in mind that the changes taking place in all spheres of society have a rather high pace. Information, which today is the main resource, needs constant renewal. This also applies to personality and society.

These conclusions suggest that at the present stage, and even more on perspective, civilization transformations cause the bringing of the domestic system of postgraduate education into conformity with the requirements. The segment that she took in the general education system was governed by government orders. This allowed us to avoid a tight competition in the market of educational services, but the situation is changing.

We propose to consider some of the requirements of the current moment that affect the formation of a request for postgraduate education services:

1. Need for a state-recognized diploma for employment. Researches of the international human resources portal HH.ua in Ukraine show that in 2016, 29% of candidates got jobs according to their skills without presenting diplomas. In the same year about 490 thousand people lost their jobs, and competition in the employment was three specialists at one work place.

2. The interest of the employer in the qualified, in accordance with the requirements of the modern market, specialists generates the demand for relevant knowledge and skills. The main competitor in this segment is the non-formal education market. At the same time, such educational services are usually carried out at their own expense. As an example, the development of the Networking technology is relevant for the development of the above-mentioned perspective competencies (communication, management, negotiation skills, negotiation, etc.). This opportunity is offered today by business schools and training centers.

The controversy of this moment is that such competences are not within the competence of postgraduate education - accordingly, there is a loss of contingent. Not the best situation in the field of updating other competences by institutions of postgraduate education. This situation dictates the need to expand the capacity of software establishments to create new competencies of specialists.

Along with the above-mentioned normative-legal acts of Ukraine, in particular the Law of Ukraine "On Higher Education", extends the possibility of performing functions of post-graduate education by other higher educational

institutions and scientific institutions. This moment creates a precedent for increasing competition in providing services in the context of education for adult education institutions and universities.

Solving this problem may involve the use of modern marketing strategies. According to marketers, today the fate of trademarks is decided by customers. The surplus of products and services that are similar to one another prompts customers to look for some sort of landmark to help them identify the best. (Newman M. Zag: The Best Branding Guide / Marty Newman - Kharkiv, 2017. - 191 pp. - (PROT Globus).)

3. A segment of the post-graduate education contingent in the context of adult education in Ukraine. According to the State Statistics Service, the proportion of the adult population is about 35 million people. At the same time, there are trends in increasing the retirement age, the growth of the need for earnings at retirement age and the dynamics of a decrease in the number of people under the age of 16. This demographic situation raises the demand for adult education services, including postgraduate education.

Summing up, it can be argued that functionally the postgraduate education system of Ukraine in the context of the present transformations remains unchanged (preparation of a competent professional for the state and professional adaptation of the individual). On the other hand, consumer inquiries and market demands form the need to expand the nature of the tasks and transform the content of the contingent. The growth of competition in the market of educational services determines the need for software institutions to apply marketing technologies, increase the level and expand the possibilities of providing educational services. The state order, image, available scientific and pedagogical potential and the material base in a certain way give the institutions the advantages at the beginning of a competitive confrontation. However, this is not enough to sustain her for a long time, leadership in adult education is needed.

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5.18. EXTERNAL EXPERIENCE OF PATRIOTIC EDUCATION IN UKRAINE COUNTRIES AND POSSIBILITIES OF ITS ADAPTATION

The tendency of European education, its standard draws a significant place in patriotic education and knowledge of technology, technology, economy, production; disciplines, as a rule, have a practical orientation. In curricula of comprehensive educational institutions of developed countries of the world there are subjects and training courses that provide appropriate training for students. In the plans for studying the work of boys and girls, mainly conducted separately, different content and names of educational subjects that provide labor training for schoolchildren. At the first stage of study, the subjects are studied "Labor" (Germany, USA, Austria), "Hand work" (France, Finland). There is a practice of studying in the elementary classes of the integrated courses "Art and Labor" (Japan). At the second stage of study, the subject may be called "Technology" (France, Russia), "Aesthetics and manual labor" (Austria), "Engineering" (Poland). In Japan, girls are studying "Domovodstvo", and in the US - "Housekeeping and household economics".

The problem of educating a patriot-citizen in the educational space of the world's leading countries was studied by many Ukrainian scholars. Scientists A. Afanasenko, E. Barilko, M. Zelenkov, I. Kolodiy, Y. Krasilnik, V. Stadnyk, V. Shevchenko, V. Yagupov made significant contribution to the modern theory and practice of upbringing of patriotism of a growing personality.

An important and useful experience for the Ukrainian state is the experience of the Federal Republic of Germany in upbringing patriotism, citizenship, moral values of younger generations. The analysis of pedagogical literature showed that G. Kershenshteiner, who developed the system of civic education for educational institutions, first applied to the topic of civic education in Germany. By studying the cultivation of the patriotism of the young Germans, we encountered the fact that in Germany, this process is called the introduction of democracy, civic education, civic education. Ultimately, condemning the ideology of Nazism, German educators ceased to use the term "patriotism", since during the Second World War this phenomenon was associated with their loyalty to the Führer and the Reich. The current system of civic education in the country is characterized by democracy, respect for the rights of the child, the availability of advanced education technologies. At the same time, it has to be stated that there is no clear vision of the content of civic education in German teachers. Some researchers (D. Weissen, P. Massy) believe

that the successful formation of a patriot-citizen implies the ability to analyze and evaluate political problems. Accordingly, in the center of the civic education of the individual there should be a policy that researchers consider in three dimensions: form, content and process [4].

Representatives of the other direction of civic education V. Boytel, V. Edelstein, P. Fauser, prefer the theory of experience and value-democratic practice, the formation of democratic behavior and orientation to action.

That is, the priority is the formation of democratic competence of children through learning and living in a democracy. Other researchers in civic education (G. Bright, G. Wasser, A. Hau-ber, S. Shile, S. Shick, G. Schneider) argue for the synthesis of traditional political education and new democratic learning [4].

It is important that German educators, in the conditions of a modern multiethnic environment, realize the need to educate young people on values such as tolerance, compassion, solidarity, ability to co-operate, and peacefulness [2, p. 87].

The German researcher A. Slivka is convinced that "civic education is the answer to specific social issues (immigration problems, racism, intolerance, selfishness, globalization, loss of culture) and tasks (gender, ethics), as well as the need for active involvement of young people in democratic and social processes. In the center of the civic education of the growing personality of Germany is the teaching of communicativeness and socialization. According to this task, not only tolerance is required, since the goals are much wider - "conscious promotion of pluralistic views and divergent thinking. Young people should be aware of the tasks of society and take active part in their solution. On the basis of proposals and new perspectives, humanistic principles should be realized, which will become the basis of citizenship " [1, p. 132].

Professor A. Slivka, understanding the importance of a civil society, in which democratic pedagogy, which is also involved in the upbringing of a patriot-democratic citizen, may function, notes that "there is no democracy without democrats and democrats who have not been taught democracy. Democratic culture does not fall from heaven, it does not arise independently, does not develop itself, but requires constant care " [7, p. 14].

German scholars believe that only democratic thinking and democratic actions of the Germans will be able to secure civilized democracy and a developed civil society in the country. In particular, special educational courses (politics, social science, sociology, political science, the foundations of democracy, values and norms, philosophy) were created in all educational institutions of the federal states. In addition, the ideas of democracy are integrated into other subjects: history, geography, ethics, economic education, study of things, labor, law, science of the world, economics, social sciences.

