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CHAPTER 1

MODERN TRENDS IN PUBLIC ADMINISTRATION

SOCIOLOGICAL CONTEXT OF HIGHER EDUCATION BLENDED LEARNING POLICY

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Abstract. *The formation of a new reality due to global instability caused by the spread of the coronavirus pandemic has led to a rethinking of public policy mechanisms, achieving stability and prospects for the development of national educational systems. The purpose of the study is to develop dimensions of Higher education blended learning policy in the conditions of the COVID-19 pandemic and determine the prospects of state support for blended learning in the post-COVID period, taking into account the results of sociological surveys conducted among teachers and students.*

The methodology of higher education policy research during the COVID-19 pandemic and the development of public tools for blended learning in the post-covid period involves a sociological context and conduction of the sociological survey and sociological analysis. The paper states that the success of higher education policy is determined by the introduction of blended learning, which provides for state support of stakeholders of the education system to combine distance technologies using modern digital platforms and social interaction during offline learning.

The results of the study can also be used for implementing blended learning in conditions of military instability, for example, in countries where hostilities are ongoing.

Keywords: *Public administration, Higher Education Policy, Blended Learning, Distance Learning, COVID-19 Pandemic, Sociological Context.*

JEL Classification: H83, Z18

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Introduction. The COVID-19 pandemic and related quarantine restrictions have demonstrated the advantages and disadvantages of distance learning, the possibilities of its application in universities, and forced public authorities around the world, the European Union, the OECD, and UNESCO to develop innovative public solutions. During the pandemic, 1.5 billion students in the world, which accounts for 90% of their total number, were forced to stay at home. The COVID-19 pandemic has had a very negative impact on achieving Sustainable Development Goal 4 “Quality Education”. Ministries of Education in countries around the world are forced to respond quickly to changes in the unstable external environment and make adaptive public management decisions on the organization of distance or blended learning.

Public authorities around the world were forced to respond quickly to changes in the unstable external environment and make adaptive decisions regarding the organization of the educational process and the return of students from abroad.

The implementation of a full political cycle of public policy in the field of higher education and achieving success in maintaining social relations between public authorities, businesses, and universities in the context of pandemic restrictions are poorly studied. The first theoretical studies appeared only at the beginning of 2020, and empirical ones – in mid-2020. The empirical base, for objective reasons, has a short statistical series. The main input information for public authorities to make managerial decisions in the field of higher education was the results of sociological research and sociological analysis.

Thus, it is crucial to take into account the results of sociological research, expert opinions of scientists, and sociological surveys conducted among students, teachers, civil servants, and private firms that provide digital, sociological, psychological, and other services in the field of higher education. Sociology is widely used in the formation and implementation of public policy at all stages of the political cycle. These stages are: (1) Identifying problems that require government attention, deciding which issues deserve the most attention, and defining the nature of the problem; (2) Policy formulation; (3) Legalization (legislative approval, executive approval, seeking consent through consultation with interest groups, and referral); (4) Implementation; (5) Assessing the extent to which the policy was successful or the policy decision was the correct one; (6) Policy maintenance, success or termination (Cairney, 2019).

Public management of higher education as an authoritative influence on the viability of people by public authorities, local governments, and NGOs, involves the use of a method set (economic, administrative, information and psychological, etc.) to achieve social development goals.

Obviously, making managerial decisions in the field of higher education must be results of sociological research and sociological analysis.

Literature Review. Sociological contributions to education policy research are described quite thoroughly (Sykes, Schneider and Plank, 2009). They define the role of sociological approaches and sociological research in the development, implementation, and analysis of higher education policies. It is noted that higher education policy should implement a conducive institutional and social context (Viennet, Pont, 2017).

Currently, higher education policy is being transformed to meet global challenges. Therefore, quality of distance learning is to merge the potential of public authorities, higher education institutions, non-governmental organizations (NGOs) and student government to ensure an effective educational process and the acquisition by higher education program applicants of general and professional competencies in full (Oleshko, Rovnyagin and Godz, 2021).

The importance of attracting researchers from the social sciences, using the tools of sociology, and introducing an interdisciplinary approach in higher education policy is also emphasized (Bastedo, 2007).

Social interaction during educational material submission and communication at the teacher-student level showed that not all universities were ready to go online at the beginning of the COVID-19 pandemic. According to the U-Multirank agency, about 60% of universities indicated online learning in their strategic plans before the COVID-19 pandemic, while only one-third offered fully online courses in one form or another. The ability of universities to replace the traditional educational programs at universities with online services has proved to be a key strategic response to COVID-19. The highest level of readiness was shown by such programs as business research – 12% and economics – 7%, the lowest level were shown by natural sciences – only 3% of programs in this area were successfully implemented online (U-Multirank, 2020).

According to data obtained through an online survey of students from different countries, the pandemic has made significant adjustments to students' plans to study abroad (Quacquarelli Symonds, 2020). To the question "Has the coronavirus affected your plans to study abroad?", 53% of students in North America, 57% in India, 66% in China, and 47% in the EU countries answered yes. At the same time, following the question "Which of these best descriptions how the coronavirus has changed your plans to study abroad?" most students from all countries decided to postpone their admission.

According to a study conducted by the Organization for Economic Co-operation and Development, international student mobility may decrease during and after the pandemic, as travel restrictions and the transition to online education may raise questions about international students' perception of the cost of obtaining a degree abroad. These losses apply not only to the education sector: countries have traditionally relied on international student mobility to encourage the immigration of foreign talents and promote both knowledge production and innovation at the national level (OECD, 2020).

On a global scale, UNESCO is most actively engaged in the problem of forced remote learning. It is noted that most students at all education levels have become virtually isolated in cities, and it is the cities that have taken "frontline positions" in the fight against new challenges and problems. One of the methods is the formation of the so-called "learning cities", that is, cities that effectively mobilize resources for the spread of education, rethink learning in households and civil societies, use modern technologies for learning in online space through which the city has the potential for empowerment and social integration, economic development, cultural prosperity, and sustainable development (UNESCO, 2020).

According to the results of sociological research, information and communication technologies in higher education are better absorbed by young teachers than older ones (Navarro-Espinosa, Vaquero-Abellán, Perea-Moreno, Pedrós-Pérez, Aparicio-Martínez and Martínez-Jiménez, 2021). Obviously, this fact should be taken into account when forming state policy through state funding of free training courses on online tools in teaching and organizing advisory methodological support for teachers. An example of such a policy is the activities of the Ministry of Education of the People's Republic of China, whose government was the first to accept the challenges

of the COVID-19 pandemic, ensure a massive transition to distance learning, and apply necessary operational measures to support continuing education. The Ministry of Education of the People's Republic of China has created a program to respond to the emergency pandemic situation, which is called "Suspending Classes Without Stopping Learning" (The Ministry of Education of the People's Republic of China, 2020). The program provides free access to online materials. To assist in ensuring the continuous operation of online platforms, several Chinese companies were involved: China Mobile, China Telecom, China Unicom, and China Satellite Communication, which made it possible to provide a fast and stable network for online learning and guarantee access to digital learning resources, online training for teachers, students, and parents (Zhang, Wang, Yang and Wang, 2020). An excellent example of the education reform to meet the challenges of COVID-19 is the creation of the Global Chinese Learning Platform, which is funded by the Ministry of Education. The aim of this platform is to meet the needs of the modern world in a new era of technological revolutions for artificial intelligence, big data, and cloud computing. During the pandemic and the closure of educational institutions, the platform provided the opportunity to learn for anyone at any time. As of December 8, 2020, the platform had 2.03 million subscribers from 170 countries and areas (The Ministry of Education of the People's Republic of China, 2020).

However, according to experts in the field of education, whose findings correlate with the results of sociological surveys among students and teachers, the main disadvantage of distance learning is physical distancing and loss of emotional contact between participants in the educational process. It is believed that physical distancing does not allow students to fully achieve programmatic learning outcomes (UNESCO, 2020). Al-Freih adds that the problem of distance learning is the loss of social and emotional connections between students and teachers (Al-Freih, 2021, p.10). Therefore, in the future, after the lifting of quarantine restrictions, public policy in the field of higher education should be aimed at supporting blended learning. This idea is confirmed by the results of a sociological survey, according to which 36% of respondents believe that blended learning will be successful in the future (Leal Filho, Price and Wall, 2021). This very definition of blended learning and its convergence of online and face-to-face education is considered by Watson, J. (2008). Blended learning defines a major segment of a continuum between fully online, distance, and fully face-to-face courses that use few or no Internet-based resources: 1) Fully online education with all learning done online and at a distance and no face-to-face component; 2) Fully online education with options for face-to-face instruction, but such instructions are not obligatory; 3) Mostly or fully online education with some days obligatory spent in classrooms or computer labs; 4) Mostly or fully online education in computer labs or classrooms where students meet every day; 5) Classroom instruction with significant, required online components that extend learning beyond the classroom and beyond the study day; 6) Classroom instruction integrating online resources, but limited or no requirements for students to be online; and 7) Traditional face-to-face settings with few or no online resources or communication.

Thus, the realities of today's world and the analysis of the foreign experience of distance learning in higher education have shown several systemic problems faced by the countries of the world.

Aims. The purpose of the study is to develop dimensions of Higher education blended learning policy in the conditions of the COVID-19 pandemic and determine the prospects of state support for blended learning in the post-COVID period, taking into account the results of sociological surveys conducted among teachers and students.

Methods. To find out the effectiveness of distance learning and develop public policy measures for its further improvement, many public authorities, international institutions in the field of education, and universities conducted surveys among students and academic staff. Sociological questionnaires had their specifics and different variations depending on the goals.

This study applied the methodology of sociological surveys based on mixed methods approaches, which included collection of both quantitative and qualitative data sequentially (Creswell, 2009), and used designing and doing survey research (Andres, 2012). Questionnaires was used to preparing the questionnaire, preparing the data collection, including sampling, conducting the data collection, including the collection of process data, and data processing. Sociological surveys were used as an instrument for making important decisions in the field of higher education.

In 2021, a survey was conducted among full-time students of the Faculty of Economics and Business, Kyiv National University of Technologies and Design was conducted. The survey involved 115 students acquiring higher education in the following areas of knowledge: Economics, Management and Administration and Public Management and Administration.

The research aimed to achieve methodological standards, using of qualitative validity and reliability questions. A research questionnaire was mix of close-ended questions and open-ended questions. Closed questions provided ordinal data which ranked and used a rating scale to measure the strength of attitudes or emotions. Open-ended questions offered the respondent the ability to elaborate on their thoughts and offer their own solutions. In particular, the questionnaire included questions on:

- satisfaction and level of knowledge acquisition in the context of distance learning during the quarantine restrictions;

- the need for an additional explanation by the teacher of the material studied remotely;

- acceptability and quality of online classes (in particular, via ZOOM or other similar tools);

- acquisition of new or improvement of acquired competencies or deterioration of skills during distance learning;

- changes in daily routine, time spent on study and leisure;

- advantages and disadvantages of distance learning during the quarantine restrictions.

Based on the results of a sociological survey, proposals were developed to improve higher education blended learning policy using methods of system analysis.

Results. The results of sociological surveys showed that three stakeholders in the field of higher education faced problems of rapid adaptation to the conditions of the pandemic: state institutions; students, and academic staff.

Considering the educational functions of academic staff, the level of satisfaction of students with the educational process in general and distance learning, in particular, is important.

According to the survey results, 30% of students were absolutely satisfied with the distance learning during the quarantine period, 43% of students were quite satisfied, and 17% were rather dissatisfied. This indicates that students highly appreciate the process of organizing the educational process during the quarantine period.

However, the education quality is measured with not only the level of satisfaction but also the level of perception of information and assimilation of knowledge. A third of students (according to their estimates) noted a lower level of knowledge acquisition compared to full-time education, 43% acquired knowledge at the same level, and the share of students who improved the level of knowledge acquisition was only 10%. At the same time, 64% of students said that the material studied remotely required additional explanation from the teacher. In addition, to the question “How is information perceived better?”, 21% of students answered “online”, 37% – “face-to-face”, 57% – “information is perceived equally”.

Training of high-quality specialists requires them to acquire general and professional competencies. During the quarantine, students acquired or developed some competencies, in particular the ability to manage time, work with information resources, self-control, and self-organization.

At the same time, 72% of students determined that they had lost their skills of sociability and teamwork. Along the way, these skills are the key ones for future professional managers and public managers.

Certain changes have also taken place in the students’ daily routines. During their leisure time, students started spending time on hobbies (20%), watching movies (20%), playing sports (19%), reading books (18%), and communicating on social networks (17%). A key factor that affected the growth of activities other than education during the quarantine restrictions was the release of productive time by reducing transportation time and costs. Similarly, the reduction of transportation costs (a significant number of students live in the suburbs and, in the case of full-time study, spend a lot of money on travel daily) allowed students to finance their hobbies.

The main advantages of distance learning according to students were: flexible study schedule (34%); the opportunity to combine work and study (29%); the opportunity to master additional competencies, take courses, spend time on hobbies (20%); increased motivation for self-study (16%); other (1%).

The disadvantages of distance learning during the quarantine period included technical problems, inability to access the Internet (48%); difficulty in mastering the material online (30%); low level of information technologies knowledge by teachers (11%); low level of information technologies knowledge by students (8%) (see Table 1).

Table 1. Advantages and disadvantages of distance learning during the COVID-19 pandemic (according to student surveys)

Advantages		Disadvantages	
Item	Percentage	Item	Percentage
Increased motivation for self-study	16	Technical problems, inability to access the Internet	48
Opportunity to combine work and study	29	Difficulty in mastering the material	30
Flexible study schedule	34	Low level of information technologies knowledge by students	11
Opportunity to master additional competencies, take courses, spend time on hobbies	20	Low level of information technologies knowledge by teachers	8
Other	1	Other	3

Sources: student surveys 2021

Students of higher education institutions had socio-communicative, psychological, and organizational difficulties in adapting to distance learning. They also faced problems of uninterrupted access to the Internet; insufficient level of self-organization and self-control skills; irregular communication with the teacher; lack of necessary skills in working with information and communication technologies (ICT). Students studying abroad had significant problems studying and returning home.

The difficulties of distance learning from the point of view of academic staff are as follows: the lack of “live” contact between the teacher and the student; insufficient technical support of the educational process; insufficient level of ICT proficiency of participants in the educational process; the risk of manifestations of academic dishonesty; the risk of biased assessment of students; the lack of perfectly developed online courses; the risk of using online courses of questionable quality in conditions of emergency material preparation; problems of psychological nature and social interactions.

The results of sociological surveys at the international and national levels are one of the analytical bases for further forming the goals, objectives, and tools of higher education policy. In addition, the student-centered approach involves taking into account the opinion of young people in the implementation of state policy in the field of higher education.

In a globalized world, the formation and implementation of state policy in the field of higher education are ensured through the harmonious interaction of the national education system, taking into account its regionalization.

At the international level, the Organizations for Economic Co-operation and Development (OECD), UNESCO, and others are engaged in the development and research of learning problems in the context of a pandemic. Due to the timely cooperation of countries and international organizations, the effectiveness and completeness of developed international standards and strategies for responding to the challenges of the pandemic in 2020-2021 increases.

The main areas of cooperation between the OECD countries in the field of education are as follows:

- harnessing the transformative potential of the digital economy and cooperation in science and technology, as well as ensuring the necessary attention to data protection, privacy, digital security, and the fight against disinformation;

- assistance in restoring jobs through reform with a focus on education, retraining, and advanced training of employees of various structures and organizations;

- using the OECD platform to exchange experiences, best practices, and various examples of cooperation between participating countries to create common recommendations and standards (OECD, 2020).

Public actions proposed by leading scientists, statesmen, and business representatives for the development of education in a post-COVID world are as follows: 1) commit to strengthening education as a common good; 2) expand the definition of the right to education so that it addresses the importance of connectivity and access to knowledge and information; 3) value the teaching profession and teacher collaboration; 4) promote student, youth and children's participation and rights; 5) protect the social spaces provided by schools as we transform education; 6) make free and open source technologies available to teachers and students; 7) ensure scientific literacy within the curriculum; 8) protect domestic and international financing of public education; 9) advance global solidarity to end current levels of inequality (International Commission on the Futures of Education, UNESCO, 2020).

According to the World Bank experts (World Bank (2020), countries can chart their own path with a political commitment to carry out investments and reforms. Improving the viability of reforms and the development of higher education is possible by guaranteeing public investment in education with a complementary incentive to attract private capital in the infrastructure of educational services.

Obviously, the world is on the threshold of a new era – the Anthropocene era; pandemics will occur more often (UNDP, 2020), and the level of digitalization will grow. Therefore, the transition to blended learning in higher education is a must for all countries in the world.

The transition to blended learning involves implementing higher education policy, which will help create conditions for the development of information and communication technologies for distance learning, online platforms with simultaneous support for offline classes, and human resources. Thus, public funding and support for technological and managerial innovations and human resources are extremely important. First, state support for the processes of mastering high-quality digital skills by both academic staff and students is necessary. Digital competencies are needed so that the academic staff and students can use information and communication and digital technologies to achieve learning goals. This is possible through the launch and budget funding of specialized courses. After all, the challenges of education digitalization transform approach to the formation of cognitive skills, including logical and creative thinking, verbal literacy, and problem-solving skills. Forced distance learning and the use of exclusively digital technologies during the pandemic have affected social skills, in particular, such as willingness to gain new experiences,

honesty, emotional stability, self-regulation, non-conflict behavior, decision-making, and interpersonal skills.

Public authorities involved in tackling digitalization challenges should create appropriate conditions for uninterrupted and high-quality Internet access, especially in rural areas.

Due to the impact of COVID-19, the public administration system in the field of education must be reconfigured (adapted) to meet new demands. It is necessary to develop new approaches and models of the educational process. The adaptability of students and teaching staff to the specifics of blended learning implies their acquisition of digital and other related skills. Academic staff should improve their teaching skills, develop new online courses and programs taking into account the specifics of remote learning, etc. First, both academic staff and students should improve their digital skills.

Academic staff requires additional support from the state. In particular, the state should improve technical, economic, organizational, and psychological working conditions, ensure labor motivation, and provide incentives for high-quality professional activity and professional development during blended learning.

Academic staff needs access to up-to-date quality professional advancement and support programs to continue teaching in times of crisis. Such professional advancement and support programs are provided through distance learning in various forms, including open educational resources (OER), massive open online courses (MOOC), etc. Structural beacons to support teachers are as follows: keeping employment and the level of salary; ensuring safety, well-being, and healthcare; involvement in the development of measures in the field of education in response to the COVID-19 challenges; providing adequate professional support, professional development and training; establishing justice and providing assistance to educators, supporting their social and emotional competences.

The state should be aimed at successfully exploiting the transformational potential of the digital economy and supporting cooperation in science and technology, as well as ensuring the necessary attention to data protection, confidentiality, digital security, and the fight against misinformation.

In the post-COVID period, public action should focus on promoting the open exchange of various educational resources in the international environment, and the integration of digital educational resources into the system of educational services for society.

Discussion. Based on the questionnaire survey students were found reduced socialization, technical problems, difficulty in learning the material, low level of knowledge of information technologies. According to Bozkurt (2022) the COVID-19 pandemic identified three broad themes concerning the higher education: (1) educational crisis and higher education in the new normal: resilience, adaptability, and sustainability, (2) psychological pressures, social uncertainty, and mental well-being of learners, and (3) the rise of online distance education and blended-hybrid modes.

The COVID-19 pandemic and related quarantine restrictions have demonstrated the advantages and disadvantages of distance learning and the possibilities of its application by higher education institutions.

A positive result of distance learning during the pandemic in the global dimension was the developed flexible and adaptive models of the educational process, which will become popular in the post-crisis period (Brammer and Clark, 2020).

In the global context, the main disadvantage of the higher education system is the reduction in the number of international students and a significant decrease in the volume of European educational migration. It should be noted that the main reasons for deciding to study abroad include the quality of education, the possibility of free training and receiving scholarships and grants, ease of admission, the possibility of getting a job, better economic and social living conditions, territorial, cultural and mental kinship, etc.

It is also stated that distance (online) learning is less effective concerning offline or blended learning and is not accessible to everyone (UNDESA, 2020). Therefore, the search for alternative ways of learning and innovative solutions in the face of restrictions should become the main priorities of public administration in the field of education.

Based on these findings, the researcher proposes that to accept the sociological contributions on higher education blended learning policy during the COVID-19 and in the post-pandemic period.

Conclusions. Currently, public administration in the field of higher education provides for combining the potentials of public authorities, universities, public organizations, and student self-government bodies to ensure quality education and the complete acquisition by students of general and professional competencies.

Combining the capacities and partnership of the countries of the European region to develop and implement the best public policy practices in national educational systems will have a synergy effect. After all, the pandemic showed that innovation and creativity are widespread, and they are not the exclusive competence of established centers with sufficient resources.

Overall, the pandemic negatively affects higher education in the future. In particular, the challenges lie in a radical reduction in funding for higher education institutions, as well as a decrease in the volume of extra-budgetary receipts to universities due to a drop in the income of the population and the impossibility of obtaining higher education by potential students. The downward trend in the number of foreign students will continue and the process of internationalization of higher education will be postponed. The transition of teaching at universities to the online format can also lead to desocialization, the breakdown of social communications, and "live communication" between teachers and students.

At the same time, the positive consequence of pandemic restrictions, which is already being observed, is the growth of innovative solutions in distance learning technologies and teaching methods.

A human-centered approach to responding to the COVID-19 pandemic is essential for maintaining relationships between public authorities, teachers, and students. Digital technologies should not displace social and emotional connections in educational relationships. The main aim of any educational process remains the maintenance of human relationships between the student and the teacher (coach, tutor).

