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## CHAPTER 1

### MODERN TRENDS IN PUBLIC ADMINISTRATION

#### PANIC AS A FACTOR OF INFORMATION SECURITY THREAT

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**Abstract.** *Security has always been the most important goal and fundamental need of both the individual and society as a whole, as the formation and development of human society has always been associated with overcoming of various threats posed by nature, enemies, technical facilities and others. Information risks involve, first of all, a form of negative impact on the individual, society and the state as a whole, using all types of information. In this case, a direct impact on the mind and consciousness of people is carried out to form the necessary thoughts and judgments, which then in some way guide the people behavior. Ensuring national security is the most important condition for the functioning and development of human society, which requires consideration of socio-political, economic, legal, geopolitical, environmental, man-made and a number of other aspects. Among the various components, information security of national security plays a special role.*

*In this article it is considered the concept of panic, its impact on information security of the state and society, information factors as the main causes of panic and methods of combating it. Among the preconditions for panic there are mentioned psychological, physiological, socio-psychological factors, the sudden appearance and accumulation of negative information content. The most effective means of struggle against panic are persuasion, categorical order, explanation of the danger fallacy, use of force, elimination (isolation) of the most dangerous alarmists.*

*It has been proved that the prevention of panic in society, chaos in the system of state regulation depends on high-quality national information security, which consists of regulating the information space and conducting a competent state information policy.*

**Keywords:** *state, society, political conflicts, hybrid war, information, rumors, panic, fear, panic disorder, stress resistance.*

**JEL classification:** H12, H55, H56

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**Introduction.** The new and recent history of Europe and Ukraine presents a lot of examples of panic reactions, usually accompanied by various social cataclysms and shocks of global (World War I and World War II, revolutions) and local scale (forms of social protest, terrorist actions, military conflicts in Georgia and Ukraine). Most of these actions were accompanied by extreme intolerance, exacerbation of passions and, as a consequence, the appearance of psychopathic and panic symptoms.

Society is able to feel fear, apprehension, irritation, anger and others that cause motivated and unmotivated impulses, aggression, and panic on the part of society or individual components of its groups. This is especially true in times of information wars and psychological pressure on society. Hence the need to study the patterns of

panic behavior at people under conditions of information chaos and cognitive dissonance.

**Literature Review.** The phenomenon of panic has complex character for research, which is due to the suddenness of its occurrence, as well as the difficulty in such a situation to remain an observer, because anyone who is "inside" the panic system, to some extent exposed to it. Therefore, existing studies of this phenomenon remain at the level of descriptions made after its peak. Despite the complexity of studying this problem, the phenomenon of panic attracts the attention of domestic and foreign experts, among them are H. Andreeva [1], V. Androssiuk [6], I. Havrilets [2], V. Krysko [3], A. Nazaretyan [4], D. Olshansky [5], V. Semikov [7], A. Sliusar [8], Jürgen Margraf [9], Hans Morschitzky [10] and others. In their researches, they were able to identify the main characteristics of the phenomenon, the peculiarities of its occurrence, and the most importantly - the possible mechanisms of working with it in various emergencies, but the phenomenon of panic within the information space and its impact on national security has not been studied.

**Aims.** Identification of the preconditions for panic and investigation of its impact on information security of the state and society.

**Methods.** The author used the methods of logical comparison, systematization and generalization, which made it possible to achieve the goal of the study.

**Results.** The role of information and information technologies in the modern world is extremely large. Information security is determined by the degree of protection and resilience of the main spheres of life in relation to dangerous, destabilizing, destructive, affecting the interests of the country information influences at the level of both implementation and retrieval of information.

Information security occupies a special place in the general system of national security of the state, as it is an element of all components of the latter, as a result of which it simultaneously acquires an autonomous meaning. Any challenges or threats to the country's national security are directly related to its information factor.

The current Ukrainian socio-economic situation, the imperfection of the state power organization and civil society create a wide range of internal threats to information security of the country, and therefore, the actual becomes the problem of creating and maintaining a secure environment for information exchange, which realizes the rules and policies of state security is because the information has lost the secondary role, becoming an important and impressive factor with its characteristics, due to the profit that can be obtained from its use. But there is a possibility of damage to the owner of the information by unauthorized penetration into the information structure and the impact on its components.

Information security, as a component of national security is the condition of vital interests of man, society and the state protection, when harm is prevented thanks to: incompleteness, untimeliness and unreliability of the used information; negative information impact; negative consequences of information technology use; unauthorized dissemination, use and violation of the integrity, confidentiality and availability of information.

In modern society, panic can be considered as one of the main factors threatening information security. Since, panic is a very dangerous psychological condition that requires decisive, including informational, actions to prevent the injection and spread. Panic behavior is typical for situations where people are deprived of help, support, torn from the usual way of life and do not know exactly what actions will be true.

The damage from panic often far exceeds the damage from the phenomenon that caused it (information and psychological wars, natural disasters, fires, bankruptcies, etc.). The consequences of the latter are negative phenomena of socio-social, socio-psychological, material, and even physical nature.

Panic is a special emotional state that occurs due to lack of information about some incomprehensible and frightening phenomenon, situations or, conversely, due to its excessive volume. It is manifested in the impulsive actions of individuals, groups of people or crowds. During this state, people are driven by a strong unconscious fear. They lose self-control, fuss, do not see any way out of the situation, and try to escape even at the cost of the death of others.

Etymologically, the term "panic" implies the mass nature of the phenomenon. In psychology, it is common to distinguish mass and individual panic. In addition, mass panic does not necessarily result in the form of a panic crowd. It can be expressed in a sense of doom and paralysis of the will, when the mass of people becomes incapable of decisive action in a critical situation, refuses to seek independent solutions.

Panic crowd is a subspecies of the current crowd (along with other subspecies: aggressive, selfish and insurgent one). Experience shows that this is the most dangerous of all types of crowds. In terms of the number of direct human casualties, mass panic usually far exceeds, for example, an aggressive crowd, but it is not inferior in long-term consequences.

The prevailing mood in society is also able, despite the extreme forms, to turn into a sharp deterioration of mental and physical health, economic downturn, a sharp decline in life expectancy, fertility and, consequently, - depopulation processes.

There are several prerequisites for the emergence and development of panic:

1. Physiological preconditions, such as fatigue, hunger, insomnia, depression, stress, drug intoxication, weaken people physically and mentally, reduce the ability to assess the situation quickly and accurately.

2. Psychological preconditions (feelings of pain, surprise, insecurity, fear and even more horror, feelings of isolation, helplessness) contribute to panic increase. These factors are regarded as natural activators of fear.

3. Socio-psychological preconditions (lack of group solidarity, integrity, group unity, loss of trust to the leadership, lack of information, panic rumors).

4. The sudden appearance of a threat to life, health, safety (for example, during a fire, explosion, accident, the rapid spread of emergency news, etc.).

5. Accumulation of so-called "psychological fuel" and, then, operation as a "relay", some or other mental catalyst. Prolonged feelings, fears, accumulation of anxiety, uncertainty of the situation, anticipated dangers and troubles - all this creates

a favorable background for panic, and the catalyst in this case can be any event. Not only strong fright, fear, but also some words, someone's behavior, some signals, even those that are not related to the expected dangers, can cause panic.

The main reasons of panic are mostly informational factors:

- Information and psychological unwillingness of people to adequately perceive what happened, the lack of specific information and, as a consequence, the presence of a kind of "information anarchy";
- The uniqueness of each extreme situation, which creates extreme tension in the event of a collision with it;
- Poor preparation of most people for rational action in case of danger;
- The presence in the crowd of emotionally unstable people who become in a critical situation as catalysts for negative rumors and panic as such.

The results of panic can be a significant deformation of assessments of what is happening, reduced readiness for adequate actions, increasing fear, increased susceptibility to external influences. And in a more pronounced form, this condition can lead to complete insanity and loss of control over their behavior. A person can run away, having no purpose for it, to rush senselessly, to perform unmotivated, chaotic actions and deeds.

Panic states are very often caused by neurotic fears, i.e. those that are inadequate to the objective danger and are rather signs of internal distress. This fact is so characteristic that some authors define panic as: "horror caused by imaginary danger".

Fear, as many psychologists point out, is a reflection of the modern world in which humanity lives. A person is in a state of constant anxiety, fear lurks him/her everywhere. A person who is strongly influenced by fear often loses control of him, does not take self-defense measures, bad orients in the situation and may give in to panic if the fear turns into stress.

Fear for some time can be considered physiologically normal and even useful, because it contributes to the emergency mobilization of physical and mental stress, which is necessary for self-preservation. It acts as a protective mechanism that saves humanity from premature death. There are no "fearless" mentally normal people. If a person does not respond to danger, it is an indicator of the development of mental pathology. Thus, fear is a normal defensive reaction to abnormal, extraordinary circumstances.

In particular, the phenomenon of panic and its consequences can be traced during the information-psychological war, which is considered a special kind of relationship between the subjects, in which methods and means of informational influence on the mental state and activities of people are used to resolve contradictions. The result of the latter is tension, anxiety and fear.

Destructive factors of hybrid (information-psychological) war that do not stop can cause lasting changes in people with low levels of stress, thereby weakening the human resources of the state and the national security system in general.

Very often rumors become a special form of mass exchange of unreliable or distorted oral information and a phenomenon that opposes security protection.

Rumors usually arise in the absence of complete and reliable information on the current problem for people. Information transmitted in the form of rumors occurs, as a rule, spontaneously and has an unauthorized, uncontrolled and uncontrolled nature. A necessary and sufficient condition for the emergence of rumors is often the presence of unmet actual needs of people or threats to the safety of their lives.

Under these situations, even the most incredible messages transmitted informally, as if "in secret", can arouse interest and become widespread in the form of rumors. Thus, the main reason for the emergence and spread of the latter in society is the dissatisfaction of people's information needs, a kind of "information collapse" or vice versa "information chaos", especially in emergent real-life situations.

At the state level, the appearance of rumors is characterized by insufficient efficiency and objectivity of information, its political bias, excessive closeness (secrecy), and the desire to smooth out in the course of informing the public the severity of what is happening. It is in response to such actions rumors begin to present the situation in an exaggeratedly dramatic way. They are always an emotionally compensatory result of insufficiently complete or biased information provided by official services

One of the tasks of the state information security is to prevent the presence of rumors, and in case of their occurrence is to prevent panic. Therefore, the state policy of information security is an important component of national security. It should be based on systematic preventive activities of public administration bodies to provide information security guarantees to individuals, social groups, society and the state as a whole.

**Discussion.** Information provision of the national security plays an important multifaceted role in determining national interests and national security priorities. To ensure the information security of the state it is necessary to fully meet the needs of citizens, enterprises, institutions and organizations of all forms of ownership in access to reliable and objective information; preservation and increase of spiritual, cultural and moral values of the Ukrainian people; development of media culture of society and socially responsible media environment; formation of an effective legal system to protect the individual, society and the state from destructive propaganda influences; creation on the basis of norms of the international law of system and mechanisms of protection against negative external information and psychological influences, first of all, propaganda; development of cultural information society.

**Conclusions.** Panic is understood as one of the types of the crowd behavior, which are in conditions of behavioral uncertainty in increased emotional arousal from an uncontrollable feeling of fear. Panic has contagious feature, which can affect a large number of people and deprive them of common sense. Both extreme situations (fire, fight) and the spread of unfounded rumors in the information space can lead to panic. Counteracting panic is extremely difficult and the most effective means of fighting against panic are: persuasion, categorical order, explanation of danger falsity, use of force, elimination (isolation) of the most dangerous fear mongers. To counteract the spread of rumors, information must be: operational, i.e. timely communicated to the population; open and credible, because creating a



misconception about the risks, concealment or denial of the facts, their omission will bring only harm; clear, i.e. should be provided so that it is understood by the target audience (however, this should not harm the actual accuracy or completeness of the information); continuous, because if the information is not updated regularly, it is forgotten; objective and timely.

Ensuring information security was and remains one of the most actual and significant issues of today. Security and completeness of information, filling the information space with reliable information, ensuring the realization of citizens' rights to access information - all this affects the preservation of the integrity and independence of the state.

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## THE STATE POLICY IN THE FIELD OF PROVIDING FINANCIAL SECURITY AS A COMPONENT OF NATIONAL SECURITY: THE EXPERIENCE OF THE EUROPEAN UNION COUNTRIES

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**Abstract.** *In the process of comprehensive development of the country, as an integral part of the world economy, the issue of national security, components of which are the economic, financial, military, information sectors, etc., is very acute. Current trends in globalization processes summarize the requirements and parameters of effective economic development of individual actors in the world economy. Only the positive dynamics of each component will ensure the positive dynamics of the world economy. Ensuring the sustainable development of any industry is impossible without the development and implementation of an independent strategy, which in today's economy is determined by the presence of an effective system of its financial security. The financial component characterizes itself as an internal functional component of its economic security, without exaggeration, is the main, because under market conditions is an important component of any economic system, determines the financial and economic condition of the entity, financial stability, solvency and structure dynamics sources of funding. Ukraine, as a state, is characterized by inexperience of a market economy, it requires the implementation of a number of measures to ensure public financial security. Each component of financial security, in addition to performing the relevant functions, is an integral part of the synergetic system designed to ensure the resilience of the national economy to internal and external negative influences and its effective functioning. The modern dynamics of social processes in Ukraine and the world necessitates the formation of an adequate, effective and economically justified system of protection of national interests and ensuring national (including economic and financial) security. The strategic goal of Ukraine's national security policy is to ensure state sovereignty and territorial integrity, national unity based on the democratic progress of society and the state, respect for human and civil rights and freedoms, creating conditions for dynamic economic growth, ensuring European social standards and welfare. The study analyzed the final act of the Conference on Security and Cooperation in Europe. The main positions of Ukraine in the ranking of individual components of the competitiveness index are highlighted. Characterized by the national economic interests of the European Union.*

**Keywords:** *economic security of the state, international experience, state policy, national economic interests, threats to economic security, public administration, national security.*

**JEL Classification:** M10, M11, M21, H79, P35, E69

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**Introduction.** One of the priority tasks of the state is to ensure national security, including its economic component. In the structure of the latter, given the predominant role of finance in the national economy, a particularly important segment is financial security. The financial component of national economic security reflects the readiness of the financial system to timely and reliable financial support of the economic needs of public authorities and market institutions in sufficient amounts to maintain the required level of economic security. Neglecting the state of financial security of the state can lead to catastrophic consequences: the decline of the national economy, the bankruptcy of economic entities and, ultimately, the

undermining of the life support system of the state with the subsequent loss of sovereignty.

**Literature review.** Methodological approaches to assessing the level of financial security of systems of different levels of complexity and hierarchy are devoted to the works of Baranovsky O., Ermolenko M., Kulpinsky S., Gordienko S., Kalacha G., Kozak L., Sukhorukova A, Shlemko V., Kovalenko O., Yermolenko M., Vlasyuk O., Ventskovsky D. and others. Their works investigate the main factors of financial security of the state and offer approaches to its assessment. At the same time, a much smaller number of scientific papers are devoted to the issue of financial security of the state as a component of national security.

**Aims.** The purpose of the study is to analyze the world experience of state policy in the field of financial security as a component of national security.

**Methods.** To solve this goal, the following research methods were used: observation and generalization; ordering of all basic elements; method of scientific generalization, which made it possible to formulate conclusions.

**Results.** Financial security is achieved through a prudent financial policy in accordance with duly accepted doctrines, concepts, strategies and programs in the political, economic, social, informational and, in fact, financial spheres. Under financial security we understand such a dynamic state of financial relations, which would create favorable conditions and necessary resources for expanded reproduction, economic growth and living standards, improving the national financial system to successfully combat internal and external factors destabilizing the financial situation in the country.

Without ensuring financial security, it is almost impossible to solve any of the tasks facing Ukraine. The urgency of financial security is determined by the need to form internal immunity and external protection from the destabilizing effects of competitiveness in world markets and the stability of the financial situation.

**Discussion.** The financial security strategy should be focused on the development and consistent implementation of measures to consolidate and develop positive processes and overcome negative trends in the field of financial relations. At the same time, the immediate goals of this strategy and mechanisms for their implementation should be defined.

The main condition for the development of the state in market conditions, on an innovative basis is the appropriate level of financial security, the criterion of which is financial security. The essence of the economic security of the state is balance and resistance to the negative impact of any threats, the ability to ensure sustainable and effective development of the state.

Financial security is a state of the financial sphere of the state, which is characterized by efficiency and balance, guarantees the stability of the financial system to the influence of internal and external negative factors, as well as enables stable economic growth and synergistic development of the country.

At the current stage of development of international economic relations, when Ukraine has chosen a strategy to ensure the economic security of the country in the context of identifying it as a European state, it is necessary to intensify its

cooperation with European countries and develop a national economy strategy that meets European standards. Thus, the main task of the power structures of our state should be to develop effective directions of economic reform in the context of establishing Ukraine as an influential European state.

European financial security is understood as the stability of the conditions of economic development adopted for the international community or for an individual country. Of interest is the Final Act of the Conference on Security and Cooperation in Europe, where the section "Economic and Commercial Information" states that economic information should provide a full and relevant analysis of markets, facilitate the development of both short-term and long-term forecasts and include:

- statistics on production, national income, budget, level of consumption and productivity;
- statistics on foreign trade;
- laws and regulations relating to foreign trade;
- information used for economic forecasting to promote trade [1].

In conditions of financial and economic instability and military aggression in Ukraine, there are significant obstacles to the realization of economic interests in the implementation of the above European standards. Consider and analyze the main threats to external and internal financial and economic security of Ukraine at the present stage of its economic development and political course.

In the context of the reference to the socio-economic cohesion of the EU member states, the Lisbon Strategy plays an important role. According to the above-mentioned document, the main priorities in strengthening the economic security of EU member states and the European continent as a whole should be: the principle of joint programming used in international cooperation projects, improving innovation participation to increase the competitiveness of economic regions in general, rural development and reference to territorial unity through the extensive development of a large part of the EU's regions.

In the context of the study of the problem of economic security at the global level, it is advisable to consider the methodology proposed by the UN Commission on Development Programs to analyze the economic security of the state. According to this methodology, the level of national security is determined by three factors: the level of the economy, the level of education and human rights.

The level of economic development is measured in GDP per capita, the level of education - the number of years during which a person studies in a given society, human rights are characterized by a special index, which is calculated according to a special approved Methodology [2].

It is clear that the decline in the above indicators over a period of study is a signal to the governments of all countries to take appropriate action. The level of GDP per capita is one of the main indicators of economic security of the state.

According to the methodology of the World Economic Forum, the country's GDP per capita should be classified into 3 categories:

- Countries with resource-oriented economies (GDP per capita less than 2000 thousand US dollars);

- Countries with efficient-oriented economies (GDP per capita in the range of 3000-9000 thousand US dollars);
- Countries with socially-oriented and innovative economies (with a GDP per capita of more than 17,000 thousand US dollars).

After analyzing the position of Ukraine, it was found that it belongs to the group of countries in transition from resource-oriented to efficient-oriented economy, despite the growth rate of this indicator.

Regarding the indicators that characterize the average duration of training, it can be stated that, despite all the difficulties of political and economic nature, Ukraine manages to maintain competitive advantages not only in this indicator, but also in the level of education, quality of educational services and quality of natural and mathematical knowledge etc. [3].

This method of assessing the level of economic security by the UN Commission has significant shortcomings, as it does not take into account such important indicators as demographic, foreign economic, investment, innovation components, which reduces and makes it virtually impossible to apply in Ukraine. It can only be used in the context of comparing key indicators in Ukraine with other highly developed countries of the EU and the world.

It should be noted that the system of indicators proposed at the legislative level in Ukraine, which characterizes macroeconomic security, takes into account such indicators as: unemployment rate, GDP per capita in Ukraine to the average in EU countries, unemployment rate, level "shadowing" of the economy, the propensity of the population to save, the consumer index prices, GDP growth rate, employment in the informal sector. This, in turn, takes into account the principle of representativeness, reliability and information accessibility.

The next stage of the study is the trends in the formation of European financial security, because in a global economy, the European Union is beginning to play a leading role in ensuring the stability, development, prosperity and security of the European continent [4].

In Germany, ensuring the financial security of the state is also equivalent to maintaining the stability of economic growth. The country's main national security provisions, including financial ones, are set out in an official directive from the Ministry of Defense, which states that the German government sees the process of ensuring financial security in support of social and economic progress, protection from economic blackmail, democratization in Europe and worldwide, ensuring freedom of trade, access to raw materials and markets within a just global economic and financial system.

As you know, without significant stocks of raw materials, Germany is one of the largest consumers of imported raw materials in the world. Moreover, its dependence on raw materials from other countries is not considered by the government as a threat to economic security at a time when access to natural resources is one of the key factors influencing the international field. The Law "On Supporting the Stability and Growth of the German Economy" is one of the key tools for ensuring economic security in the country [5].

According to the normative document, the state must ensure the implementation of such economic policy, which would, within the chosen model of market economy, promote simultaneous price stability, high employment and foreign economic and equilibrium at a constant rate of economic growth. However, in Germany, as in the vast majority of EU countries, the main emphasis in the process of ensuring economic security is not on their own capabilities, but on general European (within the EU) security.

For example, the above-mentioned directive of the German Ministry of Defense states that the problems of our world can best be resolved through international discussion and compromise, so German security policy focuses on international relations and national institutions.

In France, the main state document, which affects certain provisions of financial security, is the National Security Act of 1964. The concept of national financial security is considered by this law as the creation of favorable internal and external conditions to increase and develop national welfare and strengthen economic potential. .

Analysis of the experience in ensuring the financial security of Western European countries such as the Netherlands, Belgium, Denmark, Luxembourg, Switzerland, shows that their main strategic goal to protect national economic interests is to ensure sustainable economic growth and economic modernization depending on competition in the world market [6].