Civic-patriotic education of the growing Germans is specified through the study of topics, namely: democracy, rule of law, political values, democratic society, democratic state, democratic principles, human rights, equality, multi-ethnicity, intercultural relations, civil society, political tolerance, tolerance, citizenship , rights and freedoms of a citizen, responsibility to the people, elections, openness of power, duty to society, publicity, multi-party system, control over power u, economic freedom (the existence of private property). It is worth noting that German educators in their practice of raising civic understanding and responsibility seek to use active and interactive forms and methods. For example, scientists G. Avdiyants and M. Kuzyakin inform that for teaching mutual understanding, such methods and forms as cooperative teaching, class council, structural debate, academic disputes, discussion, and establishment of a democratic conversation are used. At the heart of raising the responsibility of a growing personality is the concept of "learning through duty," which was created as a result of the transition of the school to a full day "[1, p. 79]. Great importance in the educational process is given to motivation, reflection, constructive analysis and own experience.

At the end of the XIX century. there are so-called new schools - secondary schools of residential type, one of the mandatory signs of a "new school" - its location in the bosom of nature, because only here children have the full opportunity to grow freely, play, engage in agricultural work, which is extremely valuable in the educational sense. In each "new school" a weighty place must be occupied by manual labor, which should be deducted at least one and a half hours a day. As for the types of labor, the advantage was given to carpentry and agricultural work. The first "new school" in Germany ("rural educational home") was opened in Harts by a well-known educator G. Letz (1868-1919). In accordance with the basic requirements that should have been followed by the "new schools", G. Litz's "village educational homes" were located in the bosom of nature, in a picturesque area.

The lessons of needlework at Waldorf School begin with knitting on two knitting needles (1st grade). Children are introduced to the wool (originally non-rigid), from which they will make simple toys, students themselves make knitting and knitting simple articles made of special wooden blocks (for example, a flip-flap case, various animal toys). From the second grade, children acquire the skills of crocheting, producing the necessary things in the household, for example, napkins. In the fourth grade they learn to embroider a cross, decorating, for example, rugs, musical instrument cases, etc. Embroidery, like knitting and crocheting, in addition to developing the skills and abilities needed by a person, promotes the development of fine motor skills and, consequently, the development of mobile thinking.

Lessons of needlework are closely associated with painting and painting. It is not about the student himself, for example, drawing for embroidery, it is important to awaken in him the true experience of colors, their harmony, which allows the student to perceive a truly living world. The knowledge thus obtained about elementary craft activities is completely different in the making of artistic products, which demonstrate their own view of the student on everyday reality, but do not reproduce the finished templates. Starting from the fourth grade, children begin to sew,

first, for example, wallets for handicraft items that they decorate at their own discretion, in the seventh grade they are sewing shirts, trousers, other clothes, and by hand. On the basis of the skills obtained in previous years, sewing by hand, in the eighth grade is combined with work on sewing machines. Senior students can make things of applied art: pillows, bedspreads, that is, something that has a certain practical purpose. In addition, weave baskets, hammocks, things from the bay, make hats, and also paint watercolor paintings posters and covers for books. This branch of training - engagement in needlework in the last 11-12 grades, ends with cardboard and bookbinding works, which is important not only for the development of maximum accuracy, diligence, but also for the development of the imagination of a young person. Handicrafts, developing the skills of the student, at the same time, enable the emotional connection of the child's life with the life of the surrounding world, which makes it better orientated and understand its environment. From the sixth grade begins gardening and gardening. Students are trained in a natural way, without the use of pesticides to fertilize the land. In addition, they will learn about the impact on the growth process. From this class, students begin to work with wood, producing beautiful products - for bread or fruits, small furniture, toys.

Working with wood, as later with metal (grade 8), requires a lot of effort from the student. Matter resists, revealing its "character". To give it a certain shape, to get a good piece of wood or metal, you need to be persistent, patient, and so on. This trains, first of all, human will and endurance. Each Waldorf school has its workshops - joiner's, metalworkers. If younger students are introduced to the primitive technologies that have been used since ancient times, then older people are studying modern technology, both industrial and agrarian. It does not matter whether students will in the future engage in industrial or agricultural affairs. It is important that they know where and how they arise, and could also apply knowledge gained in school.

Thus, having considered the issues of labor education in the history of foreign pedagogy, we found that at various stages of society development, the use of labor in the education of man was decided in different ways. All teachers of the past considered work as a necessary component of a comprehensive human development. The combination of labor and education was first spoken by the humanist educators of the Renaissance. Particularly relevant issues of special labor education are in bourgeois society. Different points of view about the place and role of labor education and education are expressed. In particular, D. Locke, the need for labor education was motivated by the fact that work in the fresh air is good for health, and knowledge of crafts may be necessary for a business person as an entrepreneur. J. Rousseau believed that labor was necessary for all and for the rich and the poor and she should be taught specially. J. Pestalozzi saw in child labor, above all, a means of developing physical strength, mental and moral abilities of children, sought to give children not narrow craft skills, and versatile labor training.

The problem of patriotism, love and respect for the homeland for Poland is no less important, and equally to a certain age, as well as for Ukraine. In general, the problem of the formation of education, according to the statement of the Polish scientist Gabriel Kobelya, is and will be the basis for the development of mankind. According to another Polish scientist Malgozhat Jiz, the formation of patriotic principles is the basis for the cultural and national identification of a person as such and contributes to the preparation for life in society. In addition, national patriotic education contributes to the preparation of a young and younger generation for the fulfillment of various social roles and the formation of interrelations with the motherland. In addition, it is a universal value for society. It is the national-patriotic upbringing that has to be gradually laid down in a person through didactic-educational activities, since, as you know, patriots are not born-they become. At the same time, the transfer of patriotism through educational processes is the responsibility of every teacher, regardless of faith and political beliefs [1, p. 392].

An important place in the formation of patriotism is the family. It is the basis for the propagation of vital values from the very birth of a person, and also contributes to the development of a sense of responsibility for the common good. The homeland for its pet is "a small Motherland", where it can feel safe. An important part of the family is the attitude of parents - parents and grandfathers to national traditions, where children, in view of their attitude, will do the same. The next important aspect in shaping patriotism, as the law says, is the school. The school must provide each student with the necessary conditions for his development in order to prepare him for future fulfillment of his family and civil obligations, based on the principles of solidarity, democracy, tolerance, justice and freedom. Patriotic education at school depends on the attitude of teachers and the methods they use. In addition, school ceremonies in which children and young people take part is an extremely important aspect of patriotic education at school. It is a different kind of state and school celebrations, based on respect for national symbols such as the anthem, coat of arms and flag. Of great importance are the days of national memory in schools, during which you can learn about the places of national memory, various important national holidays and see interesting pictures and photos. In addition, patriotic education is promoted by local lore excursions, organized by teachers from the relevant subjects. During them you can enjoy the beauty of your native land and the richness of landscapes. The goal of the school is to prepare children and young people for active participation in public life, to the unselfish ministry of their country and the struggle for justice and social progress. The school aims to combine theoretical knowledge with practice. Today, it faces an important task - to give young people the opportunity to take an active part in creating values that enrich the nation's economy and culture. In this process, it is important to cultivate love for work through work. The school should contribute to the ideological, moral and patriotic development of young people. In training, the school prepares young people for an appreciation and a respectful attitude to national traditions. Knowledge of the history of the Motherland plays an important role in shaping human consciousness [6].

At the same time, civic organizations, as well as schools, should foster the formation of patriotic foundations that promote national and cultural identity. Among them is the Union of Polish Harkards (hereinafter - SPH) as one of the most important Polish youth public organizations, which contributes to the national-patriotic upbringing of the younger generation. It should be recalled that the PWC was recognized as an organization that has the highest social significance due to its educational and patriotic nature.

Pointing to the difference between hackers and scouting, he drew attention to the fact that English Scouting can be considered as a kind of great game, and Polish Hercules strives to help young people better prepare their role in society through a well-organized form of play. In his opinion, the harting is an original Polish system and, in a sense, a unique one, which at the moment undergoes a rigorous test of time [5, p. 63].