Thus, the best prepared educational systems will be those that can value their teachers and create conditions for their autonomous and fruitful cooperation with students.

Higher education policy research, taking into account the sociological aspect, will accumulate new empirical facts and patterns of evidence in the future synchronously with changes in the external environment, science, economy, and society.

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SOCIAL PROTECTION OF MILITARY PERSONNEL IN UKRAINE: STATE AND REGIONAL GUARANTEES

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Abstract. *The article analyzes the material support of military personnel for the period of martial law in Ukraine. The main purpose of the article is defined as: to analyze the sphere of social protection of Ukrainian military personnel in the context of providing them with state and regional guarantees. For this, the following goals are defined: analysis of state and regional guarantees of social protection of military personnel, in particular: benefits for military personnel and members of their families, namely the right to housing, the right to education, the right to free travel. To achieve the main goal of the study, the method of analysis, synthesis, comparison was used. A comparative method was used to analyze legal sources. The grouping method was used to generalize the preferential provision of military personnel. A systematic approach was used to identify systemic changes and phenomena in the system of social protection of military personnel in Ukraine. The main part of the article deals with the analysis of state and regional guarantees of social protection of military personnel, in particular: benefits for military personnel and members of their families, namely the right to housing, the right to education, the right to free travel. Separately, the issues of social guarantees of the rights of members of the families of military personnel are disclosed.*

Keywords: *social protection, public administration, military personnel, martial law, benefits, state and regional guarantees.*

JEL Classification: H80, H83

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Introduction. Military personnel enjoy all the rights and freedoms of man and citizen, the guarantees of these rights and freedoms, enshrined in the Constitution and laws of Ukraine, taking into account the specifics established by this and other laws.

Social protection is aimed 1) at military personnel of the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement agencies for special purposes, the State Special Transport Service, the State Service for Special Communications and Information Protection of Ukraine, performing military service in the territory Ukraine and military personnel of the above military formations and law enforcement agencies - citizens of Ukraine performing military duty outside Ukraine, and members of their families;

2) military personnel who became persons with disabilities as a result of an illness associated with military service, or as a result of an illness after their dismissal from military service associated with military service, and members of their families, as well as family members of military personnel who died, died or disappeared without a trace;

3) persons liable for military service and reservists called up for training (or testing) and special meetings, and members of their families;

4) members of volunteer formations of territorial communities during their participation in the training of volunteer formations of territorial communities, as well as their performance of the tasks of territorial defense of Ukraine.

Therefore, a number of issues remain relevant for research, namely: acquisition of the status of a serviceman of Ukraine; institutional, organizational, resource support for the social protection of military personnel [1].

Literature review. The study is based on the analysis of the current legislation of Ukraine, official data on the web resources of the security and defense agencies of Ukraine, analysis of information from official sources of such institutions as: the Ministry of Defense of Ukraine, the Security Service, the Foreign Intelligence Service, the Main Directorate of Intelligence of the Ministry of Defense, the National guards, the State Border Service, the State Security Department, the State Service for Special Communications and Information Protection, the State Special Transport Service.

Aims. The main purpose of the article is defined as: to analyze the sphere of social protection of Ukrainian military personnel in the context of providing them with state and regional guarantees. For this, the following goals are defined: analysis of state and regional guarantees of social protection of military personnel, in particular: benefits for military personnel and members of their families, namely the right to housing, the right to education, the right to free travel.

Methods. To achieve the main goal of the study, the method of analysis, synthesis, comparison was used. A comparative method was used to analyze legal sources. The grouping method was used to generalize the preferential provision of military personnel. A systematic approach was used to identify systemic changes and phenomena in the system of social protection of military personnel in Ukraine.

Results. For the period of martial law from February 24, 2022, the Decree of the Cabinet of Ministers of Ukraine dated February 28, 2022 No. 168 "Issues of certain payments to military personnel, private and commanding officers, police officers and their families during martial law" introduced additional material support military personnel [2].

Military personnel of the Armed Forces, the Security Service, the Foreign Intelligence Service, the Main Directorate of Intelligence of the Ministry of Defense, the National Guard, the State Border Service, the State Guard Directorate, the State Service for Special Communications and Information Protection, the State Special Transport Service, the military prosecutors of the Office of the Prosecutor General, private and commanding staff of the State Emergency Service, employees of the Court Security Service, officers of the Special Operations Department of the National Anti-Corruption Bureau and policemen, as well as private and commanding officers of the State Penitentiary Service serving in the authorities and institutions of this Service, which are located in within the administrative-territorial units, on the territory of which assistance is provided under the "E-Support" Program [3]:

— an additional remuneration in the amount of UAH 30,000 is paid monthly,

— those of them who take a direct part in hostilities or ensure the implementation of measures for national security and defense, repulse and deterrence of armed aggression, while being directly in the regions during the implementation of these activities - the amount of this additional remuneration increases to 100,000 hryvnia per month in proportion to the time of participation in such activities and activities.

Payment of such additional remuneration is carried out on the basis of orders of commanders (chiefs). The families of the deceased servicemen of the said order are paid a one-time cash assistance in the amount of UAH 15,000,000, which is distributed in equal shares to all recipients provided for in Article 16-1 of the Law of Ukraine "On social and legal protection of military personnel and members of their families" (members of seven, parents and dependents) [4].

If the family of the deceased is simultaneously entitled to receive a one-time cash benefit provided for by this resolution and a lump-sum cash benefit or compensation payment established by other acts of legislation, one of such payments is made at his choice.

The state provides military personnel with living quarters or, at their request, with monetary compensation for the living quarters they own to receive on the grounds, within the limits of the norms and in accordance with the requirements established by the Housing Code of Ukraine, other laws, in the manner determined by the Cabinet of Ministers of Ukraine. Military personnel with a length of service in military service of 20 years and over, and members of their families, are provided with residential premises for permanent residence or, at their request, monetary compensation for housing that belongs to them. Such housing or monetary compensation is provided to them once during the entire period of military service, provided that they have not used the right to gratuitous privatization of housing.

On an extraordinary basis, if it is necessary to improve living conditions, living quarters are provided to the families of military personnel who died (deceased) or went missing during military service, at the place of their stay on the register of citizens in need of improved living conditions.

In the event of the death of a person dismissed from military service to the reserve or retired on the grounds specified in paragraph one of this part, which, in accordance with the law, was entitled to priority (extraordinary) housing, his family retains the right to receive housing in the same order .

Military personnel with at least 17 years of service in military service and in need of better housing conditions are entitled to receive a land plot for the construction and maintenance of a residential building, utility buildings and structures in settlements chosen by them for living in accordance with the established procedure.

Local self-government authorities are obliged to provide land plots and, within the powers specified by law, assistance in construction to military personnel, parents and family members of military personnel who died (deceased) or went missing during military service, as well as persons dismissed from military service who became persons with disabilities during military service, if they have expressed a desire to build private residential buildings.

Military personnel who have served in military service for 20 years or more and who need to improve their living conditions are entitled to receive loans for individual housing construction or the purchase of a private residential house (apartment) for up to 20 years with repayment of the total amount and interest rates on loans for account of funds allocated in the state budget for the maintenance of the Armed Forces of Ukraine, the Security Service of Ukraine, and other military formations formed in accordance with the laws of Ukraine. The specified credit is granted to a serviceman only once during the entire period of his military service.

The procedure and conditions for granting loans to military personnel for an individual house the construction or acquisition of a private residential building (apartment) is determined by the Cabinet of Ministers of Ukraine [5].

The health care of military personnel is ensured by the creation of favorable sanitary and hygienic conditions for military service, everyday life and a system of measures to limit the effect of dangerous factors of military service, taking into account its specifics and the environmental situation, carried out by commanders (chiefs) in cooperation with local executive authorities and local governments.

Concern for the preservation and strengthening of the health of military personnel is the duty of commanders (chiefs). They are entrusted with ensuring safety requirements during exercises, other measures of combat training during the operation of weapons and military equipment, the performance of work and the performance of other duties of military service.

Military personnel, persons liable for military service and reservists called up for training (or testing) and special meetings are entitled to free qualified medical care in military medical healthcare institutions. Military personnel annually undergo a medical examination, and therapeutic and preventive measures are taken for them.

Military personnel who suffered as a result of the Chernobyl disaster are provided with medical assistance, sanatorium treatment and recreation in accordance with the law.

Military personnel, participants in hostilities and persons equated to them, dismissed from military service, who were directly involved in the anti-terrorist operation, in the implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in the Donetsk and Luhansk regions or carried out service and combat tasks in extreme (combat) conditions, without fail, must undergo gratuitous psychological, medical and psychological rehabilitation in the relevant centers with reimbursement of the cost of travel to these centers and back. The procedure for rehabilitation and reimbursement of the fare is established by the Cabinet of Ministers of Ukraine.

Family members of military personnel (except for military servicemen and cadets (students) of higher military educational institutions, as well as higher educational institutions with military training units), in the absence of state or municipal health care institutions at their place of residence, receive medical care - medical health care institutions

Family members of servicemen and persons transferred to the reserve or retired, as well as dead (deceased) servicemen went missing, became disabled during military

service or were injured in captivity during hostilities (wars) or during participation in international operations to maintain peace and security, if these persons have served in the Armed Forces of Ukraine, other military formations and law enforcement agencies formed in accordance with the laws of Ukraine for at least 20 calendar years, are entitled to medical care in institutions of the Ministry of Defense of Ukraine, other institutions formed accordingly in accordance with the laws Ukrainian military formations and law enforcement agencies.

Military personnel (except for military persons of urgent military service) and members of their families have the right not more than once a year to sanatorium treatment and rest in sanatoriums, rest houses, boarding houses and tourist bases of the Ministry of Defense of Ukraine, and others formed in accordance with the laws Ukraine military formations and law enforcement agencies with preferential payment for the cost of vouchers in the amount and manner established by the Cabinet of Ministers of Ukraine. The same right is enjoyed by members of the families of servicemen who died (deceased) or went missing during military service. Such family members include: parents, wife (husband), minor children, as well as children with disabilities since childhood (regardless of their age). These benefits are provided to military personnel and members of their families, provided that the average monthly total family income per person for the previous six months does not exceed three living wages.

Military personnel who became disabled as a result of hostilities, as well as participants in hostilities, are equated in rights to persons with disabilities and participants in the Second World War.

Female military personnel enjoy all the benefits provided for by the legislation on the social protection of women, the protection of motherhood and childhood. These benefits apply to parents from among military personnel who are raising children without a mother (in the event of her death, deprivation of parental rights, for the duration of her stay in a health care institution and other cases of lack of maternal care for children).

Military personnel have the right to study (including receiving postgraduate education) in military educational institutions, relevant units for the training, retraining and advanced training of military personnel. Military personnel who are recruited for military service under a contract of officers after receiving basic or full higher education on a state order are allowed to study at other higher educational institutions without interruption from service after they have completed their service period equal to the time of their training for obtaining preliminary higher education.

The children of servicemen at the place of residence of their families are given priority places in general education and preschool educational institutions and children's health camps, regardless of the form of ownership.

A person whose one of the parents (adoptive parents) was a military serviceman, who died or was recognized by the court as a missing person in the performance of his duties of military service, within three years after receiving the appropriate general secondary education, is counted out of the competition for the personal choice of a specialty in state and communal. higher and vocational educational institutions of Ukraine for training from the state and local budgets [6].

Military personnel are entitled to free travel:

1) by rail, air, water and road (excluding taxis) transport:

a) on a business trip;

b) on vacation within Ukraine;

c) when transferring to a new place of military service or in connection with the relocation of a military unit;

d) to the place of residence, chosen upon dismissal from military service, within Ukraine.

The benefits provided for by subparagraph "b" are provided provided that the average monthly total family income per person for the previous six months does not exceed the amount of income that gives the right to a tax social benefit, in the manner determined by the Cabinet of Ministers of Ukraine .

Family members of servicemen (except for military servicemen on fixed-term military service) are entitled to free travel by rail, air, water and road (except for taxis) transport:

a) from the place of residence to the place of military service of a serviceman in connection with his transfer;

b) to the place of vacation for military personnel within Ukraine;

c) upon dismissal of a serviceman from military service, as well as in the event of death (death) of a serviceman - to the chosen place of residence within Ukraine.

Benefits shall be granted provided that the average monthly total family income per person for the previous six months does not exceed the amount of income that gives the right to a tax social benefit, in the manner determined by the Cabinet of Ministers of Ukraine.

Military personnel who have become persons with disabilities as a result of hostilities, participants in hostilities and persons equated to them, as well as parents of servicemen who died or died or went missing during military service, enjoy the right to travel free of charge by all types of public public passenger transport except taxi) within the administrative district of the place of residence, suburban railway and water transport and buses of suburban routes in the presence of a certificate of the established form, and in the case of the introduction of an automated fare accounting system, also an electronic ticket issued free of charge. They are entitled to a 50% discount when using intercity rail, air, water and road transport in accordance with the law.

Family members of conscripts and military personnel on the call of officers have a preferential right when hiring and remaining at work in case of a reduction in the number or staff of employees, as well as to a priority direction for vocational training, advanced training and retraining with a break from work and in installments for the period of study of the average salary.

Squads (men) of servicemen, except for conscripts, are paid at the place of work monetary assistance in the amount of the average monthly wage when they terminate their employment contract in connection with the transfer of a spouse to serve in another locality. In case of temporary disability, sick leave certificates are paid to the wives (men) of servicemen in the amount of 100 percent of the average monthly wage, regardless of the length of service.

For squads (men) of servicemen, except for conscripts, the total length of service required for the appointment of an old-age pension includes the period of residence with the husband (wife) in areas where there was no possibility of employment in the specialty, but not more than 10 years.

Local councils: employ, as a matter of priority, squads of conscripts in the event of their dismissal when the number or staff of employees is reduced, in the event of liquidation, reorganization or re-profiling of an enterprise, institution, organization;

provide, out of turn, places for children of military personnel and children of military personnel who died or died or went missing during their service, in children's institutions at the place of residence;

ensure the resettlement of military personnel who have been retired or retired from closed and remote from populated areas military garrisons.

The widow (widower), parents of a dead or deceased military personnel, as well as the wife (husband), if she (he) has not entered (has not entered) into another marriage, and her (his) minor children or adult children are persons with disabilities with childhood, the parents of a serviceman who went missing during military service are entitled to the benefits provided for by the Law "On the social and legal protection of military personnel and members of their families".

Conclusion. Social protection of military personnel is an activity (function) of the state aimed at establishing a system of legal and social guarantees that ensure the implementation of constitutional rights and freedoms, satisfaction of the material and spiritual needs of military personnel in accordance with a special type of their official activity, status in society, maintaining social stability in the military environment. This is the right to ensure them in case of complete, partial or temporary disability, loss of a breadwinner, unemployment due to circumstances independent of them in old age, as well as in other cases provided for by law. Military personnel enjoy all the rights and freedoms of man and citizen, the guarantees of these rights and freedoms, enshrined in the Constitution and laws of Ukraine, taking into account the specifics established by this and other laws. Separate changes in the legal field require the involvement of international experience, in particular, the duplication of status criteria and the identification of other benefits [7].

In connection with the special nature of military service related to the defense of the Fatherland, servicemen are provided with privileges, guarantees and compensations determined by law.

Social protection applies to military personnel of the Armed Forces of Ukraine, other military formations and special law enforcement agencies formed in accordance with the laws of Ukraine, the State Special Transport Service, the State Service for Special Communications and Information Protection of Ukraine, serving in the military on the territory of Ukraine and military personnel of the above military formations and law enforcement agencies - citizens of Ukraine performing military duties outside Ukraine, and members of their families.

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REFORM OF MANAGEMENT POWERS IN THE SPHERE OF USE OF NATURAL RESOURCES IN ECONOMIC ACTIVITY DURING THE WAR IN UKRAINE

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Abstract. *The war in Ukraine caused significant damage to the environment, which will affect the state of the environment on the European continent and requires effective management to restore natural resources, preserve them and ensure their rational use for post-war reconstruction. Taking this into account, management powers in the field of use of natural resources in economic activity should already be reformed taking into account the risks arising during the war in Ukraine. In order to carry out this research, theoretical works on the understanding of nature management, the basic principles of nature conservation, as well as management powers in the field of the use of natural resources in economic activities were analyzed. However, they only partially cover the issue of reforming management activities and do not contain proposals taking into account the damage caused by the war to the environment. An analysis of empirical data, as well as normative legal acts, which determine the management powers of public bodies, was carried out. The purpose of the article: on the basis of a doctrinal analysis of theoretical sources, the application of a complex methodology is the formation of proposals for the reform of management powers, which are applied during the war in Ukraine by public authorities in regulating the use of natural resources in economic activities. To achieve this goal, a complex methodology was applied, which includes dialectical, comparative legal, statistical and systemic methods. In the process of research, the following results were obtained: visual diagram of the structural subdivisions of the Ministry of Environmental Protection and Natural Resources of Ukraine with management functions in the field of the use of natural resources in economic activity was formed; formulated proposals to improve the management system at the national, regional and local levels in the field of natural resource use in economic activities with Ukraine's implementation of the Sustainable Development Goals approved at the UN Sustainable Development Summit, as well as taking into account the need for post-war reconstruction and restoration of natural resources.*

Keywords: *public administration, natural resources, environmental protection, economic activity, martial law.*

JEL Classification: H80, H83

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Introduction. The importance of reforming management powers in the sphere of the use of natural resources in economic activity is especially relevant in the conditions of a full-scale war in Ukraine. Undoubtedly, the scale and accuracy of calculations of all damage to the environment can be established only after the end of the war and the de-occupation of all territories of our state. However, as of October 2022, the Minister of Environmental Protection and Natural Resources of Ukraine emphasized during the hearings in the European Parliament that the aggressor state caused environmental damage to Ukraine in the amount of about 36 billion euros (damage due to air pollution was estimated at 25 billion euros, and for 11.4 billion euros are needed to eliminate soil damage), more than two thousand facts of ecological damage have been recorded, and several million hectares of nature reserves are still under critical threat [25].

Literature review. Taking into account the increase in environmental damage with each passing day of the war in Ukraine, at the moment there are only the first expert assessments and proposals, and there are no thorough studies of the reform of management powers in the field of the use of natural resources in economic activities during the war in Ukraine. At the same time, the theoretical basis of the research is numerous works that contain doctrinal approaches to understanding the concept of "nature use". Scientists understand the institute of the law of nature use as a set of legal norms of various branches of natural resource legislation that regulate social relations regarding the use of useful properties of natural objects [8, p. 93]. According to the position of G.V. Tyshchenko, the right to use nature as an institution is a set of norms established in normative legal acts regarding the regulation of relations arising from the use of natural resources [26, p. 47]. This approach is more universal compared to previous definitions. The right to use nature is also analyzed taking into account the main principles (O.G. Kotenyova) [11, p. 8].

The right to use nature in the process of economic activity is also studied by representatives of economic science [2]. For example, economist M.D. Baldzhi refers to directions and types of nature use: resource consumption, transformation and improvement of natural resource potential; restoration of natural resources; environmental protection; resource conservation; management and monitoring [1, p. 17]. We consider such a broad approach to understanding nature use justified, which includes not only the consumption of natural resources, but also a wide range of other issues.

Management of the use of natural resources in economic activity was studied by scientists at the national and local levels. At the same time, scientists rightly note that the reformation of management entities during the period of Ukraine's independence, their competence in the field of using natural resources in economic activity, as well as in the field of environmental protection could not have a positive effect on the quality and efficiency of management activity. And as an example, V. M. Zavhorodnya cites the cases when the State Committee of Natural Resources of Ukraine was formed in 2004, and in 2007 the State Agency of Land Resources of Ukraine, which were liquidated a year after their creation [6, p. 120].

According to scientists, management in the field of environmental protection is a sub-legal executive-administrative activity of public authorities with appropriate powers, which aims not only to ensure the rational use of natural resources, but also to guarantee their preservation and restoration, environmental safety [9, p. 78]. There is also an approach to justifying the system of integrated management of the use of natural resources, which is based on information provision [5, p. 365]. In our opinion, management includes organizational, establishment and control powers.

These works became the basis of our research, but they only partially touched on the issue of reforming management activities and did not highlight the need to take into account the scale of the damage caused by the war.

Aims. On the basis of the doctrinal analysis of theoretical sources, the application of a complex methodology is the formation of proposals for the reform of management

powers, which are applied during the war in Ukraine by public authorities in regulating the use of natural resources in economic activities.

Methods. During the research, an interdisciplinary approach was applied to the analysis of the problem of management powers, which were used by public authorities during the war in Ukraine to regulate the use of natural resources in economic activities. This approach includes a dialectical, comparative legal, statistical and systemic method. The study used scientific developments in the field of management powers to regulate the use of natural resources, legislative acts, and statistical data.

Results. The Constitution of Ukraine imposes obligations on the state to maintain ecological balance and guarantee environmental safety (Article 16). At the same time, public bodies at the state, regional, and local levels diligently fulfill this duty.

Among the subjects of management in the field of the use of natural resources in economic activity in Ukraine at the national level, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and the President of Ukraine are primarily. Parliament plays a key role in determining the regulatory principles of management of the use of natural resources, as it determines through laws the procedure for economic activity, the possibility of using natural resources with environmental safety, and approves national environmental programs. In addition to the general constitutional powers, special codified acts regulating the exploitation of individual natural resources specified and supplemented the powers of the VRU, in particular: the right of the VRU to regulate mining relations and determine the directions of state policy on geological research was inserted. legislative regulation of forest relations and determination of the principles of state policy in this area; approval of national programs for protection, use, protection and reproduction of forests (Article 26 of the Forest Code of Ukraine) [12]; regulation at the level of water relations laws, management of the water fund in Ukraine, approval of not only national, but also interstate programs for the use of water resources (Article 7 of the Water Code of Ukraine) [3]; with regard to powers in the field of land relations, in addition to passing laws regulating this area and approving relevant programs, the VRU also has the competence to establish and change the boundaries of districts and cities, agree on the issue of terminating the right to permanent use of lands that are particularly valuable (Article 6 of the Land Code of Ukraine) [7], etc.