Taking into account the national definitions of "financial security" and definitions in the legal systems of the above countries, we can conclude that the financial security of the state is the main component of national security, which contributes to the protection of national interests in the economy, the main criterion of which is the country's economy to contain internal and external threats.

The experience of forming the financial security of the United States of America is noteworthy. The national interests of the United States are defined by the National Security Strategy, which is classified according to the level of importance for the country into three categories:

- vital interests; important interests and humanitarian and other interests. Economic interests are part of the first category of importance of US national interests, the provision of which is an unconditional priority of the national security policy of the United States, for the protection of which the US government must do everything possible, even through unilateral use of force. These include the economic well-being of society and the protection of vital public infrastructures, including energy, finance, public communications [7].

The main directions of US national security policy are determined by the National Security Strategy in three main areas: the formation of a secure international environment in America, ensuring an adequate response to threats and crises, proper preparedness of American society for unpredictable trends and future phenomena.

Virtually every area involves measures to address financial security issues.

The national peculiarities of Japan, which determine the formation of its views on the conduct of national economic security policy, include, first of all, the homogeneity and secrecy of Japanese society.

There are two main trends in the evolution of Japan's national security concepts: the "creeping" globalization of Japan's role in the world and its gradual autonomy within the framework of an alliance with the United States. However, the more Japan sees itself as a global power, the less conservative and realistic aspects remain in its doctrine of national interests [8].

In Romania, the National Security Strategy was approved in 1999 at a meeting of the Supreme Council of State Security. This most important document for the country is aimed at ensuring democracy and stability in the development of the state, integration processes.

The main areas of financial security are: implementation of effective measures of macroeconomic stabilization, acceleration of structural reforms in the economy, creation of the private sector, attraction of foreign investments and support of small and medium business; harmonization of financial and economic legislation, financial, economic and customs policy with European legislation, requirements and directives of the European Union [9].

In the Czech Republic, the main officially recognized conceptual document on state national security policy is the Security Strategy of the Czech Republic, which identifies national interests, threats and dangers to national security and formulates long-term state intentions and government measures to ensure peaceful development and economic prosperity. The security strategy identifies six main areas of national security: civil, public, politico-military, economic, environmental, and organized crime.

The strategic goal of the state national security policy in Poland in accordance with the Security Strategy is to guarantee the independence and sovereignty, the territorial integrity of the state; creating conditions for stable social and economic development; preservation of national heritage and development of national dignity of Poles. Among the key threats to Poland's economic security, the document calls the economic instability of neighboring countries and its negative impact on the domestic economy; uncontrolled migration processes, which could harm the socio-economic stability and financial and economic opportunities of Poland; Poland's significant external dependence on energy imports and non-diversification of these sources [10].

In June 2000, the Government of the Republic of Poland adopted a conceptual document on national security, the Security Strategy of the Republic of Poland. The strategic goal of the state national security policy in Poland, in accordance with the Security Strategy, is to guarantee the independence and sovereignty, the territorial integrity of the state; creating conditions for development; preservation of national heritage and development of national dignity of Poles.

The defining threats to the financial security of the Republic of Poland include threatening economic instability in neighboring countries and negative impact on the Polish economy, significant external dependence of the state on energy supplies from

abroad, non-diversification of these sources; uncontrolled migration processes that can damage the socio-economic stability and financial and economic capabilities of the state.

Officially recognized political views on the protection of citizens, society and the state from the impact of external and internal threats to national security in the Republic of Bulgaria are enshrined in the 1998 National Security Concept.

The national economic interests of the Republic of Bulgaria are:

- improving the quality and standard of living of the population, the efficiency of social and medical services in the country;
- ensuring state sovereignty, economic independence;
- achieving financial stability, a high level of economic and social development;
- increasing the effectiveness of domestic and foreign economic policy [11].

Threats to the financial security of the Republic of Bulgaria are:

- significant economic and social differentiation of countries on the continent, which threatens regional socio-political and socio-economic stability and has unpredictable consequences;
- spread of international financial and economic crime, smuggling of goods;
- application of trade, economic and financial sanctions against neighboring states;
- social instability in the state, the crisis of the national economy; lower living standards; demographic crisis,
- migration processes [12].

Security policy in the UK is closely linked to defense policy, it is based on assessments of national interests and is implemented through their protection.

Under the national interests in the field of economy understand the economic interests of society as a whole, which have priority over other forms of public interest.

In the United Kingdom, threats to financial security are also divided into external and internal, according to the degree of importance and probability of occurrence, which allows to distribute efforts and prevent the most dangerous of them in terms of national economic security. In this area, the government has traditionally relied on private business for maximum support, and the country has a well-developed system of institutions that ensures effective interaction between parliament, government and big business in developing and implementing solutions related to national financial security [13].

It includes organizations such as the Confederation of British Industry, the Council for Trade with Eastern Europe and a number of more specialized organizations representing the interests of industrialists and entrepreneurs.

The concept of financial security is considered in Spain largely in the context of the economic security of the entire European Union. At the same time, an effective system of ensuring national interests in the economic sphere has been created. It is based on: flexible legal and regulatory framework; clear division of competence of ministries, departments and organizations in the implementation of regulations related to economic development; the presence at each stage of development of a



legally approved program of economic priorities, which in principle should exclude the possibility of targeted privileges; availability of special state control services.

In the system of ensuring economic prosperity and sustainable development of the country an important place is occupied by the definition of priority sectors of national industry; regulation of the procedure of investment stimulation; currency control; carefully developed legislation on joint-stock companies.

The policy of financial security of the Czech Republic, Poland, Slovakia and the Baltic States is based on the convergence of national interests with European interests, as well as political, economic and institutional transformation in accordance with Western European standards. In the early 1990s, these countries chose a similar model of financial security, which included: an assessment of the geopolitical situation in the region; definition of vector and development strategy; construction and implementation of a model of behavior, including in the field of economics, in accordance with the dominant trends of regional and global evolutionary process; the ratio of basic quantitative indicators of development with world and regional standards; correction of the course of economic reforms.

**Conclusion.** Given the above, it should be noted that the financial security system involves the separation and systematization of certain problems in national security, creating a strategy to overcome them through the implementation and implementation of effective mechanisms to counteract external and internal negative factors in the existing financial, economic and political system. The methodology for assessing the state of financial security is based on the analysis of indicators of financial and economic development of the state, the national regulatory framework on this issue, as well as the identification of negative trends in the overall characteristics.

In addition, the analyzed approaches to financial security of the European Union suggest that this level of security is quite high and depends on various factors. If Ukraine seeks to preserve the domestic market and an independent economic future during EU integration, it must go a long way in overcoming the economic crisis. To do this, it is important to understand the concept of the essence of financial security and clear and coordinated actions of authorized state bodies and structures to bring the level of financial security of Ukraine to the European level.

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## STRENGTHENING OF THE STATE EDUCATIONAL POLICY THROUGH THE IMPLEMENTATION OF INTERNATIONAL STANDARDS FOR STUDYING FOREIGN LANGUAGES IN GENERAL EDUCATIONAL INSTITUTIONS OF UKRAINE

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**Abstract.** *The article deals with the relationship of quality and modern education in Ukraine with the level of foreign language proficiency in society. The importance of mastering English by students, teachers and scholars, the relevance of learning English under the legal framework of education in Ukraine is highlighted, consistency of the Concept of the “New Ukrainian School” with European trends is substantiated. Researches of international companies that assess the level of English language proficiency in everyday life of Ukrainians and business are presented and analyzed. The national and international approach to assessing students' linguistic competences is outlined and a detailed comparative analysis is provided. The instruments of approximation of standards of preparation and assessment of speech competences to the international ones are described, as well as the conceptual approximation of the school to the needs of the international market. A description of a pilot project (experiment) in Irpin (Kyiv Oblast), which was implemented to identify and improve English language skills among students and teachers, is provided, and the results of this experiment are highlighted. The way of synchronization of curricula in general and vocational training institutions with the programs of the international standard of competence in foreign language is presented, the importance of this educational task is substantiated.*

**Keywords:** *educational policy, language competence, New Ukrainian School, educational institutions, reform, education rating, External independent evaluation, CEFR, certification, international standards.*

**JEL Classification:** I20, I21, I26, I28

**Formulas:** 0; **fig.:** 0; **tabl.:** 1; **bibl.:** 18

**Introduction.** The issue of quality and up-to-date education in Ukraine is of paramount importance and is one of the key priorities for the authorities, and the top politicians of various cadences have always stated this fact. Today, the educational system is undergoing transformational processes as part of decentralization. A number of laws have been adopted including the Law of Ukraine "On Education", Decree of the Cabinet of Ministers of Ukraine *On Approval of the Concept of Implementation of the State Policy in General Secondary Education Reform “The New Ukrainian School” for the Period till 2029*, Regulations on the educational district and others. The legal framework in the field of educational decentralization creates the preconditions for the autonomy and free development of educational institutions at different levels in Ukraine. For example, it is the introduction of a new State standard for basic education, the digitization of education, and only the very beginning of the process of establishing the National Qualifications System which is the link between the labor market and education, as well as the introduction of new mechanisms for teacher professional development, i.e. a voluntary certification and the “money for teacher” mechanism.

**Literature Review.** Various aspects of professional training of future specialists in their scientific works have been studied by domestic and foreign scientists and

practitioners. Thus, the issues of formation and development of higher education in Ukraine in general have been studied in the scientific works of P. Atamanchuk, V. Bezlyudna, L. Berezivska, O. Bugayov, S. Velychko, S. Honcharenko, N. Gupan, E. Korshak, O. Lyashenko, G. Meshko, N. Slyusarenko, O. Sukhomlynska, N. Terentyeva, K. Trybulkevych, O. Sergeev, M. Shut and others. O. Varnikova, O. Zabolotska, A. Dolapchi, G. Karlovska, G. Kitaygorodska, Y. Kotova, L. Lichman, K. Matiychuk, N. researched the issues of teaching foreign languages in the education system of Ukraine and in preparatory departments in higher education institutions. Mykytenko, E. Myronenko, L. Morska, S. Nikolaeva, N. Primina, V. Strekozyn, L. Stupina, O. Frolova and others.

**Aims.** The objective of our study is to systematize the main approaches of the methodology of the editorial office of U.S. News and World Report [2] to the rating of the educational institutions and analyzing the changes herein introduced to create the 2020 rating and the reasons for editing; identification of the major motivational reason for creating such ratings according to the indicated editorial office.

**Methods.** The author used the methods of static and logical comparison, systematization and generalization, which made it possible to achieve the goal of the study.

**Results.** At present, about 10 million of Ukrainian citizens are studying at high school, in the system of vocational and higher education. And this is not just a significant figure against the population of our country. This is the greatest potential directly proportional to Ukraine's prospect of becoming an economically developed and prosperous European country capable of competing with world economies.

The education is directly related to Ukraine's success in the world market, especially now when the President and the Government are actively engaged in attracting foreign investment at the Davos Forum and all investment activities. The projects "Ukraine.Now", the opening of the "UkraineInvest" office under the Government, the launch of the "Magnets" program and other initiatives show the country's political readiness for opening global relations. Entering the international market means an international level of education and the ability to communicate internationally thanks to English skills. Therefore, the ability to use international languages is one of the main global competences.

Knowledge of English in today's world is a kind of window into the world. By mastering this language of international communication, everyone will be able to achieve the goals set in our globalized world. Therefore, the importance and learning of English is an extremely relevant topic today. In general, the political, economic, scientific, sporting life of the whole world is administered and broadcast in English. All international summits and meetings of heads of governments, signing of important treaties, debates are all conducted in English.

The international trade, operation of the banking system, activities of the transport system are carried out in English. International conferences, learning the world's practice and exchange of information are conducted only using English. The Olympic Games and all sorts of competitions between countries have chosen English as their official language. Movies made in the US have confidently come into our

lives, and any pop singer finds it prestigious to sing at least one song in English. The importance of English in the modern world is so great that its knowledge is not a luxury. It is taught everywhere: at schools, universities, courses. Any educated person is simply obliged to know English, because it is the key to further self-education and self-improvement.

The Concept of the New Ukrainian School is focused precisely on the acquisition of not only knowledge but mainly of competencies by school students. The competence is a dynamic combination of knowledge, abilities, skills, ways of thinking, attitudes, values and other personal qualities that determines a person's ability to successfully socialize, pursue professional and / or further educational activities. That is, a core of knowledge is formed, which will be enriched by an ability to use this knowledge, as well as the values and skills that will be needed for school-leavers of the Ukrainian school in their professional and private life [4].

The list of competences that high school students will acquire is already established by the Law *On Education*. The list was created on the basis of the "Recommendation of the European Parliament and of the Council of Europe on the Formation of Key Competences for Lifelong Learning" (dated December 18, 2006) [4]. It is worth noting that the second priority in terms of competences is the ability to communicate using the native tongue (in case it is different from the official language) and foreign languages.

The private educational company EducationFirst (EF) has published the results of an annual survey of the level of English in 80 countries, according to which the level of English in our country is rated as "low". Only 18% of Ukrainians speak English at intermediate level. The initial data for it are the results of the EFSET (EF StandardEnglishTest) test, which can be taken for free on the company's website [15]. Last year, about 1 million people took advantage of this opportunity.

It is important to note that the percentage of Ukrainian scholars out of the stated above 18% of English speakers is minimum. Usually, scientists use translated books, articles and other materials, whose translation takes considerable time and information gradually loses its relevance to science, and in general, only its small part is translated into Ukrainian. That is, teachers and scholars, due to their lack of knowledge of foreign languages at a sufficient level, remain significantly isolated from progressive world discoveries, research and, in general, ideas including pedagogical ones.

The fact that the overall level of English in Ukraine is critically low is confirmed by another study from EF Education First, which looks at the use of language in a business environment. If you look at the overall ranking of countries by level of English, it may seem that it is not so bad: Ukraine is somewhere in the middle (49th out of 88) among all countries in which English is not native. That is, only within one year (from 2018-2019) Ukraine has lost 6 points in the rating and has fallen from the category of "medium level" to "low level" [15]. Also it is frustrating that Russia, Uruguay, Belarus, Guatemala ranked higher as compared to Ukraine

The private educational company Education First (EF) published the results of an annual survey of the English language proficiency in 80 countries.

Looking at the statistics for Europe, our country ranks 28th in the list of 33 (Table 1). The rating compilers, however, point out to the correlation of annual per capita income to the level of linguistic knowledge, and this partly explains the low rating of Ukraine. We can note a positive factor in this regard, ie the number of people having the English language skills is sufficient in Kyiv rate it closer to the top of the list of the capital cities.

Table 1

**EF English Proficiency Index (Europe)**

<b>Very high level</b>		<b>High level</b>		<b>Moderate level</b>		<b>Low level</b>	
Netherlands	<b>70.27</b>	Croatia	<b>63.07</b>	France	<b>57.25</b>	Belarus	<b>52.39</b>
Sweden	<b>68.74</b>	Hungary	<b>61.86</b>	Latvia	<b>56.85</b>	Russia	<b>52.14</b>
Norway	<b>67.93</b>	Romania	<b>61.36</b>	Spain	<b>55.46</b>	Ukraine	<b>52.13</b>
Denmark	<b>67.87</b>	Serbia	<b>61.30</b>	Italy	<b>55.31</b>	Albania	<b>51.99</b>
Finland	<b>65.34</b>	Switzerland	<b>60.23</b>			Georgia	<b>50.62</b>
Austria	<b>64.11</b>	Lithuania	<b>60.11</b>			Turkey	<b>46.81</b>
Luxembourg	<b>64.03</b>	Greece	<b>59.87</b>			Azerbaijan	<b>46.13</b>
Germany	<b>63.77</b>	Czech Republic	<b>59.30</b>				
Poland	<b>63.76</b>	Bulgaria	<b>58.97</b>				
Portugal	<b>63.14</b>	Slovakia	<b>58.82</b>				
Belgium	<b>63.09</b>	Estonia	<b>58.29</b>				

Source [16]

However, the state is taking important steps in shaping public educational policy to remedy this situation. The latest positive developments in educational Ukraine may be illustrated with the fact that the English language proficiency has become one of the prerequisites for enrollment into most Ukrainian universities. The Ministry of Education of Ukraine has selected English as one of the three compulsory subjects for the basic test for admission to higher educational establishments, i.e. the External independent evaluation. The latter is a tool that has a clear purpose which is to rank the students who want to enter higher educational institutions. Thus, the preparation of students who are about to leave the school (grades 10-11) for the External independent evaluation is an important element not only for completing high school education, but also for making a significant contribution to their future.

As the Ukrainian Center for Education Quality Assessment, with the support of the Ministry of Education and Science of Ukraine, has introduced the differentiation of the English language test under of the External independent evaluation into the profile and academic levels, which, in turn, meets the international standards of English proficiency at the B1 and B2 levels according to the The Common European Framework of Reference for Languages (CEFR) [13]. It should be noted that not two separate works of different complexity are referred to under levels B1 and B2, but one test work with tasks of different levels of difficulty.

The need to prepare a high school leaver to complete the External independent evaluation as minimum as at the international B2 level (i.e. higher than the average) is obvious. High school students who study a foreign language at the standard level have to take only 43 out of 59 tasks to receive a grade under the State Final Certification. All 59 tasks must be completed in order to receive the result of the

External independent evaluation. The students studying at the specialised level must complete all the tasks both for the State Final Certification and for admission. Thus, in order for a future student to be able to enter a university where one of the main requirements is passing the English Language Test as part of the External independent evaluation (such universities are prevailing nowadays), the necessity to prepare a high school leaver to take the External independent evaluation at the international B2 level is obvious.

At the B2 language level a language learner can:

- understand basic ideas of complex texts on abstract and specific topics, including technical topics related to his / her specialization;
- interact with some degree of fluency and immediacy, making regular interaction with native speakers possible with no strain on either side;
- make clear, detailed messages on a wide range of issues and can present his / her views on the main problem, show the advantages and disadvantages of different options [13].

Ukrainian schools require the maximum approximation of standards of the preparation and assessment of language competences to the international ones, and therefore, generally, the conceptual approximation of schools to the needs of the international market. In other words, there will be a very slow and unofficial integration of the educational Ukrainian standard in CEFR (short for Common European Framework of Reference). It is a system designed specifically to assess the level of proficiency in a particular European language by matching skills to specific criteria.

The recommendations of Carlos Cesar Jimenez from the National Autonomous University of Mexico, Ludwig Wittgenstein in the 1950s and the sociolinguist Del Hymes have laid the theoretical basis of this system [14]. This approach views the language as a social agent that develops general and specific communication skills when meeting daily goals.

General and specific communication skills are developing by producing or receiving texts of different contexts under different conditions and different level of stress or tension. These contexts correspond to different parts of social life, called domains. There are four main domains according to the international practice including initial, professional, public and personal. The user can develop different levels of language proficiency in each of these domains and, in order to describe them, the Recommendations provide a set of common reference levels.

The state vector of bringing the state standard of education in Ukraine to international standards is reflected in a number of normative legal acts, in particular: in the Law of Ukraine *On Education* dated 01.09.2017 No. 2145-VIII; Decree of the CMU *On Approval of the Concept of Implementation of the State Policy in General Secondary Education Reform "The New Ukrainian School" for the Period till 2029* dated 14.12.2016; Order of the Ministry of Education and Science of Ukraine No 1222 dated 21.08.2013 *On approval of approximate requirements of the evaluation of educational achievements of high school students in basic disciplines in the general secondary education system*, the Law of Ukraine *On Vocational Education* dated

10.02.1998 No 103/98-VR, etc. And the formation of the National Qualifications System should serve as a guide between labor market and education.

Taking into account the instruments provided by the legal framework, a pilot project-experiment of assessing and training of high school students and teachers by international standards was launched in Irpen (Kyiv region) in 2019. All high school students participating in the program passed the External independent evaluation in English at the highest level in Ukraine in 2019, which proves the effectiveness of the program. EILTS and TOEFL standards were used to evaluate and teach both children and high school students, and the Teaching Knowledge Test (TKT) was used to train teachers. The project was implemented in collaboration with municipal high schools and a private English language center. The project budget amounted to UAH 500,000.

Several municipal steps were taken under this municipal program, namely: 1) English language proficiency among high school students of all schools was assessed, 2) English language proficiency among all English language teachers in the city was assessed, 3) teacher training courses were organized, 4) additional English training sessions were organized for high school students of different schools, 5) results of the External independent evaluation were obtained. 45% of the teachers scored sufficient number of points that corresponds to the international B2 level or higher, which is not enough to train a high school student to the same level. Only 20% of brave teachers (those who came for voluntary testing) showed a level that corresponds to a candidate for admission to a foreign university (only bachelor) or an average candidate for a position at an international company. The results of the high school students were consistent with those of their teachers, but slightly lower. This means that most high school leavers are unable to use English at a level sufficient for admission to foreign universities, nor for mid-level positions in international companies.

In 2019, a pilot on voluntary teacher certification was launched as part of the New Ukrainian School with the aim of identifying and encouraging teachers with a high level of professional skills who use proficient teaching methods and new educational technologies and promote their dissemination. This tool can be used in the process of motivating English teachers to increase their teaching level to the international one. Based on the example of the pilot project in Irpin, a system of incentivization was offered to teachers. It boiled down to the following: provided that the teacher successfully passed the English language tests at B2 level, he / she could receive double pay for a year. However, as the experiment showed, the teachers' fears of failing to take independent tests far outweighed their desire to receive a very substantial salary supplement. This situation indicates the unwillingness of teachers to ranking according to international criteria among their colleagues and, accordingly, to open incentive systems.

