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CHAPTER 1
MODERN TRENDS IN PUBLIC ADMINISTRATION

LABOUR PROTECTION OF MEDICAL WORKERS IN CONDITIONS OF THE COVID-19 PANDEMIC IN THE CONTEXT OF PUBLIC POLICY OF UKRAINE REGARDING THE LABOUR SAFETY

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Abstract. *Since acute respiratory viral disease COVID-19 is recognized as a particularly dangerous disease, and the working conditions of medical and other workers involved in the extirpation of the pandemic are characterized as those with high levels of harmful factors in providing medical care to patients, and also when working with live pathogens and in COVID-19 environments, the impact of which when performing professional duties poses a threat to life, a high risk of acute occupational injuries, including severe forms - of particular importance is the issue of protection of labour of health workers, the health of medical personnel and their safety at the workplace, as their working conditions are dangerous (belong to the highest risk group) and pose a threat to their health and even life. The article considers the main provisions of current legislation regarding the protection of labour of medical workers, who are directly involved in the elimination of the epidemic and treatment of patients with COVID-19 in the context of public policy on occupational safety, analyzes the current state of public regulation in this area and organizational and legal mechanisms are researched. There are proposed priority areas for improving the regulatory framework of compulsory state insurance of medical and other employees while performing their professional duties in conditions of increased risk of infection with infectious diseases.*

Keywords: *public policy, labour protection, medical workers, acute occupational disease COVID-19, insurance payments.*

JEL Classification: K31, K32, J28, I18

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Introduction. Given the recognition of human health as the highest social value in the state, and as is guaranteed by the Constitution of Ukraine [1] the rights of everyone to health care, medical care, proper, safe and healthy working conditions, the state has to develop and implement an appropriate public policy aimed at ensuring proper medical care for citizens and their labour safety. The priority of life and health of workers and ensuring proper, safe and healthy working conditions are the principles on which the public policy of Ukraine in the sphere of labour protection is based.

At the same time, in the context of the pandemic caused by the sharp spread of acute respiratory viral infection caused by the coronavirus SARS-CoV-2, the issues of labour protection of medical workers become of particular importance. It is vital to

care about the health of medical staff and their safety in the performance of professional duties as far as they ensure providing assistance in combating the spread and manifestations of the coronavirus pandemic and belong to the highest risk group for COVID-19 disease.

According to the Center for Public Health of the Ministry of Health of Ukraine, for the period from the beginning of the pandemic to April 1, 2021, 1711,630 laboratory-confirmed cases of COVID-19 were recorded in Ukraine, of which 74,785 cases of medical workers. At the same time, the day recorded 19893 new cases, of which 484 cases of medical workers [2].

Literature review. The research of, in particular, O. Nipialidi, O. Vasylchyshyn [3] and others are devoted to the modern state of labour protection in Ukraine. Such domestic researchers as O. Yavorovskyi, Yu. Skaletskyi, R. Brukhno and others [4] have considered some aspects of safety, occupational health and infection control in the fight against occupational diseases of medical workers at COVID-19 in health care facilities of Ukraine. Kindgen-Milles D., Brandenburger T., Braun JFW, Cleff C., Moussazadeh K., Mrosewski I. were among the first in the EU to publish a study on the incidence of COVID-19 among German intensive care and emergency physicians (2021) [5].

However, without underappreciating the work of the above-mentioned authors, it should be noted that the current state of scientific research regarding the labour protection of medical workers in the context of the COVID-19 pandemic is insufficient due to its novelty.

Aims. The paper aims at studying the current state and analysing the legal nature and legal regulation of insurance payments to medical workers in case of the occupational disease on COVID-19 in Ukraine.

Methods. The information basis of the article consists of the legal acts of the Verkhovna Rada of Ukraine (VRU) and the Cabinet of Ministers of Ukraine (CMU), posted on the website "Legislation of Ukraine" (Verkhovna Rada of Ukraine 2021); materials for monitoring the incidence of COVID-19 (Center for Public Health 2021). The theoretical and methodological basis of the article is the biblio-semantic method and the method of comparative and systemic analysis, as well as the method of scientific generalization, which allowed to formulate the conclusions.

Results. First of all, it should be noted that the professional activity of health workers directly involved in the elimination of the epidemic and treatment of patients with COVID-19 belong to the high-risk group (risks of disease, injury and death), as COVID-19 is recognized as a particularly dangerous disease [6], and working conditions characterized by levels of harmful factors of the production environment and labour process, the impact of which during the work shift (or part of it) poses a threat to life. And the high risk of acute occupational diseases, including severe forms, are dangerous labour conditions (referred to as the 4th class of danger) [7].

At the same time, since labour protection is a system of legal, socio-economic, organizational and technical, sanitary and hygienic and treatment-and-prophylactic measures and means aimed at preserving human life, health and ability to work [8], - the public labour protection policy, first of all, should be aimed at minimizing

occupational risks that cause a person's occupational disability, are an objective consequence of his/her work, and, above all, can not be eliminated by improving working conditions; as well as the formation of priority areas for creating conditions that provide a decent standard of living and opportunities for free human development.