The Union of Polish Harkards is an educational, patriotic, voluntary and independent association for all without exception. The education in the SPF relies on moral standards derived from the general, cultural and ethical values of Christianity, raising respect for each person. For its purpose the Union of Polish Hercules puts the service of God, Poland, and also of its parents. In addition, the patriotic education in SPF promotes the symbolism of this organization: the hatsersky Cross, the flag, the standard of the Kharkers' wife (team), as well as national and folk songs. Essential elements of scout educational activity are the strut and regional studies, useful in the process of preparation for military service. The tasks of the SPH include:

- development of appropriate approaches to study and work, and also was able to organize leisure and recreation;
- Organization of a denture (younger hacker) and a hater of active participation in the cultural life of society and native land;
- raising the feelings of pride and respect for the traditions and history of one's own people;
- creating conditions for the full development of human potential;
- the spread of values such as freedom, truth, justice, democracy, self-government, equality, tolerance and friendship in society;
- dissemination of knowledge about nature, ecology and formation of the necessary contact with nature.

The school system in Switzerland varies, depending on the canton, but it is differentiated everywhere. Children go to school seven years. But before that, they have to attend a kindergarten for two years. In elementary school - in most cantons, it has recently lasted for six years - all study together. After the sixth grade, a secondary school begins, and the children, depending on the success, are divided into three groups: B, E, R. Group B - bases, those who study is not very good and later will only qualify for a certain specialty. Group E - those who will later acquire more complex professions, and finally P - progymnasium group, children who apply for a gymnasium, and after their successful graduation have the right to enter university. Of course, if necessary, children are easily, without bureaucratic red tape, transferred from one level to another, depending on success. In order to enter the gymnasium, you have to score a certain passing ball. In gymnasiums, about 25% of children study, at the end of their studies they take the exam on maturity and can be enrolled in the university. Education in the gymnasium lasts for three years. So it turns out that young people who are at least nineteen years old are entering the university.

In general, the school is more "applied" and condescending to students than Ukrainian (and at least forty-five times "more lenient" to teachers if we take into account the wage criterion). Children receive not only books, but also notebooks, pencils, pencils for free. After all, parents pay taxes, including to the cantonal budget. There can be no money to raise money for repairs at school. The school buildings I have seen are very functional and comfortable. The child should only buy a briefcase and pencil case. Sports clubs, music lessons or drawing fees are a great choice.

The number of students in the classroom rarely exceeds 20. The requirements of the school curriculum are not as high as in Ukraine. Applied mathematics (the so-called subject, which includes some arithmetic and some algebra) is taught by the same teacher as geometry, computer science and physical education. His education implies this. In a gymnasium, profiling a teacher is thinner, and such a combination is already impossible.

In addition to English, French is required in the German-speaking part of Switzerland. German (or any other) literature is not taught separately, literature is part of the subject "German language". In a son's class, the same teacher teaches the German as to geography. At a German lesson, texts that are interesting to teens are read and processed. For example, about pirates of different eras and "species". Children, for whom the German is not their own, once a week have additional - of course, free - an individual lesson with the teacher. Estimates for the first year of study in the scoreboard for the success of such students are not yet taken into account in determining the passing ball for admission to the gymnasium.

Education is conducted in the German literary language, although practically the language of communication is the Swiss dialect of German - the Swiss duct, which reminds me of my Hutsul childhood - and which conversations between teachers and pupils communicate between themselves. So, the Swiss have a linguistic duality situation at several levels. The first level - four state normative languages, the second level - purely Swiss, non-normative, but live in German or French. Such a complex differentiation does not lead to a collapse due to the high correctness, discipline and tolerance of the Swiss. Nobody laughs at anyone and does not despise it, it would be an unheard-of rudeness that nobody can afford because of good education.

Respect for each individual student is an axiom, and not only on paper. The teachers turn to the "gentleman" for the teachers, after which the teacher's name is called. There are a lot of male teachers in the school, and half of

them in gymnasia. School uniforms are absent, the hymn of Switzerland is not singing at school, before praying, of course, do not pray. This does not mean that the Swiss do not respect religious norms and do not have a sense of patriotism. Simply these categories are "silent" and they are expressed in the correct behavior and conscientious work. Once a week, there are classes on religion, children can choose which religion they want to study for a denomination.

Studying the problem of patriotism education of students in the leading countries of the world made it possible to distinguish the content, forms and methods of patriotic education and their introduction into the educational process of schools in Germany, Poland and Switzerland. Having analyzed the research, we came to the conclusion that it is necessary to focus the Ukrainian educational space on priceless experience. After analyzing different approaches to defining the concept of "patriotism," we gave our definition: patriotism is an active and effective sense of belonging to its state-territorial Fatherland, organic involvement in its socio-political structure, devotion and love for it, readiness for self-sacrifice in them I'm her prosperity. The experience of the leading countries of the European Union convincingly proves that the stakes on the backbone of patriotism are the conviction of citizens that their force is in unity. It is the key to our success, our independence and prosperity. Only thanks to the feeling of national unity, accord, peacefulness can Ukraine be preserved, strengthened, become equal among peers.

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5.19. MECHANISM FOR OPTIMIZATION OF IMPACT ON NATURAL ENVIRONMENT AS MEANS OF STATE POLICY OF ENVIRONMENTAL PROTECTION AND PRESERVATION OF ARCHITECTURAL AND TOWN-BUILDING HERITAGE UNDER URBANIZATION

Partnership as the first step to cooperation is a truly reliable thesis, which reminds of a road map for meeting the requirements of further integration of Ukraine into the European Community. But in that case, have we taken into account all the criteria, which our country has to satisfy to do well in preparing the "home assignment" prescribed by the European standards, and even reach the indices that could ensure sustainable regional development? So, what should state developmental policy priorities be like? What should we take as a basis for developing our territories and communities? Do we need to outline new paradigms toward the goal? Naturally, the backbone is land, in other words, the surrounding medium or the natural environment i.e. all the animate and inanimate, natural and man-made objects situated on the land. We must take into consideration the present environmental condition and understand that the anthropogenic and technogenic loading on the natural environment in Ukraine exceeds by far the corresponding values in the advanced countries of the world. In Ukraine, life expectancy averages 66 years (in Sweden – 80; in Poland – 74). To a large extent, the situation is caused by the pollution of the natural environment, resulting from the production activity of mining, metallurgical, and chemical enterprises, and the fuel and energy complex [1].

The main reasons for the environmental problems in Ukraine are regarded to be its resource-consuming, in particular energy-consuming, economic system, left from the Soviet times, and its inadequate transition to the market conditions, as well as the horrifying state of the fixed assets of production and transport, which also remained from the Soviet era.

Disconcertingly, in the recent three decades, the state has failed to establish an appropriate system of public administration in the sphere of protection of the natural environment and regulation of natural resource use. The current lack of a clear-cut separation of the natural protection and economic functions makes itself felt too. In the recent years the country has not progressed in forming the necessary institutions of civil society, the work of which could be directed toward raising the public awareness of environmental protection priorities, laying the basis for sustainable development. Today it is essential to consider new approaches and form new mechanisms for the state regulation of human impact on the natural environment, particularly as a means of the state policy of environmental protection and preservation of architectural and town-building heritage under the conditions of urbanization.

It is well-known that, having taken the principles of sustainable development and compliance with the European standards as a basis for future development, Ukraine has faced the task of assessment of the condition of its

territories and specifically its administrative units. Such an assessment should be based on analysis of the dynamics of changes of indicating indices, which allow detecting most effectively the challenging issues of populated territories' development, highlighting their specific features. Therefore, assessment of the territories' condition should cover all the components of the urbanized ecological systems, namely: the economic and infrastructural, social and environmental spheres. In this connection, the topical problem of the time is selection of indices to conduct the assessment of the present condition of residential areas.