**Discussion.** To move this problem in line with the positive trend, it is necessary to conduct a pilot of synchronization of curricula in secondary and vocational schools with programs of the international standard of competence in a foreign language. To achieve this goal, it is important to focus on the following tasks:



- development of methodical recommendations on synchronization of school curricula with CEFR;
- development of teacher training program (advanced training) according to CEFR standards;
- improvement of the system of incentives for teachers who will participate in the project (for example, successful certification of a teacher based on the results of the project guarantees a 20-50% salary supplement);
- development of a regulation on public-private partnership for the study of foreign languages on the basis of the Ukrainian school with the involvement of private foreign languages learning centers and international companies;
- creation of the domestic prototype of CEFR programs in demo and full versions on the basis of the National Qualifications System, as well as introduction of the system of domestic Certification;
- general testing of students of the 10th and 11th grades of secondary schools, as well as English teachers in accordance with the international competence of CEFR on English language proficiency in listening, writing, reading and speaking practice;
- training during the school year for high school students and teachers according to the CEFR integrated methodology of international competence, the use of this methodology in the Centers for Advanced Training;
- certification and testing of learning outcomes, comparison of the results with the initial ones, improvement of the program for use at the national level.

The main short-term results of this approach include the following:

- increasing the level of English language proficiency among high school students and English teachers in all components including listening, reading, writing, speaking;
- overcoming the language barrier and developing skills of comfortable communication with native speakers;
- developing synchronized curricula in general secondary education according to international standards;
- activating the National Qualifications System;
- preparing for obtaining international certificates, which automatically increases the chances of employment for adults, exemption from the State Final Certification tests for high school students.

The long-term results include the following:

- strengthening the state educational policy through the introduction of international standards for learning foreign languages;
- increasing Ukraine's capacity to get integrated into the world community and attract investment projects;
- increasing the ability of the Ukrainian school to compete with European educational institutions, the entry of the Ukrainian school into the world market;
- increasing the potential of Ukrainian high school students to attract or be involved in global projects;

- launching a system of public-private partnership on the basis of schools (increasing the financial capacity of the education system);
- creating an independent assessment system for having a command of a language which can be equivalent to the international standard of CEFR.

Today in Ukraine the preconditions for the rapid development of the educational sphere have been created. Although the decentralization process bears some risks to the financial capacity of major institutions and regular schools, it provides considerable freedom (autonomy) and a new level of responsibility for the educational product. The example of Irpen clearly shows that amalgamated territorial communities or municipalities can independently develop their own programs, determine funding, attract an expert community and hold responsibility for the efficient use of funds.

Decentralization also opens up opportunities for public-private partnerships, which is extremely important in the context of learning English in educational institutions. Private companies transfer a high level of competence in using or teaching English, and schools should take advantage of this, even on an individual basis. The role of the school principal is acquiring a new quality and is being formed as a subject of educational quality in the community. However, to this end the school principal (manager) must be highly educated and he / she should demonstrate it, be competent, respond to global trends, have no language barriers, be able to seek new sources of funding and cooperate with different types of enterprises (public, private, corporations).

**Conclusions.** Every year the world rankings indicate a systematic decline in terms of the English language proficiency among Ukrainians, including those in the business environment. This signals a gradual decline in the ability of Ukrainian institutions to get integrated into European and international structures. Given the constant lack of funding for education, this situation indicates significant risks in providing quality modern education in educational institutions. A number of steps and requirements have been introduced under the state programs to motivate the increase of English language proficiency as a language of international communication. The said programs include the following: prioritization of learning foreign languages in the list of competencies in the concept of the “New Ukrainian School”, priority of the External independent evaluation in English in schools with the requirement of compliance with the international B2 level, and a mandatory certificate of English B2 for a PhD degree seekers.

The powers and resources of amalgamated territorial communities due to the reform of decentralization and the current legislation in the field of local self-government can be considered as a mechanism to accelerate the entry of educational institutions into the market of educational entities. Communities that have already used the provided tools and have shown a successful outcome may serve as an example of it. All options are effective provided effective management of the city or school including a system of incentives for teachers, attracting additional resources, public-private partnership, school autonomy. And best of all is a fruitful cooperation of government, educational managers, business and the responsible community. For

Ukrainian high school students to have a good command of English is the key to gaining subjectivity by Ukraine in the world.

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## CHAPTER 2

### LEGAL RELATIONS: FROM THEORY TO PRACTICE

#### CONSTITUTIONAL AND LEGAL REGULATION OF THE STATUS OF THE HEAD OF GOVERNMENT IN THE MIXED-TYPE REPUBLICS

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**Abstract.** *The constitutional and legal status of the head of government in republics of the mixed type is marked by a special legal status. The main tasks of the head of government are the organization and management of the highest/supreme body of state executive power, the implementation of state domestic and foreign policy and political responsibility for it. Thus, the efficiency of the government directly depends on the implementation of constitutional duties of the head of government. The objective of the article is to determine the constitutional and legal status of the head of state in European republics of mixed type. Scientific works that are devoted to the processes of formation and development of the constitutional and legal status of the head of government have been studied. The methodology of this article is based on comparative and legal analysis techniques and includes system-structural method, method of generalization, method of analysis and synthesis, etc. A comparative analysis of the constitutional and legal status of the head of government in different European countries with a mixed form of government, which gave grounds to note the general and special features that indicate a certain constitutional development of these countries has been held.*

**Keywords:** *government, head of government, republic of mixed type, constitutional and legal status.*

**JEL classification:** H10, K10, K33

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**Introduction.** The exercise of executive power in the country as a whole, as well as the effective operation of the government itself largely depends on the performance of constitutional duties by the head of government, which in its turn affects the nature of political, economic, social and other processes in the country. The constitutional and legal status of the head of government directly determines the specifics of the segregation of authorities between different branches of power, as well as it determines the tactics and strategy of making important state decisions in the sphere of life of society and the state.

Sharing the opinion of Professor L.M. Entin, we should note down that the constitutions of modern European states mostly do not enshrine detailed provisions that would consolidate the competence of the government and its head, which, in its turn, ensures the widespread implementation of discretionary powers, but it narrows constitutional regulation [1, 349].

In our opinion, there is an urgent need to conduct a constitutional and legal analysis of the legal status of the head of government, taking into account his relationship with other government bodies, as well as the study of legal acts that specify this status.

**Literature Review.** The issues related to the formation and development of the constitutional and legal status of the head of government have been researched by scholars, but a range of scientific issues remains, and some of them were considered in the scientific works of such Ukrainian researchers as Dakhova I., Georgitsa A., Kolomiets Y., Marchenko V., Seryogin V., Shapoval V. and foreign researchers, namely, Amelera M., Baglay M., Bara A., Boitsova V., Haiti L., Entina L., Kerimova A., Krutogolov M., Maklakov V., Medushevskiy A., Mishin A., Mogunova M., Oriu M., Prelo M., Hesse K., Chirkin V. and others.

**Aims.** The objective of this article is to determine the constitutional and legal status of the head of state in European republics of mixed type.

**Methods.** The author used the methods of logical comparison, systematization and generalization, which made it possible to achieve the goal of the study.

**Results.** Analysing the constitutional and legal status of the head of government, it should be said that this position, regardless of the form of government, is extremely important. It can be safe to say that the head of government is a deterrent and stabilizing factor in the system of state bodies of executive power, as the head of state is deprived of such powers as an arbiter between the branches of power and the guarantor of the constitution, to represent the nation in international relations, as it is clearly seen in the constitutional practice of purely parliamentary republics, such as the German Federal Republic, Italy, which reflects a weak position of the head of state. In cases where the head of state is endowed with broader powers, for example, in Ukraine, France, and the Russian Federation, the head of government has a significant influence on social relations.

The head of government in Ukraine is appointed by the Parliament on the submission of the President of Ukraine, who receives a proposal for the candidacy of the Prime Minister from a coalition of parliamentary factions, which includes the majority of deputies of Ukraine (Article 114 of the Constitution) [2]. In accordance with the Constitution of Ukraine (Article 114), the Prime Minister directs the work of the government, directs it to implement the Program of Activities of the Cabinet of Ministers of Ukraine, approved by the Verkhovna Rada of Ukraine. The peculiarity of the constitutional and legal status of the head of the Cabinet of Ministers of Ukraine is that the Constitution does not contain provisions on public policy management and the responsibility of the Prime Minister of Ukraine for national domestic and foreign policy. But the Constitution of Ukraine [2] and the Law of Ukraine *On the Cabinet of Ministers of Ukraine* (Article 2) [3] determine the government as a whole responsible for ensuring the state sovereignty and economic independence of Ukraine, the implementation of domestic and foreign policy, comply with the Constitution and laws of Ukraine, acts of the President of Ukraine [2].

We believe that countersigning of acts of the President of Ukraine in cases provided by the Constitution of Ukraine (Article 106 of the Constitution) and membership in the National Security and Defense Council of Ukraine (Article 107 of the Constitution) [2] are essential powers of the Prime Minister of Ukraine. It should

be pointed out that the institution of countersignature, enshrined in the Constitution of Ukraine, is legally binding in the context of the political responsibility of the head of government. The Constitution of Ukraine establishes the need to countersign acts of the President of Ukraine on a number of issues, such as the appointment and dismissal of diplomatic representatives of Ukraine, decisions of the National Security and Defense Council of Ukraine and the imposition of a state of emergency in Ukraine or in its certain areas.

In addition to the said powers of the Prime Minister of Ukraine his right to resign should be mentioned (Article 115 of the Constitution). The resignation of the Prime Minister of Ukraine, as well as the raise a motion of no confidence by the Verkhovna Rada of Ukraine to the Cabinet of Ministers of Ukraine, the death of the Prime Minister of Ukraine is a consequence of the resignation of the entire government [2].

The issue of the activity of the Government of Ukraine in connection with the termination of the activity of the parliamentary coalition during the term of office of the current Verkhovna Rada of Ukraine remains unresolved in the constitutional law. The lack of proper regulation of the said issue gives grounds for the Prime Minister of Ukraine to exercise his constitutional powers with and without the formed parliamentary coalition, or when there are changes in the political composition of the formed coalition. In its decision No. 16-rp / 2008 of September 17, 2008 [4] the Constitutional Court of Ukraine noted that the issue of the coalition government's activity under the circumstances of changes in the parliamentary coalition or changes in its political composition is not constitutionally regulated. Thus, it would be logical to regulate this issue at the legislative level in such a way that the dissolution of the parliamentary coalition be the basis for the resignation of the entire Cabinet of Ministers of Ukraine.

We should note that Article 42 of the Law of Ukraine *On the Cabinet of Ministers of Ukraine* of February 27, 2014 No. 794-VII as amended on March 20, 2020 No 524-IX, regulates the powers of the head of government, which are not reflected in the Constitution of Ukraine. The said powers may include submission on the appointment of government members to the parliament, as well as the submission on the appointment or dismissal of heads of local state administrations to the government, and also submissions on the formation, reorganization and liquidation of ministries and other central bodies of executive power; convening government meetings and forming the agenda of its meetings; signing government acts; participation in international relations in accordance with the Constitution of Ukraine and laws, etc. [3].

Analysing the constitutional and legal status of the head of government of the Russian Federation, one can find a certain identity of the constitutional provisions that regulate his legal status owing to the same form of government, ie a semi-presidential republic similarly to that in Ukraine.

According to Article 110 of the Constitution of the Russian Federation [5] executive power in the Russian Federation shall be exercised by the Government of the state. The Prime Minister of the Russian Federation is appointed by the President

with the consent of the State Duma (Article 111 of the Constitution) [5]. The peculiarity of the procedure for appointment of a candidacy for the post of Prime Minister is that after the candidacy, proposed by the President, has been rejected three times by the Parliament, the President can still nominate a proposed candidacy for the post of Prime Minister and dissolve the State Duma (Part 4 of Art. 111 of the Constitution) [5]. In this case, the dissolution of the lower house of Parliament no longer belongs to the discretionary powers of the President, and the system of checks and balances comes into play.

On December 11, 1998, the Constitutional Court of the Russian Federation issued Resolution No. 28-II related to the case of interpretation of the provisions of Part 4, Article 111 of the Constitution of the Russian Federation, stating that the President may submit a rejected candidacy for a new vote only after mutual consultations with the consent of the State Duma and after a candidacy or candidacies has/have been rejected three times, regardless of whether previously rejected candidacies are among them, the State Duma shall be dissolved and new elections shall be announced at the same time. In addition, the Constitutional Court of the Russian Federation stated in its Resolution that after such actions of the Parliament the President may appoint any person to the post of Prime Minister [6].

The peculiarity of forming a government is that the Prime Minister directly submits a proposal on the structure and setup of federal bodies of executive power, as well as the names of the Government's members to the President of the Russian Federation (Article 112 of the Constitution), which formally gives him more independence [5].

The powers of the Prime Minister of the Russian Federation are determined by the Constitution of the Russian Federation, federal laws and decrees of the President of the Russian Federation. The Prime Minister of the Russian Federation determines the main directions of activities for the Government of the Russian Federation and carries out organizational operations of government work. The main powers of the Prime Minister include the general leadership of the government, informing the President of the country about its work. The Prime Minister also chairs government meetings with a casting vote right, submits proposals on the structure of federal bodies of executive power to the President and distributes responsibilities among government members (Article 24 of the Law) [7].

Considering the powers of the Prime Minister of the Russian Federation, it is necessary to note his relationship with the President and note a rather strong position of the latter in this relationship. In accordance with Article 31 of the Law *On the Government of the Russian Federation* [7] the President of the Russian Federation has the right to chair government meetings and sessions of the Presidium of the Government of the Russian Federation. The strong position of the head of state in relations with the government, taking into account the constitutional provisions, is the key to stable work of the latter. Pursuant to Article 30 of the said Law it is the head of state who ensures the functioning and interaction of the government with other authorities of the state power; pursuant to Article 32 of the said Law the head of state leads the activities of federal bodies that ensure the solution of issues of defense,

security, domestic affairs, justice, foreign affairs; accepts the resignation of the government, etc. The analysis of this constitutional norm gives grounds to recognize the dominant role of the President of the country in the system of executive power bodies, which, in our opinion, contradicts Article 110 of the Constitution of the Russian Federation, which stipulates that executive power is exercised by the Government of the Russian Federation [5]. In this sense, it is safe to say that the Russian Federation is being transformed from a mixed republic to a presidential one, despite the fact that the State Duma still has the right to express a vote of no confidence in the Government (Article 117 of the Constitution) [5].

Analysing the constitutional and legal status of the head of the French government, some features inherent in the French Republic should be noted. The head of France chairs at government meetings (Article 9 of the Constitution), he is endowed with the constitutional right to sign ordinances and decrees, which have been considered by this body (Article 13 of the Constitution) [8]. The head of the state has a number of other leverage over the state administration system, however, and the Prime Minister of France has significant constitutional powers. The Constitution of the French Republic of 1958, contains Section III, called "Government" that regulates the legal status of the government [8]. But the constitutional and legal status of the head of government is enshrined in other sections of the Constitution and a number of other legal acts. In particular, the Government, whose activities are led by the Prime Minister appointed by the President of the Republic, determines and pursues the policy of the nation (Article 20 of the Constitution), is responsible for national defense, ensures enforcement and execution of laws (Article 21) [8]. According to Article 39 of the Constitution, the Prime Minister has the right of legislative initiative, which strengthens the position of the head of government in the system of supreme state bodies of executive power. In addition, he enjoys the right to appeal to the body of constitutional jurisdiction, ie the Constitutional Council of France, in order to establish the compliance of the draft, voted for by the chambers of the Parliament, with the Constitution of the French Republic. Following the proposal of the Prime Minister, extraordinary sessions of the Parliament are convened (Article 29 of the Constitution). Moreover, Part three of this Article stipulates that the Prime Minister only may demand the convening of a new session before the end of the month following the issuance of the decree on closing the session. He may also make proposals to extend the regular sessions of the supreme representative body. Following the proposal of the Prime Minister of France, closed sittings of the Houses of Parliament are held in the form of a secret committee.

The Prime Minister, within the framework of competence set by the Constitution, exercises regulatory powers (Article 21). This provision is extremely important, although laws are adopted by the Parliament, but by-laws (decrees and orders of ministers) are initiated by the government, ie by the Prime Minister and ministers. In this regard, the Constitution of 1958 contains innovations; it clearly delimits the scope of application of the law, now stipulated in accordance with Article 34, and the scope of administrative regulation of all the issues not related to the legislative sphere (Article 37). In exceptional cases, the scope of administrative regulation may be extended if the Parliament instructs



the government to carry out the above functions for a limited period by issuing ordinances of actions that usually lie in the sphere of the adoption of law (Article 38) [8].

Considering the legal status of the Prime Minister of the French Republic, it is necessary to dwell in more detail on the provisions of Part 3 of Article 49 of the Constitution, according to which the Prime Minister may raise a motion of confidence in the government in connection with its political action program, general political declaration or in connection with voting on one act or another before the Lower Chamber of Parliament. The draft law is considered adopted if the majority of deputies of the National Assembly do not vote for a motion of no confidence. Otherwise, the Prime Minister must submit a request for the resignation of his government to the President of the Republic. Such a norm allows avoiding systematic obstruction regarding the government actions by the Parliament. In our opinion, a similar article could be useful for the Ukrainian legal reality.

The Prime Minister of France has a privileged position over other ministers and state secretaries of state, and has his own administrative services, including the General Secretariat of the Government. The practice of the Republic gives examples of cases when the head of government also headed a ministry at the same time. However, in such cases he was usually assisted by the relevant state secretary or the authorized minister. In addition, there are cases when the head of government simultaneously served as mayor. Holding both a position of the head of government and mayor of Bordeaux by Alain Juppe in 1994 is such a striking example of the above, and during 1986-1988 Jacques Chirac held the post of the head of government and mayor of the French capital [9, 112].

Summarizing the above, we would like to highlight the general legal status of the head of government in mixed republics, namely, 1) the competence of the heads of supreme bodies of executive power enshrined in constitutions and other legal acts, is quite broad, in fact they form the government. Of course, this procedure has some differences; 2) the head of government in the described republics represents the government in relations with other state bodies; 3) the constitutional right to raise a motion of no confidence in the government in the supreme representative body is granted to the head of government; 4) the head of government is endowed with the right of legislative initiative, which strengthens his authorities in the system of supreme bodies of state power; 5) the head of government is empowered with authorities to convene an extraordinary session of the parliament.

**Discussion.** Certain differences between the constitutional and legal status of the head of government in mixed-type republics, can identified with a more detailed analysis. Mixed or semi-presidential republic, into a category of which France falls, has its own specifics, ie the chairmanship of the head of state in the Council of Ministers (Article 9 of the Constitution) [8]. A similar norm is enshrined in the Constitution of the Russian Federation, in Article 31, which states that the President of the Russian Federation has the right to chair meetings of the Government of the Russian Federation and sessions of the Presidium of the Government of the Russian Federation. Thus, the role of the head of state in leading the government is not nominal, for example, the President of France not only chairs at meetings of the Council of Ministers, but also signs ordinances and decrees that

were considered in the Council of Ministers in accordance with Article 13 of the Constitution of the French Republic [8].

Another difference in the legal status of the heads of government of the republics under our research is the legal consequences of the parliament's vote of no confidence in the government. Article 50 of the Constitution of the French Republic stipulates that if the National Assembly adopts a resolution of condemnation or did not approve a political action program or a general political declaration of the Government, the Prime Minister shall submit a resignation request to the President of the Republic. The above, in our opinion, indicates a certain weakening of the position of the National Assembly of France regarding the resignation of the Government [8].

**Conclusions.** The head of government in the republican countries of the mixed type is endowed with a special legal status. According to constitutional norms, the head of state represents the entire government, the entire vertical of the state executive branch of power, whose main tasks and duties are the organization and governance of the supreme body of the state executive power, carrying out of state domestic and foreign policy and political responsibility for implementation.

A comparative analysis of the constitutional and legal status of the head of government in different European countries with a mixed form of government gives grounds to recognize the general and special features that indicate a certain constitutional development of the described countries.

It should be noted that it has already become a current trend that the dominant role of the head of government is influenced by political conditions, both positively and negatively. In the former case, as a rule, a leader of the political majority in the parliament becomes the head of the supreme body of executive power. He is usually a leader of both his party and government. In the latter case, on the contrary, there is no unity in the government if its head represents a coalition or a fragmented broken-up party. As a result, it is becoming more difficult to make an agreed policy and decisions, which undoubtedly affects the authority of the head of government and the effectiveness of the entire political system.

When it comes to the study of the above legal problem of the constitutional and legal status of the head of government, further research of the topic remains promising, and future publications will have a positive impact on the formation and development of the legal status of both the head of government and the government as a whole.

**Author contributions.** The authors contributed equally.

**Disclosure statement.** The authors do not have any conflict of interest.

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## THE INFLUENCE OF THE MEDIA ON THE MENTAL STATE OF YOUNG PEOPLE

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**Abstract.** *The article analyzes the concept and content of the media, and how the media affect the mental state of young people. Identified scientists dealing with this issue. It is defined how the media influences the further behavior of young people, namely the choice of idols, style of clothing, profession. What factors are used to influence, namely: TV stars, songs in another language. The media exert social, cultural and psychological influence on society, shaping the needs of people and these needs are not always related to material goods. It is analyzed how the media influences the criminal behavior of young people and with the help of which factors.*

**Keywords:** mass media, mental influence, crime, criminality.

**JEL Classification:** I30, K24, K33

**Formulas:** 0; **fig.:** 1; **tabl.:** 0; **bibl.:** 5

**Introduction.** As a social institution, the media actively use their potential to influence the formation of young people's lifestyles and ways of their integrative behavior. The media have taken their place in the daily life of modern man, firmly settled in it. If we talk about young people, today it is difficult to find a person who can refuse the presence of television and especially the Internet in everyday life. Watching news, advertisements, entertainment programs and shows, TV series, as well as horoscopes, weather forecasts, etc. have firmly entered our lives, and a person is not even aware of the impact that this process has on the formation of his life attitudes, behavioral stereotypes, habits, and everything that makes up our daily lives. And this formation is directly related to the work of the media.