An objective prerequisite for minimizing the negative impact of occupational risks on the employee is the presence of:

- state social guarantees [9] - established by laws and other regulations, in particular - the minimum amount of social assistance and other types of social benefits that provide a standard of living not lower than the subsistence level;

- compulsory social insurance [10] - a system of rights, responsibilities and guarantees, which provides social protection, including material security of citizens, in particular, in case of illness, complete, partial or temporary disability, loss of a breadwinner, unemployment circumstances independent of them, at the expense of monetary funds formed by the payment of insurance by the employer, citizens, as well as budget and other sources provided by law;

- insurance [11] - a type of civil law relations to protect the property interests of individuals and legal entities in the event of certain events specified in the insurance contract or applicable law, at the expense of funds formed by paying individuals and legal entities insurance payments (insurance contributions, insurance premiums) and income from the placement of these funds.

According to Article 253 of the Labour Code of Ukraine [12], all employees who work under an employment contract (contract) at enterprises, institutions, organizations, regardless of ownership, type of activity and management or an individual, are subject to mandatory state social insurance.

Types of compulsory state social insurance [13]: due to temporary disability; from an accident at work and an occupational disease that caused disability; medical; - constitute a system of rights, obligations and guarantees, which provides material support, insurance payments and provision of social services to insured persons at the expense of the Social Insurance Fund of Ukraine.

The list and mechanism of payments under the compulsory state social insurance to medical workers involved in the elimination of the pandemic of acute respiratory viral disease COVID-19 caused by coronavirus SARS-CoV-2 when diagnosing acute occupational COVID-19 disease in Table 1 are given.

In the context of the above-written, it should be noted that the basis for obtaining the relevant insurance benefits is an act of investigation of acute occupational disease (in the prescribed form), which is conducted following the Procedure for investigation and accounting of accidents, occupational diseases and accidents Resolution of the Cabinet of Ministers of Ukraine of April 17, 2019, № 337 [14], as laboratory-confirmed cases of COVID-19 infection of medical and other workers associated with the performance of professional duties in conditions of increased risk of infection with COVID-19 (medical care for patients with infectious diseases, work with live pathogens and in the environment of infectious diseases,

disinfection measures, etc.), are investigated as cases of acute occupational disease following the requirements of the same Procedure [15].

Table 1. The list and mechanism of payments to medical workers under the Law of Ukraine "On Compulsory State Social Insurance"

Type of payment	Under what circumstances it is carried out	To whom it is paid	The amount of payment
temporary disability benefits	occurrence of temporary incapacity for work (from the first day until the end of temporary incapacity for work)	sufferer	100 percent from average earnings regardless of insurance experience
one-time benefit	persistent loss of professional ability to work	sufferer	according to the degree of disability, based on 17-times of subsistence levels for able-bodied persons
	death of the sufferer	the sufferer's family and to each person who was dependent on the sufferer	100 subsistence minimum for able-bodied persons; 20 subsistence levels for able-bodied people
monthly insurance payment	partial or complete disability	sufferer	compensates the relevant part of the lost earnings of the sufferer (the maximum amount of payment does not exceed 10 times the subsistence level for able-bodied persons)
insurance payment	temporary transfer of the sufferer to a lighter, lower-paid job	sufferer	the average monthly earnings of the sufferer
costs of medical and social assistance	determination by conclusions of the medical and social expert commission and the individual program of rehabilitation of the person with a disability (in case of its drawing up)	sufferer	According to the need identified in the conclusions and rehabilitation program
monthly insurance payment to persons, who lost a breadwinner	death of the sufferer	incapable persons who were dependent or had the right to receive maintenance from him on the day of his death; a child born no more than ten months after the death of the sufferer; the wife (husband) or one of the parents or another family member, if he/she is not working and caring for the sufferer's children, brothers, sisters or grandchildren who have not reached the age of eight	not more than 10 subsistence minimums established for able-bodied persons
insurance indemnity	death of the sufferer	family members or dependents of the sufferer	the cost of burying the sufferer and related ritual services

Besides, it should be noted that the strengthening of insurance protection of property interests of individuals and legal entities is included in the scope of regulation of the Law of Ukraine "On Insurance" [16], and its effect does not extend to state social insurance.

In particular, the above Law provides for two forms:

- voluntary insurance (carried out based on a voluntary insurance contract, all essential terms of which are determined solely by agreement of the parties based on the Insurance Rules defining the mechanism of its conduct) and

- compulsory insurance (the procedure and rules of which, the form of a standard contract, special licensing conditions for compulsory insurance, the amount of insurance payments and maximum insurance rates or method of calculation set by the Cabinet of Ministers of Ukraine, unless otherwise provided by law). An exhaustive list of types of compulsory insurance is given in Article 7 of the same Law, including, in particular, insurance of medical and other employees of public and municipal health care institutions and public research institutions (except for those working in funded institutions and organizations from the State Budget of Ukraine) in case of infectious diseases associated with the performance of their professional duties in conditions of increased risk of infection with infectious diseases.