With regard to the specificity of different populated localities, the system of indicators can be changed and extended. For instance, it may include the availability and quantity of natural resources, kinds of industry and transport, population number, possibilities of local development and other indices. As the research has shown, the most expedient way is to use three groups of sustainable development indicators: environmental, economic, and social. The least scientifically grounded and understudied are indicators of the environmental group that play a major role in forming a balanced assessment of a territory's condition, and correspondingly affect its development.

Scientists are aware of the achievements in the field of designing a sustainable development indicator system for territories of different levels intended for assessment of their socio-economic condition, e.g. a system of environmental indicators based on the works of Shapar A.H., Yemets M.A. who refer indicators that characterize environmental load and natural resource use to the priority ones [2].

Comparing the existing versions of the indicator systems for assessment of territories' condition, we have established that the most unexplored are small towns of Ukraine, which are characterized by a number of typical environmental problems, specifically: large-scale emissions from road transport and industrial enterprises that causes pollution of not only the atmospheric air, but soils as well; a high rate of uncontrolled wastewater discharge into water bodies; a large amount of accumulated household and industrial wastes that could be used as recyclable materials; outdated central heating and water supply systems, which affect negatively the heat supply conditions and the quality of drinking water. Apart from damaging the environment, the listed problems preclude delivery of quality services to the population. A separate group of small towns is formed by those historical places, which, in addition to environmental challenges, also have problems with preservation of cultural heritage monuments – the problem, which is closely connected with spiritual and educational matters, the problems of cultural development.

If we set a research target of analyzing the environmental indicators of urban ecosystems condition, and identify among them the indicator of the natural condition of a small town as characteristic for researching the entire territory of the country, we will be able to provide the relevant indicators that will help to form the necessary mechanisms of curbing anthropogenic aggression in relation to the natural environment. At present Ukraine counts 345 small towns, 125 of which having the population of 20 to 50 thousand people.

Taking as an example a small town "N" located, for instance, in Kharkiv region, which is a typical town with a population of about 25 thousand people, we can find out that before the last decade of the previous century it had approximately ten thousand more residents. There were about twenty to thirty operating enterprises, which acted simultaneously as budget-makers and polluters of the environment. For the majority of towns, the situation changed drastically in the last 20 years. Most of the enterprises have changed their form of ownership and are not operating at full capacity, using outdated production technologies, or have disappeared altogether. Under these circumstances, the nature protection fund is incapable to cover the damage inflicted on the environment. That is why most of the populated areas are facing acute problems that must be solved by way of designing strategies for development of territories, based on the specific features of their formation.

Thus, among the existing options of integrated methods for assessment of a territory, the most acceptable in terms of populated areas research, is a technique of socio-economic and environmental assessment of the environmental condition of a territory, based on folding of indicators from the lower level to the upper one. In particular, this approach was applied to assessment of the territories of regions (Klymenko M. O, Liulchyk V. O.) and villages (Pryshchepa A. M., Klymenko L. V.). We assume that between the indicators of all levels there exist only vertically subordinated links. It is this principle of establishing an integrated indicator that was taken as a basis [8].

Indicators of the lower level are core indicators formed on the basis of statistical research. Thus, the choice of these indicators determines the correctness and precision of assessment of an urban territory. The main criteria for selection of the indicators are information capacity, accessibility, and possibility of applying them at different levels.

For assessment of the environmental condition of town "N", we analyzed and researched a number of indicators, which determine the level of loading on the natural environment, and the extent of environmental management. On this premise, the integrated indicator of environmental development will include the following aggregated indices: soil covering condition index, atmospheric air quality index, surface water pollution index, drinking water quality index, and waste management index. When required, the range of indices can be extended.

To research the atmospheric air condition, it is necessary to analyze the stationary and mobile pollution sources. Unlike villages and rural districts, urban localities encounter urgent air pollution problems, which are basically caused by a growing amount of emissions from mobile sources of pollution. Analysis of the atmospheric air condition is conducted on the basis of researching the dynamics of the changing rate of emissions from stationary and mobile sources, and the overall emissions. It has been found that emissions from motor transport make up 70-85% of the overall emissions. The research has shown that the most informative in terms of loading on the environment and human life are the indexes of the emission quantity per square kilometer and per capita. From the perspective of the

atmospheric air safety for human health, it is expedient to study the changing concentration of the main air pollutants in industrial territories, residential areas, and territories adjacent to roads and transport junctions (railway and bus stations) [3,5].

The result of atmospheric air pollution is considered to be the degrading condition of urban soils, which turn into pollution deposits. As a consequence of urbanization of territories, soil covering has changed compared to the soils of the surrounding agricultural area, displaying the following effects of the increased anthropogenic loading: pollution of soils with hazardous substances, resulting in changes of the physical and chemical composition of soils; disruption of a soil substance cycle, structure, and properties; demise of soil organisms; self-purification dysfunction; and ultimately, soil covering degradation. The urban soil covering analysis shows the presence of heavy metal pollutants (lead and zinc) in urban ecosystem soils that cover a large part of the residential sector of the town. In most instances these are territories located alongside transportation routes and in places of motor transport congestion (bus stations, crossroads, gas stations). That is why the leading role in forming safe conditions for people's vital activity is played by compliance with the requirements of the environmental law, in particular preservation of vegetation and landscaping in an urban area [4, 7].

One of the main nature resources utilized to provide a stable environmentally safe functioning of any ecosystem is availability of quality water resources. Analysis of this environmental component has shown the following. The main urban consumers of water are utility service providers, manufacturers, and the residents. To satisfy a town's needs, water abstraction is performed from both surface and underground sources. Having analyzed the supply of households with water, we could determine that the actual daily average water consumption in urban localities is about 100 liters per 24 hours per one resident, which corresponds to sanitary-hygienic, economic and drinking needs of a person. As far as the surface waters are concerned, the core of the inventory of water resources is formed by a large number of lakes and small rivers giving rise to those lakes. Like the majority of the country's rivers, rivers in small towns serve simultaneously as a source of water supply and as a receiver of household and industrial waste water. The research of the aquatic environment condition allows us to state that according to the results of chemical and analytical monitoring, the quality of surface waters in the territory of town "N" falls under class IV. This is related to a large quantity of under-purified waste water discharge, which is a consequence of the overloading of municipal waste treatment facilities [7].

One of the most important problems for today is a continuous accumulation of solid domestic waste. If some years ago this problem was mostly typical of urban localities, at present it acquires increasingly more acute character in rural areas too. For example, the problem arises due to a large quantity of consumer goods packaged in plastic wrap of artificial origin. At the same time, lack of a system for collection and utilization of solid household wastes resulted in appearing of unregulated garbage dumps, notably in recreation areas. The results of research conducted by many scientists suggest that the principal method for removal of solid household wastes in towns is burial at a municipal landfill which does not comply with sanitary-environmental standards. Annually in urban localities huge heaps of household wastes are accumulated, with the average quantity of waste removed from the landfill amounting to nearly 1,0 thousand tons, and the total quantity of the removed wastes – 700,0 thousand tons. The amount of waste calculated per a town resident averages approximately 0.75-0.8 cu.m, which is within the normal range (1.08 cu.m). A large portion of the waste is made up by glass, paper, plastic, which must be recycled. Consequently, a town requires an effective system for collection and sorting of wastes by their types [6, 7].

Having identified environmental problems on the basis of the analysis of dynamics of the changing environmental indices, we can decide on the expediency of making an assessment of the environmental sphere by the selected indicators.