**Literature review.** In the modern scientific environment, much attention is paid to the study of the media, both domestic and foreign researchers, among which a significant contribution to the study of this issue was made by L. Brown, Z. Brzezinski, H. French, A. Hajiyeva, V. Zdorovega, A. Dolgova, O. Dzoban, V. Pylypchuk, K. Markelova and others.

The issue of human information security has been studied by the following scientists: G. Grechnev, S. Roshchin, V. Sosyna, D. Popov. One cannot disagree with L.M. Rybakova, who claims that without state support the spiritual basis of society is formed by the media, which are subject to the founders, who use information broadcasting methods to broadcast their own limited (social status, worldview, personal experience, responsibility to sponsors, etc.) values. As a result, she writes, we have a crowd of "stars" and "style icons" who demonstrate the personal level of consumption (cars, clothes, accessories, other people's services). It seems that the spiritual "staples" of society are formed and dictated by the glamorous community: overseas villa, foreign educational institutions, foreign shopping, songs in a non-native language, Hollywood "style icons" and cult works, distant sex symbols, etc [1; 234]. Of course, we can not talk only about the negative impact of the media on lifestyle, habits and values of young people because that would be a one-sided

approach to the existing problem. The media exert a social, cultural, psychological influence on society, shaping the needs of people, and these needs are not always related to ownership of material goods (although we do not rule this out). These may be needs aimed at human self-development, self-education (for example, a large number of educational lectures on the Internet), raising the cultural level ("Culture" channel), forming attitudes to a healthy lifestyle, motivation to achieve goals. In addition, as the main source of information, and today also the main means of communication, the media traditionally perform important social functions, including communication, education, broadcasting and socializing.

**Aims.** But the question arises whether these needs are satisfied by the media, and whether their impact is so great directly on the young person's personality and its important life institutions? After all, even in the era of censorship on radio and television, negative trends in the lifestyle of young people were present so not everything was so cloudless.

**Methods.** The author used the methods of static and logical comparison, systematization and generalization, which made it possible to achieve the goal of the study.

**Results.** Noting the positive impact of the media and especially the Internet on young people, it is necessary to first analyze the negative impact they have on the majority of the younger generation. Moreover, the results of numerous surveys confirm that under the influence of the media, children and adolescents develop aggression. And the greatest aggression is formed by computer games and modern films. According to a survey conducted by scientists, the majority of respondents (41%) believe that the media form in Ukrainian children and adolescents mainly negative feelings and attitudes towards people of other nationalities, which is a serious problem for the polyethnic society of Ukraine and can become one of causes of conflicts in the youth environment [2; 167 - 168].

The resources of the mass media have enormous opportunities for manipulating human consciousness in the generation of young people and influencing the ways of shaping their way of life. Pitirim Sorokin also listed "aspects of human behavior" that "exhaust the whole way of life of the individual" [3]. And today sociologists, using the term "way of life", mean a set of forms of behavior of the individual, his activity in the sphere of production, everyday life, areas of social, political, cultural and scientific and scientific spheres, as well as meeting social and individual needs. All these forms of behavior are formed under the influence, on the one hand, socio-economic and political conditions, and on the other hand, mentality, traditions, customs, identity play a significant role. Based on a large number of factors influencing the formation of lifestyle, this definition can be understood as both conscious and spontaneous construction of life on the basis of values, worldviews, mentality, etc. as well as under the influence of external factors, which in the era of information civilization are the media. Today they have a decisive influence on the stereotypes of behavior, strategies and attitudes of the younger generation.

The uncontrolled Internet contains threats to users, especially children and young people, related to the spread of aggressive content [4; 86]. We can not ignore

the negative role of increased influence on the youth of social networks, the story of Varvara Karaulova and others clearly show the negative consequences of "living online" [5]. This should be the subject of careful study to prevent or minimize adverse effects. The results of research show that the formation of the image and lifestyle of young people is influenced by the media, which, unfortunately, often have a negative impact on the consciousness and behavior of young people. This is manifested in the fact that the media today do not form stable systematic ideas of young people about the values of life. The picture of the world formed by them is fragmentary and is mediated by the political and economic forces behind them with little state involvement.

It can be concluded that the way of life of young people is formed under the influence of modern media, the analysis of which shows the fragmentary and unsystematic of their policy of forming values, or rather its absence. Characteristic of the present time is the lack of use of modern information channels by public authorities to form youth loyalty to Ukrainian values, education and strengthening of universal values, development of active citizenship, which forms in young people a positive lifestyle. Teenagers deserve special attention as one of the most vulnerable categories of the population. Adolescents watch TV less than primary school children because they spend more time away from home, preferring to communicate with friends. For many teenagers this change of priorities in the sources of information and symbolizes the transition from childhood to adolescence. Teenagers watch TV mostly with their family and to a lesser extent with friends. Listening to popular music becomes a factor that determines the interests and direction of behavior at a given age. Its implementation involves solving adolescent problems such as separation from parents, gaining independence and establishing interpersonal relationships.

The range of programs of interest is expanding. Teenagers still love comedies, but watch less cartoons. In addition to adult-oriented cartoons, they prefer dramas where the main characters are the same teenagers. Girls prefer melodramas, many teenagers watch sports, music and science fiction programs. Adventure and crime themes are less popular. However, very often teenagers watch TV passively, in order to relax when they are tired of communicating with others, or when they are alone.

Adolescence is a period during which children acquire the ability to operate with abstractions, bring the concrete to the general, resolve contradictions of experience and determine the most important in many situations. Teenagers are no longer so strongly connected to the immediate present and can predict the possible future. They realize that the relationship on the screen is not real, that it is focused on the expectations of the audience about human behavior. For example, teenagers are already able to classify a family on the screen as false if life in that family looks trouble-free or, conversely, too unhappy.

Understanding the reality of what is happening in adolescents is also characterized by the ability to make aesthetic judgments about the actions that take place on the screen, based on the assessment of the quality of television products, which should not cause a sense of artificiality of events.

When watching TV, teenagers rarely actualize their desire for knowledge and compassion. Adolescents are characterized by low concentration of attention on what is shown on TV. They, like adults, tend to passively perceive what is happening on the screen, even when they are alone or when they are disturbed.

Adolescents are more likely to be more critical of TV content than younger children, and are much less likely to identify themselves with television characters. Those who continue to believe in the reality of what is happening on the screen and identify with the cruel characters will be more aggressive, especially in the presence of fantasies on aggressive-heroic themes.

Although the inherited nature of violence is most often attributed to schoolchildren, due to the lack of their life experience and their belief in the reality of what is happening on the screen, most often violent acts copied from the TV screen are committed by adolescents. Programs often describe crime methods that teens can copy. Possessing the ability to think abstractly, teenagers are able to plan and reproduce in real life a fictional TV event, correcting the shortcomings of the crime that led to the failure in the film.

Adolescents' assessment of justice and injustice is often peculiar and relative, which, along with rebellious tendencies and a challenge to traditional conventions, makes them the only group of spectators who can admire criminals.

The following conditions can be identified that contribute to the imitation of crimes seen in movies and TV shows:

- 1) Strong identification with the TV show or its characters;
- 2) Constant strong involvement in the TV program at the fantasy level;
- 3) The ability to take real action.

Various studies in the field of suicidality show that adolescents are especially prone to use suicide techniques shown on television, especially if they have already been used by someone in real life.

About 80% of teens watch horror movies that frighten them. Observing violent scenes contributes to the fact that adolescents perceive the surrounding reality as pathetic and insignificant.

Interestingly, teenagers who very rarely watch TV consider themselves much less protected from criminals. However, teenagers who find violence on the screen unrealistic do not view the world around them as too cruel and scary, and do not exaggerate their sense of vulnerability to crime. In addition, adolescents who have been victims of crime tend not to rely on television as a source of reliable information.

Horror films are becoming relevant in the context of adolescent concerns about sexuality and role-playing identification. Studies that have found pleasure in watching horror movies have found that teenage girls respond positively to scenes where a woman has been a victim, less often than boys.

**Discussion.** Another study found that young people enjoy horror movies more when they are accompanied by a clearly frightened girl of the same age. However, girls enjoy horror movies more when they are in the company of a young man who is not scared. Thus, watching horror movies together gives boys the opportunity to

demonstrate their superiority in frightening situations, and gives girls the opportunity to be calm.

Most teenagers prefer to watch music programs, although television is not ideal for broadcasting modern music. Numerous sociological studies confirm this opinion: according to various estimates, from 60 to 80% of older adolescents mark music programs as a priority. In addition, it should be noted that the widespread violence and violence against women in video clips make music videos less attractive to girls.

Studies show that teenagers aged 12-17 are one of the most popular audiences among those who consume erotic video products. Many teenagers watch similar scenes on television, in cinemas or videotapes at least once a month.

This interest of adolescents in erotica is quite understandable and significant, but it is impossible not to express some concern about the impact of pornography on male viewers. According to some researchers, the demonstration of pornographic products can lead to the following effects:

1. Justification of violence against women;

2. Increasing the impact of some myths about violence, one of which, for example, states that women really want to be raped. Unfortunately, there is no real data on whether such myths apply to girls. Although it can be assumed that watching violent porn movies increases the level of fear in girls and reduces their sense of personal dignity.

3. The growing tendency to use aggressive actions towards women.

For obvious ethical reasons, most pornography research is conducted on adult samples. However, it has been proven that adolescents are more exposed to the negative effects of pornography than adults, such as:

- 1) The youngest respondents among the group of adults were more influenced by pornography;

- 2) Lack of adolescent experience and strong interest in sexual intercourse leads to the fact that pornography becomes the first and often the only source of information about sexual behavior;

- 3) Sex education in schools focuses primarily on the biological side of the issue, so adolescents turn to television and video products to learn more about the social or interpersonal aspects of sexual relations.

Thus, before adolescence, children spend less time watching television than before. Their interests at this age include independence, sex and romantic relationships. Teenagers prefer music shows, thrillers, and (especially boys) movies of erotic and even pornographic content. Adolescents are more skeptical of the reality of television content and less likely to identify themselves with TV heroes. There are few who continue to believe in the reality of television content and identify with the characters, but they are more prone to aggressive actions.

The ability to abstract and understand at the highest level, as well as the tendency to disobey formal authorities, can contribute to adolescents' desire to imitate certain types of television aggression, crime, and suicide attempts.

**Conclusions.** The personal characteristics of the media also include its socio-demographic and cultural characteristics, region of residence. Psychophysiological



properties also affect: speed and accuracy of information perception, memory volume, etc. These features largely determine the understanding and evaluation of a person's objective position, a set of ideas, goals and ways to achieve them, attitudes to social phenomena and problems, etc. These conditions and factors determine the information behavior of the individual: the real interaction with the channels of information, characterized by a certain state of interests, thematic and problematic advantages, the level of development of media materials, etc. These are the main provisions that characterize the information interaction of the subjects of the process of production and consumption of social information, the process of influencing the consciousness of the individual information technology, including manipulative.

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## FINANCIAL INVESTIGATIONS TECHNIQUES AND METHODS USING IN CRIMINAL INVESTIGATIONS OF LAW-ENFORCEMENT AUTHORITIES

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**Abstract.** Criminal investigations became increasingly complicated by more confusing schemes used by individual criminals and criminal groups. The only way to prosecute “smart criminals” is to use financial investigation techniques. A careful financial investigation using various financial investigations tools and methods, as well as their improvement allow to conduct investigations effectively. By following the trail of the money and other assets, a financial investigation can reveal the complex structure of major criminal organization. Financial investigations reveal the proceeds of crime, as well as traces of evidence that lead investigators, detectives, analysts to the top of the hierarchy of criminal groups. Today's financial crimes are often complicated by the use of money laundering schemes. A financial investigation should be an integral part of any investigation as a whole. This requires a comprehensive approach that emphasizes financial investigations as an integral part of law enforcement efforts. Clear goals, targeted action, sufficient resources, training of investigators, detectives, analysts and the use of legally available tools are important elements of an effective financial investigation strategy in any country. The principal goal of applying financial investigative techniques is to gather information that will be admissible in court. In the study, defined financial investigation as a set of different techniques; identified problematic issues of techniques, methods and tools of financial investigations; revealed features of cooperation in financial investigations within the framework of investigation of criminal corruption offenses; offered directions of increase of their efficiency.

**Keywords:** financial investigation, financial investigative techniques, methods of financial investigations, types of financial investigations, evidence, intelligence, financial investigation unit, Net Worth Analysis.

**JEL Classification:** D30, D73, D78

**Formulas:** 0; **fig.:** 4; **tabl.:** 0; **bibl.:** 10

**Introduction.** The formalized processes of analyzing crime and establishing specialized units to perform these tasks are relatively new to law enforcement, stated in research «Crime Analysis: From Concept to Reality» by Steven Gottlieb and Shel Arenberg [1, P.6]. In the early 1960s, specialized criminal analysis units were responsible for detecting criminal modus operandi, investigating the nature of crimes within geographical areas, and identifying links between known criminals and crimes committed [2, p.1-8].

Criminal investigations became increasingly complicated by more confusing schemes used by individual criminals and criminal groups, so the introduction of special units in law enforcement authorities had paid off.

Steven Gottlieb and Shel Arenberg identify five processes that are inherent in the analysis of criminal offenses, such as: data collection, data verification, data analysis, data dissemination, response and evaluation [1, p.37].

Performing tasks in each of these processes requires special skills and relevant knowledge to collect, process and analyze information. Special attention is needed to be paid due to financial nature specifics of information collection and analysis.

In Ukraine, special units in the National Police of Ukraine, the Security Service of Ukraine, the Tax Service, the Prosecutor's Office, the National Anti-Corruption Bureau of Ukraine, the State Financial Monitoring Service of Ukraine, the State Audit Office of Ukraine, the Accounting Chamber were set up to collect, process and analyze financial information properly.

A careful financial investigation can lead from the street dealer to the kingpins. By following the trail of the money and other assets, a financial investigation can reveal the complex structure of major criminal organization [3].

The advent of criminal intelligence analysis is directly linked to the transformation of individual crime into organized or group crime. The effective use of intelligence is crucial to a law enforcement agency's ability to combat criminal groups. Through intelligence, the results will be useful in developing strategic plans to address current challenges and prepare for future expectations. Analysis of criminal intelligence allows law enforcement agencies to implement active crime response [6, p. 7].

While the use of crime analysis is appropriate to support investigations, surveillance and criminal investigations in criminal proceedings, it also provides law enforcement agencies with the ability to effectively manage resources, budgets and crime prevention functions [6, p. 7].

Why conduct financial investigations? As Willie Sutton said, "Because here is the money". Financial investigations reveal the proceeds of crime, as well as traces of evidence that lead investigators, detectives, analysts to the top of the hierarchy of criminal groups. Today's financial crimes are often complicated by the use of money laundering schemes. The only way to prosecute "smart criminals" is to use financial investigation techniques [3].

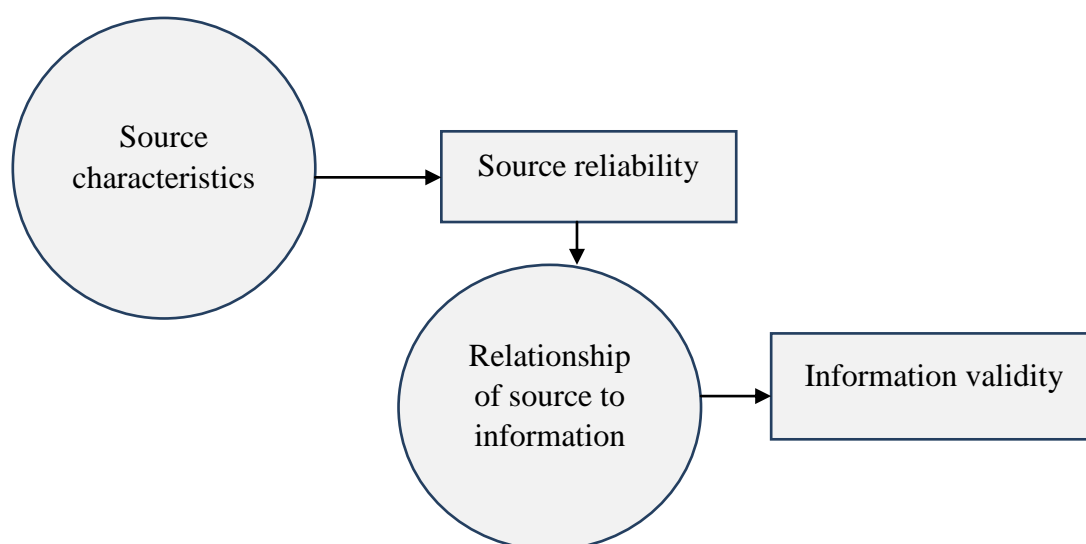
The principal goal of applying financial investigative techniques is to gather information that will be admissible in court. Most investigators will recognize that some of these techniques can be tedious and require substantial time and patience [4, p. 153].

A brief review of the basic legal principles relating to the preservation and use of evidence in white-collar criminal cases could alleviate some problems and misunderstandings in this critical area of investigation.

One problem investigators encounter is a lack of knowledge concerning the admissibility of financial documents. Too often, investigators spend countless hours gathering a vast array of documents relating to pertinent transactions necessary to prove embezzlement or financial fraud, only to find at the time of trial, or at a pretrial hearing, that he failed to obtain or to preserve the necessary evidence in admissible form [3, p. 153].

Of course, the general principles of information processing and analysis apply to the search and analysis of information used in financial investigations. Once information has been collected it must be evaluated, a stage in traditional law enforcement activity which can often be ignored. A full and proper evaluation requires the assessment of the reliability of the source and the validity of information. This stage is crucial to the intelligence process as a whole and as such

necessitates an explanatory chapter of its own. A standardized system of evaluation has been developed using what is known as the 4 x 4 system, which is now widely accepted as common practice for law enforcement agencies. This system is for example used by analysts at Europol and any information received at Europol that is not evaluated will be assessed according to this system before use. Other agencies use variants of this system, but each can be easily interpreted by reference to the explanatory tables, and if necessary the information can be converted from one system to another [6, p. 25].



**Fig.1 Information evaluation system used in financial investigations**

Source: [6, P.26]

Three fundamental principles apply to evaluation:

1. It must not be influenced by personal feelings but be based on professional judgement.
2. Evaluation of the source must be made separately from the information.
3. It must be carried out as close to the information source as possible. [6, P.26]

**Aims** are to formulate theoretical principles and categories of the financial investigations. The subject of the study is financial investigation procedure conducting by financial investigation unit and law enforcement investigators in criminal offences pre-trial investigations.

**Methods.** The research is based on the use of general scientific and special-scientific methods and techniques of scientific knowledge. The historical and legal method enabled to determine the preconditions for the financial investigations usage. The comparative legal method allows comparing approaches to the definition and differentiation of tasks and forms of financial investigations. The system-structural method allows determining the tasks of pre-trial investigation units in financial investigations of criminal offenses considering the functional aspect of the relevant bodies and individuals. The method of classification served as a basis to the definition of financial investigation and instruments, which allowed exploring different financial investigations instruments and methods, which allow investigating

quickly and efficiently and collecting evidence to prove the fact of a criminal offense. In addition, this method allowed identifying different approaches to the model of financial investigations, which applied in different countries and regulated at the national and international levels, which determine the practical implementation problems and help to develop recommendations aimed at their elimination.

**Results.** Depending on which objects are studied (individual or legal entity), it is chosen which financial documents are collected and analyzed and, accordingly, what types of analysis are used.

The following tools are used to analyze financial information about legal entities.

Comparative Statements, also known as “horizontal analysis”, are financial statements showing financial position & profitability at different periods of time. These statements give an idea of the enterprise financial position of two or more periods. Comparison of financial statements is possible only when same accounting principles are used in preparing these statements [5]. Comparison of financial statements is possible only when the same accounting principles are used in the preparation of these reports.

For example, a comparative balance sheet can be explored by analyzing different assets and liabilities of a firm on different dates. To understand the comparative balance, it must have the data of the original balances, indicators indicating an increase or decrease in numbers, and a percentage increase or decrease.

Comparing the balance sheets of different dates, one can observe such aspects as the current financial condition and liquidity position, long-term financial position and profitability of the company.

To compare the profitability, particulars of profit & loss are compared with the corresponding figures of previous years individually. Analyzing the profitability of the business, the changes in money value and percentage is determined.

By comparing the profits of different dates, one can observe the following aspects: the increase/decrease in gross profit, the study of operational profits, the increase or decrease in net profit, study of the overall profitability of the business [5].

Common size statements, also known as “Vertical analysis”. Financial statements, when read with absolute figures, can be misleading. Therefore, a vertical analysis of financial information is done by considering the percentage form. The balance sheet items are compared: to the total assets in terms of percentage by taking the total assets as 100; to the total liabilities in terms of percentage by taking the total liabilities as 100.

Therefore the whole profit & loss account is converted into percentage form. And such converted profit & loss account is known as common-size profit & loss account. As the numbers are brought to a common base, the percentage can be easily compared with the results of corresponding percentages of the previous year or of some other firms.

Trend analysis, also known as the pyramid method. Studying the operational results and financial position over a series of years is trend analysis. Calculations of ratios of different items for various periods is done & then compared under this

analysis. Whether the enterprise is trending upward or backward, the analysis of the ratios over a period of years is done. Adhering to this analysis, the nature of the companies is revealed [5].

Ratio analysis also known as quantitative analysis of information contained in a company's financial statements. It describes the significant relationship which exists between various items of a balance sheet and a statement of profit and loss of a company.

To assess the profitability, solvency, and efficiency of a business, investigator, detective, analyst can go through the technique of ratio analysis. It is an attempt at developing a meaningful relationship between individual items (or group of items) in the balance sheet or profit and loss account.