The President of Ukraine in accordance with Art. 106 of the Constitution of Ukraine affects the normative and legal principles of management regulation in the sphere of the use of natural resources in economic activity through the right of veto over laws adopted by the Verkhovna Rada, the right to suspend the effect of acts of the CMU on the grounds of their inconsistency with the Constitution of Ukraine, the leadership of the National Security and Defense Council of Ukraine, the right to make decisions on the declaration of certain territories as a zone of emergency ecological situation, etc.

The Cabinet of Ministers of Ukraine not only promotes the development of entrepreneurship and carries out the state regulatory policy of economic activity, but also carries out state policy in the field of environmental protection, nature management and environmental safety. In addition, among the main powers of the

government: ensuring the development and implementation of environmental programs at the state and interstate levels; implementation of state management of rational use and protection of land resources, flora and fauna, subsoil, water and other natural resources; making decisions on restriction, temporary ban or termination of enterprises (institutions or organizations), regardless of their form of ownership, in case of violation of legal requirements on environmental protection; coordination of the activities of both executive authorities and local self-government bodies, business entities regarding the protection of the natural environment, as well as the effective implementation of environmental interstate, state and regional programs; ensuring the implementation of measures to eliminate the consequences of the Chernobyl disaster, as well as other accidents, catastrophes and natural disasters, etc. [13].

In addition to the powers specified above, the CMU has a number of management powers in accordance with special legislative acts. In particular, the government is entrusted with state management in the sphere of regulation of controlled substances, including: powers to implement environmental policies defined by the VRU on protection of the ozone layer and prevention of global warming, coordination of activities of central and other executive authorities in the specified sphere; ensuring the implementation of foreign economic activity in relation to controlled substances; authority to determine schedules for reducing the use of controlled substances; determining the order of distribution of shares of the national quota, as well as the possible import of controlled substances, etc. (Article 3 of the Law "On Regulation of Economic Activities with Ozone Depleting Substances and Fluorinated Greenhouse Gases") [14]. In addition,

At the level of central executive bodies, the issue of managing the use of natural resources in economic activity, environmental protection and guaranteeing ecological safety is assigned to the competence of the Ministry of Environmental Protection and Natural Resources of Ukraine (hereinafter - the Ministry), established on May 27, 2020, whose activities are coordinated by the Cabinet of Ministers of Ukraine. According to the Regulations approved by the Resolution of the CMU dated June 25, 2020 No. 614, the competence of the Ministry in the field of management of the use of natural resources in economic activities can be grouped as follows:

- 1) management powers for environmental protection (formulation and implementation of state policy on environmental protection, exercise of powers in the field of ensuring ecological, biological and genetic safety);
- 2) management powers directly related to the use of natural resources in economic activities (formulation and implementation of state policy in hunting and forestry; formation of state policy regarding the use and reproduction of water resources, rational use of subsoil, in the field of radioactive waste management; use of biological resources, land, etc. .) [4].

The Ministry of Environmental Protection and Natural Resources of Ukraine is granted a number of powers by special legislative acts. For example, the Law "On the principles of monitoring, reporting and verification of greenhouse gas emissions" in Article 7 defines a number of powers in the field of monitoring, reporting and verification, namely not only the formation of the relevant state policy, but also the

implementation of regulatory and legal regulation, approval of the procedure for state registration relevant settings in the Unified Register, implementation of other functions. Article 3 of the Law "On the Regulation of Economic Activities with Ozone-Depleting Substances and Fluorinated Greenhouse Gases" includes the Ministry's powers: definition of lists of measures to reduce the consumption of controlled substances, technologies for their disposal; determining the procedure for issuing certificates;

In addition to the Ministry of Environmental Protection and Natural Resources of Ukraine, the State Environmental Inspection of Ukraine and the National Accreditation Agency of Ukraine also play an important role in the management of the use of natural resources in economic activity at the level of central authorities.

In the structure of the State Environmental Inspection of Ukraine, there are such divisions that have powers in the field of managing the use of natural resources in economic activities, namely the Department of State Environmental Supervision (Control), which includes eight departments that control the use of individual natural resources (land, of subsoil, water resources, atmospheric air, handling waste and hazardous chemicals, forests and flora, animal life and biological resources, industrial pollution), as well as the Department of Instrumental and Laboratory Control. The powers of the State Ecoinpection are determined by the tasks assigned to it, in particular the following: implementation of the state policy on supervision in the field of environmental protection, as well as rational use of natural resources, their protection and reproduction (land, subsoil, forests, biological and landscape diversity, objects of animal and plant life, water resources, atmospheric air), use of the ecological network, handling of waste, pesticides and agrochemicals, hazardous chemicals, implementation of biological and genetic safety measures.

The National Accreditation Agency of Ukraine also has an indirect influence on the system of managing the use of natural resources in economic activity, since in order to protect the rights of consumers, it assesses the compliance of a certain legal entity with regard to the performance of relevant works (control, testing, calibration or certification) in accordance with the provisions of the Law "On accreditation of conformity assessment bodies" [17]. Mandatory certification of products in accordance with international standards was introduced in 1992, and the relevant functions were assigned to the State Committee of Ukraine for Standardization, Metrology and Product Quality, and since 2002, the function of accreditation, as well as confirmation of compliance, has been entrusted to NAAU. According to the latest version of the Regulation, the National Accreditation Agency of Ukraine was established and is subordinated to the Ministry of Economy [18]. From the point of view of the use of natural resources in economic activity, the Regulations on the Technical Accreditation Committee "Chemical and Extractive Industry" of NAAU[19] are important. Regulations on the Technical Committee on Accreditation of "Clinical Medical Laboratories" of NAAU[20], Regulations on the Technical Accreditation Committee "Agricultural Products, Food Industry and Veterinary Science" of NAAU[21], Regulations on the Technical Committee on Accreditation "Construction and Building

Materials" of NAAU[22], as well as Regulations on the Technical Committee on Accreditation "Verification of Greenhouse Gas Claims" of NAAU[23].

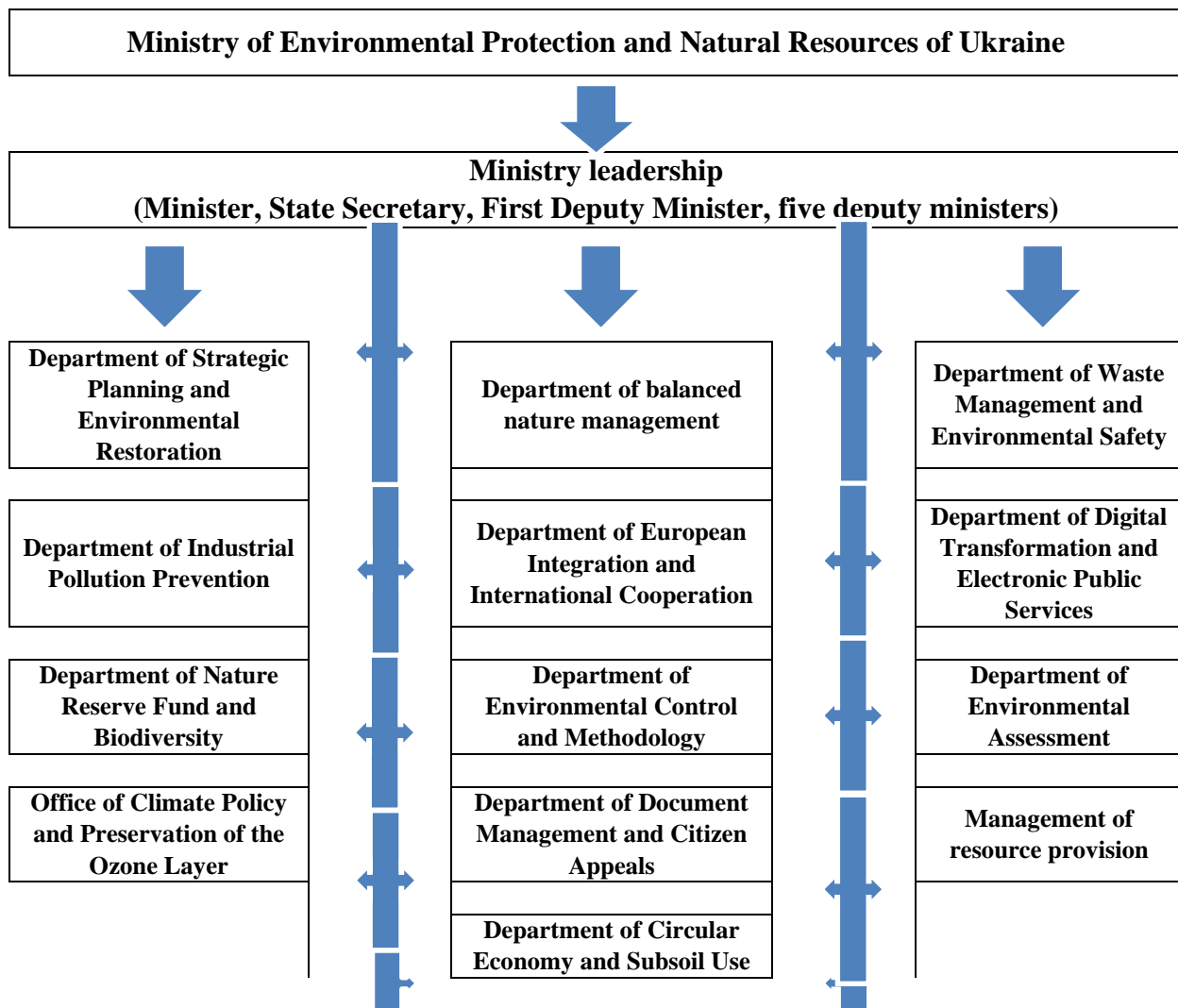


Figure 1. Structural subdivisions of the Ministry of Environmental Protection and Natural Resources of Ukraine with management functions in the field of use of natural resources in economic activity

Soureces: created by the author

Thus, the National Accreditation Agency of Ukraine has an indirect influence on the use of natural resources in economic activity, since there are no direct management functions, while the assessment of the compliance of legal entities with regard to the performance of work (control, testing, calibration or certification) takes into account the need for environmental safety, rational and careful use of natural resources.

Discussion. The division of governing bodies into general and special ones, including in the field of natural resources management, is already established in the doctrine of law. According to this division, general bodies include bodies with environmental protection powers - the Cabinet of Ministers of Ukraine, the Government of the Autonomous Republic of Crimea and local state administrations, and special bodies, where environmental management functions are the main ones.

Special bodies also propose to divide the bodies with comprehensive competence (the relevant ministry) and with sectoral competence (for example, in land relations - the body that ensures the maintenance of the state cadastre) [24]. This classification mistakenly does not include the Verkhovna Rada, the President of Ukraine and local self-government bodies to the bodies of general competence, we have noted above their competence in the field of use and protection of natural resources, and among the special bodies, first of all, the Ministry of Environmental Protection and Natural Resources of Ukraine and the State Environmental Inspectorate of Ukraine.

Improvement of public administration requires taking into account environmental problems, in particular, they are mentioned in the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the period up to 2030, including excessive predominance of resource- and energy-intensive industries in the economy, which negatively affects the environment, and inefficiency of the public administration system in the field of regulation of natural resources use, in particular, due to inconsistency of actions of various public authorities (central, local executive authorities, as well as organizations of the state and local self-government bodies). Taking into account these and other problems at the level of the State Strategy, it is considered expedient to introduce new approaches to public administration at the state and local levels, including through the introduction of ecosystem approaches and improvement of integrated environmental management. At the same time, considerable attention is paid to the reorientation of sectoral policy towards ecosystem approaches, the introduction of mandatory consideration of the environmental component not only at the stage of development and approval of state plans, but also when making decisions on economic activities, if they can significantly affect the environment, as well as the introduction of environmental risk management systems in all sectors of the economy in Ukraine to prevent environmental and man-made disasters. The strategy envisages that by 2030 Ukraine will be able to implement an effective public administration system that will guarantee a balance in the use of natural resources, as well as compliance with international environmental management standards. In addition, it is envisaged that a national multi-level infrastructure for geo-environmental data management will be created, as well as a nationwide environmental automated information and analytical system of environmental information.

Conclusion. At the level of the international community, Ukraine is already raising the issue of the need to develop new methods of calculating the damage caused to natural resources as a result of military operations. In this regard, it is extremely important for European experts to provide informational, advisory and financial support both in terms of monitoring the state of the environment in the de-occupied territories, as well as in the territories of active hostilities, and in terms of developing a mechanism of financial sanctions against the aggressor state.

Reforming competence in the field of natural resource use in the economic activity of management entities should be carried out on the following basis:

- public administration at the national, regional and local levels in the field of natural resource use in economic activity should contribute to Ukraine's

implementation of the Sustainable Development Goals approved at the UN Sustainable Development Summit;

- public management of the use of natural resources in economic activities must guarantee the preservation of the climate, which will prevent an increase in the risk to human health and the well-being of the environment;

- public administration at the national, regional and local levels in the field of natural resource use in economic activity should be oriented towards balanced (sustainable) development of the economic, ecological and social spheres;

- public administration at the national, regional and local levels in the field of natural resource use in economic activity must prevent natural and man-made emergency situations, including by forecasting environmental risks, taking into account environmental impact assessments, the results of comprehensive monitoring of the state of the environment;

- in the conditions of the post-war reconstruction of Ukraine, public administration at the national, regional and local levels should stimulate business entities to restore natural resources damaged during the war.

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THE ROLE OF MOTIVATION OF MANAGEMENT SUBJECTS FOR THE IMPLEMENTATION OF EFFICIENT STRATEGIC MANAGEMENT

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Abstract. The article analyzes the types and methods of motivation in the public administration system from the perspective of the subjects of management and generalizes them. The purpose of the article is to generalize the types and methods of motivation in the public administration system from the position of the subjects of management in the implementation of effective strategic management. For this purpose, the article analyzes the concepts of "information tension", "non-material motivation", "information motivation", "social motivation", "ideological motivation". The concept of "strategic motivation in public administration" is disclosed and analyzed. To generalize the principles of motivation in the field of management, a systematic method, a historical method, was used. To analyze the concept of "strategic motivation in public administration", the method of abstraction, analysis, induction was used. To form a systematic approach to the implementation of strategic management in terms of dividing into groups of management subjects, a systematic and functional method was used. The characteristic of the principles of motivation of management subjects was carried out in order to improve the efficiency of strategic management. The concept of "strategic motivation in public administration" is generalized as a process of stimulating the object of implementing the strategy to carry out activities aimed at developing a public authority or state structure, increasing the level of their recognition and trust and increasing requests for their services and the desire to consume and improve them in within the chosen strategy.

Keywords: public administration, motivation, subject of management, strategic management, strategic motivation in public administration.

JEL Classification: H80, H83

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Introduction. The question of motivation in strategic management appears at each stage of the strategy implementation. Rewarding the participants in the strategic process in some cases increases the productivity of the staff and accelerates the achievement of the goal. However, for each of the conditions it is necessary to use the motivation most suitable for such a case. In addition, in some cases, non-standard approaches to motivation should be used. Information motivation in strategic management plays one of the key roles.

Information provision and access to information of citizens play a crucial role in public administration. Citizens of the state should have every opportunity to access information sources, receive socially important information from the state, use information without restrictions, except for those established by law. Citizens of a democratic state should choose for themselves what information to use and how to understand it.

The absence or artificial restriction of such access often leads to the emergence of unreliable, distorted information, which can cause significant harm to both the organization and the specific project that it is implementing.

Literature review. The article summarizes the preliminary developments of the authors and reveals the role of motivation of management subjects, in particular, due to the peculiarities of humanization of the management sphere in the context of globalistic processes and decentralization changes; through the use of innovative methods of management, in particular, through the competent mechanism for the implementation of management. A separate generalization of developments and sources of information concerns the theoretical and methodological aspects of the functions of the public service as an integral element of management [1-5].

Aims. The purpose of the article is to generalize the types and methods of motivation in the public administration system from the position of the subjects of management in the implementation of effective strategic management. For this purpose, the article analyzes the concepts of "information tension", "non-material motivation", "information motivation", "social motivation", "ideological motivation". The concept of "strategic motivation in public administration" is disclosed and analyzed.

Methods. To generalize the principles of motivation in the field of management, a systematic method, a historical method, was used. To analyze the concept of "strategic motivation in public administration", the method of abstraction, analysis, induction was used. To form a systematic approach to the implementation of strategic management in terms of dividing into groups of management subjects, a systematic and functional method was used.

Results. Motivation is the process of stimulating employees to carry out effective activities aimed at achieving the goals of the enterprise in management. Motivation is necessary for the effective implementation of the decisions made and planned tasks, and therefore the focus is on the needs of the person, and the person is the object and subject of personnel management [1].

It seems that information can also be noted, the same information can either stabilize or destabilize the situation, depending on the addressee of this information, the context, the degree of tension in the information space.

The dissemination of unreliable in strategic public administration or distorted information leads to a number of complications, on the one hand, objects of strategic management - the public, and on the other - subjects - participants in the process of implementing the strategy. There are rumors, false conclusions, which play a rather important role in shaping the relationship of state institutions with citizens. Sometimes rumors seem more convincing than the facts listed in the media or made public by the government. Rumors spread most often when there is an information vacuum, therefore, omissions or delays in information should be avoided, since conjectures that grow into rumors become the basis of public opinion on a certain issue and the state will not have to form the basic, but replace the citizens' beliefs that have been formed by rumors.

It should be noted that the change in emotional states caused by destructive information influences among all participants in the implementation of the strategy can lead to a negative trend in the systematic implementation of the strategy, because a

certain state arises that disorients active participants and reduces their motivation, creating doubts about achieving the ultimate goal, generating information tension.

Information tension is a state of the information space, which is characterized by the presence of multi-vector and diverse information flows that fill the main channels of information dissemination, disorientate recipients, create a state of discomfort, uncertainty and anxiety.

Using the basic methods of increasing motivation and understanding the specifics of using information dissemination channels, it is possible not only to correct the information of participants in the strategic process, but also to regulate motivation, avoiding a state of information tension, that is, to implement strategic motivation.

Strategic motivation is a process of internal stimulation of the target audience to carry out certain activities aimed at the development of the organization, increasing its level of recognition and a long-term increase in requests for its products and services, i.e. and improve this product. In other words, strategic motivation acts as a tool for implementing the chosen strategy and developing the organization.

There should be at least two groups motivated in the implementation of the strategy in strategic management: the first is the subjects of the strategic process, namely the members of the strategic management group and activists of their network, and the second is the objects of the strategic process as representatives of the object of the strategy, in particular the public, representatives of a particular industry, the organization to which strategic management is directed, etc.

Involvement in major changes in society is the most effective type of non-material motivation, since in this case it is primarily not about the primary satisfaction of needs, but about higher motives, such as self-realization as an engine or part of the system of social development, public recognition, popularity, etc.

For each of the individuals, non-material motivation differs in content. It can be professional and individual motivation. Professional motivation (associated with the activity itself) includes relationships with colleagues and management, interest in work, achievement of goals, promising development of professional activity, lack of psychological pressure at work, smoothing out conflict and critical situations; compliance with the unity of corporate standards; to the individual - the possibility of personal long-term development, the sufficiency of time to stay with the family, the social importance of the work performed and personal involvement in it.

In order to determine the key motives for the full-fledged productive activity of an individual, the concept of the specific gravity of motivation is introduced. The share of motivation is an indicator of the ratio of the weight (significance) of a certain motivation to the total weight of all existing motivations that encourage a certain individual to participate in a particular activity at a certain stage.

In the course of sociological research, a certain set of motivations inherent in a particular group is established. Each of the individuals determines on a certain scale the rating of the significance of each of the motivations for him personally. To determine the specific weight of motivation, it is necessary to find for each of the individuals the coefficient of significance of each of the motivations.

For example, an individual individual has key types of non-material motivation: participation in a socially significant project, the possibility of solving a certain problem, and respect among colleagues. Often, among the non-material types of motivation, information is mentioned.

Informational motivation consists primarily in satisfying the emotional needs of the individual, since emotions arise due to a lack or excess of information used to satisfy the need.

Thus, in terms of information, often a negative emotion or discomfort arises in the absence of a clear understanding of one's part of the work in the project, because informational motivation can be a clear statement of the project goal, a clear setting of tasks, timely informing about making adjustments to the plan and providing information support for success project.

People can be motivated when they are involved in developing a common strategic data base and achieving organization-wide understanding of strategic information, which is a powerful incentive to make changes. With the right information, employees are empowered to act with thoughtful care to meet the goals of their organization and their own. And although hundreds and even thousands of people are focused on achieving common results within the framework of one enterprise, the concept of leverage takes on a completely different meaning. With the discovery of new information and its incorporation during large group meetings into a growing database, new discoveries are made, the positions of employees in the organization change and their worldview expands. The integration of individual judgments in order to form a universal reality allows people to develop strategies for the development of organizations that guide the activities of their individual representatives and at the same time create favorable conditions for their personal freedom [2].

Informing as the main condition for information motivation plays a significant role in the management and development of an organization or a project as a whole. On the one hand, informing provides specialists with the information necessary for making managerial decisions, which greatly facilitates the achievement of goals, on the other hand, there is an exchange of experience and a multilateral consideration or interpretation of the same situation, which creates a certain basis for choosing the most optimal solution.

Another task of informing is to create, develop and maintain the necessary attitude towards the organization or project on the part of the aforementioned second group, increasing trust and leveling attempts to spread misinformation to those interested in negative development.