According to Article 39 of the Law of Ukraine "On Protection of the Population from Infectious Diseases" [17], the illness for infectious diseases of medical and other workers associated with the performance of professional duties in an increased risk of infection with infectious diseases (medical care for patients with infectious diseases, work with live pathogens and the environment of infectious diseases, disinfection measures, etc.), belong to occupational diseases. These employees of public and municipal health care institutions and public research institutions are subject to compulsory state insurance in case of infectious disease in the manner and under the conditions established by the Cabinet of Ministers of Ukraine.

However, as of today, there is no legal act in Ukraine that defines the procedure and conditions of compulsory state insurance of medical workers in case of an infectious disease. Instead, the state budget funds under the program "Financial assistance of the Social Insurance Fund of Ukraine for insurance payments" are used to make insurance payments in case of illness or death of medical workers because of the infection with acute respiratory COVID-19 disease caused by coronavirus SARS-CoV-2 to health workers of public and municipal health care institutions and their families due to the coronavirus COVID-19 disease caused by coronavirus SARS-CoV-2 and its consequences", allocated to the Ministry of Social Policy on a non-refundable basis (consumption expenditures) from the fund for combating acute respiratory COVID-19 illness caused by coronavirus SARS-CoV-2, and its consequences for the provision of financial assistance to the Social Insurance Fund of Ukraine [18].

Types of payments to medical workers involved in the elimination of the pandemic of acute respiratory viral COVID-19 disease caused by coronavirus SARS-CoV-2 when identifying the case of being infected while performing professional duties provided by the Law of Ukraine "On Protection of the Population from the

Infectious Diseases" and Cabinet of Ministers Resolution of Ukraine on " Some issues of insurance benefits in case of illness or death of health workers when being infected with acute respiratory COVID-19 disease caused by coronavirus SARS-CoV-2" are listed in Table 2.

Table 2. Types of payments to medical workers according to the Law of Ukraine on «On Protection of the Population from the Infectious Diseases» and Cabinet of Ministers Resolution of Ukraine on «Some issues of insurance benefits in case of illness or death of health workers when being infected with acute respiratory COVID-19 disease caused by coronavirus SARS-CoV-2»

Type of payment	Under what circumstances it is carried out	To whom it is paid	The amount of payment
one-time payment in case of establishing a disability group and the degree of loss of professional capacity for work within one calendar year	as a result of coronavirus disease (COVID-19), in the case when the disease is associated with the performance of professional duties in conditions of increased risk of infection	ta medical worker; a senior medical student (5th and 6th year of studies) involved in the fight against coronavirus disease (COVID-19) by a public and municipal health care institution; an intern, who is admitted to work following the requirements of the Labour Code of Ukraine	persons with disabilities of the I group - 400 subsistence minimum for able-bodied persons, established on January 1 of the calendar year; persons with disabilities of the II group - 350 subsistence minimum for able-bodied persons, established on January 1 of the calendar year; persons with disabilities of the III group - 300 subsistence minimum for able-bodied persons, established on January 1 of the calendar year.
one-time payment in case of death of a medical worker, resulting from his/her infection with acute respiratory COVID-19 disease	death of a medical worker as a result of his/her infection with acute respiratory COVID-19 disease	family members, parents, dependents - in equal parts	750 amounts of the subsistence minimum for able-bodied persons, established on January 1 of the calendar year.
If a medical worker is assigned a disability group and the degree of disability - insurance payments are made within one month from the date of entitlement to such benefits, and in case of death of a medical worker caused by an acute occupational disease - one-time benefits are paid in equal parts to family members, parents and dependents of the sufferer - within one month from the date of the right to one-time assistance. A health worker who has died as a result of a COVID-19 infection with coronavirus disease is equated in status with a serviceman who has died as a result of injury, contusion, mutilation, or illness related to military service. The family members of such an employee, his parents and dependents enjoy all the rights and guarantees provided by the legislation of Ukraine for family members, parents and dependents of servicemen who served in the military and whose death occurred as a result of injury, contusion, mutilation, disease, illness related to the performance of military service duties, taking into account the provisions of the Law of Ukraine "On Protection of the Population from Infectious Diseases".			

In the context of the above-written, it should be noted that according to the Social Insurance Fund of Ukraine [19], during 2020, it received 35,660 reports of acute occupational disease on COVID-19, of which 401 were fatal. At the same time, 3054 cases of such diseases were recognized as work-related, of which 66 were fatal [20]. Also, insurance payments to the families of medical and other workers who died of acute occupational disease on COVID-19 were assigned in 35 cases [21].

Discussion. The results obtained during the analysis of legal and regulatory provisions for ensuring insurance benefits to medical workers in case of the occupational disease on COVID-19 in Ukraine, in contrast to the previously mentioned works of other researchers, relate to reflecting the mechanism of receiving such benefits by medical and other workers involved in eliminating the pandemic COVID-19 and also identify gaps in it.