Cash flow analysis is used to analyze the actual cash flows within or outside a company or group of companies. The cash flow to a company is called the cash flow. Similarly, a cash outflow from a company is called a cash outflow. The difference between cash inflows and outflows is the net cash flow.

The statement of cash flows is prepared to design the method of obtaining cash and their use during the reporting year. This is an important analytical tool. Cash flow analysis explains the reason for the change in cash. This helps to assess the company's liquidity and assess the operational, investment and financial indicators needed to analyze the financial condition of the company and the nature of its activities [5].

To study the information of an individual financial statement, the main method of analysis is to compare the officially received income with the costs that individual incurs for a certain period of time. This method of calculation is also called Net Worth Analysis.

The method of Net Worth Analysis has existed for almost a century, and it is often used by investigators, detectives, analysts in criminal cases. This technique can be an effective tool in the arsenal of the investigator. However, to withstand the defense of a lawyer, the investigator and prosecutor must be attentive to the procedures and assumptions used [11].

The Net Worth Analysis method considers the difference between the value (total assets of a person less total liabilities) for any of two dates. If the gathered evidence can establish that the net worth increases more than the income received by a person in the form of money or property, less expenses, this excess will be additional illegal income for that person. The costs of living, paying taxes, etc. are also taken into account.

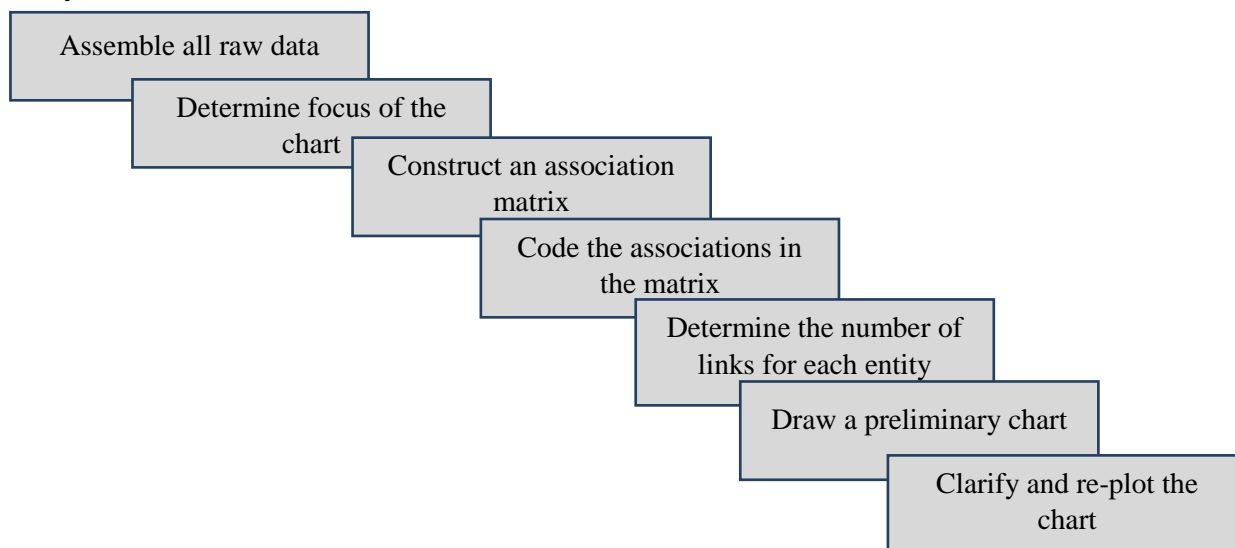
As the main factor is the comparison of the value of assets, official databases and open sources of information are used to collect information on such assets.

Much raw data in an investigation is collated into complex and detailed written reports. Other data pertinent to the analysis of the criminal entity or suspected criminal activity is frequently voluminous, and varied in form.

The basic problem for intelligence analysts is putting information together in an organized way so the difficult task of extracting meaning from the assembled information is made easier.

Link analysis puts information about the relationships among entities — individuals, organizations, locations, and so on — into a graphic format and context that will clarify relationships in inference development. Link analysis can be applied to relationships among those entities, which might have been identified in analysis [6, P.35].

To interpret the information collected by investigators, detectives, analysts, a link analysis is used, which consists of seven steps of the so-called relationship analysis:



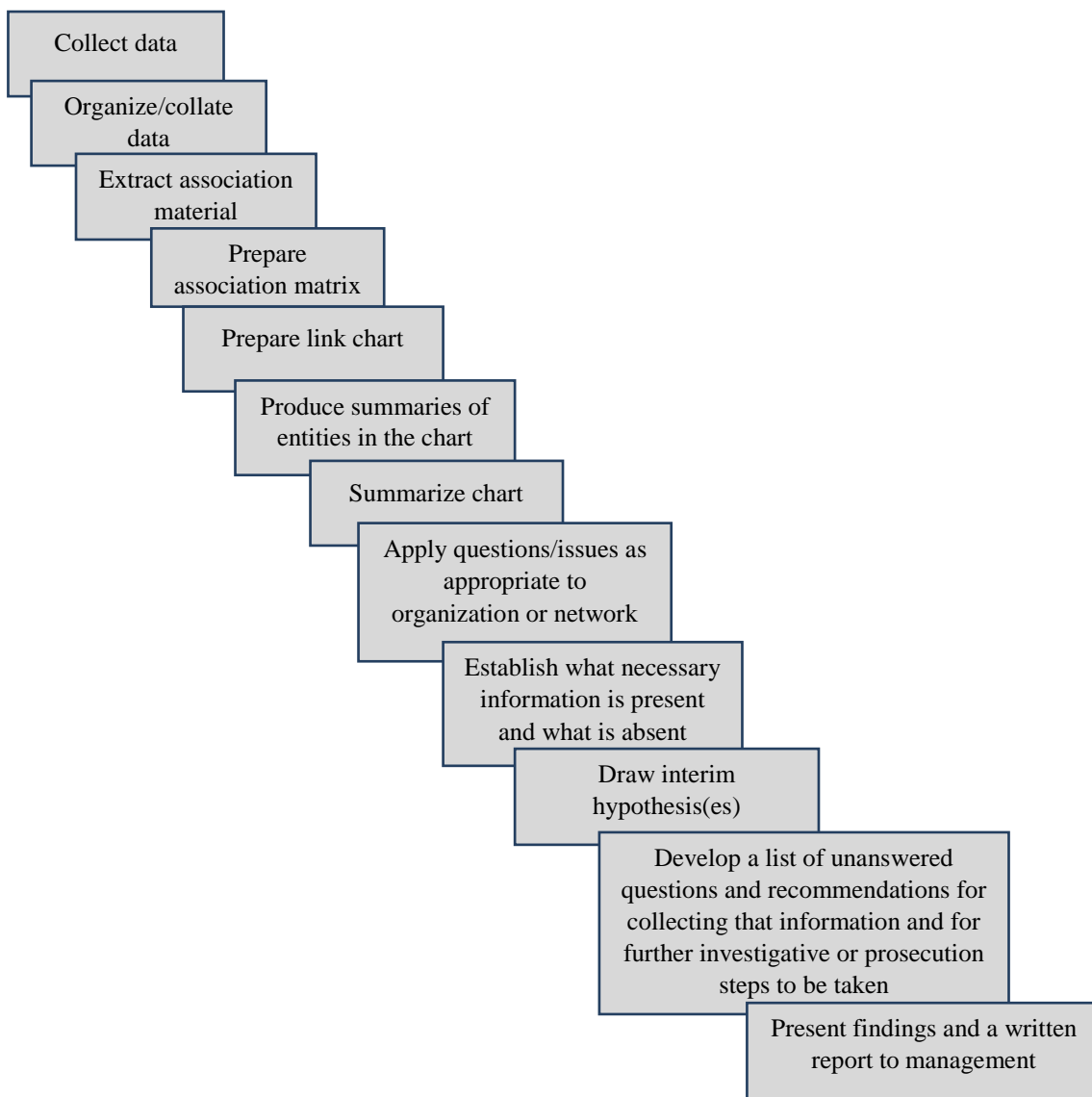
**Fig. 2. Basic analysis technique: link analysis**

Based on this analysis technique, you can link objects, such as individuals, legal entities, organizations, vehicles, locations, events, objects etc. The nature of the links between such objects, which can be in both directions (grant and receipt), control (criminal hierarchy), subordination and succession. Directionality relates to the flow of information, favours and authority and enables understanding of the internal mechanics of a network. Strength is a subjective judgement based on interactions included in the relationships and evaluation of the data provided. [6, P.45]

The application of a process-oriented approach to the analysis of associations, the standard seven-step process described above can be extended as follows [6, P.46].

But of course, for a clearer presentation of financial information on asset and cash flows, it will be more appropriate to use flow analysis, which can be used for different purposes. It is often used to supplement and confirm the results of the analysis of associations. The most common categories of such analysis can be: analysis of the flow of goods, analysis of activities, analysis of events. [6, P.54]

After identifying the purpose of the investigation and the qualification of the crime, the investigator, detective, analyst must obtain information and financial data and ensure the reliability and admissibility of evidence for trial. Depending on the investigation plan, the financial data may include all assets and liabilities, income and expenses of the target companies.



**Fig.3 Advanced analysis of information based on an associative approach**

Documents and other tips should be collected from a variety of sources, including the Internet and other publicly available sources; State institutions; financial institutions, including electronic banking; money service providers; law and accounting companies; service providers; real estate agents; art dealers; business competitors; travel expenses and other reward programs; information on enterprises, relatives, employees and partners of the goals and the goals themselves [7, p.7].

Investigators, detectives, and analysts typically use a variety of investigative methods that are available or permitted in all jurisdictions (depending on which methods require judicial permission or special procedures) usually for coercive measures) and which non-coercive measures, such as obtaining publicly available information and requesting information from other government agencies.

Information on assets held by target companies, their families and partners, and related businesses should be collected from official sources. Public information can be accessed on the Internet through search engines and social networks (including archival information), as well as from commercial databases, media sources and some government agencies.



Other places to obtain financial data and other evidence: physical surveillance, fragments of discarded rubbish, cover of mail, monitoring of accounts, search and seizure warrants, permits for disclosure of information from documents or production of documents, electronic surveillance and secret transactions [7, p.7].

A financial investigation should be an integral part of any investigation as a whole. This requires a comprehensive approach that emphasizes financial investigations as an integral part of law enforcement efforts. Clear goals, targeted action, sufficient resources, training of investigators, detectives, analysts and the use of legally available tools are important elements of an effective financial investigation strategy in any country.

Creating institutional conditions that ensure close cooperation of investigators, detectives, analysts, specialized units with various competent authorities, is the basis for the success of the investigation. For example, information from tax authorities, supervisors or FIUs can help keep track of assets that may have been obtained from corruption offenses. Mechanisms that are important in promoting inter-agency cooperation include: [9]

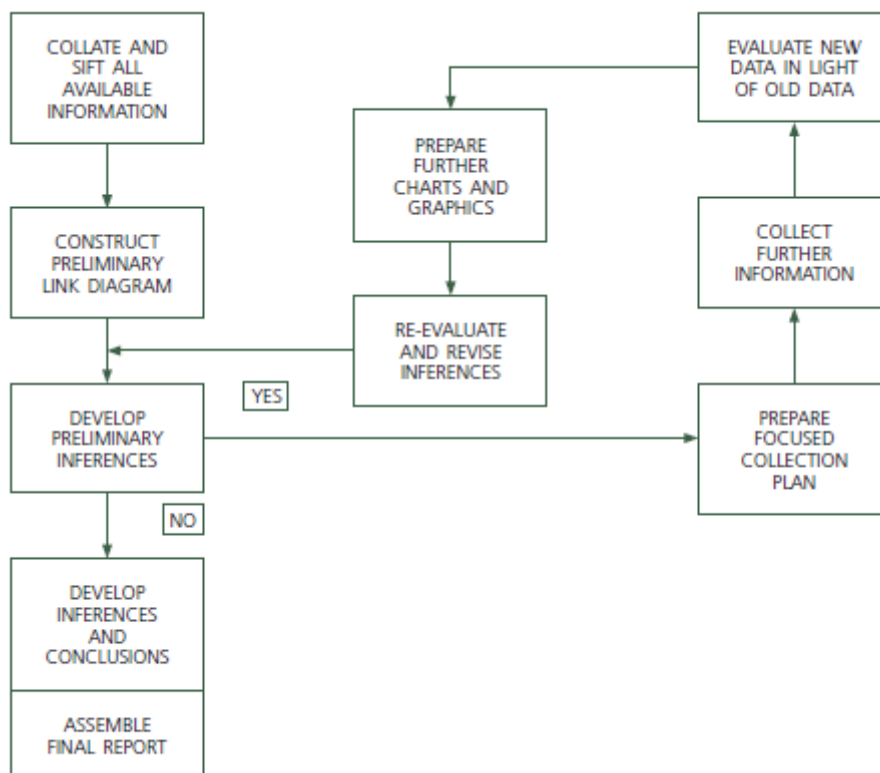
- creation of information exchange systems, according to which all investigators, detectives, analysts would be aware of previous or current investigations conducted against the same individuals and / or legal entities in order to avoid duplication;
- introduction of policies and procedures that promote the exchange of information in the framework of interdepartmental cooperation; such policies and procedures should facilitate the strategic exchange of necessary information;
- signing written agreements, such as Memoranda of Understanding between institutions, to formalize these processes [8, p.18].

In addition, investigators, analysts, detectives can obtain the results of financial investigations conducted using various methods and techniques from specially authorized bodies (financial intelligence units). In different countries, the type of FIU, depending on the functionality may be judicial type, law enforcement type, administrative type and hybrid type, which combines elements of previous types. Depending on the type of FIU, the information they collect within financial investigations may be used as evidence in court and / or may not be used as evidence [8, p.20].

International cooperation is extremely important for successful investigations, in particular for financial investigations. Financial investigations often go beyond internal borders and the collection of evidence abroad is a key element in many complex criminal investigations (corruption and / or money laundering). In complex cases involving many jurisdictions, where the information held by one country is usually not sufficient to show an illegal scheme, contact with law enforcement agencies in other countries. Active exchange of information is a key factor in the investigation success.

The combination of informal cooperation between law enforcement and formal international cooperation mechanisms has led to many successful investigations of complex corruption crimes [8, p.25].

**Conclusions.** The analysis of information in the framework of financial investigations and the application of various techniques of financial information processing is clearly structured in a complex process, based on the need to verify information and separate in the general flow from information important facts [6, p.29].



**Fig. 4. The analysis of information within financial investigations**

Financial investigations are becoming a key point in most criminal investigations. One of the biggest problems in complex criminal cases (such as corruption / money laundering cases) is obtaining evidence linking assets to criminal activity or proving that assets are the benefit of a crime committed by a criminal. To establish this connection (also called a “paper trail”), investigators must identify and track assets or “track money” until a connection to the offense or the location of the assets is determined. For this purpose various techniques of the analysis of financial documents are used.

The study showed that it is important to track assets using special techniques and methods of collecting, processing and analyzing information and that drawing up an investigation plan is an important first step for an effective investigation.

The urgent tasks of improving the financial investigation of complex criminal offenses are the use of new methods and means of investigation (use of special methods and techniques of analysis of financial information, its verification, procedural actions under international legal assistance, creation of joint investigation teams, etc.). It is important to implement and standardize rules and instructions for conducting financial investigations, including interagency agreements; improve national legislation in line with international law.

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## LEGAL FRAMEWORK FOR FREE LEGAL AID IN UKRAINE

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**Abstract.** *The article describes the content of regulations governing public relations in the field of provision of free legal aid depending on the level of their legal force. The author pays direct attention to the theoretical foundations of the concept of "legal regulation" and "mechanism of legal regulation". It is established that the legal basis for free legal aid in Ukraine is the Constitution of Ukraine, international treaties of Ukraine, laws of Ukraine, by-laws and departmental (interdepartmental) regulations. Also, the characterization of the legal framework for the provision of free legal aid is carried out by identifying its key features, namely: legal regulation of provision of free legal aid is carried out in three directions, ie general, sectoral and special; international legal acts in the field of the provision of free legal aid can be divided into general and concretized-contractual (bilateral international agreements); depending on the stages of formation of the free legal aid system normative-legal acts of the by-law level of legal regulation of provision of free legal aid 1) served as a normative-legal precondition of formation of legislative bases of provision of FLA; 2) ensured the formation of the FLA system by organizational and legal ways; 3) by specifying the provisions of the laws, created a mechanism for managing the FLA system and currently ensure its functioning; currently formation of the by-law level of legal regulation is provided solely by the Cabinet of Ministers of Ukraine; departmental legal regulation of FLA is characterized by dualism, which boils down to the specifics of subjective support for the formation of departmental norms, namely, the Ministry of Justice of Ukraine or the Coordination Center for Legal Aid Provision; memoranda of cooperation concluded between the Ministry of Justice of Ukraine or the Coordination Center for Legal Aid Provision and other bodies of the executive branch of power are legal acts of interdepartmental significance; administrative and legal regulation of the provision of free legal aid is also characterized by dualism, as it is carried out in two directions, including an organizational and legal and administrative and procedural ones; the legal framework for the provision of FLA serves as a basis for defining and characterizing the content of this category as a right and guarantee for the implementation of other constitutional human and civil rights.*

**Keywords:** *legal regulation, free legal assistance, law, by-law legal act, regulatory legal acts of the sub-legislative level.*

**JEL classification:** K10, K20

**Formulas:** 0; **fig.:** 0; **tabl.:** 0; **bibl.:** 33

**Introduction.** Until recently, legal advice, protection and representation were out of reach for many Ukrainian citizens. Many Ukrainians, particularly vulnerable population groups, simply could not afford the services of a lawyer or had no access to legal aid, which made their representation in court by a qualified professional impossible. Such a situation created an uneven playing field and did not help public confidence in government institutions in general and judicial fairness in particular, which is crucial for developing effective democratic mechanisms.

By adopting the Law of Ukraine *On Free Legal Aid* [1] in June 2011, Ukraine made the commitment to ensure legal protection of vulnerable population groups and improve access to justice by offering free legal aid (hereinafter referred to as FLA). However, one legal act is not enough to ensure the proper functioning of the FLA system. Accordingly, the government, represented by the authorized bodies, is

obliged to properly form the legal ensurance of free legal aid, which will become the basis for its effective provision.

**Literature Review.** Some aspects of the described issues were studied by the scientists as follows: M.M. Antonovich, E.Yu. Bova, O.D. Boykov, T.V. Varfolomeeva, E.V. Vaskovsky, T.B. Vilchik, O.O. Voronov, O. P. Galoganov, O.O. Govorukha, V.G. Goncharenko, A.V. Kozminykh, I.M. Kozkov, V.S. Lychko, R.G. Melnichenko, K.S. Pashchenko, S.V. Prylutsky, M.I. Rishko, N.Yu. Sakara, O.D. Svyatotsky, L.V. Tatsiy, P.V. Hotenets, Yu.T. Shramko, O.G. Yanovska and others. However, representatives of administrative and legal science almost did not pay attention to the administrative and legal framework for free legal aid; research on this issue is fragmentary and mainly limited to the scope of activities of the subjects of such aid (publications of O.V. Anpilogov, O.M. Bandurko, A.O. Galay, O.U. Synyavskya, K.O. Strukova). In particular, the current state of national legislation on providing the needy population groups with free legal aid and the place of administrative and legal regulation in it requires analyses, which can serve as a basis for analyzing its shortcomings and identifying ways to eliminate them.

**Aims.** The objective of this article is to systematize and study the regulations governing the provision of free legal aid and, as a result, to characterize the legal basis for the provision of FLA by highlighting its specific features.

**Methods.** The author used the methods of logical comparison, systematization and generalization, which made it possible to achieve the goal of the study.

**Results.** Under the category of "legal regulation" representatives of the theory of state and law mainly understand bringing public relations in order, their legal consolidation and sorting out, protection and development carried out by the government through law and a set of legal means [2, p. 529]. At the same time, it is convenient to consider the legal framework of provision of free legal aid with the help of the tools of the legal regulation mechanism.

The concept of the legal regulation mechanism is one of the central ones in legal science. According to S.S. Alekseev, the above term may be understood as "a system of legal means (legal norms, legal relations, acts of implementation of legal norms) taken in its unity, through which the effective legal influence on relationship in society is made" [3, p. 364].

A norm of law is a universally binding rule of conduct established or authorised by the government, which is formulated in the form of clearly defined rights and responsibilities and is guaranteed by the coercive force of the state [4, p. 22]. Norms of law are incorporated mainly in regulations, ie in official documents of the governmental legislative or executive bodies of a law-making nature. It should be noted that the legal regulation of provision of free legal aid is carried out by a certain system of legislation, which consists of a significant number of regulations that differ from each other in many respects, including their name, legal force, procedure for adoption, and so on. By the way, from a certain point of view the law can be defined as "a system of norms" that applies to all cases of this particular kind, and in

accordance with which the behavior of all persons that found themselves in a regulatory situation should be built [5, p. 86].

Without any exaggeration, the Constitution of Ukraine takes a decisive place in the formation of legal framework for provision of free legal aid [6]. The fundamental importance of the latter in the legal system in general and the hierarchy of regulations governing the field of free legal aid in particular is determined by its supremacy and highest legal force, direct action, application throughout the country.

The system of legislation on provision of free legal aid is based, in particular, on the provisions of Chapter I of the Constitution of Ukraine, which outline the basic principles of the functioning of the state of Ukraine. According to Article 3 of the said law, "Human rights and freedoms and their guarantees determine the sense and orientation of the activity of the State. ... The affirmation and ensuring of human rights and freedoms of the human is the main duty of the State" [6]. In addition, the Basic Law of Ukraine sets forth the legal basis for guarantees of legality, namely: all state bodies, their officials, associations of citizens and other subjects of law must act pursuant to the Constitution and in accordance with the laws of Ukraine; laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine and shall conform to it [6] (Articles 6, 8).