It should be noted that the informing process is bilateral in nature, namely informing the subjects of the strategic process and the objects of the same process. If we consider the information flow directed at the subject, that is, representatives of the organization implementing the strategy, then here informing can already acquire an intangible form of motivation, when information becomes a resource, asset, value, which also contributes to material development.

Information motivation is a component of strategic motivation that provides a process of stimulation associated with meeting the information needs of an object, namely, obtaining, analyzing, disseminating information, as well as leveling the possibilities of an information vacuum, manipulating and hiding information about socially important events. In other words, in this case, information is considered as a value, product, resource. The types of information include reference, scientific, strategic, analytical information, etc.

At the same time, information motivation is a component of strategic management that ensures the state of information wealth, satisfaction of the information and emotional needs of the participants in the strategic process and the conditions for implementing the strategy in accordance with the agreed plan and within the provided resources.

Considering motivation as a component of the management process, we note that the human factor in the implementation of any management processes plays an extremely important role, because it is not just the presence of a certain number of personnel involved in production or other processes of the organization, it is a certain system of physical, psychophysiological, social and cultural properties of each individual, the use of which creates a special structure of interactions between all participants in these processes, which has a significant impact on the effectiveness of the organization. The task of management is to optimize the use of knowledge about the needs and abilities of each participant in production processes, their psychological qualities, values and expectations in order to optimally involve them in the production process and create a comprehensive system of labor motivation both individually and in the organization as a whole.

The motivation of employees is one of the central places in management, since it is the direct cause of their behavior [3]. An important factor in stimulating staff is their satisfaction with the work they perform, this is preceded by the ratio of supporting and motivating factors.

Supporting factors include those that create the necessary conditions for a comfortable and peaceful life, in particular, they can be divided into payment factors, comfort and safety factors. The first factors include the payment of wages, the provision of bonuses, the payment of dividends, commissions, bonuses and other monetary rewards; to the second - to fulfill their labor duties, namely the creation of appropriate conditions for comfortable work, proper rest during off-hours and during a break. The third group of factors includes the creation of conditions for labor safety and social protection, in particular in the form of technologization of working conditions and tools by providing benefits related to social and medical insurance, a pension savings program, paid sick leave and vacations, as well as providing the opportunity to receive mortgage and consumer benefits lending, etc.

Motivating factors primarily include factors of self-realization, development factors, factors of achieving goals and factors of responsibility and authority, factors of gratitude. The former include satisfaction with the importance and content of work, which causes a feeling of self-satisfaction and involvement in big shifts, the opportunity to be part of big changes and thereby realize one's own potential. The

development factors include the provision of opportunities for career growth, advanced training, specialized education, and as a result of improving the financial situation, increasing pay, paying bonuses and other incentives to improve one's professional level. The factors for achieving the goal should include the effectiveness of labor, which consists in obtaining real tasks that the employee is able to perform, and not those that entail oppression due to the lack of their attachment to reality and the impossibility of performing with the ensuing consequences. With regard to the factors of responsibility and authority, it should be noted that a sense of responsibility for part of their work and an understanding of the consequences of not fulfilling it or missing deadlines motivate responsible employees quite strongly, and empowering them with authority, including the ability to make operational decisions, increases labor productivity, although intermediate control to avoid possible abuse [4]. The factors of appreciation as one of the main intangible factors include the creation of gratitude for the work done. Such gratitude is most often expressed in creating conditions for the employee to perceive himself as a part of the team at the level of the organization's management, turning to him for advice and taking into account recommendations, respecting the employee's vision regarding the problems and prospects for the implementation of operational and tactical measures in the implementation of the strategy, taking into account and identification of personal goals with corporate ones, as well as attracting team members to the life of the organization, creating a team spirit by organizing collective trainings, corporate events.

Thus, the necessary motives for increasing labor productivity arise if the subject of management (organization) has a sufficient set of values necessary for the management object that can satisfy its needs, and obtaining these values is really possible with an increase in the results of its activities with less time, physical, intellectual and psychological costs in a particular organization compared to others.

It is important to single out from the principles of motivation such a principle as information support, which consists not so much in the transparency of the organization's activities to employees, but in the information support of each of the measures taken to avoid uncertainty and lack of understanding of the organization's policy and strategy. This is quite motivating, creating an atmosphere of trust, understanding and support for employees - key participants in the strategy implementation process. However, for support, it is necessary to investigate corporate moods in the team, identify issues that are problematic from the point of view of understanding the policy and strategy of the organization, in order to provide timely information support and conduct explanatory work.

The information vacuum is often very costly for the organization, because in it the employees of the organization do not fully understand the company's strategy due to the fact that the management does not provide information support for their activities and does not explain their actions. This creates a threat of unpredictable consequences of the organization's activities, because the information received by the media can enter society chaotically and unsystematically, being perceived accordingly [5].

The list of motives can be continued and for each social group in a certain period of time it will change. If we make a list of all motives for a social group that can in one

way or another induce its representatives to certain actions, then we can determine the rating of the significance of motives for each of them. Attracting the largest number of supporters among citizens is one of the main tasks of any social program. Within the framework of such a program, each citizen either has his own motivations, or does not have them at all.

Strategic motivation in public administration is the process of stimulating the object of the implementation of the strategy to carry out activities aimed at developing a public authority or state structure, increasing their level of recognition and trust and increasing the number of requests for their services and the desire to consume and improve them within the framework of the chosen strategy .

For example, let's take social (social significance of the project), material (opportunity to gain material benefits), ideological (support for the policy of the authority) motivation, as the most suitable for our example. Each type of motivation has its own so-called basis, which, according to the priority rating, reflects a certain quantitative indicator, which can be conditionally called the share of a certain type of motivation. Thus, in a certain strategic project, citizens interested in its support or implementation should be given special attention. What exactly to focus on in the process of attracting to the project will be indicated by the indicator of the share of motivation introduced by us, which reflects which component of each motivation has the greatest weight and, accordingly, most attracts its potential participants in the project. These data can be obtained in the course of a pre-project study either from statistical data or from expert assessments, which can be entered, for example, in a table that visually simplifies the perception of the picture of the motivation of a particular social group. Such a table can be built both for one representative and for a small group whose representatives are similar in their motivational preferences. The more such tables will be built within a certain target audience, the smaller the error regarding the specific gravity of motivation.

In other words, the share of motivations is an aggregate indicator that characterizes the degree of priority of each of the specific motivations of a certain social group in a certain period of time.

To increase the indicators of the share of motivation, in addition to simply informing the public about the current activities of public authorities, it is important to consider the promotion, support of certain political programs or decisions, their explanation to the general public and argumentation through the media or other means of communication. This will help to avoid incorrect interpretations of the activities of public authorities by incompetent persons in society, as well as in author's comments, articles and speeches in the media. In addition, a thorough explanation of the real benefits of a particular program or a decision by public authorities will contribute to its recognition by citizens as legitimate, open and transparent. The main thing in this process is the organization of information flows in public administration, which will ensure the dissemination of information between its producers and consumers, alternately acting as public authorities and citizens.

Conclusions. Information motivation is a component of strategic motivation that provides a process of stimulation associated with meeting the information needs of an

object, namely, obtaining, analyzing, disseminating information, as well as leveling the possibilities of an information vacuum, manipulating and hiding information regarding socially important events. In this case information is presented as a value, product, resource. The types of information include reference, scientific, strategic, analytical information, etc.

For the leaders of all organizations, the main goal is to increase the motivation of participants in the process of implementing the strategy in all possible ways. As for the qualitative expansion, it should be noted that work with those involved in the implementation of the strategy should be carried out continuously and the main goal is to increase the share of motivations of each and every from participants.

The increase in social or political motivation for interaction between the public and public authorities is primarily associated with the level of trust in this authority. That is why there are questions of democratization of public administration, ensuring openness and transparency of power, as well as the rule of law.

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INTEGRATION OF CUSTOMS CONTROL IN THE SYSTEM OF PUBLIC ADMINISTRATION OF UKRAINE TO THE WORLD SPACE: EXPERIENCE OF THE WORLD CUSTOMS ORGANIZATION

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Abstract. *The article analyzes the activities of the World Customs Organization, in particular, its organizational institutions, regulatory support in terms of possible use in the system of public administration of the customs control of Ukraine. The purpose of the article is to reveal the features of the regulatory, organizational and functional aspects of the integration of customs control in the public administration system in the context of the activities of the WCO. For this, the EU standards of customs control and the Customs Code of Ukraine, international conventions, the structure of training in the field of customs control, and the features of the technical support for its implementation are analyzed. In the process of research, the dialectical method of cognition was widely used, which, in particular, made it possible to consider management issues in their relationship with economic, political and other factors. With the help of a concrete historical method, the genesis of the development of the institutional mechanism of international customs cooperation, as well as the formation and development of the WCO were studied. Among the general scientific methods of cognition, the use of formal logical methods and information processing techniques was important: analysis, synthesis, analogy, induction, deduction, extrapolation, modeling and abstraction. The prospects for improving the procedure for performing customs formalities in the implementation of customs clearance in Ukraine in the process of its integration into the world space, including according to EU standards, are disclosed. The cooperation between the State Customs Service of Ukraine and the World Customs Organization on issues of institutional development and training has been updated.*

Keywords: *customs control, public administration system, World Customs Organization, State Customs Service of Ukraine, convention.*

JEL Classification: H83, Z18

Formulas: 0; **fig.:** 0; **tabl.:** 0; **bibl.:** 5

Introduction. The World Customs Organization (hereinafter - WCO) establishes, maintains and implements international instruments for the harmonization and uniform application of simplified and efficient customs systems and procedures governing the movement of goods, people and vehicles across customs borders. The State Customs Service of Ukraine is actively involved in joint operations under the auspices of WCO in the areas of combating smuggling and violations of customs rules, protecting intellectual property rights and other similar activities, as well as in the joint UN and WCO program to control container traffic, within which, in 2018, units of the port control in the Odessa and Kyiv customs of the State Customs Service. Border protection is one of the most important tasks of the national security of each country, the possibility of solving which largely depends on the widespread use of technical means to detect violations of the law when crossing the border or when sending goods across the state border. Therefore, the main task of officials at the border (both border guards and customs authorities) is to use the latest technical means of customs control, which will increase the efficiency of control and reduce costs and time of its implementation.

Literature review. According to the Decree of the Verkhovna Rada of Ukraine dated June 19, 1992 No. 2479-XXII and the Decree of the Cabinet of Ministers of Ukraine dated June 1, 1992 No. 229, Ukraine acceded to the 1950 Convention on the

Establishment of the Customs Cooperation Council and since November 10, 1992 is a full member. On February 15, 2011, the Law of Ukraine No. 3018 - VI "On Amendments to the Law of Ukraine "On Ukraine's Accession to the Protocol on Amendments to the International Convention on the Simplification and Harmonization of Customs Procedures" (Kyoto Convention) was adopted. The law came into force on 05.03.2011. In this regard, the Ukrainian side submitted to the WCO Secretary-General the Instrument for Ukraine's accession to this Convention, which entered into force for Ukraine on September 15, 2011 [1].

Ukraine is a contracting party to such WCO conventions:

- Convention establishing the Customs Cooperation Council;
- International Convention on the Harmonized Commodity Description and Coding System;
- International Convention on Mutual Administrative Assistance in the Prevention, Investigation and Suppression of Violations of Customs Laws;
- Temporary Admission Convention, etc.

Aims. The purpose of the article is to reveal the features of the regulatory, organizational and functional aspects of the integration of customs control in the public administration system in the context of the activities of the WCO. For this, the EU standards of customs control and the Customs Code of Ukraine, international conventions, the structure of training in the field of customs control, and the features of the technical support for its implementation are analyzed.

Methods. In the process of research, the dialectical method of cognition was widely used, which, in particular, made it possible to consider management issues in their relationship with economic, political and other factors. With the help of a concrete historical method, the genesis of the development of the institutional mechanism of international customs cooperation, as well as the formation and development of the WCO were studied. Among the general scientific methods of cognition, the use of formal logical methods and information processing techniques was important: analysis, synthesis, analogy, induction, deduction, extrapolation, modeling and abstraction.

Results. Regional Institutional Development Offices (RIDOs) are the core element of WCO's regional approach to capacity building. Their mission is to assist Members' Customs administrations in their programs at the regional level, in particular by helping them to strengthen coordination of capacity development activities with regional members and the WCO Secretariat, monitor projects, and improve interaction with donor agencies and relevant organizations. Based in Azerbaijan, Côte d'Ivoire, Kenya, Thailand, the United Arab Emirates and Uruguay, six RIDOs cover each of the six WCO regions.

Regional Training Centers (RTCs) contribute to the implementation of institutional development through the dissemination and implementation of WCO standards through professional trainings, seminars and study tours.

WCO has 28 RTCs: 7 in the Asia-Pacific region (PRC, Fiji, Hong Kong, India, Japan, Republic of Korea and Malaysia), 4 in East and South Africa (Mauritius, Kenya, South Africa and Zimbabwe), 3 in Africa (Burkina Faso, Congo and Nigeria), 7 in the European Region (Azerbaijan, Former Yugoslav Republic of Macedonia, Hungary,

Kazakhstan, Russian Federation, Kyrgyz Republic and Ukraine), 2 in the Americas (Brazil and Dominican Republic) and 5 in the North Africa and Middle East region (Egypt, Lebanon, Saudi Arabia, Jordan, Tunisia) [2]. The WCO Regional Training Center operates on the basis of the Department of Specialized Training and Cynological Support of the State Customs Service (Khmelnitsky) in Ukraine.

Assistance to WCO Members can be provided in the following ways:

Annual requests from countries for trainings or other learning activities that are reviewed by the Directorate and subject to the availability of appropriate funding are conducted with the participation of WCO experts and other organizations, usually in the applicant countries

By attracting donor support for training activities at the global and regional levels

Participation of countries in comprehensive multi-year capacity development programs. Among them are The Columbus Program and Mercator Program

Providing access to the WCO online learning platform Click!. Carried out through designated national coordinators.

Since 1995, the National Communications Center for Law Enforcement Work has been operating in Ukraine, which is part of the Regional Communications Center (RILO-Warsaw).

Since 2010 in Ukraine (first on the basis of the Academy of Customs Affairs of Ukraine in Dnipro, since June 2016 - on the basis of the Department of Specialized Training and Canine Support of the State Fiscal Service of Ukraine in Khmelnytsky, the WCO Regional Training Center has been operating, interacting with the Regional Center for Institutional Development in Baku. The WCO Regional Canine Training Center also functions on the basis of this Department.

As part of the work aimed at implementing the WCO Framework Standards, the State Customs Service is taking measures to further automate customs information technologies. In addition, preparations are being made for the introduction of an integrated control system based on interdepartmental interaction at checkpoints across the state border, and work is underway to create a unified interdepartmental automated system for collecting, storing and processing information necessary to control foreign trade activities.

Cooperation between the State Customs Service of Ukraine and WCO on institutional development and training is successful. Representatives of the State Customs Service are involved in short-term and long-term WCO internship programs for funding from the governments of Japan, Korea, China, as well as the EU member states.

Technical means of customs control is a complex of special equipment used by customs authorities in the process of customs control of all types of objects moved across the customs border in order to check the documents declaring them, to establish the compliance of the content of controlled objects with the data presented on them, as well as to detect objects of customs offenses in these objects. The use of technical means of customs control is an important tool in the activities of customs authorities to stop and identify violations in the field of customs legislation. Their use ensures the

verification of the compliance of information about the declared goods with the data obtained during the actual customs control.

Taking into account the world practice, non-intrusive control technologies - X-ray television scanning systems (complexes) provide the greatest convenience and quality of view. Non-intrusive inspection technologies are technical equipment and apparatus (for example, x-ray or gamma equipment) that allow the inspection of goods without the need to open vehicles, cargo or luggage.

In the context of economic globalization and growing volumes of trade, the decision to physically inspect cargo or baggage (containerized or otherwise) can lead to large time losses and negatively affect the overall throughput of customs. Pillar Standard No. 3 of the WCO Safety Framework recognizes the usefulness of non-intrusive control technologies for trade facilitation and recommends that Customs administrations, whenever possible, have and use non-intrusive control equipment in accordance with the results of risk assessments.

WCO is constantly helping customs administrations to optimize the use of non-intrusive technologies and equipment to improve the quality of control activities and, in turn, not compromise trade facilitation procedures, cargo or baggage without the need to open or unload the cargo and thus confirm or refute the results of the risk assessment. Combined with other factors, this method can significantly reduce the number of inappropriate reviews and reduce time wastage.

It is also necessary to take into account the fact that the use of scanning systems, in addition to speeding up the customs control procedure, allows minimizing the human factor during customs control.

The use and implementation of information intelligent customs control systems is defined as one of the main priorities of the Government of Ukraine and the Ministry of Finance of Ukraine. In particular, paragraph 52 of section IX "Protection of society, public health and safety of the natural environment and combating the illegal movement of narcotic drugs and weapons" of the action plan for reforming and developing the system of bodies implementing customs policy, approved by the order of the Cabinet of Ministers of Ukraine dated May 13, 2020 No. 569-p, as one of the measures provided for the revision and updating of existing regulatory documents governing the use of customs equipment [2].

For use in the process of customs control, customs of the State Customs Service are equipped with 125 units of scanning systems of various types and purposes. However, the procedure for their use, the procedure for customs formalities in the case of the use of scanning systems in the process of customs control of the system for analyzing the information received does not exist today. The procedure for customs inspection of goods and vehicles using the mobile X-ray system Eagle M4507 at checkpoints across the state border, approved by order of the State Customs Service of Ukraine dated July 27, 2009 No. 692 and registered with the Ministry of Justice of Ukraine on August 28, 2009 No. 8 /16825, is currently not valid and cannot be applied to the extent that it does not contradict the law, since it was developed in pursuance of the provisions of the previous version of the Customs Code of Ukraine, which determined completely different customs control procedures than the current

version, and does not provide for the procedure for using other types of scanning systems.

Part two of Article 246 of the Customs Code of Ukraine provides that the procedure for performing customs formalities in the course of customs clearance is determined by the central executive body that ensures the formation and implementation of the state financial policy, unless otherwise provided by this Code. The provisions of Article 324 of the Customs Code provide for the possibility for customs officials to use technical means of customs control in order to reduce the time of customs control and increase its efficiency.

The development of a regulatory document that defines an integrated approach to the organization of the process of using scanning systems, their effective operation, a systematic approach to the selection process and the analysis of the efficiency of the operators of scanning systems is extremely important, since their irrational and improper use can lead to their damage or failure, low-quality implementation of control procedures, which will require additional expenditures from the state budget, and poor-quality implementation of control procedures - up to fiscal risks.

Since its inception, the World Customs Organization has been engaged in the harmonization and unification of customs systems, the improvement of customs legislation and the development of international cooperation. The recommendations of the World Customs Organization on customs cooperation form the basis for the activities of national customs services on cooperation in the fight against smuggling. The organization is endowed with sufficiently broad powers in order, as noted in the founding act, "to ensure the highest possible level of consistency and unification of their customs systems and to strengthen the study of problems arising from the development and improvement of the customs technology of customs legislation" [3].

During the existence of the World Customs Organization, under its auspices, such universal international treaties as the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention of 1973), the Customs Convention on the ATA Carnet for the Temporary Importation of Goods (ATA Convention of 1961), International Description and Coding of Goods 1983, Istanbul Convention on Temporary Importation 1990, International Convention on Mutual Administrative Assistance in the Prevention, Investigation and Suppression of Customs Offenses (Nairobi Convention 1977) and many others.

The main activity of the World Customs Organization is aimed at providing member countries, and Ukraine is a member of it, like other independent states formed after the collapse of the USSR, with assistance in achieving the most efficient implementation of customs clearance procedures, organizing the work of customs authorities. Under the influence and with the assistance of the World Customs Organization, Ukraine became a full participant in international customs relations and acceded to relevant conventions, such as the Customs Convention on the International Carriage of Goods Using the International Road Carriage Book, the International Convention on Mutual Administrative Assistance in the Prevention, Investigation and Suppression of Violations of Law, International Convention on the Harmonization of Frontier Controls of Goods, International Convention on the Harmonized System for

Description and Coding of Goods, Convention on Temporary Importation, International Convention on the Simplification and Harmonization of Customs Procedures [4]. It was with the direct participation of the World Customs Organization in Ukraine that a system of effective and efficient customs administrations was introduced through the harmonization and simplification of customs procedures, the principles of the formation of customs legislation and the behavior of customs administrations, which became key in the process of modernizing the customs service, were embodied.

Discussion. The State Customs Service actively participates in joint operations under the auspices of WCO in the areas of combating smuggling and violations of customs rules, protecting intellectual property rights and other similar activities. Therefore, the WCO experience requires research, because its implementation in the states takes place in different ways, taking into account the peculiarities of material, personnel, institutional and regulatory support. It is debatable that the introduction of the WCO experience without changing the norms of legislation in the customs to conventions will provide a high result. The experience of cooperation shows that only common activities, training, common information systems, information exchange and management mechanisms can achieve high results. These pathways need further research and analysis.

Conclusions. The processes of globalization, integration, expansion and deepening of international economic relations determine the rules for the role of state economies in the world economy, require the unification of the system of regulation of foreign economic activity with generally accepted international principles and norms. In particular, this concerns the organization of customs affairs in the country. Of course, the formation and establishment of the customs system in each country occurs separately and independently under the influence of various internal economic, historical and social factors specific to the country.

But modern economic development has a distinct tendency to integrate national economies into a single world economic complex. Foreign trade, trade relations are becoming a more important factor in economic growth, and national economies are becoming more open and competitive. Under these conditions, an objective need arose to develop world customs standards, simplify and harmonize customs procedures that can ensure the safety and convenience of the global trade network and contribute to the construction of an international customs system.