Considering the typical nature of small towns' problems, their environmental condition can be described by using the analysis of the dynamics of changes of such indices as atmospheric air condition index, soil covering condition index, surface water pollution rate, drinking water quality index, and waste management index. As pointed out above, a set of indices can change depending on the specific features of a particular urban environment to be studied. By researching the dynamics of changes of the basic urban environmental indicators and that of aggregated indices, it is possible to determine the main tendencies of a town's ecological subsystem development, and safety of living for its residents, and outline the priority course of action.

The next step in addressing the said challenges is selection and substantiation of the minimal and maximal limiting values for the assessment of indices, their unification within a single scale, aimed to determine a territory's condition, rating it from the reference to critical value which requires additional studies. A choice of an assessment range should be based on the environmental regulations, allowable values of environmental load, and international standards of safe conditions of human vital activity. The importance of the choice of a range of assessment consists in prevention of reaching the alarm indicator levels (minimal or maximal), since it might cause disbalance of the town's development process. An important step in determining the sustainability of villages, towns, cities and regions is designing of a system for observation, analysis, and forecasting of their development. The key role in this process is to be played by a quality analysis of the character of changes of each individual index and a changing complex of indices.

For towns of historical significance, it is logical to link the discussed kind of research with a complex of measures aimed to preserve and adapt architectural monuments to the urgent needs of the people (within the limits of the legislation on protection of cultural heritage), especially when it comes to monuments of national significance.

In summation of the above said, fulfillment of the set tasks should begin with elaboration of a mechanism for state regulation and optimization of the environmental loading as a means of the state policies of environmental protection and preservation of architectural heritage under the current urbanization process. Specifically, it should include the following components:

1. Analysis of a territory's current condition (in particular, its monument content) with regard to its capacity to withstand urban stresses
2. Determining of possible parameters of urban stress (and monument condition) and their threshold values
3. Drafting of measures to prevent post-threshold anthropogenic loads
4. Establishing threshold value of technogenic loading
5. Development and implementation of measures for restoring environmental capacity (monuments including) to withstand the set urban loads

The development and introduction of the state mechanism in question will help improve the manageability of the natural environment, and preservation of historical monuments as elements of the man-made environment (the so-called "second nature"). On a partnership basis, making use of the European practices and getting the institutions of people's self-organization involved will provide the foundation for a safe territorial development, achievement of the European safety standards and improved life quality indicators.

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5.20. UKRAINE-XXI: NEOTECHNOLOGICAL DEVELOPMENT IS MUCH BETTER THAN NEO-INDUSTRIAL

Ukraine should not choose a neo-industrial way - it's a recession, a regress. There are already environmentally harmless nootechnologies (K. Korsak, 2010) in the world. The article offers some new ways to the introduction of new scientific terms related to the concept "noosphere". They are useful to describe innovations in higher education, scientific research, production, management, ecology and other spheres. New terms form noolexicon (nooglossary or noencyclopedia). There are 5 especially important concepts: nootechnologies, noonet, noodevelopment, noosociety, noohumanizm. The author offers to divide noolexicon into two parts – rational that associated with the exact knowledge (Sciences), and those that associated with the irrational knowledge (Arts). The accent is made on the importance of the concept of "noohumanizm" in education. A new scientific basis is suggested.

The author as the lecturer of the higher medical school has daily meetings with medical students. In the conditions of the development of the information and technological revolution the complexity of world processes and the daily increase in the number of new words and terms become our common problem. Students are interested not only in their future profession as a doctor or other health care worker. They discuss with us the prospects of Ukraine in its attempt to join the European Union, the possible conditions for ending the war in the East of Ukraine, the role of the medical profession in the future of all mankind. Students are very interested in the recent "second warning to

humanity", which was signed by more than 15,000 scholars and published in the influential magazine "BioScience" [7]. The Conclusions to this document indicate: "As far as we know, this is the most scientist to co-sign and formally support a published journal article. In this paper, we have captured the environmental trends over the past 25 years, have shown realistic concern and suggested some examples of possible remedies". Together with the students we carefully analyzed all 13 "realistic proposals" that are obviously correct and appropriate. However they relate to the secondary phenomena and do not provide the complete abandonment of all industrial technologies and industries. This document does not emphasize that these technologies destroy the biosphere and harm people.

This document does not emphasize that these technologies destroy the biosphere and harm people. Even neo-industrial technologies are harmful, and the countries of "new industrialism" - China, Brazil, Nigeria and others - have become leaders in most types of pollution of the biosphere. We decided together that for Ukraine and other European countries, the development path through the replacement of steel plants that were created a hundred years ago should not be considered as the best.

And are there any "non-industrial" proposals for the development of Ukraine, Europe and the rest of the world? By studying the publications of the philosophers from Ukraine that were created after 2000, we paid the greatest attention to the article "Theology as a means of positivism of the future and new goals of higher education" [4], in which its authors not only found a new way of solving the problems of mankind, but offered dozens of entirely new terms - nootechnology, nooscience, noodevelopment, and others. We have chosen especially useful terms for medicine and health - "humanism", "noohumanism", "noomedicine."

Although in the text of the article the main emphasis is made on the first four "production" nootechnologies, we paid attention to the fact that the newly introduced term covers all "wise" actions of people in their social and cultural activities. Therefore, in the nooglossary, containing more than 70 known and completely new nootermins, a significant percentage refers to non-productive spheres - noohumanism, noothinking, noopsychology, noopedagogy, noohistory, nooaltruism, and many others. Without indicating their definitions, we have noticed that the main difference of "nooterms" from the existing terms consists in helping people to reach the new level of nootechnologies, the achievement of the nooself-sufficiency, the formation of a noothinking, the construction of the noosociety, and others.

In search of other offers and the usage of nooterms on the Internet, we paid attention to the article O.Ya. Anoprienko - Candidate of Technical Sciences from the Donetsk National Technical University [1]. He has been interested in noosphere theme since 1990s. He analyzed the problems of using the principles of humanism in the higher education. We've however become more interested in his article published in 2010, where he offers an interesting analysis of a large number of nootermins [2].

As expected, O.Ya. Anoprienko concentrates his attention on professional topics and expresses the conviction that the main supplier of entirely new words and concepts is the sphere of high and ultrahigh computer technologies and all other technologies (or technosphere). He considers technosphere as the means of practical implementation of V.V. Vernadsky ideas as for the noosphere, and suggests using the notion of "noologism" for the selection and designation of the whole set of new word-formation, reflecting various aspects of the formation and development of the noosphere [2, p.11].

According to our opinion three terms have the right to exist to designate such nooword-building – neologisms, nooglossary and nooencyclopaedia. Further we will use the first one.

O.Anoprienko offers a peculiar scheme for compact reproduction of his own new nootermins (noologisms - noography, noomodelling, noocomputing) and those discovered by him in the writings of contemporary Ukrainian and foreign authors. (Figure 1).

Noosphere, noomodelling, neologisms, noographics, noogeography, noorhythm, noosociety, noocomputing, nootechnology, nooscience, nooculture, nooeconomy, noocivilization, noocosmology, noocivilization, nooevolution, nooprojects, noomanagement, noopolis, noontime, nooadvertysing, nooinstruments, noogenesis, nooanalytics, nootrends, noolibrary, noobreeding, noomodeks, nooethics

Fig.1. The most common noologisms in 2011, reproduced as a "cloud of tags",



O. Anoprienko using large and small print has made an effort - at least approximately - to indicate the popularity of the term, its prevalence and level of recognition in the scientific world. The choice of words and print is

quite subjective. The author of Fig.1 is more interested in advocating future achievements of information and communication technologies and much less - in expanding the outlook of students of the higher engineering and technical institutions in humaniterien spheres.