Conclusions. In case of connection of illness of medical workers on COVID-19 with a performance by them of professional duties, such medical workers, (or members of their families in case of death of medical workers), have the right to the insurance payments provided by the Law of Ukraine on "A Compulsory State Social Insurance" and on the Law of Ukraine "On Protection of the Population from Infectious Diseases".

At the same time, the lack of regulation of the mechanism of legal relations on compulsory insurance of employees of public and municipal health care institutions and public research institutions (except those working in institutions and organizations funded by the State Budget of Ukraine) in case of infectious diseases, associated with the performance of their professional duties in conditions of increased risk of infection with infectious diseases, in particular, including acute respiratory COVID-19 disease caused by coronavirus SARS-CoV-2 - creates significant obstacles to its implementation within the scope of the legal field, as well as stipulates the necessity of the promtest legal regulating of the procedure and conditions of compulsory state insurance of medical workers in case of infectious disease is associated with the performance of their professional duties in conditions of increased risk of infection with infectious diseases, by developing and adopting an appropriate subordinate act (by-law) that will determine the appropriate procedure and conditions for this type of compulsory state insurance.

The presence of gaps in the legislation on health and safety of medical and other workers involved in the elimination of the epidemic and the treatment of patients with COVID-19 necessitates further scientific research.

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21. Надання матеріального забезпечення застрахованим особам та проведення страхових виплат потерпілим на виробництві (членам їх сімей) за 2020 рік. [Nadannia material'noho zabezpechennia zastrakhovanym osobam ta provedennia strakhovykh vyplat poterpilym na vyrobnytstvi (chlenam yikh simei) za 2020 rik.] (2021), URL: http://www.fssu.gov.ua/fse/control/main/uk/publish/article/974915. [in Ukrainian].

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THE SMART-CITY: CONCEPT ESSENCE AND ADMINISTRATIVE PROCESSES EVOLUTION

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Abstract. *The concept of smart city analysis based on the domestic and foreign experience was made. Based on the study of foreign and domestic experience to reveal the essence of the "smart city" concept, to determine the criteria for assigning settlements to the "smart" category and to explore the evolution from traditional to smart administration on local (city) level. The methodology of this study implies the use comparative analysis, the study of domestic and foreign researches, studying digital transformation processes of the public administration system in Ukraine. The approaches to defining "smart city" are revealed. The main contradictions in scientific research on the settlement assignment to the category of "smart" were described. It was argued that despite the large number of publications, scientific sources still do not define a single approach to defining the essence of the "smart city" concept, its components and criteria for classifying a city as smart; usage and adaptation of the term "smart city" in the domestic scientific discourse. The author's vision of the model of administrative processes formation in the settlement on which it can be carried to the category of smart is offered and it was proposed to consider smart-city as special form of administrative processes building, based on a complex multilevel, multi-component, interoperable, automated digital information system that can receive, store, process/analyze, provide, modify and produce new information. The evolution of administrative processes development at the city level from traditional to smart and intelligent is substantiated. It was substantiated that occurrence of smart and intelligent cities is the result of the digital technologies evolution and its usage in administration processes, a key factor is the process automation level.*

Keywords: *smart city, smart administration, public administration, digital technologies*

JEL Classification: H70, L86, L88, O38, R50

Formulas: 0; fig.: 4; tabl.:1; bibl.: 10

Introduction. The digital technologies development leads to transformations in the usual processes of ensuring the society's viability. The sphere of public administration is not an exception, as there are digital transformations of administrative processes at all levels (state, regional, local).

In recent years, the concept of building smart cities has become increasingly popular around the world. Scientists have always paid close attention to the study of the category of "smart city", the definition of components and criteria by which certain cities can be classified as "smart". However, today there is no consensus on the definition of a smart city and its components, despite the diversity of research in this area.

Literature review. As already mentioned, research on the issue of "smart city" is quite common. For example, J. Ramon Gil-Garcia, Theresa A. Pardo and Taewoo Nam focus on defining the components of the concept of smart-city and the criteria by which the city can be classified as smart-city [1].

Chinese scientist D. Jiang considers approaches to the formation of information systems in the concept of smart city, based on the technologies of "Internet of Things" and "cloud computing" [3].

A group of scientists from Spain, Great Britain, Serbia, Greece and Germany [4] describes the experience of implementing and using Internet of Things technology on the example of the city of Santander (SmartSantander project).

Brazilian scholars are considering approaches to smart governance based on a multi-purpose territorial cadastre and geographic information system, focusing on the analysis of geoinformation, transparency and joint cooperation (participation) of Brazilian capitalists [5].

Another international group of scientists [6] explores the specifics of cooperation between government and the public in terms of smart governance and in the context of smart city formation. In particular, the authors analyze the introduction of various information and communication technologies that simplify the process of government-public interaction.

A group of scientists from the Czech Republic, Hungary and Turkey [7] analyzes the current state and latest trends in the formation of a smart city environment. Researchers believe that smart cities are emerging as a result of highly innovative ICT industries and markets that use the Internet of Things, big data, and cloud technologies to meet the needs of city dwellers.