The process of formation of the transnational economic space set the requirements for cooperation in the customs sphere before the world community, the creation of a special international organization that would regulate customs relations at the international level and provide practical recommendations for their implementation, establish an appropriate balance between national, regional and international needs in branches of customs activity.

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CHAPTER 2

LEGAL RELATIONS: FROM THEORY TO PRACTICE

THE MAIN STAGES OF FORMATION AND PROSPECTS OF HARMONIZATION OF EU CRIMINAL LAW

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Abstract. *The basis of the article is the study of the topical issue of the formation of the criminal law of the EU countries through the convergence of the national criminal legislation of the EU member states, which is necessary to increase the effectiveness of the fight against organized crime and other socially dangerous acts that pose a threat to state security, public order, life and health. persons who are under the jurisdiction of the Union. The purpose of the article is to establish the main stages of the formation of EU criminal law. The main methods that were used in the research were methods of analysis and synthesis, as well as comparative analysis and historical analysis, which helped to achieve the goal of the research. Attention is drawn to the fact that EU law, which determines the standards for the development of national legal systems, acts as a tool for the convergence of the national law of the member states. At the same time, today "EU criminal law" is at the stage of slow formation due to existing differences in national criminal laws, national legal traditions and the unwillingness of countries to transfer their sovereign powers in the criminal law field for regulation at the EU level. The article confirms the heterogeneity of EU criminal law and highlights its following components: administrative and criminal law of the EU; norms of EU law relating to criminal law and process, which mainly require national criminal law systems to implement measures in a certain way; EU criminal procedural law; the draft norms of the unified European criminal law (Corpus Juris). The prospects for the development of the national criminal legislation of the states are determined, taking into account new challenges and threats, which determine the directions of convergence of the national criminal legislation of the member states.*

Keywords: *criminal legislation, Europeanization of criminal law, EU criminal law, convergence of national criminal law systems, Euro-crimes.*

JEL Classification: K14, K33

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Introduction. At the time of the establishment of the European Communities, they pursued mainly economic goals and criminal law did not play any role. However, the situation changed with the formation of the common market and the need to protect it from criminal encroachments, and became especially complicated with the formation of the European Union as a supranational entity that has its own bodies and institutions, budget, etc., taking into account the growth of transnational organized crime. Despite the fact that the European Union does not have direct criminal jurisdiction (neither legislative, judicial, nor executive) as such, it is not deprived of the possibility of indirect regulation of criminal-law relations and the ability to determine certain obligations of member states in this regard EU.

Literature review. The "EU Criminal Law and Policy Values, Principles and Methods" offers a review of the significance of EU criminal law and crime policy as a rapidly emerging phenomenon in European law and governance (Joanna Beata

Banach-Gutierrez, Christopher Harding, 2017). Bringing together an international set of contributors, the book questions the nature, role and objectives of such 'criminal law', its relationship with other areas of EU policy and law, and the established rules of criminal law and criminal justice at the Member State level.

EU criminal law is one of the fastest evolving, but also challenging, policy areas and fields of law. Y "Research Handbook on EU Criminal Law. Cheltenham" provides a comprehensive and advanced analysis of EU criminal law as a structurally and constitutionally unique policy area and field of research (Mitsilegas, V., Bergström, M., & Konstadinides, T., 2016). With contributions from leading experts, focusing on their respective fields of research, the book is preoccupied with defining cross-border or 'Euro-crimes', while allowing Member States to sanction criminal behaviour through mutual cooperation. It contains a web of institutions, agencies, and external liaisons, which ensure the protection of EU citizens from serious crime, while protecting the fundamental rights of suspects and criminals.

Previous studies on procedural rights assessing the feasibility of the numerous instruments and proposals contained in the Roadmap should be mentioned, in particular academic projects coordinated by Taru Spronken and Gert Vermeulen,³⁸ as well as those comparing national criminal procedures [3]. Other comparative studies focused on evidence and procedural criminal law carried in the run-up to the establishment of a European Public Prosecutor's Office, those coordinated by the Max Planck Institute [4] and those coordinated [5] and edited by Katalin Ligeti in particular [6]. Other works put a more narrow emphasis on either specific procedural safeguards, such as the right to information [7], the right to translation [8], and the right to access to a lawyer [9], to name but a few, or those areas where the EU has only taken preliminary steps towards harmonisation, such as evidence law [10] and detention conditions [11]. Finally, a few authors analysed the challenges of implementing EU directives in national laws from the standpoint of individual Member States, such as France [12], Romania [13], Italy [15], and Portugal [16].

Aims. The purpose of the article is to establish the main stages of the formation of EU criminal law.

Methods. The main methods that were used in the research were methods of analysis and synthesis, as well as comparative analysis and historical analysis, which helped to achieve the goal of the research.

Results. The use of the term "EU criminal law" is conditional. This is explained by the fact that, as such, EU criminal law in the traditional sense (as a system of legal norms that establish the principles of criminal liability, types of crimes and punishment for their commission) does not exist and cannot exist at this moment, and we can only talk about type of so-called transnational criminal law – a system of international legal norms aimed at regulating criminal law issues of national criminal jurisdiction and extradition, as well as at harmonizing the criminalization of the most significant offenses in the EU legal space and establishing proportionate and effective criminal sanctions. In addition, EU criminal law now covers the so-called transnational criminal procedural law - supranational legal norms regulating: a) cooperation of justice authorities and the police on matters of criminal proceedings, b) optimization of the

functioning of national law enforcement and judicial systems and ensuring guarantees of human rights in criminal proceedings.

Thus, the criminal law of the EU is not an internal criminal law, but acts as one of the types of regional transnational criminal law in the material, legal and procedural sense.

Given that, according to the EU Treaty, the European Union acts as a single institutional structure that unites the three so-called "pillars": Communities, common foreign policy and security (CFSP), police and court cooperation in the criminal sphere, there is a position on the allocation of two levels of manifestation of EU criminal law:

1) harmonization of provisions of criminal law by legal means of first aid (through the application of the principle of loyal cooperation and with the help of regulations and directives);

2) mechanisms, institutions of intergovernmental cooperation of EU member states on issues of criminal law and process. In particular, Art. 29 TEU provides for the implementation of measures aimed at: closer cooperation of police, customs and other competent authorities of member states, directly or through the European Police Agency (Europol); closer cooperation of judicial and other competent authorities of the member states, in particular through the European unit of judicial cooperation (Eurojust); convergence, if necessary, of the norms of criminal law of the member states.

Researchers note the heterogeneity of EU criminal law and identify its following components:

1) administrative-criminal law of the EU (prohibitions of EU law and procedural rules, which for formal-legal and political, but not essential reasons are called "administrative-legal" and not "criminal-legal");

2) norms of EU law relating to criminal law and process, which mainly require national criminal law systems to implement measures in a certain way;

3) EU criminal procedural law – a system of EU law norms that determines the standards of proceedings in criminal cases and the status of its individual subjects (i.e. the application of criminal or criminal procedural law at the national level), regulates judicial (procedural) cooperation in criminal cases by providing legal assistance in the investigation or trial of criminal cases, execution of criminal procedural decisions;

4) draft norms of the unified European criminal law (Corpus Juris).

At the time of the creation of the European Communities (Treaty on the European Coal and Steel Community of 1951, Treaty on the European Economic Community of 1957, Treaty on the European Atomic Energy Community of 1957) issues related to the sphere of criminal justice (criminal law, criminal procedure, criminal executive law) did not appear, in connection with the purely economic interest in the existence of the specified Communities. However, over time, the exclusively economic goals of the European Communities have evolved. The new legal nature of the European Union, based on the freedom of movement of goods, persons, services, capital, and single citizenship, became a factor that negatively affected the growth of transnational crime and exacerbated the problem of ensuring internal security (especially at the stage of accepting new EU members).

Cooperation of states in the field of criminal law in the territory of the modern European Union has gone through a number of stages.

1) *The first stage* covers the 50s-70s of the 20th century. It is associated with the creation of an internal market without borders on the basis of the founding treaties and the strengthening of transnational crime, which quickly reacted to new opportunities. The DEU, concluded in 1957, did not contain any provisions on the cooperation of the Community member states in the sphere of justice and internal affairs. United Europe was satisfied with existing mechanisms of cooperation in the criminal law sphere within the framework of the Council of Europe.

Multilateral special conventions on cooperation in the field of criminal law concluded by states under the auspices of the Council of Europe (on the extradition of offenders from 13.12.1957, on mutual assistance in criminal cases from 20.04.1959, on the international validity of criminal sentences from 28.05.1970 ., on the transfer of proceedings in criminal cases from 05.15.1972, on the fight against terrorism from 01.27.1977, etc.), unified the existing international legal directions and forms of combating crime.

Security cooperation strengthened with the formation in 1970 of the institutional mechanism - European political cooperation, which was created mainly for the purpose of coordinating the foreign policy and security of the Community members. The Munich tragedy of 1972 marked the need to unify their internal policies in the sphere of justice and internal affairs. During the European Council at the highest level on May 1-2, 1975, a decision was made to create the TREVI group as an intergovernmental meeting with the participation of officials from the ministries of justice and internal affairs of the countries of the European Community to coordinate counter-terrorist measures. Over time, its functions were expanded and extended to immigration regulation, visa policy, border control, countering the distribution of drugs in the EU.

2) *The second stage* (80s and early 90s of the 20th century) is associated with the course of policy coordination in the field of internal affairs, in particular with the creation of the so-called the Schengen area. On June 14, 1985, the governments of five countries (Belgium, Luxembourg, the Netherlands, France and Germany) signed the Agreement on the gradual abolition of checks at common borders (the so-called "Schengen Agreement"). This document established the need to ensure the harmonization of the legislation of the participating states in the field of crime prevention and the search for criminals, the application of agreements on the procedure of extradition and the implementation of the fight against crime by giving the police the right to pursue with the help of communication mechanisms and international legal assistance. Later, the specified countries concluded an international agreement - the Convention on the Application of the Schengen Agreement of May 14, 1985 on the gradual abolition of checks at common borders.

In addition, the European Committee on Drugs (CELAD) and a special group on immigration issues (Ad hoc Immigration Group of Senior Officials) are being created during this period.

Achievements in matters of cooperation in the fight against terrorism and crime were summarized in the EEA (Single European Act) and the Political Declaration

attached to it in 1986. Despite the fact that the EEA did not clearly define the circle of persons who have the right to freedom of movement, the methods and guarantees of ensuring such freedom, although cooperation remained at the intergovernmental level, it was important that the EEC states declared their intention to develop a common approach to justice and home affairs. An important next step was the Dublin Convention of 1990, the purpose of which was to eliminate the controversial solution of the Community states to the issue of granting political asylum.

At the same time, the lack of a clear demarcation of the competence of supranational bodies of the Communities and member states on cooperation in internal affairs and justice caused conflicts and complicated cooperation. At the summit in Luxembourg in June 1991, German Chancellor G. Kohl first clearly formulated the idea of "communitarianization" of immigration and political asylum policy, calling on the Council to develop a program of cooperation in the field of internal affairs and justice.

3) The Maastricht Treaty of 1992, which is associated with the third stage of the development of EU criminal law, not only formed the three-pillar structure of the EU, but also defined the main provisions of cooperation between EU members in the field of internal affairs and justice, which included: the policy of providing political shelter; control over the external borders of the Union; immigration policy; customs cooperation; cooperation in matters of civil and criminal justice; cooperation of police services and creation of Europol.

4) Over time, the need to communitize part of the third pillar of the EU and transfer its provisions to the sphere of competence of the Community became obvious. At the Intergovernmental Conference of 1996-1997, which is associated with the beginning of the fourth stage, it was proposed to "communitarianize" such areas of internal affairs and justice as the provision of political asylum, immigration and protection of common borders, cooperation in civil matters. The main achievement of the conference was the proposal to create the European Area of Freedom, Security and Justice, which led to the conclusion of the Treaty of Amsterdam in 1997.

The Amsterdam Treaty completely replaced Chapter VI of the Maastricht Treaty. The subject of the third pillar, which covered cooperation in the field of Justice and Home Affairs (JHA) was narrowed down to Police and Judicial Cooperation in Criminal Matters (PJCC), leaving the intergovernmental method of cooperation. Thus, close cooperation of police forces, as well as judicial and customs authorities was foreseen. The concept of police cooperation was expanded, including by giving the European Police Agency powers that allowed it to conduct and coordinate investigations of specific cases, to develop methods of providing assistance to national police authorities in the investigation of crimes committed by organized criminal groups.

According to the Treaty of Amsterdam, the convergence of criminal law and procedural norms of the EU member states was decided to be carried out within the framework of the Council of the EU. The main legal instruments of the third pillar of the EU were defined as decisions and framework decisions aimed at the approximation of the legislation of EU member states, joint positions, which determine the Council's

approach to solving a certain issue, and conventions. , which are of a recommendatory nature, which unlike the tools of the first pillar (decisions, directives and regulations) were less effective. Thus, joint positions are not binding, framework decisions do not have direct effect, and for the convention to come into force, it needs to be ratified by at least eight EU member states.

The Council of Ministers of Internal Affairs and Justice was authorized within five years to move from unanimity in the decision of internal affairs to the principle of qualified majority; the Protocol on the Integration of Schengen Rules into Community Law and the Protocol on the Procedure for Granting Political Asylum in the EU to Citizens of EU Member States were included in the agreement. Provisions on free movement of citizens, immigration and political asylum, cooperation in civil matters were assigned to the first pillar (to the competence of the Community).

The Amsterdam Treaty introduced the principle of in-depth cooperation in areas remaining within the competence of the states, but the mechanism for its implementation was not defined.

Thus, the fundamental goal of the European Union in accordance with Art. Art. 2, 29 of the TEU became the formation of the space of freedom, security and justice. The idea of the European area of freedom, security and justice implies the creation within the framework of the European Union of a territory without internal borders, within which citizens could move freely in conditions of complete security. In the considered context, the concept of "freedom" includes freedom of movement of citizens, immigration, asylum; in the concept of "security" - ensuring internal and external security (the fight against organized crime, terrorism, drug trafficking, etc.); the concept of "justice" - implementation of close cooperation and legal assistance in civil and criminal cases.

An Action Plan was adopted at the summit in Vienna in December 1998 to fulfill the EU's priority task of establishing a European area of freedom, security and justice. The Vienna action plan developed the concept of the "European space": its main principles - freedom, security and justice - are closely interconnected: citizens can fully enjoy freedom of movement only when they feel safe, that is, under the protection of the police and courts regardless of the country in which they are located.

The fifth stage, initiated by the extraordinary summit of the European Union in the Finnish city of Tampere, which took place on October 15-16, 1999, became key in the development of EU criminal law. The Tampere summit was the result of the formulation of the European criminal law space, which changed the perception of state sovereignty. Despite the fact that the European Union does not have its own territory (it is owned only by the EU member states), nevertheless a single legal space is created - the space of "freedom, security and justice". Thus, as soon as the decision acquires legal force in the territory of one of the member states of the European Union according to its law, this decision directly acquires legal force throughout the EU.

Based on the results of the discussions, the summit adopted "Conclusions" (also known as "Tampere Milestones"), in which the priority areas of activity were formulated: immigration policy and the provision of political asylum; creation of a European legal space (in particular, improvement of access to justice in Europe,

affirmation of the principle of mutual recognition of court decisions; substantial convergence of civil law); strengthening the fight against crime (by preventing crime at the EU level; intensifying cooperation in the fight against crime; taking special measures to combat "dirty" money laundering), etc.

In order to implement the indicated priority directions, a special "Tampere Scoreboard" was developed by analogy with the schedule followed by the Communities when implementing the plan to create the Common Market. The events of September 11, 2001 forced the EU member states to review the deadlines for the implementation of the Tampere schedule and the implementation of measures to create a European area of freedom, security and justice. On September 17-21, 2001, an extraordinary EU summit was held in Brussels, at which the Conclusions were approved and the Action Plan for the fight against terrorism was adopted, which provided for the strengthening of police and judicial cooperation; development of an international legal framework for anti-terrorist actions; combating the financing of terrorist organizations through the money laundering directive; strengthening requirements for flight safety. At an emergency meeting of the Council of Ministers of Internal Affairs and Justice, decisions were made to expand Europol's mandate, start the work of Eurojust, introduce a European arrest warrant, formulate a general definition of the concept of terrorism and streamline sanctions against it¹.

The Nice Treaty of 2001 transformed the institution of enhanced cooperation: if at least eight EU member states express a desire to cooperate intensively in any field, they can do so in agreement with the Council, which makes decisions by a qualified majority. One of the first examples of in-depth cooperation was the creation of the Schengen area. In addition, cooperation in the field of justice was strengthened through the establishment and activities of Eurojust.

In connection with the failure of the ratification of the Treaty on the introduction of a Constitution for Europe, signed by 25 EU member states on 10/29/2004, the EU members signed on 12/13/2007 the Lisbon Treaty on Amendments to the Treaty on European Union and the Treaty on its Establishment of the European Community. Among the innovations of the Lisbon Treaty: rejection of the tripartite system of the EU and granting this regional organization the status of a single legal entity. The ratification of the Lisbon Treaty will create new opportunities for the development of cooperation between EU member states in the field of criminal justice, and will strengthen the role of EU institutions in this area.

Discussions. The means of criminal law should be used only if others are insufficient, which requires additional justification. In 2011, the European Commission published specific guidelines in this regard in the Communication "Towards EU criminal policy: ensuring effective implementation of EU policies by means of criminal law" [14], which outlined the specifics of the application of criminal law norms to ensure additional protection in relevant areas. For this purpose, a number of normative acts of the Union were adopted, aimed at the convergence of national criminal legislation within the framework of certain areas of EU activity. In particular, Directive 2017/1371 on combating fraud directed against the financial interests of the Union by criminal means defines a list of illegal acts and sanctions for their commission, which

is aimed at the convergence of national criminal legislation in this area. The adoption of the specified act was conditioned by the obligation under Art. 325 TFEU, according to which the Union and the Member States must combat fraud and any other illegal activity affecting the financial interests of the Union by means of measures which act as a means of deterrence and are effective. At the same time, Member States are obliged to take measures to combat fraud affecting the financial interests of the Union, which are similar to those they take to combat fraud affecting their own financial interests. It is worth noting that the scope of "EU criminal law" is gradually expanding, taking into account new challenges and threats, which determine the further development of EU legislation, and therefore the directions of convergence of the national criminal legislation of the member states. According to the 2021 Europol Report, the key threats to the EU are criminal networks focused on arms trafficking, corruption, money laundering, cybercrime, crimes against persons, drug trafficking, fraud, property crimes, and environmental crimes. With this in mind, the EU member states have identified 10 priority directions for combating organized crime for the period 2022–2025: high-risk criminal networks, cyber attacks, human trafficking, child sexual exploitation, migrant trafficking, drug trafficking, fraud, economic and financial crimes, organized crimes against property, environmental crimes, arms trade. Thus, one of the promising directions of reforming the national criminal legislation of the EU member states is the environmental sphere, which is trending in the context of the implementation of the priorities of the "European Green Agreement". Recently (December 15, 2021), the European Commission presented a draft Directive on environmental protection by means of criminal law to replace the current Directive 2008/99/EC [11]. Among its key proposals is the expansion of the list of environmental crimes and strengthening of responsibility for their commission.

Conclusions. As a conclusion, it should be emphasized that a characteristic trend in the development of the national criminal legislation of EU member states is the harmonization of approaches to determining the content of offenses and responsibility for their commission. Convergence of national criminal legislation occurs with the help of directives of the European Union based on the method of minimal harmonization, which involves determining the necessary list and content of socially dangerous acts and establishing the principles of responsibility for such acts. In the case of the most serious socially dangerous acts belonging to the category of "Euro-crime", sanctions are determined according to the principle of "minimum-maximum" approximation. This method allows, on the one hand, to ensure regulation with the help of uniform standards, and on the other hand, to take into account national legal traditions in the field of criminal law, in particular, to establish more severe punishments or a wider list of acts for which criminal liability arises. The scope of EU criminal legislation is gradually expanding, taking into account new challenges and threats, which determine the directions of convergence of the national criminal legislation of the member states. Prospective directions for the convergence of national criminal law within the EU are the environmental sphere, cyber security, migrant trafficking, etc.

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MODELS OF INSTITUTIONAL PROVISION OF EXTERNAL FUNCTIONS OF UKRAINE AND HUNGARY IN THE CONTEXT OF CONSTITUTIONAL AND LEGAL APPROACHES TO THEIR EXPRESSION

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Abstract. *The issue of the external environment of Ukraine has been and is an urgent issue of all times. The external position of Ukraine during the times of different Presidents for most of the history of independence was a place of throwing from the West to the East, or rather de jure to the West, de facto to the East. A full-scale war in Ukraine causes huge human, economic and cultural losses. Life was divided into "before the war" and "in the war". All this pushes Ukraine to the starting point of reference, where after the end of this agony-propaganda "military operation" there will be a period of great reconstruction and punishment of the guilty within the framework of international law. The purpose of each state, its directions of functioning, success, neglect, and limits of implementation can be vividly considered today under the prism of its external functions. The issue of state functions remains one of the key issues in the theory and practice of state formation. They play an important role in the implementation of state policy, because without influencing this or that phenomenon of social relations, the state is unable to solve the tasks set before it and achieve the set goals. Comprehensive implementation of state policy is a guarantee of peaceful and safe existence and further development of the entire society. Research on the issue of distinguishing models of institutional support is not researched in the territory of Ukraine and insufficiently researched in the territory of Hungary. In this scientific article, we try to consider models of institutional support under the prism of forms of implementation, which, in our opinion, adequately reveals the essence of legislative and theoretical approaches and distinguishes the practical inclination of such activities. In the theory of the state and law of both Ukraine and Hungary, there are different approaches to distinguishing approaches to forms of implementation, however, due to the relation to the republican type of both states, we find their similarities, which is quite convenient in the case of the implementation of experience, often at the stage of adaptation the borrowed experience.*

Keywords: Ukraine; Hungary; models; institutional support; constitutional approaches; legal approaches; external functions.