However, philosophical questions are much more of a concern for us in our lives, because students live a full life and undergo a variety of influences. They need to master the value of as many noologisms as possible and to use them properly.

To shorten the presentation, we will omit mentioning every term as well as referring to its use in a certain publication with more or less detailed explanation. We pay attention to the fact that the field of sciences is divided into two parts: natural – mathematical knowledge (“Sciences” in English) and humanities (also “Arts” in English). Therefore two areas of knowledge emerged: the first of which is based on a rational approach with a minimum of subjectivity, the second is irrational, which does not appreciate facts and instrumental measures too much, giving preference to thinking, consideration and conclusion.

Taking into account this essential differentiation, O. Anoprienko makes a correct and useful conclusion regarding all noologisms: "Since the beginning of the 1990s not only the period of increased interest in the concept of the noosphere has begun, but also there were grounds for allocating two trends in the flow of this interest: one - close to the irrational, which is supported mainly by humanitarians, and the other - rational, almost technocratic, closely linked to the development of computer technology. " [3, p.12].

For a detailed review of specific works and their authors, we encourage readers to refer to the above cited article by O. Anoprienko. Here we express only the core of his arguments, which concentrate on his individual interests. In particular, while studying the issues of humanization of higher education in search of new means of educational and ideological influence on students of technical universities, he drew attention to the proposals of the neocosmological approaches from the group of adherents (Noocosmology // <http://noocosmology.ru>), whose leader can be considered A. Aseyev, physicist, candidate of technical sciences, the author of the idea of neocosmology, many articles and books contained in the Internet [3].

The noocosmology claims to successfully continue the achievements of leading sciences and more accurately explain the contemporary world, reveal the deep connection of human beings and space, elucidate all the mysteries of the universe and the properties of the higher mind and its impact on people and the relationship with them. In general, as pointed out by A.Y. Anoprienko, the supporters of the noocosmology are convinced that with the help of the noocosmologic education (along with the noosphere and other means) will arise a noocivilization as a union of conscious people with noothinking. This civilization, unlike previous ones, will be able to overcome all of the modern troubles (poverty, hunger, conflict, environmental threats, etc.) and wisely plan the future, and thanks to good prediction avoid cosmic or any other catastrophes.

By a similar generalization of the Humanities and social and other noosciences, we recall the words of O.J. Anoprienko about the formation of the second and based on accurate science sector of nooresearches (almost technocratic). Here he casually recalls several already proposed neologs, and in the process of presenting their research in the article [2] adds some new. The main proposal is that instead of “Internet” it is far more lucrative to use the term "noonet" (on which we totally agree).

Among many other nootropics representatives of the exact Sciences A.Y. Anoprienko in his article highlights the term "neotechnology", invented by K.V. Korsak, considering it as the most promising for use. He cites this with no detail, indicating in one sentence that they are ecologically clean, allow to preserve the biosphere and actually implement a plan for the building of the noosphere.

Although using the idea of creating and distributing nootechnologies, which are safe for people, reforming medical and other institutions into noostablishments, expanding educational impact on students through the use of noopedagogics and noopsychology seems promising and necessary to us. We will try to compactly express our approval, through significant modification of Fig. 1, suggesting our own option of the most promising concepts for the higher education of the XXI century. (Fig.2).

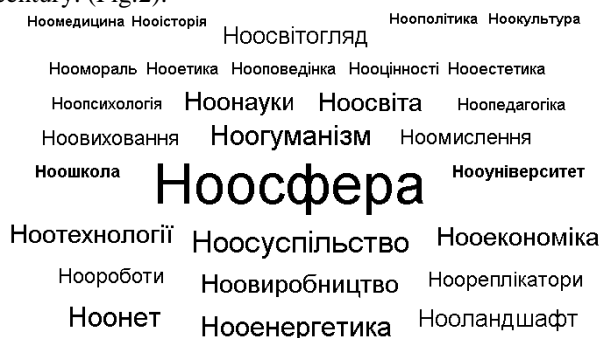


Fig. 2. "Tag cloud-XXI" - a promising option of neologs for use in the higher education of the future society

By using the word "noosphere", which remains the leader in all of modern Ukrainian neolexicon, we divided the scheme into two parts. The lower one with less lexical volume contains some terms from the world of rationality,

production, material, and other supplying. We consider the concept of "nootechnologies" as central among them, because without their victory over the industrial production it is impossible to implement an economy consistent with the needs of the biosphere and to create the noosociety which is the basis of the noosphere.

A very important role will be played by the noonet, a multilayered and combined information and communication system that will not reach the stage of a global artificial intelligence and will not deprive people of the need to have their own brains (and that is the hope of ardent supporters of the so-called "transhumanism," analyzing its errors is beyond this article). Through the noonet people will increase the comfort of communication and will be able to have access to all of the information heritage of mankind and the material aides controlled by them (noorobots, nootransportation, nooreplicators) can interact to successfully carry out the orders of the people, their various protection and prevention of hazardous and non-intelligent actions.

We will not dedicate the final part of this article to detailed explanation of the meaning of terms nooeducation, noohistory, nopedagogics, noopsychology, neoschool, noouniversity and a few other similar, let's focus on the fundamental choice of scientific foundation for the justification of the whole concept of noohumanism and all the inextricably related to it concepts.

We consider as two antagonistic options the already mentioned above partially formed sectors of the nooknowledge: the natural and mathematical (rational) and humanitarian (irrational). What will be the result of a kind of competition between them is unknown to us. We are still hopeful that as in the professional sphere of the author (healthcare), as well in other important societal systems the winners will be not the charlatans, psychics and negative hypnosis fighters but the scientists and technologists of the highest competence, who can create real instruments of salvation of mankind.

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5.21. CAREER: DEFINITION AND RELEVANCE RESEARCH IN ADULT EDUCATION FIELD

A career problem attracts the attention of researchers of various scientific fields.

A career has two basic determinants-individual and socio-managerial. The first (individual) is associated with the actualization of human needs in securing his/her own safety and well-being in the context of living environment evolving in stochastic way (stochasticity derives from the Greek word στόχος (stokhos, «the purpose») and means accident), the second (socio-managerial) - with increasing importance in all management processes of the so-called human factor, which is based on individual career potentials, mobilized and organized in favor of the system.

Accordingly, various career management benefits began to appear more often. Most of them are based on the materials of Western authors, which reflect the practice of personnel management in the field of entrepreneurship. According to scientists, a career problem of an employee in any industry is still not sufficiently developed. Scientific searches mainly concern the administrative management of the employees' movement by positions. Today, such an approach may not be sufficient. The necessity of a scientific reflection on a career as a complex phenomenon in the life of individuals and organizations is obvious and unfortunately, still negatively perceived in everyday life.

The Manifesto for Adult Learning in the 21st Century, proclaimed by the European Association for the Education of Adults (EAEA), raised the topical issue for us: «Do we want to live in a *more innovative, equal and stable Europe*, whose citizens take a democratic and active part in its life, where people have skills and knowledge in order to live and work in a healthy and productive way, and be engaged in cultural and social activities from the very early to the very old age?» [1].

It is important for us that in the Medium-Term Government Priority Action Plan up to 2020 is one of the key priorities (Goal 3) is determined the development of human capital, which is aimed at the best quality of life, education and productivity growth. As the document states, «the state should promote the creation of opportunities for citizens to fully realize their potential, and this also affects the growth of the national economy and the competitive position of Ukraine in the modern world» [2].