The researches of Doug Washburn and Usman Sindhu [8] are aimed at explaining the initiative of the smart city to a separate category - IT directors of organizations/institutions. After all, as the authors note, due to the rapid urbanization, managers, businesses and citizens face new challenges.

Despite the large number of publications, scientific sources still do not define a single approach to defining the essence of the "smart city" concept, its components and criteria for classifying a city as smart; usage and adaptation of the term "smart city" in the domestic scientific discourse.

Aims. Based on the study of foreign and domestic experience to reveal the essence of the "smart city" concept, to determine the criteria for assigning settlements to the “smart” category and to explore the evolution from traditional to smart administration on local (city) level.

Methods. The methodology of this study implies the use comparative analysis, the study of domestic and foreign researches, studying digital transformation processes of the public administration system in Ukraine.

Results. The Smart City Index classifies cities based on economic and technological data, as well as their citizens' perceptions of how smart their cities are. The Institute for Management Development, in collaboration with the Singapore University of Technology and Design (SUTD), has released the 2020 Smart City Index with key findings on how technology plays a key role in the COVID-19 era.

In April and May 2020, hundreds of citizens from 109 cities were interviewed about their city's technological support in five key areas: health and safety, mobility, activities, opportunities and governance. According to this assessment, Singapore, Helsinki and Zurich took the top 3 places in the Smart City Index 2020, at the same

time, many European cities dropped in the rankings. Kyiv took 98th place out of 109 in this ranking, losing 6 positions compared to 2019 [2].

A similar approach is analyzed in the article [10], where the authors offer 10 features to characterize a "smart" city. Among them are: intelligent traffic control systems, smart approach to street lighting, involvement of city residents in administration processest, smart house, introduction of city Wi-Fi network, smart public transport, emergency notifications, emergency buttons, solar panels usage, cashless payments.

In our opinion, the proposed approaches to the smart city definition and named components are undoubtedly important, but it is necessary not only to check the presence of certain features, but also to take into account their interaction with each other.

To illustrate the set of scientific views on the definition of the smart city term, we use the results of a comparative analysis carried out by J. Ramon Gil-Garcia, Theresa A. Pardo and Taewoo Nam [1].

As we can see, common to all these definitions is an attempt to combine technology and administration processes to ensure the population well-being. But the ways of such a combination, the main tools are different and, in our opinion, often are not quite successful.

For example, the level of cooperation between public authorities and citizens is extremely important both before and after the introduction of the smart governance principles, so we do not quite share the opinion expressed by the authors of the publication [6]. The modern ICT introduction into the process of government-public interaction is only a way to improve such interaction, a way of its modernization, but not a criterion of smart administration.

Scientists from the Czech Republic, Hungary and Turkey [7] analyze the current state and latest trends in the formation of a smart city environment and consider smart cities in the context of the creation of "smart floating cities" in the future. Researchers believe that smart cities are emerging as a result of highly innovative ICT industries and markets that use the Internet of Things, big data, and cloud technologies to meet the needs of city dwellers.

However, in our opinion, "Internet of Things, big data, and cloud technologies" are all assistive technologies in the organization of information systems, but in themselves they are not a sign of a smart city. For example, lighting sensors (belong to the IoT) are worthless without sending information to a specific information center, based on the necessary algorithms, and rules, automatic lighting control systems are formed. The fact of big data accumulating does not make sense without a strategic vision for the continued use of this data. Continuing with the example of street lighting sensors, the accumulation of statistical information about lighting on/off provides a basis for forecasting the corresponding costs for the next year and taking into account forecasts in the budgeting process. Given the above, we can conclude that the most effective will be a comprehensive, systematic (rather than situational) use of modern digital technologies in the administration process.

Before considering the author's view on the smart city concept, we consider it is necessary to dwell on another, broader concept, based on which further we will form the smart city concept - smart administration (Table 1).

Table 1. Scientific views definition of the smart city term

Study	Definition
Harrison et al.	"Urban areas that exploit operational data, such as that arising from traffic congestion, power consumption statistics, and public safety events, to optimize the operation of city services"
Toppeta	[A city] "combining ICT and Web 2.0 technology with other organizational, design and planning efforts to dematerialize and speed up bureaucratic processes and help to identify new, innovative solutions to city management complexity, in order to improve sustainability and livability"
Woods and Goldstein	"The integration of technology into a strategic approach to sustainability, citizen well-being, and economic development"
Kourtit et al.	"Advanced business and socio-cultural attractiveness, presence of a broad (public and private) labor force and public facilities, and presence and use of sophisticated e-services"
Komninos	"Territories with high capacity for learning and innovation, which is built-in the creativity of their population, their institutions of knowledge creation, and their digital infrastructure for communication and knowledge management"
Hall	"A city that monitors and integrates conditions of all of its critical infrastructures, including roads, bridges, tunnels, rails, subways, airports, seaports, communica-tions, water, power, even major buildings, can better optimize its resources, plan its preventive maintenance activities, and monitor security aspects while maximizing services to its citizens"
Kourtit and Nijkamp	"A promising mix of human capital (e.g. skilled labor force), infrastructural capital (e.g. high-tech communication facilities), social capital (e.g. intense and open network linkages) and entrepreneurial capital (e.g. creative and risk-taking business activities)" "The result of knowledge-intensive and creative strategies aiming at enhancing the socio-economic, ecological, logistic and competitive performance of cities"
Rios	"A city that gives inspiration, shares culture, knowledge, and life, a city that motivates its inhabitants to create and flourish in their own lives"
Lombardi et al.	"Smart governance (related to participation); smart human capital (related to people); smart environment (related to natural resources); smart living (related to the quality of life); and smart economy (related to competitiveness)"
Giffinger et al.	"A city well performing in a forward-looking way in economy, people, governance, mobility, environment, and living, built on the smart combination of endowments and activities of self-decisive, independent and aware citizens"
Natural Resources Defense Council	"Cities striving to make itself 'smarter' – more efficient, sustainable, equitable, and livable" (http://www.smartercities.nrdc.org/about)