JEL Classification: K10, K20, K30

Formulas: 0; **fig.:** 1; **tabl.:** 0; **bibl.:** 15

Introduction. The issue of the course of Ukraine as a state was and is a discussed issue. Such events as 2014 and 2022 were set long before their beginning. We can assume it was a matter of time. And those countless sacrifices that we have today were laid by Ukrainian Presidents almost immediately with the declaration of independence, a wrongly chosen course. After all, it has been centuries to fight for independence from the Soviet Union, and with obtaining it, keep the course for rapprochement again. This is not development; this is the path of degradation. The question of independence, as well as the question of the EU, NATO, is currently under the statute of limitations, we are again fighting for independence at the cost of thousands of lost lives, thousands of destroyed lives from the former Soviet Union, today the Russian Federation. We come again to the spring of 1991, where de jure actions should coincide with de facto actions. It is in this case that Ukraine will be able to move on. Formed models of institutional support with a clear division of responsibilities should contribute to what we can observe in the case of Hungary.

Lirerature review. This scientific article used the works of: O. Soskina, K. Volinka, O. Bandurka, G. Samilo, Yu. Vedernikova, Ya. Kostyuchenko, Henes Botond, Jozef Petretei, as well as legislative provisions of both states.

Aims. The main goal of this scientific article is the issue of models of institutional support of external functions of Ukraine and Hungary in the context of constitutional and legal approaches to their separation.

Methods. Scientific knowledge is a complex and contradictory process. The same time is the highest level of cognitive activity. The methodology of scientific knowledge is a specific historical phenomenon. Philosophical methodology combines all general scientific methods into three large groups. The first includes: observation, comparison. To the second: idealization. To the third: analysis and synthesis, induction and deduction, abstraction, and modeling. In this article all three groups of methods were used. In addition, we highlight the historical method of learning in the context of recalling the events of 2008 by russia in relation to Georgia.

Results. Analyzing the issue of Ukraine's international exchange rate, O. Soskin emphasized an unequivocal course towards the West, otherwise we will face the scenario used in Georgia. Considering the events of February 24, 2022, we find out the evidence of such emphasis. This author predicted two scenarios, the future of more than one generation will depend on the chosen one:

1. "Western", characterized by an active process of creating a single Europe, represented by single international organizations dealing with various aspects of activity. Economically, it is the European Union, whose members are focused on creating a single European market, it is a single European currency and other tools of joint development, it is military - NATO and the military integrated European rapid response forces, political - the European Parliament, the Council of Europe, the OSCE, etc. At the same time, many new countries join the EU. It is worth adding that today (and in the future) the world guarantor of the development of peace and democracy is the USA, which plays a huge role in the spread of integration processes in the European space. Therefore, orientation towards the West is the only realistically possible scenario of development that should be managed by Ukrainian leaders.

2. "Eastern", which entails the strengthening of effects on the Eurasian continent. The central place here is occupied by a conglomerate called the russian federation. The goal is one-man rule, the use of blackmail, lowering the threshold for the use of nuclear weapons, increasing spending on military equipment [1, p. 9-10].

In August 2008, the invasion of russian troops on the territory of Georgia broke out. Not for the first time since the collapse of the Soviet Union, the whole world saw that the historical essence and thirst for conquest was not shared anywhere. Such events served as proof, as O. Soskin noted, that it is impossible to cooperate with russia based on equal partnership. And the main reason for the capture of Abkhazia and South Ossetia was the first was the mass distribution of russian citizenship, the second was the "rescue" of its citizens, respectively, the military group was created from the same places. There were no legal grounds for leaving Georgia in these territories. However, for russia, this is nothing but self-determination, even though genocide has been used for years on the example of Ichkeria (Chechnya), which expressed a desire for such

self-determination and to leave the Russian Federation. It is also demonstrated itself as a state of double standards. The first is strengthening the word by military force. Accordingly, an increase in the level of totalitarianism. Further, based on such a course of events, the author provoked the disintegration of the Russian Federation into separate parts, of which today it is the largest state in the world [1, p. 11].

In our opinion, the scenario of the Russian Federation is approaching that of the former Soviet Union - a great disintegration into separate republics. As for the role of Belarus, O. Soskin predicted their alliance with the Russian Federation, which would only increase the level of totalitarianism and military power. That is why this author strongly recommended to unequivocally choose a course to the West, and to strengthen the state border and introduce a visa regime against the totalitarian-increasing power of the states. Otherwise, Ukraine will become a "gray zone" with waves of possible totalitarian cataclysms rolling through its territory and a military attack, according to the scenario of Georgia, where Crimea and Transcarpathia will be the reason [1, p. 12, 16].

As we can see, the events of 2014 and 2022 were planned long before they began. Based on O. Soskin, we can assume that it was a matter of time. And those countless sacrifices that we have today were laid by the helmsmen almost immediately with the declaration of independence, a wrongly chosen course. After all, it has been centuries to fight for independence from the Soviet Union, and with obtaining it, keep the course for rapprochement again. This is not development; this is the path of degradation. The question of independence, as well as the question of the EU, NATO, is currently under the statute of limitations, we are again fighting for independence at the cost of thousands of lost lives, thousands of destroyed lives from the former Soviet Union, today the Russian Federation. We come again to the spring of 1991, where *de jure* actions should coincide with *de facto* actions. It is in this case that Ukraine will be able to move.

The theory of the state and law, regardless of the author, the composition of the authors, contains different approaches to distinguishing the forms of implementation of the functions of the state, which are in their external design of the practical activities of state authorities. For example, K. Volinka distinguishes law-making, law-executive and law-enforcement [2, p.49]. O. Bandurka singles out the legislative, executive, judicial and control-supervisory [3, p.102]. It should be noted that based on O. Bandurka, the forms practically coincide with the heads of government, while such limits practically do not foresee the activities of the President and his ability to issue decrees that are legally significant throughout the territory and are on a legal level with the resolutions of the Verkhovna Rada and Cabinet of Ministers, while it is not constitutionally considered in any of the forms proposed by this author. H. Samilo in his time singles out: law-making - a form of implementation of state functions through the issuance of laws and other normative acts related to the adoption, change and cancellation of legal norms; the right to apply - the activity of state authorities to implement the imposition of legislative and regulatory requirements; operative-executive - the work of state bodies and officials who use the procedure of the function and study the activity by issuing the application of legal norms, on the basis of which

acts create, disappear and change legal relations; law enforcement - the activity of state authorities to protect legal norms from violation, protect rights and freedoms, and ensure the fulfillment of duties [4, p. 61].

Yu. Vedernikov refers to the following forms: law-making - activity of state authorities on the preparation and adoption of legislative acts; law enforcement - the activity of judicial and law enforcement authorities is related to the protection of human rights and freedoms, prevention of offenses and bringing to legal responsibility; law-enforcement – activity of state authorities regarding the resolution of specific legal cases through the adoption of acts of application of legal norms with the presence of a personalized character; legal interpretation - the activity of state authorities is related to the adoption of acts of interpretation of legal norms, where the content of the legal norm itself is explained; law enforcement - the activity of primary state authorities to create secondary ones [5, p. 64].

According to the interpretations of the Constitutional Court of Ukraine, the Verkhovna Rada, the President and the Cabinet of Ministers are endowed with separate constitutional powers in the field of foreign policy activities, but only the President, as the head of state, has the right to manage such activities in general. According to the Constitution of Ukraine, the powers of the President and other subjects of foreign policy activity are norms of direct action. This means that the head of state not only carries out general management of the foreign policy direction of the state in accordance with the principles of foreign policy of Ukraine, determined by the Verkhovna Rada of Ukraine, but also uses appropriate means of influencing the foreign policy direction of the state to ensure the national interests and security of Ukraine. Implementation of the foreign policy principles of the state, determined by the Verkhovna Rada of Ukraine, which is carried out under the leadership of the President of Ukraine and ensured by the Cabinet of Ministers of Ukraine and the Ministry of Foreign Affairs of Ukraine, requires coordination of the activities of these executive bodies by the head of state, including issues of personal support in this area. Managing the foreign policy activities of the state, the President of Ukraine influences the activities of the Cabinet of Ministers of Ukraine and the Ministry of Foreign Affairs of Ukraine with his decrees and instructions [6].

In our opinion, the components proposed by H. Samilo are the most successful within the scope of this issue, that is why we take them as a basis.

Institutional support, or as Ya. Kostyuchenko suggested, "state management", is the activity of state authorities, within legally defined and stipulated limits [7, p.136].

The model of institutional provision of external functions has not been paid attention at the scientific level to date. For our part, we consider this direction under the prism of the forms of implementation, which, in our opinion, adequately reveals the essence of legislative and theoretical approaches and highlights the practical inclination of such activities. The above is depicted in Figure 1.

Such models of institutional activity of the state authorities of Ukraine proceed directly from the constitutional and legal provisions on the division of state duties into spheres. According to the provisions of the Basic Law of Ukraine, the President acts as the head of the state's foreign policy activities [8, Art. 106], the Verkhovna Rada is

a body that determines the foreign and domestic policy of Ukraine at the legislative level [8, Art. 106], the Cabinet of Ministers of Ukraine - ensures the implementation of foreign policy [8, art. 106].

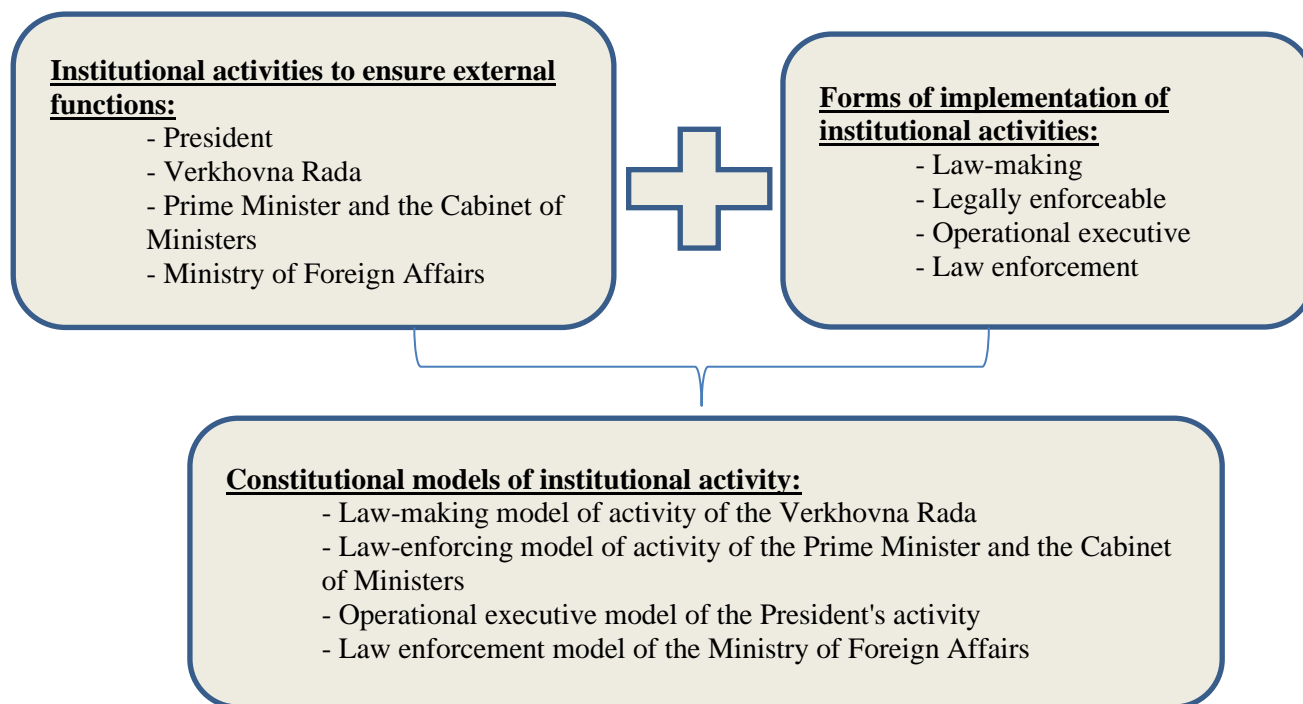


Figure 1. The model of institutional provision of external functions

The Prime Minister heads the Cabinet of Ministers of Ukraine [8, Art. 114]. Institutional provision of external functions is nothing more than a comprehensive approach. Resolution of the CMU "Regulations on the Ministry of Foreign Affairs" dated March 30, 2016, under No. 281 - the Cabinet of Ministers is the coordinating body of the Ministry of Foreign Affairs, which in turn is the central executive body in the field of institutional support of the state's foreign policy activities. According to the above-mentioned Resolution, the main goals and purpose of such a central body of executive power are:

1. ensuring the formation and implementation of state policy in the field of international relations;
2. to ensure the protection of the national interests of Ukraine in international relations; diplomatic means and methods of ensuring sovereignty, international security, territorial integrity and inviolability of Ukraine's borders, political, trade-economic, cultural, humanitarian and other interests; development of relations with foreign Ukrainians and their public organizations, coordination of the activities of internal affairs bodies regarding the development of such relations; state bodies with information necessary for effective foreign and domestic policy in Ukraine;
3. implements a foreign policy course in Ukraine aimed at the development of political, economic, cultural-humanitarian, scientific and other relations with foreign countries and international organizations;

4. coordination of the activities of state bodies in order to implement a unified foreign policy of Ukraine;

5. protection of the rights and interests of citizens and legal entities of Ukraine abroad;

6. to promote the establishment of Ukraine's international prestige and increase its image as a reliable and predictable partner in the world;

7. study and analysis of the political and economic situation in the world, foreign and domestic policy of foreign countries, activities of international organizations;

8. participation in the implementation of the state foreign economic policy, the policy of integration of the national economy into the world economic system within the limits of competence provided by law;

9. participation in the formation and implementation of state policy aimed at the integration of Ukraine into the European political, economic, security and legal space, membership in the European Union and the North Atlantic Treaty Organization;

10. participation in ensuring the development of international law [9].

From the point of view of Hungary, in our opinion, the models of institutional support are like Ukrainian ones. Based on Henes Botond, we can distinguish the following models: 1. model of executive activity; 2. model of legislative activity; 3. model of law enforcement activity [10]. Which is quite like O. Bandurka.

Proceeding from the Basic Law of Hungary, we can emphasize that the forms of implementation adequately reveal the essence of legislative and theoretical approaches and distinguish the practical inclination of such activities. However, based on the latter, we can single out the constitutional models of activity of the state authorities of Hungary on the example of Ukraine.

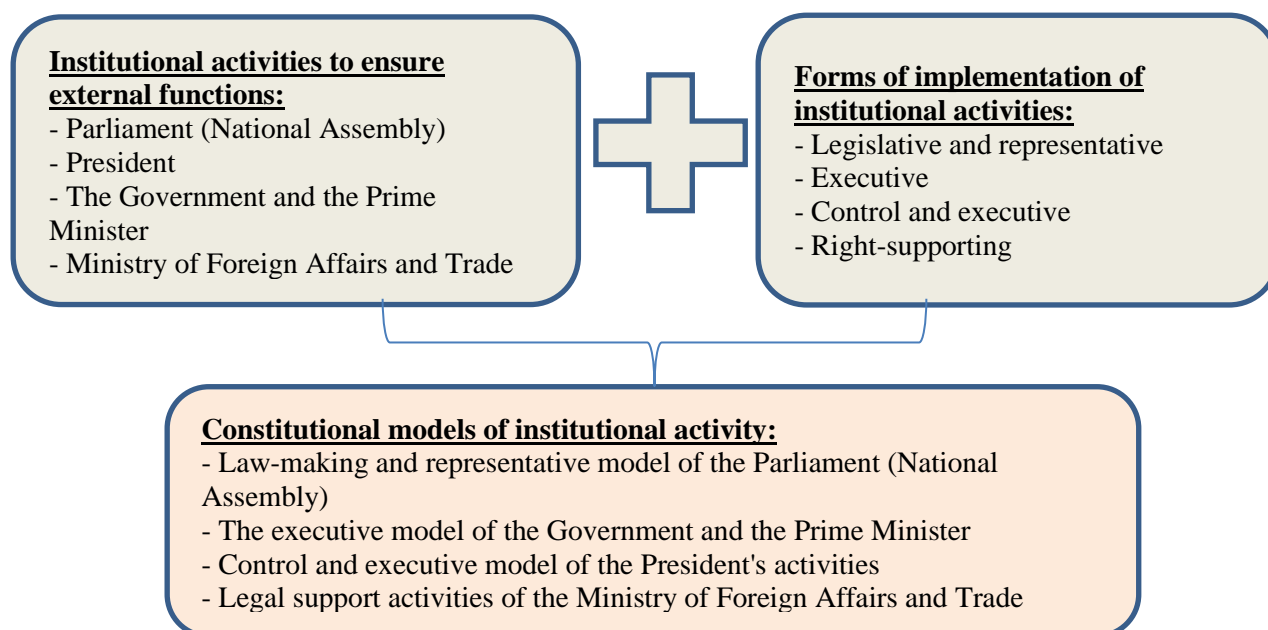


Figure 2. Constitutional models of activity of the state authorities of Hungary on the example of Ukraine

According to Article 1 of the Constitution of Hungary, the Parliament is the highest representative body of Hungary, which creates and amends the Basic Law of Hungary; creates laws; authorizes recognition of the binding force of an international agreement; decides to declare martial law and conclude peace; makes decisions regarding the special legal order and participation in military operations; performs public charity [11]. According to Article 9 of the Constitution of Hungary, the President is the Head of Hungary, who expresses the unity of the nation and monitors the democratic functioning of the state system. Is the Commander-in-Chief of the Armed Forces of Hungary, recognizes the binding scope of the international agreement based on the authority of the Parliament; commissions and receives ambassadors and emissaries [11].

Article 15 of the Constitution of Hungary provides that the Government is the general body of the executive power, whose tasks and powers cover everything that is not directly assigned to the tasks and powers of other bodies in the Basic Law or legislation. The government is responsible to the parliament. Regarding the Prime Minister, Article 18 states that he determines the general policy of the Government [11]. It is worth noting that, unlike the Constitution of Ukraine, the Constitution of Hungary does not contain clear powers of state authorities in matters of foreign affairs. To obtain a complete answer, the Constitution is not enough, for this it is necessary to additionally refer to other normative legal acts, in the context of the Resolution of the Government of Hungary 182/2022 (vol. 24) "On the Duties and Powers of the Government" provides in the matter of the Prime Minister of the Minister: must represent Hungary in the European Council, and must organize the representation of Hungary on all matters concerning the European Union, which require the participation of the state at the highest level, unless otherwise decided by the Basic Law or the Law; determines and coordinates the activities of ministers, in which he can give instructions to ministers regarding the implementation of their activities; determines the general policy of the Government and manages its implementation.

Along with this, in the matter of the European Union, we note that the Prime Minister can act both personally and through the State Secretary. Responsibilities include:

- a) to conduct negotiations with the member states of the European Union and with representatives of the institutions of the European Union;
- b) participate in the preparation and holding of thematic meetings of the EU government;
- c) participate in the government coordination system related to membership in the European Union;
- d) maintain contact and coordinate with the minister and ministers responsible for the government's position on EU membership; e) seek advice and consult with state bodies [12].

In the matter of the Minister of Foreign Affairs and Trade:

- 1. to formulate the foreign economic policy of the Government, within the framework of which it evaluates and analyzes foreign economic and international processes that affect them;

2. to participate in the defense of Hungary's economic interests abroad, in relevant activities for the development of trade and in creating a favorable image of Hungary, within the framework of which it contributes to the strengthening of foreign economic activity and civil relations, supports the implementation of foreign economic goals and forums that promote international cooperation;

3. preparation and coordination of the implementation of agreements on strategic cooperation with large companies;

4. to manage the system of regional investment assistance, which can be provided by separate decisions of the Government;

5. bear responsibility "for" and "in" the context of multilateral trade policy;

6. in cooperation with the interested member of the government, formulate the position of the government regarding the common commercial policy of the European Union;

7. ensure compliance of international trade policy obligations with domestic legislation;

8. be responsible for the implementation of the Agreement on Trade and Cooperation between the European Union and the European Atomic Energy Community, on the one hand, and the United Kingdom of Great Britain and Northern Ireland, on the other hand, as well as for the coordination of relations between the Parties in this regard;

9. is responsible for managing the foreign economic diplomatic network;

10. perform tasks related to investment protection agreements;

11. develop the position to be taken at international energy negotiations and present it at bilateral and multilateral negotiations [12].

Jozef Petrety successfully summarizes that the division of power serves both the division of labor and, at the same time, the effective performance of state tasks. The effective performance of the functions of state bodies can be ensured by the precise distribution of tasks and powers, as well as the establishment and implementation of firm, clear and binding material, and procedural rules. An important element of the guarantee is that these powers are defined in the normative Constitution, as this can ensure that if the performance of the tasks and powers of the public body under the basic law is violated, it can be corrected. body of constitutional protection due to unconstitutionality.

As a result of the institutional division, the principle of separation of powers is the most important organizational principle of the state system. The purpose of models of institutional distribution of power is the rule of law, that is, the distribution of state tasks and powers - thus, the exercise of state power - among different bodies, which prevents or at least reduces the concentration of state power and the risk of abuse of power for the sake of citizen freedom and security. On the other hand, the separation of powers also has a democratic purpose, as it enables through elections the representation of various political currents and groups in the people's representative, ensures their participation in the formation of the will of the state. Thanks to the constitutionally regulated interaction of state bodies, it unites the existing pluralistic political forces in society, thus complementing representation with integration. Finally,

the separation of powers serves the division of labor and the efficient performance of state tasks, namely through professionally and competently formed state bodies. However, the goals of the separation of powers – limitation of power under the rule of law, democratic representation, and rational performance of tasks – are only guiding principles, the implementation of which depends on the conditions of the time and related legal norms [13].