The provisions of Chapter II of the Constitution of Ukraine, which is devoted to the basic constitutional rights, freedoms and responsibilities of the human and citizen are worth special attention when characterizing the issues of provision of free legal aid. In particular, it is established that "Everyone arrested or detained... shall be given the opportunity to personally defend himself or herself, or to have the legal assistance of a defender" [6] (Article 29); "Everyone has the right to professional legal assistance. Such assistance is provided free of charge in cases envisaged by law"[6] (Article 59).

Continuing the provisions we have described, one cannot help mentioning the constitutional norms that outlined one of the tasks of the bar in Ukraine, ie ensuring the right to protection from prosecution and providing legal assistance in resolving cases in courts and other governmental bodies, not excluding, however, a possibility of using legal assistance of another defender of his/her rights or to exercise such protection personally [7, p. 9]

Article 9 of the Constitution of Ukraine makes it possible to identify the next level of legal regulation, which is international treaties, the binding nature of which was approved by the Verkhovna Rada of Ukraine, as a result of which the latter are part of the national legislation of Ukraine [6]. According to Article 19 of the Law of Ukraine *On International Treaties of Ukraine*, "if an international treaty of Ukraine, which entered into force in the prescribed manner, establishes rules other than those provided for in the relevant act of legislation of Ukraine, the rules of the international treaty shall be applied" [8]. The said indicates the reasonableness of the consideration of international documents in the field of provision of free legal aid at the next level of regulations following the level of legal regulation after the Basic Law of Ukraine.

Among the normative legal acts of the said level of legal regulation, the Convention for the Protection of Human Rights and Fundamental Freedoms [9]

deserves special attention. Article 6 of the above defines the content of the right to a fair trial. In particular, it is established that every accused in a criminal offense has at least the right, in particular in the absence of sufficient funds to pay for legal assistance to a defender to receive such assistance free of charge when required by the interests of justice [9].

The General Assembly of the United Nations Organization (UN) adopted a resolution on the Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (*The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*) No. 67/187 of 25.04. 2012 [10]. The said international document recognizes that free legal aid is also an important element of a fair, humane and efficient system of civil, administrative and family justice, grounded on the principles of the rule of law and which is aimed at ensuring access to legal aid in civil, administrative and family justice systems. In particular, the said resolution enshrines and discloses the essence of the principles of management (administration) of free legal aid field.

Issues of free legal aid were also covered in the Resolution of the Committee of Ministers of the Council of Europe *On Legal Aid and Legal Advice* No. (78) 8 of 02.03.1978 [11]. Paragraph 13 of the Resolution stipulates that legal consultations must be provided either free of charge or under the payment conditions of an amount that corresponds to financial capabilities of the person who requested the consultation.

In the context of consideration of international agreements in the field of free legal aid, it is necessary to refer to the provisions of Part 2 of Article 14 of the Law of Ukraine On Free Legal Aid, according to which "the right to free secondary legal aid shall be granted to citizens of the countries with which Ukraine has signed the relevant international treaties on legal aid, ratified by the Verkhovna Rada of Ukraine, as well as foreigners and stateless citizens in accordance with international treaties to which is Ukraine is a party, if such treaties prescribe free legal aid to be provided by the participating states to certain categories of persons" [1]. According to the official data of the Ministry of Justice of Ukraine as of September 13, 2019, Ukraine signed and ratified 61 bilateral international agreements in the field of international legal cooperation on legal aid [12].

Naturally, the Constitution does not directly regulate the issue of provision of free legal aid, but it is the basis for the adoption of laws and by-laws governing the relevant field of activity.

The laws of Ukraine play a central role in the mechanism of legal regulation of provision of free legal aid. And their importance in building the legal state must constantly grow, because the rule of law is an integral part of the latter. First of all, the rule of law is manifested in its strict compliance with all other regulations, as laws (after the Constitution) have the highest legal force. Laws regulate the most important spheres of state and public life, their rules are the core, the foundation of the formation and development of other legal norms [13, p. 55-57].

It is obvious that the main legislative act in the field of FLA is the Law of Ukraine *On Free Legal Aid*, which defines the essence of the right to free legal aid,

the procedure for exercising this right, the grounds and procedure for providing free legal aid of two separate types (free primary legal aid (FPLA) and free secondary legal aid (FSLA)), government guarantees for the provision of free legal aid, principles of the state policy in the field of FLA, the system of subjects of FLA, etc.

A separate Chapter IV of the said Law is devoted to the management of the free legal aid system and its financing. In particular, the powers of the Cabinet of Ministers of Ukraine and the Ministry of Justice of Ukraine in the field of providing FLA, the procedure for financing free legal aid are clearly defined. It goes without saying that the provisions on appealing decisions on provision of free legal aid, actions or failure thereof of public authorities, local self-government agencies and officials (Articles 30-32 of the Law of Ukraine *On Free Legal Aid*) are important for ensuring the functioning of the FLA system.

A separate component of the legal regulation of free legal aid, which in particular is a government guarantee, which is in creation of equal opportunities for access of persons to justice, are codified legislative acts of the relevant procedural branches of law.

The Criminal Procedure Code of Ukraine [14] (hereinafter referred to as CPC) outlines free legal aid within one of the general principles of criminal procedures, ie ensuring the right to protection (Article 20 of the CPC of Ukraine). In addition, in terms of resolving issues of free legal aid the CPC of Ukraine defines the right of a suspect, an accused, "shall have services of a counsel provided at the cost of the state in the cases stipulated for in this Code and/or the law regulating provision of legal aid at no cost, including when no resources are available to pay for such counsel" (paragraph 3 of Part 3 of Article 42); the duty of the defense counsel to notify the body (institution) authorized by law to provide free legal aid if he is unable to appear to participate in the performance of procedural actions (Part 2 of Article 47); the procedure for engaging a defense counsel by an investigator, public prosecutor, investigating judge or court to provide protection, in particular on a gratuitous basis (Parts 2, 3 of Article 49); general rules of a blanket nature to ensure the financing of the costs of legal aid, which is free of charge for the suspect, accused (Part 3 of Article 120); the procedure for notifying the centers for the provision of FSLA on the detention of a person (Part 4 of Article 213), etc.

The Civil Procedure Code of Ukraine [15] (CPC of Ukraine) does not recognize the features of free legal aid, stating that the latter is provided in the manner envisaged by the law governing the provision of free legal aid (Article 15).

Considering the issue of civil proceedings, it should be noted that most subjects of the right to FSLA exercise it through access to civil proceedings. As a general rule, a representative in court may be a lawyer or another person who has reached the age of eighteen, has civil capacity and duly certified powers for representation in court. In this case, the authority of the representative of a natural person who is a subject of the right to FSLA and at whose request the decision to provide such assistance may be certified by an official of the Center for FSLA (Part 2 of Article 62 of the CPC of Ukraine).



Except for the possibility of certifying the power of attorney of a representative of a free secondary legal aid center, the Code of Administrative Justice of Ukraine [16] (CAJ of Ukraine), as well as the CPC of Ukraine, does not set forth special procedures related to the provision of FSLA. According to Article 16 of the CAJ of Ukraine, the grounds and procedure for providing free legal aid in resolving cases in the administrative court are determined by the law governing the provision of FLA.

In accordance with the provisions of the Code of Ukraine on Administrative Offenses [17] (CAO) the persons to whom administrative detention was applied, fall down to a separate category of subjects of the right to FSLA, in connection with which the duty of bodies (officials) entitled to carry out administrative detention, to inform free secondary legal aid centers about each case of implementation of a relevant coercive measure, referring to the procedure established by the Cabinet of Ministers of Ukraine, unless a person defends himself/herself personally or invites a defender (Part 3 of Article 261 of the CAO). .

Article 271 of the CAO regulates the possibility of attracting a defender appointed by a Center for Free Secondary Legal Aid and its powers.

Detailing the provisions of the Law of Ukraine *On Free Legal Aid* at the legislative level the powers of individual entities providing FLA also find their reflection. Article 38-1 of the Law of Ukraine *On Local Self-Government in Ukraine* [18] defines own (self-governing) powers of executive bodies of village, settlement, city councils in the field of free legal aid. According to paragraph 39.1 of Part 1 of Article 26 of the said Law a range of items exclusively at the plenary sessions of the village, settlement, city council are addressed, in particular including "creation in accordance with the law at the expense of the local budget of institutions for free primary legal aid, appointment and dismissal of heads of these institutions, involvement of individuals or legal entities of private law to provide free primary legal aid in the manner prescribed by law" [18].

The Law of Ukraine *On the Bar and Practice of Law* [19] is also one of the key legislative acts in the field of FLA, which defines the legal framework for the organization of activities of the bar and practice of law in Ukraine, including requirements to the persons who can be lawyers, responsibility of lawyers, types of legal profession, the system of advocatory self-government, etc. [7, p. 15].

In accordance with the provisions of this legislative act, the bar self-government bodies should promote the functioning of the FLA system, for example, the assessment of the quality, completeness and timeliness of the FPLA that is carried out at the request of local governments by bar members, and FSLA provided at the request of the body (institution) authorized by law to provide free legal aid, commissions established for this purpose by regional bar councils [19] (Part 2, Article 25 of the Law of Ukraine *On Advocacy and Advocacy*). In addition, these councils appoint representatives of the bar to the competition commissions for the selection of lawyers to provide FSLA [19] (paragraph 6, Part 4 of Article 48 of the Law of Ukraine *On the Bar and Practice of Law*).

A number of by-laws are essential in the legal regulation of free legal aid. Unlike laws (acts of a primary nature that incorporate initial legal instructions), they

are secondary acts that specify the provisions of laws or regulate the relations that are beyond the subject of legislative regulation. Such documents must be made up based on laws and they must not contradict them. The main objective of the latter is to solve specific problems.

The provisions of Article 27 of the Law of Ukraine *On Free Legal Aid* become indicative in the context of the abovementioned, according to which the Cabinet of Ministers of Ukraine shall do the following:

- 1) approves the procedure and terms of competition, and requirements to professional skills of the lawyers involved in the provision of free secondary legal aid; [20], which determine the mechanism of the competition for the selection of lawyers involved in the provision of FSLA and requirements to their professional level;

- 2) establishes the procedure and terms of signing contracts with lawyers that provide free secondary legal aid on a regular and temporary basis [21], which determine the mechanism for signing contracts with lawyers providing FSLA on a regular basis, and agreements with the lawyers who providing FSLA on an temporary basis by a regional center on free secondary legal aid;

- 3) establishes the procedure for informing the Centers for free secondary legal aid on any case of detention [22], which establishes general requirements and mechanism for informing FSLA centers about cases of detention on suspicion of committing a crime, detention on the basis of a decision of an investigating judge, court on permission for detention for the purpose of pretext, applying administrative detention or choosing a precautionary measure in the form of detention. Fixing of the relevant procedure also ensures the implementation of the provisions of the CPC of Ukraine and the CAO mentioned above;

- 4) approves the Regulation on the Coordination Center for Legal Aid Provision [23], which is crucial for the institutional support of the FSLA system, as it established the Coordination Center for Legal Aid Provision, which is a government institution (a public administration in the modern sense of administrative law) and belongs to the sphere of management of the Ministry of Justice of Ukraine in order to form and ensure the functioning of an effective FSLA system in Ukraine, ensuring its availability and quality.

The above documents make up the list of by-laws.

An indisputable feature of the legal framework of the FSLA system is the existence of the Decree of the President of Ukraine *On the Concept of Free Legal Aid in Ukraine* No. 509/2006 of June 9, 2006 [24]. The provisions of the Concept establish basic principles for the FSLA system, in particular they set forth conducting experiments to test different organizational forms of FSLA. As a result of generalization of outcomes of the said experiments a draft was developed and the Law of Ukraine *On Free Legal Aid* was adopted. After its adoption by the the State Target Program of formation of the legal aid system for 2013-2017, approved by the Cabinet of Ministers of Ukraine No. 394 of 13 February 2013 [25] the formation of the FSLA system has been ensured by organizational and legal means.

For most modern states there are two levels of legal regulation, incorporating a legislative one and the other regulatory, including an interdepartmental one [26, p. 13]. This can be attributed to the legal system of Ukraine. Thus, the legal regulation of FLA is driven not only by regulations of the Cabinet of Ministers of Ukraine (discussed above), but also by departmental regulations that can be adopted by the Ministry of Justice of Ukraine and the Coordination Center for Legal Aid Provision.

A number of orders of the Ministry of Justice of Ukraine are important for the FLA system. For example, the order of the Ministry of Justice On approval of quality standards for free secondary legal aid in criminal proceedings No. 368/5 of February 25, 2014 [27] defined the quality standards for free secondary legal aid in criminal proceedings as a set of basic characteristics of the government-guaranteed protection model provided for by international legal acts, the legislation of Ukraine, within the framework of which and taking into account the agreed legal position of the defense, the defender is independent in choosing strategies and tactics of protection in criminal proceedings to actively and reasonably protect the rights, freedoms and legitimate interests of the client by all means not prohibited by law [28].

The regulatory documents regarding the procedures for granting FLA, including the following orders of the Ministry of Justice of Ukraine are worth attention, namely:

- *On approval of the Standard Regulations on a Free Primary Legal Aid Provider*, No. 483/5 of March 28, 2012 [29];
- *On approval of the Operating procedures of Public Reception Offices for free primary legal aid*, No. 2047/5 of September 21, 2011 [30].

Many of the issues related to the modeling and organizational support of the renewed FLA system were resolved by orders of the Coordination Center for Legal Aid Provision.

The most important orders of the latter include those related to the establishment and organization of legal aid bureaus, providing access to electronic services of the Ministry of Justice of Ukraine and approving the rules of operating procedures of the governing board of regional and relevant local centers for the provision of FSLA [31].

The Guidelines for the organization of free legal aid by local centers for provision of free secondary legal aid [32] should be specifically mentioned. Given that the Law inexhaustibly regulates the procedures related to the provision of FSLA, the Guidelines allowed to organize and stabilize the work of the centers for provision of free secondary legal aid and start collecting data that was necessary to adjust the FLA provision system.

**Discussion.** A large number of memoranda are worth mentioning including those on cooperation between the Ministry of Justice of Ukraine or the Coordination Center for Legal Aid Provision, and other bodies of the executive branch of power (such as the National Police of Ukraine [33]), which appear to be legal acts of interdepartmental significance. However, the latter are not subject to the state registration, because they are aimed at organizing the implementation of existing decisions and do not contain new legal norms [2, p. 365].

**Conclusions.** Summarizing the above, we must state that the legal framework for the provision of free legal aid in Ukraine incorporates the Constitution of Ukraine, international treaties of Ukraine, laws of Ukraine, by-laws and departmental (interdepartmental) regulations. The analysis of the legal framework for the provision of free legal aid made it possible to identify the following key features of the above regulations:

- legal regulation of free legal aid is carried out in three directions: 1) general (the Constitution of Ukraine, Law of Ukraine *On Free Legal Aid*, by-laws, etc.); 2) sectoral (The Criminal Procedure Code of Ukraine, The Civil Procedure Code of Ukraine, the Code of Administrative Justice of Ukraine) and special (bilateral international agreements in the field of international legal cooperation, memoranda of cooperation);

- they determine the international legal guidelines for ensuring the realization of human and civil rights and freedoms by providing FLA, which come into force for Ukraine by recognizing the former at the official level; 2) concretized-contractual (bilateral international agreements) – they contain rules for the provision of free legal aid at the national level within bilateral relations in the field of international legal cooperation;

- normative-legal acts of the by-law level of legal regulation of provision of free legal aid depending on the stages of formation of the free legal aid system 1) served as a normative-legal precondition of formation of legislative bases of provision of FLA; 2) ensured the formation of the FLA system by organizational and legal ways; 3) by specifying the provisions of the laws, created a mechanism for managing the FLA system and currently ensure its functioning;

- formation of the by-law level of legal regulation of the current FLA sphere is provided solely by the Cabinet of Ministers of Ukraine;

- departmental legal regulation of FLA is characterized by dualism, which boils down to the specifics of subjective support for the formation of departmental norms, namely, the central body of the executive branch of power (the Ministry of Justice of Ukraine) and a specially created public administration entity (the Coordination Center for Legal Aid Provision);

- memoranda of cooperation concluded between the Ministry of Justice of Ukraine or the Coordination Center for Legal Aid Provision and other bodies of the executive branch of power are legal acts of interdepartmental significance;

- administrative and legal regulation of provision of free legal aid is also characterized by dualism, as it is carried out in two directions, including 1) an organizational and legal one (regulatory and legal regulation to ensure the functioning of the FLA system); 2) administrative and procedural one (the provisions of the Code of Administrative Justice of Ukraine and the Code of Administrative Offenses concerning the implementation of the rules for the provision of FLA in administrative cases and cases of administrative offenses);

- the legal framework for the provision of FLA serves as a basis for defining and characterizing the content of this category as a right and guarantee for the implementation of other constitutional human and civil rights.

In the end, we should admit that it is not possible to fully disclose the issue within the scope of one article, because the regulatory framework for the provision of FLA incorporates dozens of regulations of different legal force. Therefore, we have focused on only general issues of free legal aid in our publication. Taking our conclusions into consideration, we are of an opinion that a promising area of further research is to highlight the problems of free legal aid within the scope of its administrative and legal regulation.

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## CHAPTER 3

### THEORETICAL AND PRACTICAL ASPECTS OF MODERN PSYCHOLOGY

#### ECO-APPROACH AS A WAY TO OVERCOME A SYNDROME OF THE PROFESSIONAL BURNOUT AMONG THE PERSONNEL OF THE EDUCATIONAL ORGANIZATIONS

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**Abstract.** *The article presents the discourse around the search for a way the teachers of the educational institutions have to overcome a syndrome of the professional burnout (hereinafter – SPB). Since SPB is determined by a set of cognitive, affective and behavioral factors that are manifested in the self-sphere, the problem of resourcefulness in resistance to SPB as a threat to optimal functioning is still actual considering the following: 1) possible level of burnout in the form of stress, resistance and exhaustion; 2) the problem of self-regulation of individual behavior; 3) manifestations of certain signs of disorders of the internal structure of the individual, such as “emotional exhaustion”, “depersonalization”, “reduction of professional achievements”; 4) low level of individual desire for self-development and low self-esteem of the individual of the qualities that promote self-development; 5) the problem of perfectionism; 6) the problem with the motivation of professional activity; 7) lack of meaningful life orientations, etc.*

*In identifying the eco-approach as a means of gaining resources to the resistance of the SPB, it is advisable to analyze various approaches to the issue and determine the principles of the existing concepts for understanding: 1) the phenomenon of “burnout” as a manifestation of professional activity on the individual; 2) the phenomenon of qualitative-oriented management, emphasizing the paradigm of “system within system”; 3) the phenomenon of uncertainty in psychology; 4) the phenomenon of “integral personal characteristics”. The role of such constructs as “nature of nature”, “method of method”, “principle of principle”, “paradigm of paradigm” and “the resulted result” as the narratives in the search for resourceful potential by a person is traced.*

*So, in case of understanding (cognition) by the individual the nature of some complexity in all its paradoxes and contradictions, we can hope for his/her ability to overcome it in the multifactorial nature of certain manifestations and fluctuations. Lean-thinking will hinder existing obstacles being in this way. The article is focused on the readiness of the teacher to find resourceful and overcome non-resourceful strategies to achieve the goal, to advance in personal and professional development, to harmonize relations with others. Thus, in accordance with the above, the optimization of a sole purposeful functional system of the personality – is the criterion that characterizes the function of individual development, i.e. his/her adaptation to the special conditions of his/her activities, taking into account the personal factors. The urgency of the problem lies in solving the dilemma: the mismatch of the adaptive properties of the organism and the actual human experience, i.e. the possibility of acquiring certain skills, abilities, readiness (willingness).*

**Keywords:** *essence of eco-approach, keys to cognition, purposeful functionality, bifurcate choice, knowledge management, lean-thinking, adaptive resource, constructive approaches.*

**JEL Classification:** B31, B52, C21, C51, C61, C91, C92, D23, D8, D78, D81, D83, I2, I31, M12, O15, Q57

**Formulas:** 0; **fig.:** 0; **tabl.:** 0; **bibl.:** 21

**Introduction.** The problem with educators is that they need to find an objective basis for explaining to themselves how to combine knowledge and areas of competence that go beyond their capabilities.

**Literature review.** The notion of an eco-approach has long been known, since the time of Avicenna (980 - 1037) as some steps towards healing. The concept of “eco-approach” was first used as a theory of abilities of Francis Galton (1822-1911), according to which abilities as much as activities, and the level of creative talent can be measured using the parameters of the simplest mental processes.

From the standpoint of transcendence, according to W. Frankl, the eco-approach is manifested in the desire of the individual to achieve “truth”, when a certain structure has a meaning, by introspection, internalization, exteriorization in relation to affect (unexpected reaction), intelligence (self-mastery) as acquired knowledge (subject-ecological experience) and the introduction of acquired knowledge with appropriate tolerance in the definition of actions / deeds of the individual. Actually, the advancement of an individual to the desired goal occurs according to the principle of subjective interpretation of the models of the external world: life ideas (Vygotsky, L. S. etc.), collective ideas (Durkheim, E. etc.), social ideas (Moskovichi, S., Jodele, D., Kodol, J., Emelyanova, T. P., Dontsov, O. I. etc.), everyday consciousness (Ulibina, O. V. etc.), social thinking (Abulkhanova, K. A. etc.), attitudes (Uznadze, D. M. etc.), implicit theories (Kelly, J. etc.); and the principle of dynamic stressful systems, as the main principles governing human behavior, allowing individuals / organizations to navigate the challenges of the objective reality, i.e. to be formed in adaptation to systemic changes taking into account the most influential modern trends in psychology: subjectivistic, cognitive, psychoanalytic, behavioristic, interbehavioristic, phenomenological, humanistic, dialectical, postmodern and ecological [1]. In this way, the integrative criterion of K. Wilber’s efficiency is indicative; D. McClelland’s motivation criterion (dynamic), which highlights the “need for achievement” and provides an opportunity to measure individual efforts objectively as a way to add the individual to the collective with an assessment according to their own quality criteria.