Today, at the stage of comprehensive reform of the national educational branch, *the European level of quality and accessibility of education*, the creation of a continuous education system are defined as priority directions aimed

at satisfying the interests of citizens in the continuous improvement of the professional level for ensuring high-tech and innovative development of the country, the needs of society and the state in highly skilled competitive professionals.

Accordingly, a set of institutions and institutions of formal and informal education of adults, scientific, scientific and methodological institutions, research and production enterprises, information services, other legal entities and individuals who have the right to provide educational services, as well as state and local government education and self-government forming the adult education system are facing the challenge of developing and providing strategic and tactical functions for continuous improvement of the professional level organizations personnel.

According to T. Sorochan, the purpose of reforming the system of pedagogical workers` professional development as a component of adult education is to ensure the continuous professional development of specialists in accordance with the state policy requirements in the education field, employers and key stakeholders, as well as to meet the educational needs of the consumer's personality of educational services [3].

This necessitates studying not only the *scientific understanding of a career as a complex phenomenon in the peoples` life and organizations* in terms of innovation type of human progress, but also the question of the *formation of certain mechanisms regarding the conscious attitude of society and each specialist* to «building» career processes in professional activities in accordance with the defined goal of adult education in personal development and professional growth through the acquisition of new competencies, their updating and development.

According to some researchers, the unity of views and the corresponding scientific substantiation of the essence of the concept of career and career process in our country are still absent. Therefore, there is a contradictory attitude to a career in the society, where it is sometimes viewed not from the positive side, but as a deviation from social norms, as careerism.

In the broadest sense, a career (Italian- *carriera* - running, life path, field, Latin-*carrus* – a wagon) is defined as a general sequence of stages of human development in the main spheres of life (family, work, leisure). In this case, the career is represented by the dynamics of socio-economic status, status-role characteristics, forms of social activity of the person. In common sense, a career is the desire of a person to achieve a situation giving the opportunity to fully satisfy person`s needs.

In the narrow sense, the concept of a «career» is associated with the dynamics of the position and activity of a person in the labor activity [4].

According to some researchers, a career is a quick and successful advancement in social, scientific and other activities; achievement of popularity, benefits. Also, the type of activity (for example, the actor's career) [5, 236].

An essential component of the concept of a «career» is the promotion, that is, the movement forward. Such definitions are also used as growth, achievement, transition, and others. So, a career is a process defined as the passage, sequence of systems` states. The uniting basis of the subject is a *way of its activity in the career process* determined by the career goals, means and actions of the person to achieve the goals, as well as objective conditions. Career goals are in the zone of intersection of the interests of the individual, organization and society. The basis for mastering a career strategy is the readiness of a person to operate in conditions of extremely complex, often difficult predicted changes. This is achieved through the development of the ability of the *systemic vision of the career process* in all its complexity of forming its parts, their internal and external connections, as well as the acquisition of means and the ability to take precautionary measures for career destruction.

The type of the *career* process gives an idea of its occurrence peculiarities, orientation and internal organization, external connections, interactions and interconversions in relation to other processes. At the initial stage of the career model research process it is expedient to typify it in a form that generally reflects the direction and sequence of changes in the level of human activity.

The ideal form of a career process is its development on the ascending (*progressive type*). Each subsequent stage of change differs in this process from the previous higher level of abilities and capabilities of life. It includes previously achieved results and prepares the need for the next stage. Changes occurring at the same time are irreversible, since each action has consequences for the future, the knowledge and experience gained, accumulate and interact with the person in the network of social connections, developing in the ascending stream of social life, captures the individual on levels achieved in the process of general ascent.

A rare career goes without the recessions of varying lengths states. The nature of the recession is reflected in the form of a *downward movement of the career process (regressive type)*. Such recessions occur in case of abilities inconsistency and human activity with the requirements to its status, structural reorganization in the field of activity, disease, etc.

These processes can develop with a continuous sequence (in line). This is a *linear type of career process*. For such a career include, for example, *the process of professional growth*.

The opposite of linear processes is the development characterized by jumps or breakouts after long periods of quantitative growth (*nonlinear type*). In a graphical representation, such processes have the form of stepped up or downward orientation. The steps leading up in the career process take place when the accumulation of professional knowledge and experience leads to a new level of status. When there is a similarity of processes, but at the same time they differ in the level of complexity, we can say that the process proceeds in a spiral. Such, for example, are processes

of successive development of positions in the process of advancement in the hierarchical ladder. A separate case of processes is when there is no significant change in the state system for some time, is defined as *stagnation*.

All variety of forms of processes is not limited to the given typification. In real life both a human and society (social groups) are continuously exposed to the various kinds and forces of variables, as a result the direction of career processes, the intensity of their development, internal and external correlation and relationships are changing. As a rule, *all these and other forms of processes* can develop on separate stages on separate stages of career movement.

Other scholars, for example, distinguish between professional and intraorganizational careers. Professional career is characterized by the fact that every person in the process of professional work goes through different stages of development: training, entry into employment, professional growth, improvement of individual professional abilities, retirement. An employee can consistently pass these stages in different organizations. An internship career involves a consistent change in the stages of employee development within one organization. It is implemented in three main areas.

- Vertical - the concept of career is often associated with the term of career, as career advancement is most visible. The vertical direction is literally understood the ascent to the higher step of the structural hierarchy.

- Horizontal – is moving to another functional activity area or performance of an official role on the step, which does not have a rigid formal consolidation in the organizational structure. For example, expansion and complication of tasks, exercise of the role of target program head, a temporary labor collective or target group.

- Center-oriented – is the movement to the core, to the organization management, which means access to responsible meetings, invitations for previously unavailable meetings, formal and informal meetings, individual management orders, access to closed information sources for other information sources, credible appeals, certain important management orders. From an outsider's point of view, this direction is less obvious, but it is quite attractive to employees.

Scientific management distinguishes such stages of a person's career during the person's working life. The *preparatory* (up to 25 years) is associated with the acquisition of secondary or higher education, profession. During this period, a person can change several activities in search of the one that best suits it. If such activity is defined, the process of self-affirmation of the employee as a person begins.

Adaptation (25-30 years) - a period of mastering the profession, gaining experience, skills. At this stage, qualifications are formed, the need for independence is emerging. During this period, a family is created motivating the employee to increase his income.

Progression stage (30-45 years). During this period the process of professional formation, promotion, the need for self-affirmation, and the achievement of a higher status are increasing.

Stage of preservation (45-60 years) is characterized by actions of consolidation of the achieved results, the highest level of improvement of qualification, knowledge, skills, experience and skill comes. Man reaches the heights of independence and self-affirmation.

Final stage (60-65 years) - replacement search, knowledge transfer, youth skills, preparation for retirement. This is an individual approach. Japan is considered to be the norm when the leaders of the highest echelon of the state are people under the age of 80.

Rose A. Weber, exploring the ways of «becoming» a career in various public life spheres, came to the conclusion that it has *seven phases, depending on the age of a person*:

Phase I (16-22 years). This is the phase when a person tries to escape from excessive care of the family, parents. This does not mean, of course, the implementation of some radical actions by the side of the boy or girl, but at this age young people, while respecting parents trying to find their place in life. Such an opportunity gives them labor, which is the main factor of material independence from parents. In 16-22 age, a young person part has not yet decided on his future for the most. Practically, Weber notes, these are years of preparation for a career.

Phase II (22-29 years). These are the years of becoming a personal social maturity. During this period, a person tied up a huge amount of social-psychological relationships, improves his qualifications, builds his family.

Phase III (29-32 years). Years of search. Having tried forces in one organization, firm or institution, a person can stay here, but maybe disappointed, then comes the period of new searches and changes.