Source: [1].

In previous studies, we considered smart administration as a form of building administration processes based on the innovative digital smart technologies usage to

develop behavioral models of administration system based on the accumulated empirical knowledge of administration processes, decisions and results of their implementation; characterized by a clear structure of administrative processes; simplification of the administrative decision-making process in standard conditions; efficiency and speed of internal and external communication processes; high level of transparency of administrative activity and digital security [9].

Given the above, we can conclude that smart-city should be considered as a special form of administrative processes building, based on a complex multilevel, multi-component, interoperable, automated digital information system that can receive, store, process/analyze, provide, modify and produce new information. In fact, such a system consists of many interoperable subsystems (health, education, transport, banking, utilities, etc.) and manages/interacts with them. It should also be noted that the system components are digital (by-default) and digitized processes. In the context of this study, the digitization of the process will mean its transformation into a digital form based on the essence and vision of the end result of this process.

Nowadays the city has multiple areas of administration, such as: education, economy, culture, land resources, administrative services etc. If we consider city administration as a system, the management in each of these areas will act as a separate subsystem. In our opinion, graphically, administration processes can be represented as follows (fig. 1).

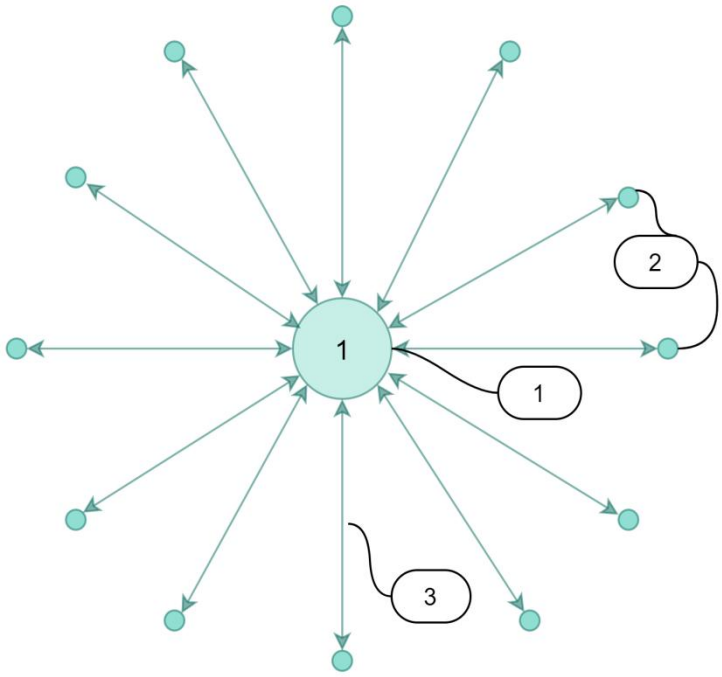

Fig. 1. The model of current city administration processes

Where: 1 - the central information system in the settlement governing body (hereinafter we will use the abbreviation - the control center); 2 - plural management areas in the settlement - subsystems managed by the control center (health, management services, social sphere, transport, security, etc.); 3 - arrows indicate the communication processes between different subsystems. It is worth noting that communications are "thin" and "long in time", so they are not digital-by-default or digitized (automated) in part. Communication between subsystems mostly takes place through the center

If we digitize the management of one area, based on a new (non-analog) digital system, then this area of activity we can call "smart". The main feature will be that it is based on a smart information system that meets the goals and objectives of the area and its environment. The information system has the ability to meet the maximum area's needs, to provide the most comfortable interaction of stakeholders. Smart systems are often complex and consist of software and certain hardware controlled through software. As an example, to set up a smart traffic control system, you need sensors for cars movement detecting in a certain area, pedestrian flow control sensors, the traffic lights, communication equipment that provides information transmission, as well as software that collects, stores, processes information and development of traffic light algorithms.

A smart system can be considered as formed only if all it's processes are clearly structured in accordance with the goals and objectives, implemented and managed in digital form by the information system taking into account performance indicators (consumption of minimum resources for maximum results). Decision-making is carried out by the responsible person on the basis of the results of the information system function.