This means the competitiveness of the individual / organization, the ability to change in accordance with the challenges of today and the complexity of educational processes: the idea of system, additivity, nonlinearity (Voznyuk, O. V., Avshenyuk, N. M., Semichenko, V. A., Sysoeva, S. O., Trapicin, S. Yu. and others).

To guide the efforts of the individual, J. Guilford introduced the special concept of “divergent thinking” in its operationalization. Further, it is lean-thinking, the ideas of which were formulated by Womak, J., Jones, D., Smith, B., Soroko, W., Vikhansky, O. etc., when the individual as a system in the system with the help of systematic and cognitive approaches is able to distinguish between the system of preferences and shortcomings, both personal and organizational, and to be formed as a subject of activity in the process of interactions.

Minding the current conditions of social development one should be focused on the latest constructive approaches, taking into account the world experience, based on some theories, laws, etc. as an example:



- neo-Schumpeterian theory according to Schumpeter, J. A. presented in the form of: 1) the study of qualitative changes as a result of removing restrictions that hinder some development and ensure the development in new conditions; 2) the study of qualitative change as covering periods of both evolutionary and revolutionary change and, thus, correspond to the idea of intermittent equilibria; 3) the study of strong nonlinear positive effects for some feedback associated with the formation of some patterns, samples and other forms of spontaneous structuring;

- environmental anthropology by White, L. and Lurie, S. V. / philosophical anthropology by Scheler, M. in the possibility of identifying the causal links of environmental, social and anthropological crises with an emphasis on human activity and its spirituality as prospects for future development;

- universal evolutionism of Kapitsa, S. P. based on systemic and evolutionary approaches;

- noospherological concept with an emphasis on resourcefulness based on the research of Vernadsky, V., Podolinsky, S. ("S. Podolinsky's law" as a concept of social energy, namely: creating a potential difference between the processes of concentration and energy loss as a phenomenon of entropy that motivates the actors of the activity to some responsibility), etc.

**Aims.** The purpose of the article is to prove the effectiveness of the eco-approach in counteracting the SPB by teachers.

**Methods.** To solve the tasks and verify the initial assumptions, a set of research methods was used, due to its subject, goals and objectives: theoretical – the study and analysis of pedagogical, psychological literature, social and psychological analysis, literature on the basics of communication, public relations, educational management, optimum and extreme strategies management; modeling, designing, system analysis and synthesis; constructive approaches, taking into account the world experience, based on some theories and laws to reveal the essence of the problem under study and the formation of the conceptual and terminological apparatus; empirical – monitoring the intangible asset of human resource casting and accounting, the special concept of "divergent thinking" in its operationalization, psychological technologies of the effective functioning and individual development.

**Results.** As a means of prevention and overcoming the syndrome of burnout we offer an eco-approach in its resourcefulness, which proves the possibility of expanding the scope of personal functioning of the teacher with the selection of: 1) adaptive resource of the subject as an integral indicator of its resistance to burnout; 2) ecological and means component of pedagogical activity; 3) environmental friendliness of the educational component in accordance with the content of the educational management; 4) integrative qualities of the individual as the reserves of the personal resistance to SPB, ensuring the stability of frustration reactions; 5) personal and ecological activity of the teacher; 6) lean-thinking as a criterion of the resourcefulness of the teacher in the concept of safety; 7) algorithm of self-search of eco-paradigm as a subject-ecological experience; 8) policy change (see below) as the "New Psychology of Anti-Burnout"; 9) self-generating model of change as a basis for self-improvement of the individual / organization; 10) self-management as a strategy

of the professional development of a teacher; 11) eco-self-presentation of the individual / organization as a result of the result; 12) self-realization as a methodology in the understanding: value-significance, as a resource that contributes to the search for solutions.

**Discussion.** In our time of profound socio-economic change, all the difficulties of social situations (conflicts, stress, etc.) are reflexive in the behavior and consciousness of people. The phenomenon of teacher's SPB is a typical example of a crisis situation between all participants in the learning process in the educational system. It is manifested in the inability of subjects to subordinate their expectations of the situation to certain actions and vice versa. Since physical form is a reflection of physical ability, and physical activity is a process [2], in terms of the functioning the teacher has to balance on the verge of being able in the learning process and subordinate the learning process to his / her abilities. Thus, the variability of interpretations by different individuals of the socio-cultural context requires a certain life experience and competence. That is, to prevent the impact of SPB, even the conflict situation, which is typical at school, one can assess it positively at its "micro level" for the individual, recognizing certain meanings and significance in the cycle of certain events, and get a positive result at the "macro level" (society), respectively [3, p.93]. This requires from teachers some knowledge of the deep psychological essence of mental defenses, determining the role of conventional values in the formation of systemic characteristics of psychological defenses, understanding the relationship of normative and conventional values in the functioning of psychological defenses [4, p.28-37], socio-perceptual distortions of the spontaneous activation of the subject's psychology in the process of communication [4, p.38-57], symbolization of the unconscious content of the subject's psychology, as well as recognition of the category of "significance" for any experiences and their impact on the formation of the unconscious sphere of the subject.

It is an adaptive resource of the subjects of the educational process as: 1) an integrated indicator of the optimal functioning of the educational organization as a whole; 2) an integrated indicator of the resistance the subjects can demonstrate to burnout.

From the standpoint of a system approach, the optimal functioning of an educational organization is a natural and a priori doomed to be successful a dynamic state of a "living" biopsychosocial system which, in fact, any social organization (including educational) is considered to be like that. In this regard, Vasilchenko, O. M. speaks of reproductive behavior as "pro-creative" one with the involvement of the phenomena that are "brought together to biological reproduction" [5, p.21], which, in fact, is directly related to SPB. The author emphasizes that "...reproductive behavior" can be associated with the concept of "reproductive thinking", which is defined as thinking that is "characterized by the application of ready-made knowledge and skills and deals with the tasks that someone has once found." Accordingly, "reproductive behavior" can be interpreted as the behavior characterized by the application of ready-made knowledge." [5, p.21]. The question of knowledge management arises taking into account: 1) the concept of dynamic

knowledge management capabilities (resource approach in the stability of heterogeneity of institutions due to their unique resources and organizational capabilities that determine the competitive advantages of specific institutions); 2) knowledge management (resource approach) in its “dynamic” interpretation as a concept of intellectual potential of the organization with the definition of the trajectory of any educational system; 3) the leading role of knowledge in ensuring the adaptation of the enterprise to change in environmental conditions with the allocation of stages of knowledge management; 4) sources (tools) of production (acquisition) of knowledge; 5) educational indicators as a tool for assessing the state and dynamics of educational systems; 6) the need to create an organizational culture and knowledge management structure; 7) innovations and modeling problems; 8) knowledge marketing, in particular, knowledge marketing in the market of educational services; 9) integration and internationalization in modern education; 10) management strategies.

The phenomenon of qualitative-oriented management presents self-organization as a process of system development according to two principles: the principle of negative feedback (shows how the order that arises spontaneously is maintained); the principle of positive feedback (due to it, the progressive changes that occur in the system are not suppressed, but intensified). And for the evolution of the system, it is not so much the presence of these feedbacks that is important as the competition between them. The constant compromise between the negative and the positive relationship is realized through structural changes, increasing imbalance and the entry of the system to a new level of its development [6]. This phenomenon is promising in defining the problem “... the impact of education on the individual as the acquisition of some knowledge as a systemic integrated socio-cultural quality of a man, capable of internalizing the achievements of human culture, self-determination of the trajectory of its development and values, creativity.” [7, p.166]. In this case, the optimal (effective, successful) functioning of the educational organization is possible if we consider this organization as a “healthy” rational system aimed at the final result – educational activity, and the subject (teacher) as a functional unit of this activity taking into account certain needs. These needs will have a chance to be met in the field of “concept of intellectual potential of the organization” by Carl-Eric Sweiby, when a pro-competitive order is a condition for the continued well-being of society [8]. This means the ability of the individual (taking into account the integral personal characteristics) to manage knowledge (resource approach), which is as follows: 1) a clear goal as an image of the desired result, what a person realizes through conscious, purposeful behavior (specific goal: should include as many details, clarifications and criteria for its achievement; environmental goal: should bring only benefit and joy, in particular the process of its achievement, which is characterized by progression of overcoming certain complications (results) as a result of gaining new knowledge as a reward for certain achievements; 2) the power of purpose as a mission (the power of leadership, the power of devotion, the power of love, the power of courage, the power of wisdom) with its psychological content in the projection on the field of activity; 3) awareness of the differences between goals

and desires (intentions), creating a clear image of the desired result, abandonment of illusions and mistakes, awareness of fears and other limitations, delineation of the zone of their capabilities and responsibilities in the format of compliance with certain requirements [9].

But, in order to be “healthy” you need to have some “know-how”. So, let’s pave our way in the hypothetical conformity of the individual to the eco-approach as a means to overcome the SPB, based on the experience of modern scientists and their predecessors.

The theory of complexity was studied by Moren, E. taking as his basis “dialogue” the dialectic of Georg Wilhelm Friedrich Hegel, which consists in the following: the process of self-construction and self-development of the individual / organization is based on “nature” when there is another existence of a psyche for the cycle of it’s own development to be finished, i.e. the crisis of the principles of some certainty is determined by a certain “chaos with a creative face” [10]. It is about the revolutionary force of ecology according to Kastoriadis, K. [11], which in extrapolation to education means adjusting the personality of the teacher / educational organization in terms of acquiring meta-knowledge to modern challenges, requests and requirements aimed it to happen. And at least, in order for this advancement in cognition to have the opportunity to take place in the sense of “lesser losses”, we must remember the warning from Adorno, T. V.: that totality is non-truth, because every system that aims to cover the whole world with its logic is a crazy rationalization [12]. Metacognition is the key to the talent to learn. Psychologists define metacognition as “thinking about thinking” with three strategies to master any knowledge: 1) set goals; 2) think about how you think; 3) think about your studies [13]. The meta-subject approach is facilitative in: 1) solving the problem of separation, separation from each other of different subjects; 2) involves mastering not only the system of knowledge, but allows you to learn universal ways of action, through which you can independently obtain information about the world, your life experience. Metacognition acts as a world taken as a whole, from a scientific point of view, underlying human development, transforming it from “knowing” to “thinking” [14].

The phenomenon of “integral personal characteristics” according to Lukovitskaya, O. G. [15] provides a gradual understanding of the different ways of development of the human personality and how it can be developed properly, based on the interpretations of human behavior taken as a whole. The criterion of equifinality of complex systems characterizes their ability to achieve the same final stable state in the process of their development under different starting conditions and in different ways. Biological objects as organized dynamic systems show the contradictions of mechanism and vitalism. That is, in the interactive field there should be a certain “alignment” by strengthening a certain result and giving up what does not give any results.

As we can see, the eco-approach is not a guarantee of the absolute success, but it saves from the unpredictability of the modern world, which critically weakens human adaptive resources, activates his / her “survival instinct” and puts him / her in a

situation of a bifurcate choice: 1) further to go through personal and professional degradation (and, accordingly, further to exhaust his / her resources in the direction of psychosomatic and psychovegetative disorders, etc.); 2) to choose a radically different path – the path of overcoming, the path of optimum outcome (and, accordingly, the path of changing his / her own ideas, behavior, himself / herself). These ideas are the basis for our conceptualization of the phenomenon of the burnout.

It follows from the above that there is a need to improve the situation in schools, especially when employees as a resource of the system are limited in attempts of dynamic development, because, due to their inability to move transformations, they are still in a world of illusions – not objective reality, live in fear of their own powerlessness – and do not show the strength of their will, passively imitate the traditional system – and do not create some innovations and so on. It is a question of going beyond certain limitations, which presupposes the polygamy of ideas, positions, etc., and, consequently, their merging for a common goal, taking into account the existing differences and concerted actions for the coexistence in stressful conditions. Such self-organized breakthroughs are possible as a result of the search for the reflection of their forces on the probable field of some activity and their regulation in the movement of events, which, a priori, excludes such a concept as “burnout” and is the antithesis of “closed systems”. The state and evolution of educational organizations in modern conditions no longer require polarization, but rather integration into the modern educational space in terms of worldview, communication, regulatory, compensatory, cultural, educational positions of self-identification in the paradigm of a “system within system” with appropriate change and ability to be changed.

Adaptive resources and adaptive potential of the subjects of the educational process – as an integral indicator of their resilience to burnout – are: 1) integrated individuality (a sign of which – “the connection of everything with everything”) at all levels of its functioning (biochemical, psychophysiological, psychological, socio-psychological, socio-cultural), which manifests itself as the absence of chronic intra-personal conflicts, coordination of typical and individual in the field of knowledge, emotions, behavior and self-presentation; 2) effective activity in the conditions of modern realities and internally and externally recognized experience of own success in situations of change (reflection of experience); 3) developed lean-thinking as a controlled adaptation to any change, controlled psychological stability, controlled psychological protection, controlled conflict, controlled management of the unknown, controlled self-change and self-management, managed creativity and self-actualization; 4) control over the state of own internal resources and their restoration; 5) active search for their own eco-paradigm to structure and enrich their subject-ecological experience; personal-ecological activity in life in general and in professional activity; choice of ecological ways for solving problems; ability to see environmental friendliness in social processes, including the field of education; desire and ability to create new values in all spheres of life, including the professional one. Creativity in the structure of pedagogical talent of a modern teacher is characterized by the presence of the following main parameters: 1) the ability to implement a

creative approach in teaching; 2) the ability to develop creative pedagogical experience constantly; 3) the competence; 4) the ability to form and implement a creative strategy of pedagogical activity [16].

The emphasis is on operating on the dominant of the “individualism” and reducing it to the arranged model that would take into account the tendency to change the personal structure of the individual using different approaches and finding a way to integrate them into the eco-model of such a person. The result of any active work will be the development of an autonomous position (individualization) of such actors as a proof of their ability to self-reflection, self-organization, self-realization and so on.

Here we should dive more into the phenomenon of uncertainty, which is stressful and frightens a person with possible reactions to overcome, because the less the situation is perceived as under control, the greater the degree of its ambiguity. Thus, the weakening of cognitive dissonance according to Festinger, L. leads to the reduction of uncertainty and is activated due to the emotional experiences of the individual [17]. In this case, the situation of uncertainty is the source of personal development. The understanding of uncertainty, as emphasized by Cohn, I. S. and Rice, F. is characterized as a multiple choice, concerning creating a central psychological neoplasm of a particular age stage. Such a neoplasm is a self-determination in terms of distinguishing between the resourceful and non-resourceful actions in accordance with the accompanying emotions [18].

The paradigm of paradigms as a reorganization of the structure of certain knowledge needs to be rethought... There is a fundamental problem of finding proportionality in relation to one or another area of competence in order to pave the way to a dialogue between “prevailing truths” in the absence of certain advantages and disadvantages. It is a question of the knowledge of one complexity and the birth of another one, that is there is a progression of complications that sets some dynamics. In this way we will find useful the “dialogical principle” of Moren, E. as the “principle of principle” for establishing a relationship with some separation, which leads to a colossal problem: the problem of the beginning and nature of the principle that dictates to isolate and divide in order to learn and the problems of another possible principle capable of linking something being isolated and divided [10].

In understanding the concept of “method of method”, we are closer to the concept of “organization” as opposed one to the radical definition of “self-organization”, when the emphasis is on the stages of development of the individual / organization on the path to some change, when a certain organization is a subject to certain transformations, so some method can’t be separated from its object [19]. The author reflects on the supertask of the impossibility of “final knowledge” due to the cyclical paradigm of physics → anthroposociology, because physical knowledge depends on anthroposociological knowledge, which, in turn, depends on physical knowledge and so on indefinitely... That is, in such a cyclical cycle, we deal with encyclopedical, epistemological and logical matter[10]. The expression of the great Einstein, A. that not every truth is obvious, just as not everything obvious is

true, conveys a constant process of cognition in all its complexity and with a certain evolution [20].

In the post-industrial period, due to the excess of information flow, there is a threat of inability to interpret and understand it correctly (narratives). This is especially true of the fragmentation of scientific facts, which are branched out due to their belonging to different fields of knowledge. Therefore, there is a demand for specialists who can cope with them due to their competence and, without distorting the significance of these facts and their significance. Thus, we recall that Moren, E. says about this, namely, the existence of a scientific method of consideration and control of scientific research [10]. Particular importance is attached to the historical need – finding a method that reveals, not hides the connections, implications, layers, interdependence, complexity [10]. In this context, we need to start by getting rid of false clarity: not clear and distinct, but vague and indefinite; and even more by getting rid of not from reliable knowledge, but from the critique of reliability [10]. In this way, the eco-approach is seen in the modern sense: if the nature of conservative modernization is able to overcome its own contradictions, it means that it becomes possible to cope with radical transformations in this regard. Thus, neoliberals with their “concessions” and neoconservatives with their strong forms, are in conflict with new impulses that reinforce each other, but in a creative way [21]. The peculiarities of such a manifestation are also an evidence of the “nature of nature”.

### **Conclusion.**

1. The essence of the eco-approach is in “the resulted result” as the optimal “best of the best” results of self-actualization of the individual in accordance with existing change to combat the burnout.

2. Such concepts as “nature of nature”, “method of method”, “principle of principle”, “paradigm of paradigm” are the keys to cognition.

3. The policy of change is formed in the process of passing the change presented in the list: 1) reform policy – taking into account the complexity of postmodern society; 2) the policy of relations – to exist as a “personality”, but also to represent an “indivisible as a whole” in production activities; 3) personal development policy – in the ability to change; 4) success policy – in changing the thinking, attitudes, beliefs and strategies of management. The value of change policy is that change is resourceful because it discredits dependence and conformism and encourages the individual / organization to break through.

4. The power of change (interest) will be facilitated by: 1) the search for divergent rather than convergent forms of the problem solving; 2) “healthy” non-conformism, which crystallizes from individualism and is a source of original ideas; 3) the creation of “non-linearity” in the activity; 4) the ability to “stitch” certain contradictions; 5) resistance in the form of the inclusion of various approaches to the adaptation of the internal control systems to the external environment.

5. The formation of personal developmental capabilities of the teacher as a resource-saving factors in overcoming the SPB should be based on: 1) overcoming the dynamic complexity of the heterogeneity of the stages of development of the individual / organization; 2) the role of implicit theories for assessing the criteria,

levels and principles of forming the ability of employees of educational institutions to prevent the emergence of SPB; 3) the effects of a qualitatively new state of personality as a “result” of the teacher’s acquisition of new skills and abilities in expanding its functionality in a new field of activity for self-realization using a variety of ideas, mobilization of the individual / organization to succeed.

6. Personal conflict in the form of a stress as a trauma is associated with ego-identity and the development of the individual’s ability to restore physical and mental strength quickly in the form of: 1) narrative as “authorship”, which contributes to finding a “better” solution and, a priori, is an “empathic formation” in search of certain contacts, which, in turn, separate positive attitudes from negative ones; 2) narrative and reflections in a certain dosage, which will facilitate the adaptation and orientation of the individual, as there is an understanding of its causal relationships.

7. According to the eco-approach, the resources (readiness for self-renewal) are: 1) the ability of the individual to associative series with the change of “imaginary”, and thus, the construction of certain alternatives; 2) the ability of the individual to expand the “picture of the world” in search of a certain “coordination” as a psychological and dynamic unity to obtain a “new quality”; 3) the ability of the individual to “separate” from the trauma and, as a consequence, to obtain a state of a “living basis” as a marker a particular trauma has been “experienced”.

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## CRITERIA FOR SUCCESS OF THE ORGANIZATIONAL CULTURE OF THE DEPARTMENT OF A HIGHER EDUCATIONAL ESTABLISHMENT

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**Abstract.** *The article discusses outstanding characteristics of the organizational culture of the department of a higher-educational institution based on employees' ideas about existing and desired organizational culture with the goal to increase the department's successfulness. The ideas about a preferred state can be used for planning the further development of the department's organizational culture. Criteria for successfulness of department's organizational culture are determined by both internal and external factors.*

*The external criterion for the assessment of successfulness of department's activity is represented by objective effectiveness of the quality of student training, which is included into department's rating and reflects successfulness of psychological and pedagogical interaction between the teaching staff and the students. It is suggested to use "objective effectiveness" as a criterion for the assessment of department's organizational culture successfulness. Also, the necessity of taking into consideration the directions of specialist training while planning the development of organizational culture of the department.*

*The article also presents the analysis of the internal criterion for the successfulness of the department's organizational culture, which is determined by the degree of discrepancy between the employees' ideas about existing and preferred organizational culture. High divergence degree causes socio-psychological internal tension among coworkers. We consider such an organizational culture to be unfavorable, and therefore unsuccessful. It is suggested to use organizational culture "favourability" as a criterion for successfulness.*

*It has been clarified that the correct OCAI methodology usage requires preliminary application of statistical criteria for checking normality of the source data distribution.*

**Keywords:** *Organizational culture of the department of a higher-educational institution; successfulness criterion for the organizational culture of the department of a higher-educational institution; socio-psychological tension among employees.*

**JEL Classification:** I23

**Formulas:** 1; **fig.:** 3; **tabl.:** 3; **bibl.:** 12

**Introduction.** Higher-educational institution's organizational culture is an integral formation, which is comprised of the organizational cultures of its subdivisions. Competitiveness of a higher-educational institution, successfulness of its adaptation to rapidly changing stream of the modern external conditions depend on how successful is the response of the organizational culture to the challenges of the external environment. Department's organizational culture is the backbone component of organizational culture of the department of a higher-educational institution. Hence the actuality of the department's organizational culture research.