Phase IV (32-39 years). This is the phase of stabilization. A person knows well what it is capable of. By critically evaluating their capabilities, some almost leave a search for something new, while others, on the contrary, having analyzed their mistakes, not refinement in some part of their lives, with a new force, activate their activity on the way to reaching the peaks in scientific or administrative realms.

Phase V (39-43 years) is the waiting period. For some it is a complete cessation of searches for the achievement of something better in life. They argue according to the proverb: «A bird in hand is worth two in the bush», for others, ambitious is an attempt once again to try their luck on the way to the career heights.

Phase VI (43-50 years). This is a period of new heyday. Even those who, a few years ago, completely despaired of their ability to pursue a career in 45-47 years, start active working (studying on various courses of business professional development, studying a foreign language, reorienting to other activities, etc. For example, philosophers become sociologists, sociologists and psychologists - advisers in firms, physicists and chemists - ecologists, etc). Looking at the youth jealously, people in the ages try, sometimes over the force, to prove their outstanding ability in solving scientific problems, production tasks, qualifications, etc.

Phase VII (after 50 years). When a person goes fifty and much later, it is basing on its considerable experience, tries to make the best use of what it has already gained. People of this age seldom can be seen in the library, they reluctantly use different kinds of novelties, which are published in professional journals. Those people are suspicious of various attempts to streamline the production process, inventions, etc. As the Polish sociologist U. Bartkovyak notes, they mentally separate from all sorts of fundamental changes in professional activity. But, on the other hand, these people are the guarantee of the organization's solidarity. Veterans create a unique climate for the unity of all its members, decisively acting in minutes, when the company, as a system, is threatened with decay. They are bearers of traditions, organizational culture in general [4].

What is topical issue today in the study of career issues in the field of adults in the context of the implementation of the new Law of Ukraine «On Education»?

We support the scientists' opinion that the management and self-management of the career development for any employee is an important and rather complex process and realizing that success in a career can be viewed from the point of view of moving within the organization from one position to another, higher, and in terms of the mastering degree of a particular profession, and from the point of view of obtaining a special recognition by the leadership.

The Law of Ukraine «On Education» (2017) uses the word «career» in Article 15 «Professional (vocational) education» only once: «1. The purpose of professional (vocational) education is the formation and development of professional competencies of the person necessary for professional activity in a certain profession in the relevant field, ensuring its competitiveness in the labor market and mobility, and the prospects of *career growth* throughout life». It would be relevant to read Article 1 (59) «Professional development and improvement of qualification of pedagogical and scientific-pedagogical workers» and to supplement the sentence «Educational institutions in which pedagogical and scientific-pedagogical workers work, promote their professional development and improvement of qualification» by the words «promote career advancement» [6].

Career as a complete management object exists today in the western countries. It is reduced to a set of activities carried out by human resources services, consulting firms, which enable employees to discover their abilities and apply them to the most advantageous for themselves and organization way. As research shows, their need is due to the fact that most employees often relate to their career passively, believing that this should deal with the leaders of the organization. Therefore, according to researchers, in many Western firms, the task is to plan a business career, that is, the definition of ways that lead to the achievement of the goal [7, p. 230].

Today, in Ukraine, there is an urgent need, in the context of the reformation of education, the implementation of the Law of Ukraine «On Education», to define in the subordinate normative legal acts the mechanisms of career advancement of industry workers, career management and planning their careers.

Employee career planning is a system of forms, methods and tools for organizing a systematic and consistent advancement and transfer of employees, taking into account their interests, as well as the needs of the organization. The main purpose of a career planning - is the most rational use of creative potential of employees, creating conditions for self-realization of them as a creative person. Career planning is a process that has a contradiction: it is important to ensure the employees need to improve their professionalism, self-affirmation, their social status, while the manager is required to ensure the solution of the current and future tasks of the organization, the development of its organizational, managerial and social structures. The important tasks for career planning of employees of the organization are:

- achieving the relationship between the goals of the organization and individual employees;
- provide career planning orientation for a particular employee to take into account his specific needs and specific situation;
- ensuring the openness of the career management process;
- removal of career «deaf angles», which do not allow for the development of an employee;
- improving the quality of the career planning process;
- formation of such criteria of service growth, which are well perceived by employees;
- studying the career potential of employees;
- ensuring a well-founded assessment of career potential in order to reduce unrealistic expectations.
- determine the ways of career development to meet the needs of the organization in the staff of the appropriate qualifications at the right time and in the right place.

An example of applying European experience in creating the legal framework for a «career model» for a public servant to increase the efficiency of its professional activities is the adoption in 2016 of the Law of Ukraine «On Civil Service», where in a separate section «Service career» identified by the articles are identified such important issues as the issue of career advancement, an individual program of raising the level of professional competence of a civil servant:

- *Article 40. Promotion of a civil servant.*

1. Promotion of a civil servant in service is carried out *taking into account professional competence* by taking a higher position according to the results of the competition in accordance with this Law.

- *Article 44. Estimation of results of official activity.*

1. The results of the civil service activities are subject to evaluation each year to determine the quality of the tasks performed, as well as to decide on awarding, *planning their career, identifying the need for professional training.*

2. Performance appraisal results are based on *indicators of effectiveness, efficiency and quality*, which are determined taking into account the duties of a civil servant, as well as *observance of the rules of ethical behavior and requirements of legislation in the field of prevention of corruption*.

- *Article 48. Increasing the level of professional competence of civil servants.*

1. Civil servants *shall be provided with conditions for raising the level of professional competence* through professional training that is conducted on a permanent basis.

- *Article 49. Individual program for raising the level of professional competence of a civil servant.*

1. A public servant based on the results of the assessment of the service activity provided for, together with the personnel management service, shall establish *an individual program for raising the level of professional competence* agreed by its immediate supervisor and approve the head of the independent structural unit in which it operates.

2. *The Personnel Management Service* generalizes the needs of civil servants in the preparation, retraining, specialization and qualification development and makes appropriate proposals to the head of the civil service [8].

Thanks to the planning of a career in the organization, the state of the personnel management is improved and a number of advantages are realized:

- there is coordination of personal plans of professional growth of employees with the tasks of the organization;
- the optimal organizational structure is provided;
- stability and predictability of an employee behavior through the creation of the internal labor market are successfully addressed.

Consequently, managing a career planning process should harmonize with the goals of an individual employee and the aim of the organization as a whole.

Career guidance programs (promotion) are developed by many companies and consulting firms in Western countries. Scientists believe that career management is an official employee promotion program that will help to reveal all of its abilities and apply them to the best of the organization, the process of implementing this program [9, p. 582]. The result of such programs is a great commitment to the interests of the organization, increasing motivation, productivity, reducing staff turnover and making more use of workers' abilities.

One example of using such programs is the use of four-phase career development programs by employees is at British Petroleum Exploration: self-assessment, goal setting, career planning, and implementation phase. The program provides employees with an open two-way communication with managers at all these stages. In order to maintain a new spirit of openness and trust, the career development program has a voluntary nature, and no leader is forced to go through all four stages of the program. In this way, the organization encourages those who participate in the program by recognizing and supporting the leaders. Throughout the whole process, BPE provides opportunities and rights for their employees to take advantage of them [10, p. 580].

Consequently, the social evaluation of professional activities of a person in the form of career advancement, in addition to recognizing the achievements already achieved, allows a person to discover new qualities and abilities, to know and realize themselves on a new level. Consequently, planning and implementing a career, satisfying the needs of employees in self-esteem and self-realization, becomes one of the most powerful factors that motivate their work activities. Therefore currently there is the development and substantiation of modern mechanisms for developing the capacity of adult education system to plan and implement individual career strategies of Ukrainian citizens.

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**ASSOCIATION AGREEMENT:
FROM PARTNERSHIP TO COOPERATION**
collective monograph

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