Today, the process of "smarting" is heterogeneous - some industries are faster to implement smart technologies, others are slower, in some places they are not implemented at all. Thus, at the present development stage of the smart city administration processes can be depicted as follows (fig. 2).

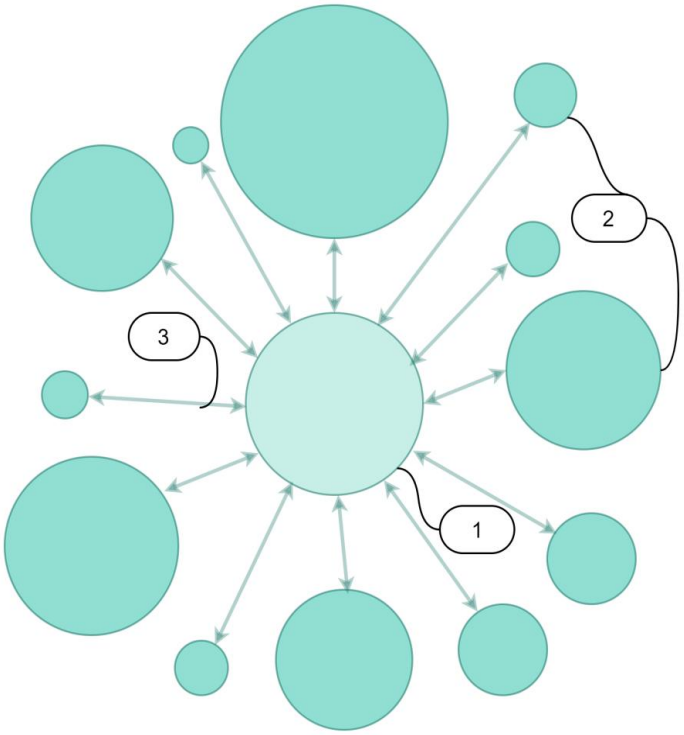

Fig. 2. The model of current city administration processes taking into account smart technologies introduction

Where: 1 - the control center; 2 - subsystems managed by the control center, the circle diameter, marked the subsystems, demonstrates the level of smart technologies implementation; 3 - the communication processes between different subsystems

Having created a set of local smart subsystems, we get an information system, the center of which provides standardized methods of collecting, storing, converting, creating new and outputting information. At this stage, more reliable communication processes are formed, their digitization/automation takes place. The graphic image of the system will look like this (fig.3).

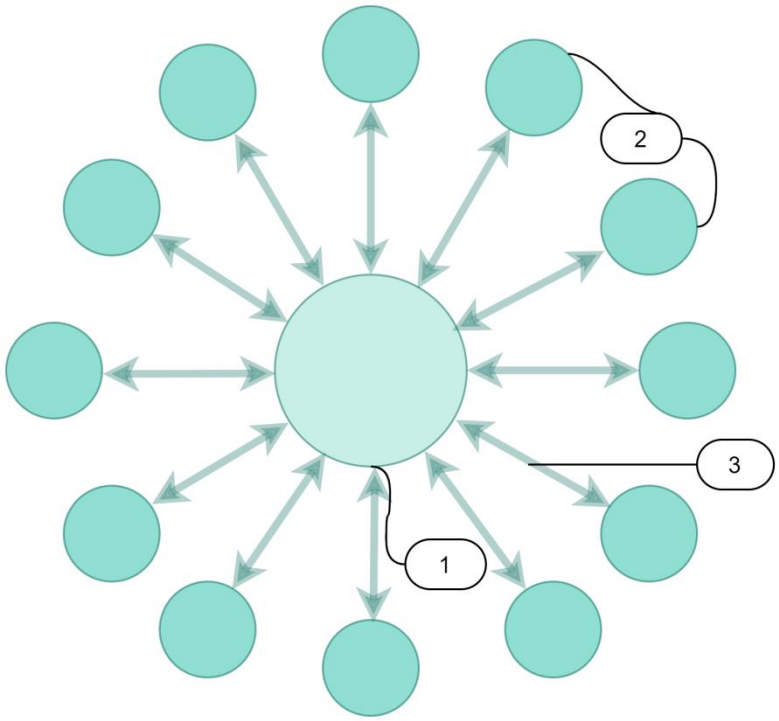

Fig. 3. The model of pre-smart city administration processes

Where: 1 - the control center; 2 - smart-subsystems managed by the control center (health, management services, social sphere, transport, security, etc.); 3 - digital/digitized communication processes between different subsystems

At the same time, we understand that the effective smart subsystems functioning requires the formation of information interaction not only through the center, but also directly between individual subsystems, and therefore they must be interoperable.

Discussion. Thus, the set of local interoperable smart subsystems forms a single information system of the highest level - it is an innovative digital model of the existing analog control system. This is exactly the information system we understand as smart-city. Graphically we can depict it as follows (fig. 4).