Conclusions. The division of power serves both the division of labor and, at the same time, the effective performance of state tasks. The effective performance of the functions of state bodies can be ensured by the precise distribution of tasks and powers, as well as the establishment and implementation of firm, clear and binding material, and procedural rules. An important element of the guarantee is that these powers are defined in the normative Constitution, as this can ensure that if the performance of the tasks and powers of the public body under the basic law is violated, it can be corrected. body of constitutional protection due to unconstitutionality. The constitutional and legal models of institutional support of Ukraine and Hungary are related, which, in our opinion, is quite convenient in the case of implementing experience, especially at the stage of inculcating borrowed experience.

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CHAPTER 3

THEORETICAL AND PRACTICAL ASPECTS OF MODERN PSYCHOLOGY

SPECIALIST IN PHYSICAL TRAINING: ESSENTIAL CHARACTERISTICS

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Abstract. *On the basis of scientific resources the article gives the analysis of following concepts: «profession», «specialty», «qualification» and «specialist». Different approaches to treating these concepts in the modern science are revealed in the article. The structural components of professionally aimed individual are allocated and analyzed in details: professional orientation, professional competence, professionally important qualities and professionally important physiological properties. The meaning of the concept «a specialist in physical training» is given in the article as well as the list of main competences of graduates of higher educational institutions of physical training and teacher training direction. Among them great attention is paid to: forming the basis of rational behavior, aesthetic norms and skills in the training process; assistance in labor, intellectual and aesthetic education of pupils during the lesson of physical training; forming the essentials of self-behavior of an individual in the process of physical training. The criteria of readiness for professional activity of the modern professional in physical training are defined: forming the basic and professional economic culture of the individual of an employee; value-semantic orientations; attitude to the profession; forming the systemic integrational skills; the awareness about peculiarities of the region and regional peculiarities of the system of physical education; willingness to participate in development of the market field; the acceptance of responsibility for their own career; willingness to provide competition using moral methods; realizing by the specialist the scientific reduction of basic theories into elaboration of conceptual fundamentals of professional activity in conditions of market economy.*

Keywords: *profession, specialty, qualification, a specialist in physical education, professional activity.*

JEL Classification: H10, IO, Y8

Formulas: 0; **fig.** 1; **tabl.** 1; **bibl.** 12

Introduction. Fundamental changes in the socio-economic and spiritual development of the state, the modernization of the education system in Ukraine put the problem of improving the training of teaching staff on the agenda. The implementation of the requirements of the time, in particular the integration of national education into the European educational space, requires the creation of technologies for the

professional training of future specialists aimed at improving qualifications, professional competence, and competitiveness in accordance with the growing conditions on the labor markets. Therefore, it is a difficult and responsible task to professionally prepare future teachers who are able to fully meet the high professional guidelines of the 21st century.

This also applies to the professional training of future physical education specialists and sports. Today, it is important that higher educational institutions ensure not only the direction of the educational process to arm future specialists with special knowledge, abilities and skills, but also the development of professionally significant personality qualities of the future physical education and sports specialist, its intellectual potential, opportunities, interests, inclinations, motives and value guidelines.

All this requires a rethinking of the purpose, content, functions and tasks of the professional training of future physical education and sports specialists in higher educational institutions of Ukraine in accordance with the requirements of the personally oriented paradigm of education, the need to ensure the high competitiveness of physical education specialists.

Literature review. Various aspects of the functioning of the system of continuous professional education are highlighted in the works of domestic scientists (Bennabi, 2019).

The conceptual foundations of the professional training of future specialists were thoroughly studied by domestic scientists (Bengel, 2018), in particular, the professional training of future specialists in physical education and sports - by domestic scientists (Arshava, 2019) and Indian (Bohlmeijer, 2011) by researchers. A special place belongs to the works of Ukrainian scientists, who analyzed the professional training of future specialists in the context of personally oriented education (Burlakova, Sheviakov, 2021).

Aim. The purpose of our article is to clarify the essence of such concepts as "profession", "specialty", "qualification" and "specialist" in modern scientific literature.

Methods. The methodological basis of the research was the theoretical analysis and generalization of literary sources.

Results. We should immediately note that explanatory dictionaries of the Ukrainian language equate the concepts of "profession" and "specialty". Thus, in the "Great Explanatory Dictionary of the Modern Ukrainian Language" the following interpretation of the concept of profession is given:

1. Type of occupation, labor activity that requires certain training and is the main means of subsistence; profession.
2. Basic qualification, specialty.

We come across a similar definition in the "Interpretive Dictionary of the Ukrainian Language".

In the Vocational Education Dictionary, the concept of "profession" is presented in more detail and is interpreted as "a type of labor activity of a person who possesses

a complex of special theoretical knowledge and practical skills acquired as a result of professional training and work experience".

Instead, A. Caza gives a more generalized definition of this concept. In particular, the author is convinced that the profession is a historically and culturally determined social phenomenon, which is objectively determined by the achieved level of division of labor. This is a complex of systematic knowledge, abilities and skills, abilities and beliefs of a person acquired in the process of education and upbringing, oriented to the social division of labor, which is a prerequisite for performing skilled work in material and non-material production (Caza, 2010).

However, we are more impressed by the definition of this concept by scientists A. Christian, who consider the profession as "a peculiar set of abilities, skills, types of activities, personal hobbies and interests of a person, which serves as a source of income, contributes to the discovery of creative abilities and the realization of personal and social aspirations"(Christian, 2011). We also agree with J. Chung who notes that "the profession determines a person's place in the social structure and is the source of his spiritual and material well-being. The profession is most often associated with education, interests, needs, it leaves an imprint on a person, his worldview, behavior, etc." (Chung, 2018).

In the scientific literature, the concept of "specialty" is interpreted as the specialization of activity according to the subject of work. In particular, in pedagogy, there is the following definition of this concept: "a specific, historically formed type of labor activity, which is systematically performed by a specialist in the direction of a certain profession and provides him with the means of subsistence". Instead, researchers M. Constand interpret the specialty more narrowly - as "a narrow, specialized type of work within the framework of a specific profession, in which a person has achieved the required level of training, a certain professional skill, gained the necessary experience" (Constand, 2014). Scientists believe that this is the type of activity in which the specialist acquired additional, deep knowledge, skills and practical skills. This definition of the concept of "specialty" is close to us, and therefore we will follow it in our study.

According to researchers I. Burlakova and O. Sheviakov, a specialty in the field of physical culture and sports is "a set of knowledge about physical culture and a person who is engaged in physical culture and sports activities; experience of emotional and value relations; moral standards; the ability to transfer the values of physical culture to a totality sufficient for a productive social bearer of sports experience (a specialist) with another person (a learner) in order to harmonize his natural physical data" (Burlakova, Sheviakov, 2021).

Specialties of specialists are determined by the State Classifier in each from areas of training. In the direction of "Physical culture and sports", professional personnel are trained in the following specialties:

- physical education (classification code – 010201);
- physical rehabilitation (classification code – 010202);
- Olympic and professional sports (classification code - 010203).

In the Ukrainian Pedagogical Dictionary, "qualification" is interpreted as:

1) degree of professional training of the employee, the availability of knowledge and skills necessary for him to perform a certain type of work. Depending on the employee's qualifications, the special qualification commission assigns him a tariff class according to the tariff and qualification manuals;

2) characteristic of a certain type of work, which is established depending on its complexity, accuracy and responsibility;

3) characteristics of the subject, phenomenon".

Traditionally, the term qualification in higher education denoted a specific profession. Compilers of the new list of specialties suggest that the name of the level of training, which is implemented by the corresponding professional educational program, should be called a qualification - bachelor, specialist, master.

The interpretation of the concept of "qualification" is much broader in the encyclopedia "Pedagogy". In particular, this term means:

1) the level of development of the employee's abilities, which allows him to perform labor functions of a certain degree of complexity in a specific type of activity, the level of professional readiness for a certain type of work;

2) profession, specialty.

P. Coventry proposes to use the term professional qualification together with the above-grounded ones, which includes his traditional understanding - the specification of a profession, specialty (Coventry, 2015).

According to S. Culbertson, qualification is "a complex characteristic of the quality of a specialist's work, determined by his educational level and professional training in a certain specialty" (Culbertson, 2010). The qualification of graduates of higher educational institutions, which is certified by diplomas of higher professional education, provides them with the opportunity to carry out various types of professional activities, defined by the state educational standard of higher professional education in terms of state requirements for the minimum education and the level of training of graduates.

The educational and qualification level of higher education characterizes the degree of formation of the personality, the system of knowledge, abilities and skills, which ensures the ability of a person for professional activity of the appropriate level.

We are also close to I. Burlakova interpretation of the concept of "specialist", which we will follow in our work. According to it, a specialist is a person who professionally possesses the knowledge, tools and skills of a certain type of activity in accordance with the educational and qualification level (Sheviakov, 2022).

In particular, in the scientific literature there is a four-component professionally conditioned structure of the personality of a specialist, the characteristics of which are given in table. 1.

Discussion. Considering this, in our opinion, a future specialist in physical culture is a person who purposefully acquires professional education in specialized higher educational institutions in the process of specially organized educational activities aimed at preparing for further professional activities.

As a result of such training, a modern specialist in physical education and sports should:

- to know: the content of traditional and innovative technologies in the field of physical culture and sports; forms, methods and principles of organizing traditional and innovative education; medical-biological, psychological-pedagogical, sociocultural foundations of traditional and innovative technologies in the field of physical culture and sports;

- be able to: plan, organize and conduct classes using traditional and innovative technologies; use modern tools in classes and methods of physical education adequate to the content of the applied technologies; evaluate the effectiveness of the technologies used and control the quality of the educational process; analyze and correct their professional activity; organize and conduct scientific research in the field of professional activity.

Table 1. Professionally determined structure of the specialist's personality

Substructures	Socio-psychological and psychophysiological components of substructures	Professionally determined ensembles of substructure components (key qualifications)
Professional orientation	Tendencies, interests, attitudes, expectations, attitudes, motives.	Socio-professional abilities: readiness for cooperation, focus on achievement, success and professional growth, corporateness, reliability, social responsibility, etc.
Professional competence	Professional knowledge, skills and abilities, qualification	Socio-legal and economic competence, special competence, personal competence (knowledge, skills that go beyond one profession), self-competence
Professionally important qualities	Attention, observation, creativity, decisiveness, contact, self-control, independence, etc.	Professional independence, socio-professional intelligence, ability to plan technological processes, diagnostic abilities, professional mobility, self-control, etc.
Professionally significant psychophysiological properties.	Energetics, neuroticism, extroversion, Visual coordination, reactivity, etc.	Generalized professional abilities: coordination of actions, speed of reaction, vision, dexterity, endurance, stress resistance, etc.

Sources: systematized by the authors

Instead, I. Burlakova details the requirements for the competences of graduates of higher educational institutions in the field of physical education and pedagogy, approved by the State Standard. In particular, she names the following (Figure 1).

Conclusion. Thus, taking into account the fact that a modern physical culture specialist must be ready to work in market conditions, this puts new demands on him. In view of this, a specialist in the field of physical culture is a person who is ready to carry out health-sports-pedagogical (synthetic) activities on the basis of formed pedagogical (reflective and project) abilities, which are manifested in the knowledge, abilities and skills of didactics of physical education and health riverbanking, its measurements, formations and preservation in the conditions of scientifically based forms of organization of the educational process.

The market conditions of functioning determine the following criteria of her readiness for professional activity:

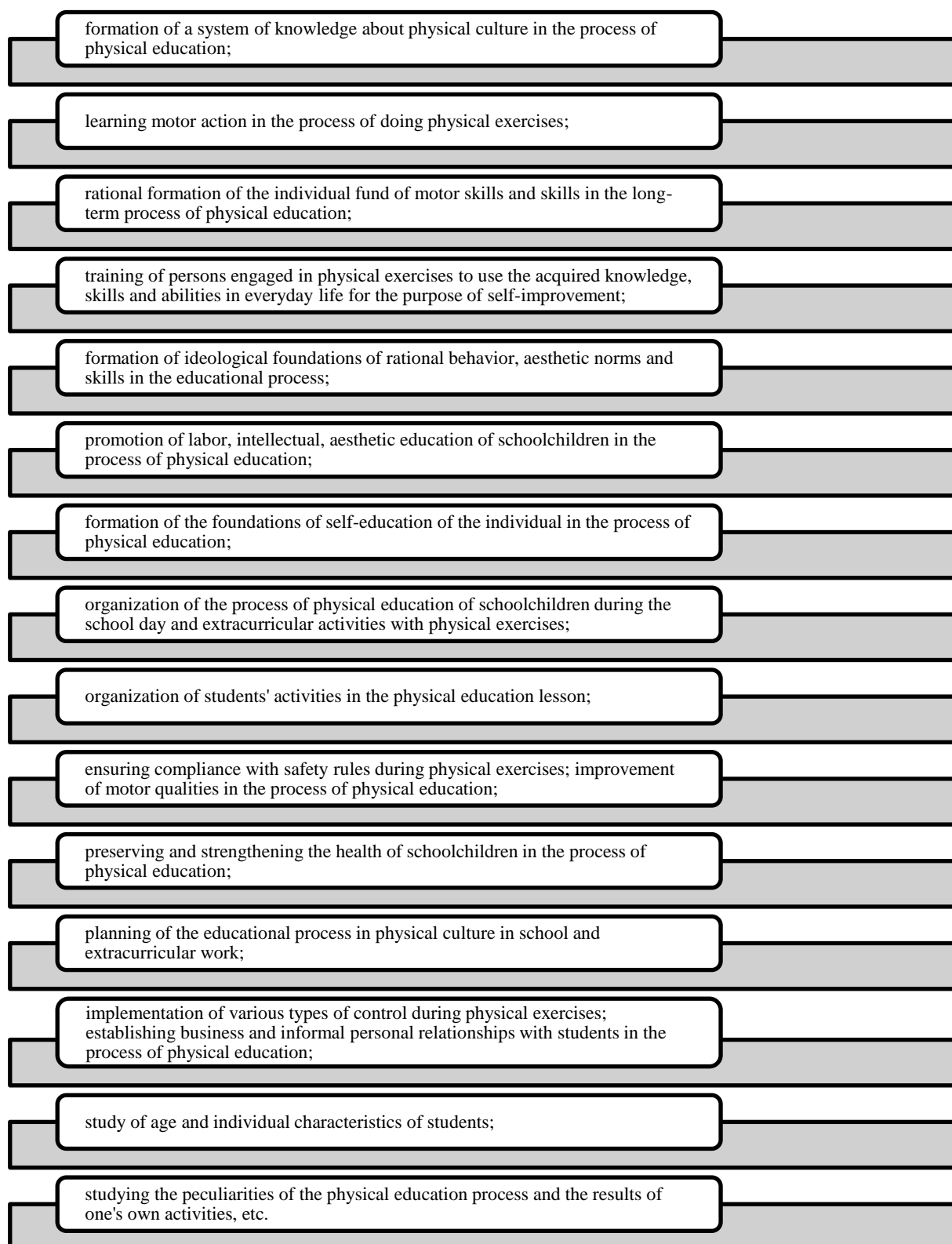


Figure 1. The main requirements for the competences of graduates of higher educational institutions in the field of physical education and pedagogy, approved by the State Standard

Sources: systematized by the authors

- formation of the basic and professional economic culture of the employee's personality;
- value and meaning orientations; attitude to professional activity (sustainability of professional interest and its component (intellectual, emotional, volitional) composition);
- formation of systemic integrative skills (gnostic, projective, constructive, communicative, organizational);
- knowledge of the features of the region and regional features of the physical education system, readiness to participate in development of the market sector;
- recognition of one's own responsibility for a professional career, readiness to ensure competition by moral means;
- carrying out by a specialist a scientific reduction of fundamental theories (activity, management, socialization, personally oriented education) in the development of conceptual foundations of professional activity in the conditions of a market economy.

Prospects for further research into the professional competence of future specialists in physical culture require the development of specific situations that have a personal character in the development of the professional culture of future specialists.

Author contributions. The authors contributed equally.

Disclosure statement. The authors declare no conflict of interest.

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THE ROLE OF COMMUNICATIVE COMPETENCE IN THE STRUCTURE OF SOCIAL INTELLIGENCE OF TEACHERS OF HIGHER EDUCATION INSTITUTIONS

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Abstract. *Communicative competences occupy a prominent place in the structure of social intelligence. Communication skills play a particularly important role in the activities of teachers of higher education institutions. The purpose of the article was to find out the role of communicative competence in the structure of social intelligence of teachers of higher education institutions. The methodological basis of the research was the general scientific methods of analysis and synthesis, comparison and generalization, as well as the historical method and the method of visualization. The information base of the research was scientific works obtained from open sources. The main results of the study were the systematization of scientific works in the field of social capital, compiled according to the chronology of the study. The main theories of the stage of multidisciplinary development of social capital in modern conditions are summarized. Systematized the main components of the subject's communicative competence in general, and of teachers of higher education institutions in particular. The main characteristics of a communicatively competent teacher of higher education institutions are summarized. The author's concept of "communicative competence of a teacher of secondary education" is proposed.*

Keywords: *social capital; communicative competences; communicative competence of the teacher of higher education institutions.*

JEL Classification: I22, I33, J24

Formulas: 0; **fig.** 2; **tabl.** 0; **bibl.** 31

Introduction. Successful socialization depends on the characteristics and level of social intelligence (SI). That is why in the last two decades, domestic psychological science has paid special attention to the study of social intelligence, since it determines the success of social cognition, social interaction and social adaptation. Among scientists, there is no unified vision regarding the definition of intelligence itself, and there are many discussions about the structure of intelligence.

That is why we need to analyze the existing approaches to determining the place of social intelligence in the structure of intelligence and make a theoretical and methodological analysis of the phenomenon of social intelligence, its functions and structure.

Literature review. Among scientists, there is no unified vision of the content of intelligence and there are many discussions about its structure. That is why it is necessary to analyze the existing approaches to determining the place of social intelligence in the structure of intelligence.

The periodization of the study of social intelligence proposed by us includes only works that consider social intelligence as a psychological phenomenon (Fig. 1). Social intelligence can also be considered as a group phenomenon, irreducible to the sum of

the social intelligences of group members. This direction is especially popular within organizational psychology and team building training.

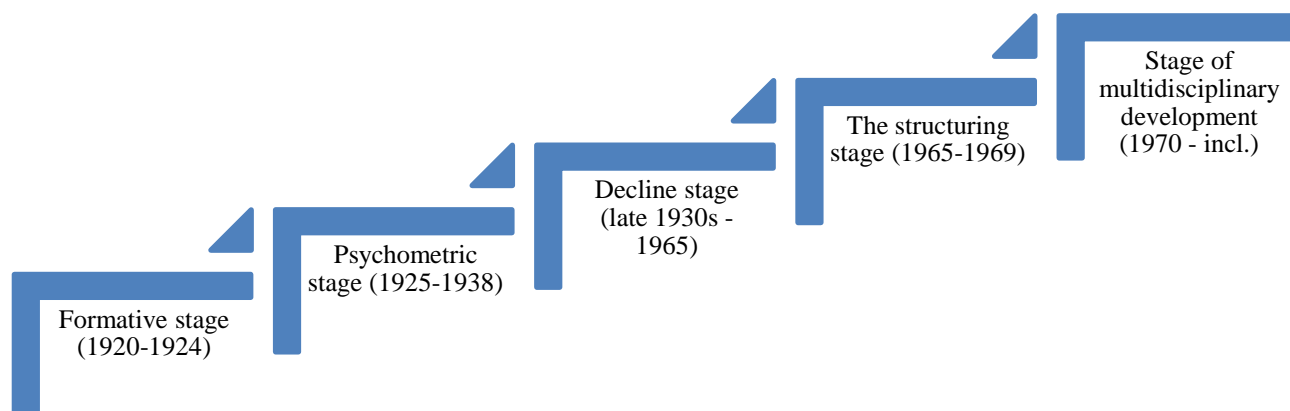


Fig. 1. The main stages of the development of the theory of "social capital"

Source: systematized by the authors

The 1st stage - the stage of formation (1920-1924) - the appearance of the concept of "social intelligence" in psychology. It is believed that the term was first used in 1920 by E. Thorndike in a short article "Intelligence and its use" for "Harper's Magazine", where he noted that intelligence as measured by tests is abstract-logical, but there are other practical and social intelligence. Abstract-logical intelligence provides understanding and operations with abstract, verbal, and mathematical symbols; practical - with concrete things and phenomena, and he described social intelligence as the ability to succeed in interpersonal relationships, the ability to manage other people, to behave "wisely" in communication situations. In addition to the above-mentioned article, E. Thorndike did not specifically consider the problem of social intelligence [1].

The 2nd stage is the psychometric stage (1925-1938). This period is characterized by the attempts of many researchers to find adequate methods of researching social intelligence and to develop psychometric tests to measure personal differences in its manifestations. For this purpose, the characteristics of social intelligence listed in the works of P. Vernon [2] were most often used. Most researchers faced the difficulty of distinguishing the concepts of SI and IQ, with the difficulty of verifying the validity of these diagnostic methods, which, over time, led to a loss of interest both in such tests themselves and in the concept of "social intelligence."

The 3rd stage is the stage of decline (late 1930s - 1965). During this period, the concept of "social intelligence" disappears from scientific circulation and psychological research, interest in it fades, most active AI researchers have recognized further work in this field as unpromising. The research was continued only by J. Guilford [3].