The essence of the concept "the organizational culture of the department of a higher-educational institution" has been clarified in our previous studies as the system of basic ideas about the mission, values, norms and behavioral rules. The system exists on the levels of employees' group and individual consciousness. The

system determines the nature of the professional interaction among the research and teaching staff members and psychological-pedagogical interaction between teaching staff and students.

The goal of the department's organizational culture development is to increase successfulness of the department as well as the higher-educational institution as a whole. The development of organizational culture assumes the implementation of certain changes in the nature of the professional interaction among research and teaching staff as well as psychological-pedagogical interaction between teaching staff and students. The changes might be accompanied by possible occurrence of socio-psychological tension within the department. Resolution of contradictions and the department's organizational culture development planning require identification of criteria for successfulness.

**Literature review.** The analysis of the publications of such authors as Alvesson M. [1], Cameron K. and Quinn R. [2], Vlasov P. [12], Herbert D., L. von Rosenstiel [3], Ivkin V. [4], Karamushka L., Kredentser O., Tereshchenko K. [5], Nakonechna N. [6], Pryhozhyn A. [7], Synhaivska I. [9], Schein E. [8] showed that despite the large number of works by Ukrainian and foreign scientists, the problem of planning the successful development of the organizational culture of the department has not been reflected sufficiently. This determined the selection of the area of our study, in particular – the identification of the criteria of successfulness of organizational culture.

**Aims.** The objective of the study is to determine the external and internal criteria for the successfulness of the organizational culture of the department for its development planning.

**Methods.** Diagnosing the features of organizational culture – OCAI (Kim S. Cameron - Robert E. Quinn). Mathematical and statistical methods of data processing: Student's t-test; Kolmogorov-Smirnov Test; Factor Analysis.

**Results.** The participants of the empirical study were 136 employees of 11 departments of higher-educational institutions. The departments were marked as follows: №1, №2 – degree-granting departments for information and computer sciences; №3, №4 – degree-granting departments for production and technology; №5, №6, №7 – degree-granting departments for natural sciences; №8, №11 – non- degree-granting departments for natural sciences; №9, №10 - non- degree-granting departments for Humanities.

The selection of degree-granting departments for the research purposes was carried out on the basis the data resulting from the complex monitoring of the quality of specialist training which is reflected in the objectively measured effectiveness, or objective effectiveness, of the department R - rating of the department.

Objective effectiveness reflects the effectiveness of the psychological and pedagogical interaction between university teachers and students in the process of educational and scientific research activities. In our study, the level of objective effectiveness is considered as one of the criteria for the successfulness of the department.

In the course of the research, the departments with high (successful) and low (unsuccessful) levels of objective effectiveness were selected, namely: information-computer orientation – department № 1 (successful), department № 2 (unsuccessful); production and technological direction – department № 3 (successful), department № 4 (unsuccessful), natural sciences – department №5 (successful), departments №6, 7 (unsuccessful) (Table 1).

Departments № 8, № 9, №10 and №11 were not monitored for the relevant indicators in full. In our study, we can not compare their effectiveness with those listed in Table 1 degree-granting departments, but to determine the directions of development of organizational culture of the department it is necessary to study the typological features of organizational culture of the departments in question.

Table 1

**Distribution of departments according to the indicator of effectiveness and direction of specialist training**

Objective effectiveness	Information-computer orientation	Production and technological direction	Natural sciences
High	№1	№3	№5
Low	№2	№4	№6, №7

To diagnose the typological features of the organizational culture of the department, the method of competing values by K. Cameron and R. Quinn OCAI was used [2].

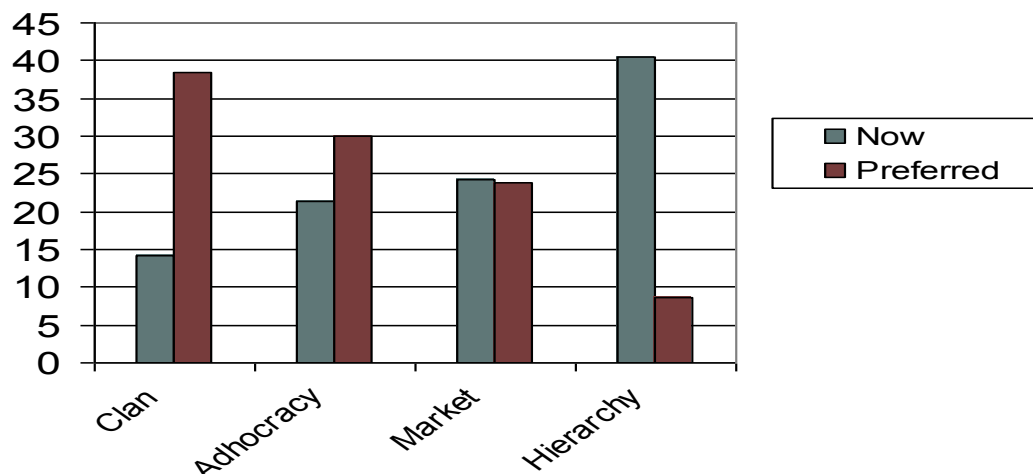
The study analyzes the typological features of the organizational culture of the department by key parameters. Such an analysis will allow us to identify the areas of the development and the measures for its change to more successfully address the challenges facing the department.

For departments № 1, № 3 - №11 significant differences of input data according to the Kolmogorov-Smirnov criterion were not detected, therefore we consider averaging of these data to be quite appropriate.

Verification of the input data of the department №2 by the Kolmogorov-Smirnov criterion showed that the distributions of 13 out of 24 values of indicators of "Now" state and 8 out of 24 values of indicators of "Preferred" state differ from normal (Asymp. Sig. Is less than 0.05), and therefore cannot be averaged. Thus, the department №2 is not presented in the tables, but psychological qualitative analysis of its organizational culture is possible.

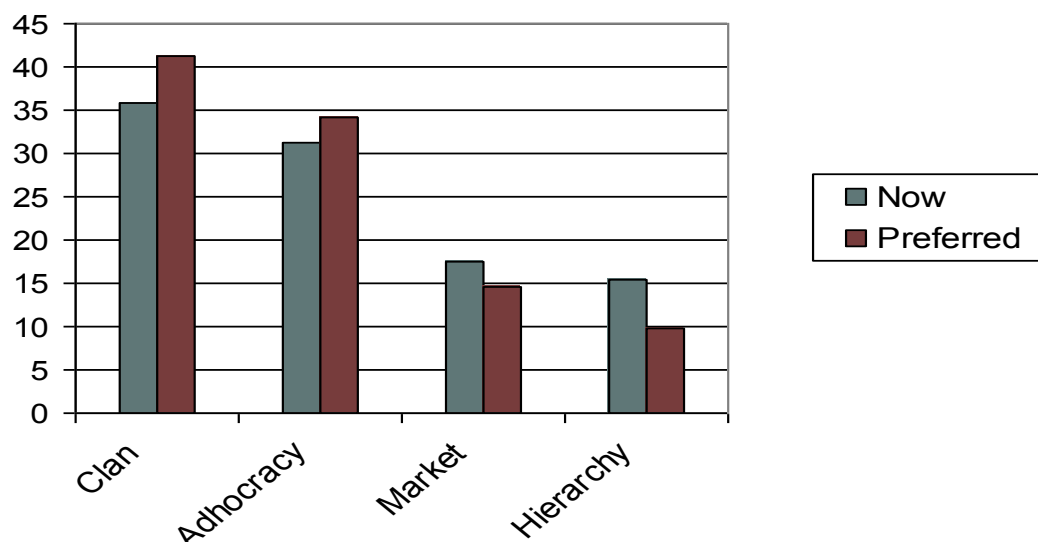
On the basis of the data received as a result of the survey of the department employees, the profiles of organizational cultures of the departments were constructed. The generalized indicators of the department of production and technological direction №3 were revealed as follows: the predominance of the "Now" hierarchical component D (40.56%) in combination with the market C (24.28%) (Fig. 1). At the same time, a sharp decrease in the level of the hierarchical component to 8.61% and a simultaneous sharp increase in adhocratic (B) and clan (A) components (from 21.39% to 30.06% and from 14.17% to 38.33% respectively) is "Proffered"

(Fig. 1). This indicates a certain degree of referentiality of the department for its employees. The obtained results were presented at the meeting of the department №3.



**Fig. 1. Profile of organizational culture of the department №3**

For the department № 4 of production and technological areas, the values of generalized indicators that characterize the "Now" state of the organizational culture were distributed as follows: clan component (A) – 35.85%, adhocratic (B) – 31.17%, market (C) – 17.56%, hierarchical (D) – 15.43%. "Proffered" for this department is the growth of clan (41.35%) and adhocratic (34.22%) components, although they are already the most pronounced, and a decrease in the market component – 14.67% and the hierarchical component – 9.76% (Fig. 2).



**Fig. 2. Profile of organizational culture of the department №4**

The departments in question have revealed certain trends in the preferred indicators of organizational culture of the university department despite the differences in the "Now" indicators of all the departments (Table 2).

Table 2

**Tendencies of the "Preferred" indicators of organizational culture  
in relation to the "Now" indicators**

Departments	Basic type of organizational culture							
	CLAN		ADHOCRACY		MARKET		HIERARCHY	
	Now / Preferred	change of indicators	Now / Preferred	change of indicators	Now / Preferred	change of indicators	Now / Preferred	change of indicators
№1	20,63 / 29,40	increase	21,77 / 28,69	increase	32,09 / 24,91	decrease	25,52 / 17,00	decrease.
№3	14,17 / 38,33	increase	21,39 / 30,06	increase	24,28 / 23,86	decrease	40,56 / 8,61	decrease
№4	35,85 / 41,35	increase	31,17 / 34,22	increase	17,56 / 14,67	decrease	15,43 / 9,76	decrease
№5	30,92 / 32,27	increase	23,88 / 23,32	decrease	24,48 / 24,04	decrease	20,73 / 20,38	decrease
№6	25,48 / 31,31	increase	21,79 / 28,33	increase	24,40 / 23,33	decrease	28,33 / 17,02	decrease
№7	38,31 / 37,42	decrease	28,83 / 29,83	increase	23,86 / 23,97	increase	16,50 / 8,78	decrease
№8	34,67 / 39,68	increase	29,28 / 32,80	increase	19,23 / 15,52	decrease	17,68 / 12,01	decrease
№9	9,45 / 27,16	increase	13,39 / 32,32	increase	37,51 / 27,20	decrease	41,26 / 14,88	decrease
№10	24,88 / 27,26	increase	28,10 / 30,12	increase	27,86 / 26,67	decrease	19,17 / 15,95	decrease
№11	27,43 / 30,09	increase	23,57 / 26,57	increase	23,67 / 22,87	decrease	25,33 / 20,46	decrease

"Preferred" indicators have the same tendencies - increasing the levels of clan (↑) and adhocratic (↑) components while reducing the market (↓) and hierarchical (↓) components. This prompted us to conduct a factor analysis of the "Preferred" indicators of all the departments.

Regarding the determination of the nature of "socio-psychological tension" of employees, in our study we limit ourselves to studying the relationship between the "Now" and "Preferred" values of organizational culture indicators, i.e. through clarifying and analyzing the differences between them. The existence of the differences between "Now" and "Preferred" indicators of organizational culture, in our opinion, reflects the presence of certain socio-psychological tension in the collective between the manager and employees, as well as among employees themselves. Student's t-test was used to clarify the differences between the "Now" and "Preferred" values of organizational culture indicators. Determining such, in principle, a statistically formal criterion of favourability / unfavourability of the organizational culture requires a psychological justification of how it reflects the actual level of socio-psychological tension of employees. This requires additional theoretical and empirical research that can be implemented in the future work.

In our study, we proceed from the fact that the statistical significance of the differences between the "Now" and "Preferred" values of organizational culture, in

our opinion, can be an indicator of a favorable organizational culture. Socio-psychological tension is considered high if the differences between the "Now" and "Preferred" values of organizational culture indicators are significant. Organizational culture in this case is considered unfavorable. The absence of significant differences between the "Now" and "Preferred" values of indicators of organizational culture, respectively, will be considered an indicator of low socio-psychological tension and we will consider such an organizational culture as favorable.

Determining the differences between the "Now" and "Preferred" values of organizational culture indicators are presented in Table 3.

Table 3

**Assessment of differences between the "Now" and "Preferred" values of the indicators of organizational culture ( $t_{exp}$ )**

Departments	CLAN	ADHOCRACY	MARKET	HIERARCHY
№ 1	1,35	1,26	1,09	2,51
№ 3	3,03*	1,31	1,44	8,36**
№ 4	1,27	1,75	1,55	1,73
№ 5	0,23	0,15	1,14	1,45
№ 6	3,72*	5,16**	0,71	11,51**
№ 7	0,68	1,29	0,17	0,11
№ 8	2,08	1,22	1,35	1,63
№ 9	3,01*	3,06*	3,24*	10,13**
№ 10	2,66*	2,56	0,29	3,14*
№ 11	0,89	1,33	0,54	2,02

\*  $p < 0,05$ , \*\*  $p < 0,01$  (1)

It was found that for the departments №1, №4, №5, №7, №8, №11 the values of the "Now" and "Preferred" indicators of organizational culture do not have any significant differences. It is possible to consider the level of social and psychological tension among the employees as low and to determine the nature of their organizational culture as favorable.

For the departments №3 and №10 the values of the indicators are marked by significant differences in the clan ( $p < 0.05$ ) and hierarchical components ( $p < 0.01$ ). For the department №6 the values of the indicators are marked by significant differences in the clan ( $p < 0.05$ ), adhocratic ( $p < 0.01$ ) and the most significant in the hierarchical component ( $p < 0.01$ ). For the department №9 significant differences in all components were found, and the most significant differences were in the market ( $p < 0.05$ ) and hierarchical ( $p < 0.01$ ) components.

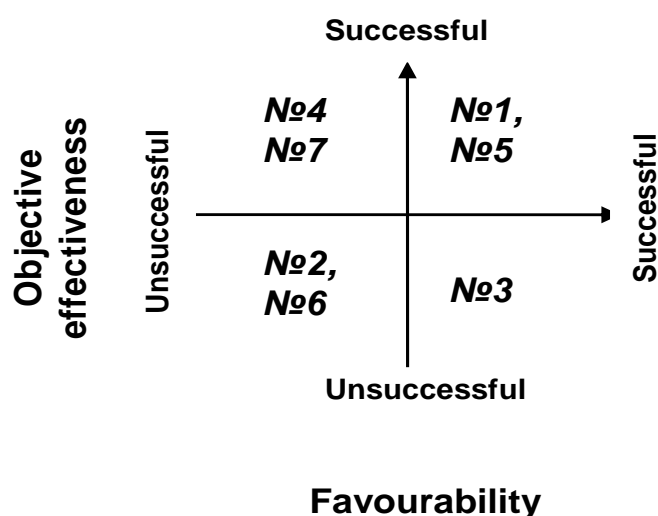
Thus, for the departments №2, №3, №6, №9, №10 the level of social and psychological tension among the employees is considered high, and the nature of the organizational culture of the departments is unfavorable.

Thus, it was found that departments with the high level of objective effectiveness have both favorable and unfavorable nature of organizational culture; departments with the low level of objective effectiveness also have a different in terms of favourability nature of organizational culture. That is, we can conclude that

the indicators of "favourability / unfavourability" and "objective effectiveness" are independent.

"Favorability" is proposed as a criterion for the successfulness of organizational culture of the department, because in such a departmental environment, the psychological features of the organizational interaction between the employees and the head and among themselves probably contribute to the referential significance of the department for the employees.

The positions of degree-granting departments according to the criteria of successfulness of organizational culture "objective effectiveness" and "favorability" are presented in Fig. 3.



**Fig. 3. Positions of departments on the criteria of "Objective effectiveness" and "Favourability "**

In general, according to the criterion of "favourability", organizational cultures of the departments №1, №4, №5, №7, №8, №11 are successful, and the unsuccessful ones are №2, №3, №6, №9, №10.

**Discussion.** Organizational culture of department №2 is contradictory by the nature. Therefore, this department survey results couldn't be correctly processed using statistic criteria which assume normal distribution of source data. Respondents of the department could be divided into two approximately equal groups which express quite opposite points of view regarding hierarchic and clan components of the organizational structure. One group believes that hierarchic component (strict structuration, control, demanding and relationship formalization) is clearly dominating and identifies it in more than 50% cases. Another group mentions hierarchic component less than in 10% cases. That might mean existence of certain cliques of department's employees, which have diametrically opposed points of view. Probably level of socio-psychological internal tension within department is relatively high. Hence, department's organizational culture is unsuccessful according to



“favourability” criterion. Analysis of the results byOCAI methodology six key measurements allowed us to formulate recommendations for possible changes improvement within organizational culture (though with some limitations).

For objective effectiveness department №3 for hierarchic and clan components the ratio between “now” and “preferred” values of the indicators shows possible presence of increased demands on the side of department’s management toward department’s employees. Also, it indicates that formal organizational relationships which are established between a manager and employees as well as among the employees themselves could be psychologically dangerous for employees. The department’s organizational culture is unsuccessful according to “favourability” criterion. It’s valid to assume that department’s employees who are engaged in intensive activities and do not get sufficient support and adequate assessment of their activities results from manager and entire department, could experience negative mental states which cause professional burning syndrome. In its turn, professional burning of the department’s employees can have negative impact on the process of psychological-pedagogical interaction with the students.

Prevention or correction of possible negative ramifications of department №3 organizational culture current state can happen once adhocratic culture has been promoted. It can be effective only under the condition of simultaneous change of the clan component toward its increase. The question of how current state of department №3 organizational culture is psychologically safe for the employees cannot be unambiguously resolved without additional socio-psychological and individual-psychological research.

We assumed at the start of the research that the specifics of organizational culture of objectively well-performing departments have to serve as an example for objectively under-performing departments. The analysis of the “Preferred” profile for objectively well-performing department №1 and “Now” profile for objectively under-performing department №4 show that in the ratio of quantitative characteristics they are almost identical, i.e. are similar. This gives us grounds to draw a conclusion that a certain profile of the department’s organizational culture is not sufficient for its objective successful performance. However, “preferred” state serves as a reference point for managing department’s organizational culture.

The analysis has demonstrated that taking into account the results of organizational culture evaluation within the context of organizational development of the department and the increase of its activities successfulness require consideration of external factors, for which the nature of their action for departments with different professional orientation may differ significantly. Therefore, the example, relatively speaking, could be defined only for departments with certain corresponding direction of specialist training. That means that the usage ofOCAI methodology for planning organizational culture development has certain limitations and require mandatory research and consideration of external conditions.

The attempt to figure out the “ideal” preferred profile of organizational culture by using factor analysis allowed us to receive the results listed below. In particular, two factors that reflect representations of employees of all the departments involved

into the researched regarding desired development of department's organizational culture, were identified.

We have already named the first factor – “free creativity”, which has the following factor loads: “clannishness” (0.801), “adhocracy” (0.812). The employees express the willing to increase level of adhocracy. It is adhocracy, that is in tune with the concept of “academic freedom”, which is defined as an “independence and autonomy of the educational process participants during implementation of pedagogical, research-pedagogical, research and/or innovation activities, that carried out on the principles of freedom of speech and creativity, dissemination of knowledge and information, scientific research and their results usage” [11]. Together with this, employees “desire” to strengthen the team unity feeling, mutual agreement on the basis of traditions, moral values, that are shared between all department members. The maintenance of the healthy internal atmosphere and care for employees are also “preferred”.

The second factor, which has the following factor loads: “marketability” (-0,654), “hierarchy” (-0,778), we named – “controlled competitive creativity”. Here “desirable” are the reduction in the level of formalization and control of business relations within the department, relaxing the leader demands, shaping the organizational atmosphere, focused on competition and victory within education market.

That means the necessity of determination of department's organizational culture success criteria within context of professional success for high educational institution teacher, who in fact is a holder of the culture. It's necessary to research the conditions for professional success achievement for a teacher as a member of department's research-pedagogical staff from one hand, and within process of psychologic-pedagogical interaction with students [10].

According to “favourability” criterion organizational cultures of departments №1, №4, №5, №7, №8, №11 are successful, while №2, №3, №6, №9, №10 are unsuccessful.

Organizational cultures of degree-granting departments №1 and №5 are successful by all criteria, while №2 and №6 are unsuccessful.

For successful departments it does not mean that the need in development is currently irrelevant. In fact, the problem of envisioning changes in the external environment, which have been accelerating in recent decades, is vital for all departments. There is a need to perform proactive monitoring of the external environment with regard to the organization of the environment according to certain parameters and develop the department's organizational culture accordingly.

**Conclusion.** Summarizing the said above, we can conclude:

- It is suggested to use evaluation of “objective effectiveness” of psychological and pedagogical interaction between teaching staff and students as external criterion for department's organizational culture success.

- It is suggested to use “favourability” of the department's organizational culture nature as an internal success criterion.

– Organizational culture of objective effectiveness departments has different typological specifics and might be favorable as well as unfavorable by its nature. Therefore, directions of specialist training should be taken into consideration for planning department's development.

– It's advisable to use preliminary application of statistical criteria for checking normal distribution of source data in order to prevent possible incorrect processing of the data, which is obtained by OCAI methodology usage.

Prospects for further research of criteria identification for department's organizational culture successfulness include the analysis and empirical research into the conditions for professional successful achievement by higher-educational institution's teacher as a member of department's research and pedagogical staff, on the one hand, and on the other within the process of the psychological-pedagogical interaction with the students.

**Author contributions.** The authors contributed equally.

**Disclosure statement.** The authors do not have any conflict of interest.

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