The 4th stage is the structuring stage (1965-1969). Social intelligence was considered in the framework of the intelligence model of J. Guilford, who, starting in the 20s, was engaged in the study of facial expressions and hoped to continue the work on a wider scale [3]. His model of the "structure of intelligence" is based on the "stimulus - latent operation - reaction" scheme. The role of stimulus in this model is performed by "task content", the role of operation is "mental abilities", and the response is "test results". By operations, the author understands the operation of concepts, memory, divergent and convergent performance, evaluation. J. Guilford's classification scheme has a total of 120 factors, highly specialized, independent intellectual abilities, which are determined by a combination of 5 different operations with 6 types of behavior and 4 areas of activity content. J. Guilford himself considered his model of intelligence as an extension of the triple classification of intelligence proposed by E. Thorndike [4].

The symbolic and semantic components of his system correspond to abstract intelligence, the figurative component to practical, and the behavioral component to social intelligence. J. Guilford and his colleagues paid the main attention to the study of the semantic and figurative components of the model of intelligence, and only at the last stages of their work they paid attention to the study of the behavioral component of intellectual abilities, which includes understanding the actions of other people and oneself. The behavioral component of his model corresponds to the concept of social intelligence, introduced into scientific terminology by E. Thorndike in 1920. Thus, J. Guilford, following E. Thorndike, singled out social intelligence as a separate intellectual ability, including interpersonal perception, social understanding, social competence and empathy, and in co-authorship with M. O'Sullivan created the first reliable test to measure of social intelligence and practically the only test measuring SI, which is widely used in world and domestic psychology today [5].

The last attempt to study SI within the J. Guilford project was made by a group of researchers led by M. Hendricks (Hendricks, Guilford, Hoepfner, 1969) [6]. They tried to develop test techniques to measure a person's ability to interact with other people, not just to understand their behavior. They called these skills "basic decision-making skills in interpersonal interactions." Because successful interaction involves the generation of diverse behavioral ideas, researchers have called these divergent thinking abilities creative social intelligence. As in the case of behavioral cognition, the very nature of the behavioral field was a prerequisite for technical problems in the development of tests, however, this period contributed to the growth of interest in SI and the development of psychological ideas about it [6]. According to N. Cantor and J. Kihlstrom, an important result of J. Guilford's research was the selection of two different, independent from each other and from other cognitive abilities, aspects of SI: understanding people's behavior (cognition of behavioral content) and adaptive interaction with them (production of behavioral content) [7].

The 5th stage - The stage of multidisciplinary development (1970 - present time), combines modern directions of SI research and is characterized by a significant duration, a wide range of different approaches and views on the nature of SI.

The research of this stage can be grouped according to several directions:

a) *Verification of the validity of SI and selection of its components*. This period is characterized by certain contradictions and paradoxical results. At that time, the following worked on the SI problem: D. Keating, 1978; M. Ford, M. Tisak, 1983; N. Frederickson, S. Calson, W.C. Ward, 1984; R. L. Lowman, G.E. Leeman, 1988; L. J. Stricker, D.A. Rock and others, and the main achievements were the selection of certain aspects (characteristics) of social intelligence and the transition to measuring the effective behavior of an individual in specific social situations [8-11];

b) *Theory of multiple intelligences by H. Gardner* [12]. H. Gardner, an American psychologist, specialist in the field of education, abandoning the tradition of searching for cognitive abilities that ensure high IQ scores and paying attention to other ways of knowing reality, suggested that intelligence is not a unitary, single cognitive ability and identified eight different types of intelligence : linguistic, logical-mathematical, spatial, body-kinesthetic, musical, interpersonal and intra-personal, natural-research, which, in his opinion, are related to different areas of the brain. In the considered model, two types of intelligence (interpersonal and intrapersonal) are personal and social in nature. The scientist defined intrapersonal intelligence as a person's ability to have access to himself, openness to his own inner life, the ability to understand himself, his abilities and desires, reactions to various things, events, as well as urges and avoidance motives. He considered interpersonal intelligence to be the ability to distinguish between different personalities. The researcher attached great importance to the different system of symbols in which each form of intelligence is encoded in different cultures, therefore he considered personal and interpersonal intelligence to be very sensitive to linguistic representation and the socio-cultural environment where their formation takes place. H. Gardner built the justification of his theory on information from the respondents' testimonies, which caused fair criticism from the academic psychological community [12];

c) *Study of implicit ideas about social intelligence*. Some authors - Cantor, Mischel, 1977; Cantor, Smith, French, Mezzich, 1980; Kosmitzki, John, 1993; Sternberg et al., 1980 and others built their ideas about SI on the basis of the methodology of measuring everyday ideas, asking research participants to list the types of behavior characteristic of manifestations of various types of intelligence, and then to evaluate the degree of expression of these manifestations in specific and ideal people [13- 14]. The factor analysis carried out on the basis of the obtained results made it possible to identify the factor of "social competence", which included: the ability to correctly correlate information with the problem; sensitivity to the needs and wishes of other people; openness and honesty in relation to oneself and others; as well as kindness and attentiveness; punctuality; interest in world events and others; ability to perform conscious actions; the ability to identify errors and show interest, etc. In many studies of implicit theories, a clear SI factor was identified, which was determined by the above-mentioned characteristics, as well as the factors "social influence" and "social memory" [13]. An interesting concept within this research approach was presented by S. Kosmitsky and O. John, distinguishing two groups of SI components: cognitive and behavioral. To the group of cognitive characteristics, scientists included: assessment of perspective in communication, understanding of other people, knowledge of social

norms, openness in interaction with others. The behavioral group includes the ability to establish interpersonal relationships, social adaptability, warmth in interpersonal relationships [14] Thus, implicit theories of SI reflect a departure from considering this concept as a purely cognitive ability;

d) *Socio-intellectual approach to personality*. The dissatisfaction of researchers with the psychometric approach to SI stimulated the search for another understanding of its nature. V. Mishchel, who considered the most important result of cognitive development and social cognition to be the formation of a "repertoire" of cognitive and behavioral design competencies, which leads to the adaptive behavior of an individual, is considered the immediate predecessor of the consideration of personality from the perspective of social intelligence. Such behavior is provided by skills, external manifestations and actions, as well as internal mental activity [15]. N. Kantor and J. Kigelstrom [7], developing the SI model within this direction, distinguished three categories: declarative knowledge, which consists of abstract concepts and specific memory, and procedural knowledge - rules, skills, skills and strategies, using which a person operates with declarative knowledge, transforms it and applies it in practice. Together, they make up competence, that is, the ability to solve problems of social life, current tasks and manage personal projects;

e) *Emotional intelligence*. Understanding the importance of emotions in human life, establishing their connection with social intelligence, and difficulties in the development of research on SI itself contributed to the emergence of scientific interest in emotional intelligence. This concept is closely related to the concept of social, and most researchers developed this problem precisely in the context of studying social intelligence: H.J. Eysenck [16], H. Gardner [12], J. Guilford [3]. For the first time, the concept of "emotional intelligence" and its model were presented in R. Bar-On's doctoral dissertation, defended in South Africa in 1988 [17]. J. Mayer and P. Salovey developed the first model of emotional intelligence in 1990, which was later refined [18], and emotional intelligence began to be considered as the ability to perceive information provided by emotions: understand the meaning of emotions, their relationship, use emotional information as a basis for thinking and decision-making. The refined model of emotional intelligence consists of four skills that develop sequentially in ontogenesis and relate to both one's own emotions and the emotions of other people: identification of emotions; using emotions for effective activity; understanding and managing emotions. The researchers themselves considered emotional intelligence as a part of social, which includes the ability to control one's own feelings and emotions, the feelings and emotions of other people, distinguish them and use this information to control thinking and activities;

e) *Applied intelligence models*. This direction includes theories and approaches that have a direct connection with social intelligence and a significant practical orientation. Among the most developed is R. Sternberg's triarchic model of intelligence, according to whose opinion, intelligence ensures the interaction of an individual with the external environment, leads to success, and determines intelligent behavior. The author singled out three main groups of abilities in it: analytical, creative and practical, and referred to the latter as social intelligence, as the ability to reflect

socio-cultural and professional contexts. The researcher considered intelligence as a means of adaptation to the environment [19-20].

The practical needs of business education led to the emergence of development models. K. Albrecht [21], a specialist in organizational psychology, based on the analysis of theories of social intelligence, developed his own CI model focused on personnel training, calling it the abbreviation "SPACE" after the initial English letters of the five main components of this model: Situational Radar (Awareness) – situational awareness (awareness, psychological orientation); Presence - presence; Authenticity - authenticity; Clarity – clarity; Empathy - empathy. Characterizing SI as "a combination of basic understanding of other people and the skills of successful interaction with them", the author distinguishes it from ordinary intelligence (IQ) and correlates it with the model of multiple intelligence proposed by H. Gardner. The author divides people's behavior into toxic, nourishing and neutral. People with manifestations of toxic behavior, have poor social interaction skills and have low indicators of the level of SI development. In his work, the author develops a set of exercises and recommendations, and singles out five areas of its development for the purpose of further use in business, professional work and life: situational awareness - the ability to perceive the situation as a whole, distinguish emotions and intentions of people in given circumstances; presence - awareness of the impact on people created by your appearance, mood and body language, what impression you make on others; authenticity - behavior that proves that a person is honest with himself and others; clarity - the ability to express oneself, clearly formulate one's thoughts, use language effectively, justify one's position and convince others; empathy – the ability to perceive the feelings and emotions of other people, to feel one's connection with them [21].

g) *D. Goleman's theory of social intelligence* [22-25]. Drawing on the latest research in neuroscience, he describes the biological, chemical, and structural components of the brain that underlie skill and competence in social relationships. Considering emotional intelligence as one of the structural components of social, he defines SI as the ability to perceive and distinguish signals from other people and act on these signals. In their works, D. Goleman and R. Boyatzis described further research in the field of social neuroscience, studying the processes that occur in the brain of people during interaction, and identifying important and necessary traits inherent in a leader. Developed SI, according to the researcher, involves understanding social norms, the ability to establish close relationships with people, understanding people's reactions, their interests and motives for behavior, recognizing emotional signals that people transmit to each other. The development of SI increases confidence and skill in the field of human relations, forms the ability to express one's position without conflict, without spoiling relations with other people, helps to reduce manifestations of professional stress [24-25].

In fig. 2, we systematized the main theories of the stage of multidisciplinary development of social capital.

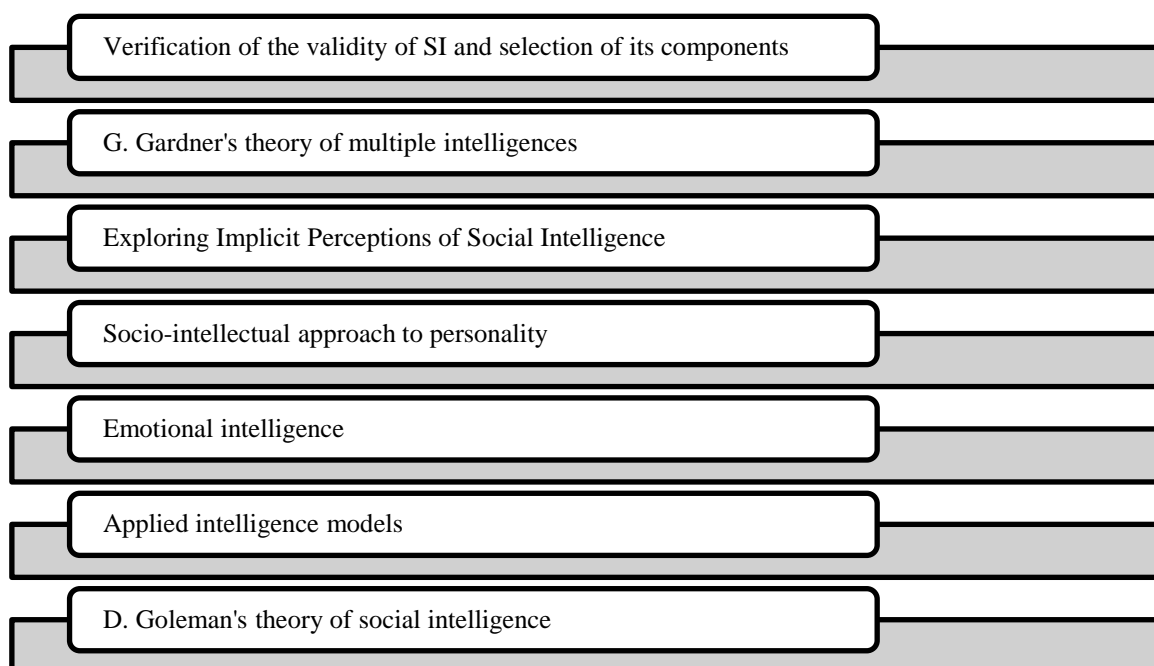


Figure 2. Basic theories of the stage of multidisciplinary development of social capital

Source: systematized by the authors based on [8-25]

Thus, after summarizing the history of the development of ideas about social intelligence, we see a paradigmatic shift in ideas about it from a purely cognitive ability to a socio-personal characteristic, which, in addition to the ability to cognitively understand the behavior of other people, their social and verbal manifestations, includes the ability to emotional and volitional regulation and differentiation of one's own emotional states, the ability to influence the emotions and behavior of other people, to demonstrate social and communicative competence.

The study of SI in psychology is now actively continued, various aspects of this problem and new approaches to its research are being studied. According to modern scientific views, SI is an important practical ability, and with the development of research, new, completely non-obvious areas and areas of its application are revealed. For example, the relationship between social intelligence and creativity, social intelligence and leadership qualities, social intelligence and stress resistance of the individual [25-26], etc., has been revealed.

Aims. The purpose of the article was to find out the role of communicative competence in the structure of social intelligence of teachers of higher education institutions.

Methods. The methodological basis of the research was the general scientific methods of analysis and synthesis, comparison and generalization, as well as the historical method and the method of visualization. The information base of the research was scientific works obtained from open sources.

Results. Based on the analysis of psychological research, it can be argued that communicative competence is a complex, most likely, multi-component psychological formation, more precisely, a new personality formation. In the structure of the subject's communicative competence, components are most often distinguished [27]:

- 1) a set of skills of perception, understanding and evaluation of other people - social sensitivity;
- 2) the ability to optimize interpersonal interaction in microgroups;
- 3) the ability to use behavior patterns, tactical communication skills, communication techniques, etc. in activities;
- 4) some personal characteristics of communicative potential: stability of the "I" concept, communicative abilities, communicative autonomy, etc.

Communicative competence should be considered in three planes:

- 1) in the personal plane, when the structure of communicative abilities is implicitly emphasized;
- 2) in the conative plane – understanding the patterns of situational readiness to communicate and the ability to organize productive communication;
- 3) in the plane of mutual perception and evaluation of other people - reflection of competence in communication due to the acquisition of communicative properties [28].

In the psychological paradigm, "communicative competence" is often considered as "a set of communicative qualities", the structure of which includes the communicative abilities and abilities of a person. We consider it appropriate to consider communicative competence as a characteristic of a person's communicative capabilities.

When studying the development of the communicative competence of teachers, the following components are distinguished in its structure [29]:

- 1) motivational and personal component;
- 2) cognitive component;
- 3) behavioral component.

The motivational personal component includes: communication motives, stress resistance, empathy, sociability, adaptability, etc.

The cognitive component includes a system of knowledge about communication, such as, in particular, people's understanding of each other in the process of their joint activities, typological features of thinking, organizational and communicative abilities.

The behavioral component includes communication skills and abilities, styles and methods of communication. The author identified and described the levels of formation of communicative competence of student-managers: low (initial), high (professional), as well as the degree of formation of each of the three above-mentioned components was determined as a criterion for the formation of levels. Thus, one of the components of a person's communicative competence is communicative abilities.

Thus, communicative abilities are defined as a component of the personality structure that meets the requirements of communicative activity and ensures its successful implementation. In the structure of communicative abilities, the author distinguishes gnostic (cognitive) abilities, expressive and interactive abilities. The first is connected with knowing people, the second with the self-expression of a person as an individual, the third with the ability to influence people. In this definition, communicative abilities are associated with a specific type of activity - communicative, and, thanks to its features, with communication between a person and others.

In the structure of communicative competence [30], verbal and non-verbal means of communication, forms of speech etiquette, and features of people's perception and understanding of each other are distinguished. When dealing with the problems of the development of communicative competence in a specially modeled business or training interaction, communicative abilities, communicative skills and skills (their sufficient level of development for solving communicative problems or tasks) are distinguished as structural components of communicative competence.

The author's definition of communicative competence is offered by G. Rickheit, H. Strohner and C. Vorweg. Scientists believe that communicative competence provides a person with mastery of complex communication skills and abilities, the formation of adequate communication skills in unfamiliar situations of social interaction, knowledge of cultural norms and traditions in communication, knowledge of etiquette customs in the communication sphere, compliance with moral and ethical rules and norms, education; orientation in the peculiarities of the use of communicative means, inherent in the mentality itself, which ensure the mastery of the role repertoire of roles within the limits of a certain profession (in this case, pedagogical) [31].

Communicative competence of a teacher's personality consists of communicative abilities:

- a) to give a socio-psychological forecast of the communicative situation in which communication takes place;
- b) program the communication process, based on the uniqueness of each specific communication situation;
- c) the ability to "get used to" the socio-psychological atmosphere of the communicative situation;
- d) to carry out socio-psychological management of communication processes in a communicative situation.

This understanding of communicative competence, in our opinion, implies its direct relationship with social intelligence, because, in the context of all the abilities identified by the author, we are talking about the functions of social intelligence.

We suggest that the communicative competence of a teacher of higher education institutions be considered as knowledge of the norms and rules of communication, for example, traditional, festive, etc., mastering communication techniques, etc. Communicative competence, in our opinion, is a structural component of a person's communicative potential; at the same time, the structure of the latter includes the communicative properties of the individual and communicative abilities.

The characteristics of a communicatively competent teacher of higher education institutions may be as follows:

- makes decisions regarding the communicative process, communicative situations and seeks to understand one's own feelings;
- ability to block unpleasant feelings and own insecurity;
- imagines exactly how to achieve a certain goal in the most effective way;
- adequately understands the wishes, expectations and requirements of other people, considers and takes into account their rights, communication capabilities and abilities;

- analyzes the sphere defined by certain social structures and institutions, adequately defines the role of their representatives and includes this knowledge in the paradigm of own behavior;
- imagines exactly how, taking into account what specific circumstances and time one should behave, taking into account communicative features and capabilities of other people, ethical norms of certain social structures and personal requirements, etc.;
- realizes that communicative competence has a negative correlation with aggressiveness and involves respect for the rights and responsibilities of other people.

Discussion. Evaluating the actual characteristics of the teacher's communicative competence of higher education institutions, one can completely agree that it is a component of the psychological culture of the individual. Based on the analysis of psychological research, it can be argued that communicative competence is a complex, multi-component psychological formation.

However, we believe that the communicative competence of a higher education teacher is not determined only by knowledge, skills, and communicative abilities. We can talk about the formation of communicative competence in the subject only in cases where the specialist has a sufficiently developed ability to understand what exactly happens in the process of subject-subject interaction; at the same time, it is quite important that knowledge is really built at the subject-subject level.

We propose to define the communicative competence of a teacher of higher education as the ability to "get out" of any situation without losing one's inner freedom and, at the same time, not allowing one's students to lose this freedom. Decisive for the high level of development of the teacher's communicative competence is the system of formed attitudes of the teacher and the student to the communication process, that is, the communicative position of both the former and the latter is manifested in the corresponding behavior and actions.

In situations of pedagogical communication, the communicative position means the desire and ability of the subjects of interaction to take into account the psychological analysis of behavior, which involves the interpretation of motives, thoughts, feelings and other psychological characteristics of the participants of communication. Competent pedagogical communication requires its participants to take a subject-subject position, then the value for each participant in communication is the ability to understand and implement a joint, clearly coordinated communicative action, and the ability to understand the communicative situation is provided by social intelligence. Thus, the psychological analysis of the problem of communicative competence allows us to recognize as competent such communication, within the limits of which a competent position (position "on equals") is appropriate.

Therefore, "communicative competence of a teacher of higher education" is a system of internal means of regulation by the teacher of his own communicative actions, in the content of which there are indicative and executive components that ensure effective communicative pedagogical interaction. The communicative competence of the subjects of pedagogical interaction is manifested in the communicative behavior of the participants of the pedagogical process. A high level of

formation of communicative competence presupposes the application of intellectual abilities in situations of interpersonal interaction (communication), i.e., communicative competence is directly related to the result of pedagogical activity.

A high level of formation of the communicative competence of higher education teachers can hardly be achieved under conditions of low or medium levels of social intelligence development. Considering the fact that social intelligence appears as a means of personal knowledge of social reality, and communicative competence is a product of this knowledge, it can be argued that the level of development of communicative competence can be increased in the process of learning, expanding the knowledge and experience of the individual, conducting social-psychological trainings; as a result, social intelligence can be developed through the formation of personal and communicative properties, self-regulation, reflection, etc.

Conclusions. Based on the results of the conducted research, it is appropriate to draw the following conclusions. Communicative competences occupy a prominent place in the structure of social intelligence. Communication skills play a particularly important role in the activities of teachers of higher education institutions.

The main results of the study were the systematization of scientific works in the field of social capital, compiled according to the chronology of the study. The main theories of the stage of multidisciplinary development of social capital in modern conditions are summarized.

Systematized the main components of the subject's communicative competence in general, and of teachers of higher education institutions in particular. The main characteristics of a communicatively competent teacher of higher education institutions are summarized. The author's concept of "communicative competence of a teacher of secondary education" is proposed.

Author contributions. The authors contributed equally.

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