Such a digital system ensures the concentration of the necessary information from different areas in a single control center and allows the control center to set tasks that will be automatically responded by local systems. An important component of smart-city is an analytical apparatus that processes and summarizes information both at the individual (local) level and at the highest level. In the future, such hierarchical systems integration can be developed as a smart region and even a smart state. In this case, all systems are interoperable and interaction, if necessary, can take place between any components (between the city and the state, between the village and the region, bypassing the district).

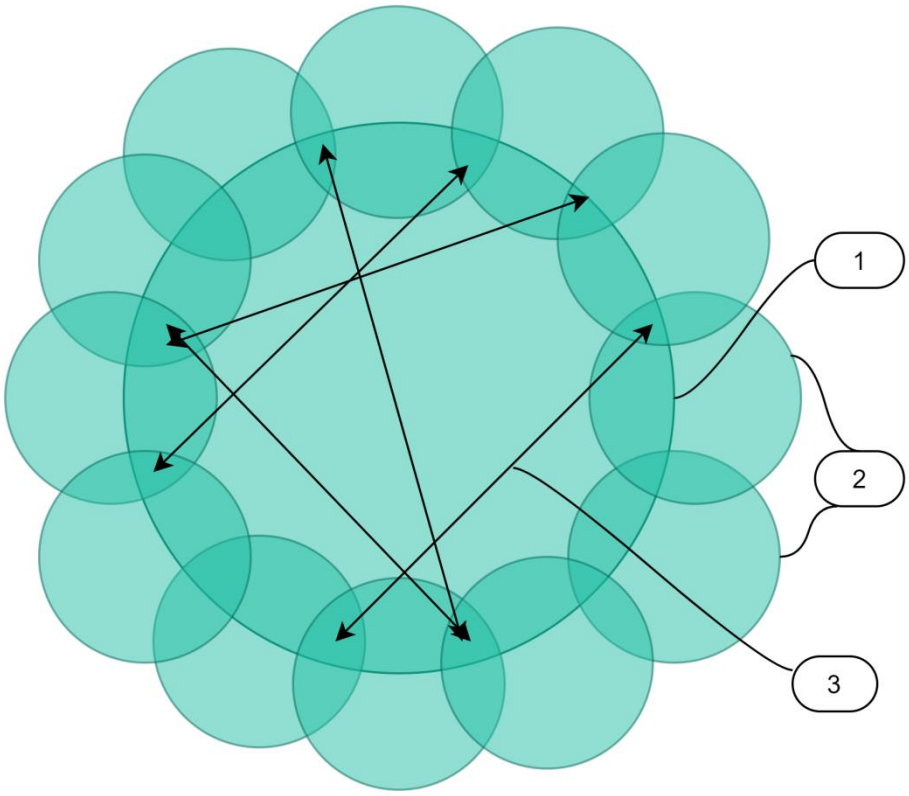

Fig. 4. The model of smart city administration processes

Where: 1 - the control center; 2 - smart-subsystems managed by the control center (health, management services, social sphere, transport, security, etc.); 3 - strong digital communication processes between different subsystems

The next evolutionary development stage of administration processes is the transition to an intelligent administration, characterized by maximum automation of all components of the administration process and the ability to automatically make administrative decisions based on the analysis of previously repeatedly made decisions in similar conditions. The intelligent administration means that all subsystems become part of a unique administration process.

Conclusions. Given the above, we can conclude that occurrence of smart and intelligent cities is the result of the digital technologies evolution and its usage in administration processes, a key factor is the process automation level. With the usual (traditional) forms of city government there is minimal automation, many processes are performed manually or each step requires instructions. The smart cities functioning is characterized by high automation of administration processes. Some decisions in standard conditions are made automatically. The next evolutionary step will be the transition to intellectual administration - a system based on the empirical knowledge, that offers administrative solutions for public servants.

The article provides an author's vision for building administration processes in smart cities and proposes to consider smart-city as special form of administrative processes building, based on a complex multilevel, multi-component, interoperable, automated digital information system that can receive, store, process/analyze, provide, modify and produce new information. In fact, such a system consists of many interoperable subsystems (health, education, transport, banking, utilities, etc.)

and manages/interacts with them. It should also be noted that the system components are digital (by-default) and digitized processes.

Further scientific research will be aimed at studying the features of administration processes digitalization and the development of practical recommendations for reforming the local government system in the context of smart city concept development.

Author contributions. The authors contributed equally.

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

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MECHANISM OF PUBLIC MANAGEMENT OF THE SYSTEM OF DEVELOPMENT OF INTELLECTUAL RESOURCES OF THE ECONOMY OF UKRAINE

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Abstract. *The article presents the structure of the mechanism of public management of the system of intellectual resources development, which will contribute to the development of intellectual resources and increase the efficiency of their use and is able to function offline, taking into account the peculiarities of socio-economic development and ensures the expansion of the range of means and methods of management. The application of the mechanism of public management of the intellectual resources development system and the model of formation, use and development of intellectual resources in practice will contribute to the improvement of regulatory and legal support for the management of intellectual resources, the introduction of new spatial forms of innovation and attraction of investments in the development of intellectual resourceswill significantly increase the intellectual development of our country, and innovative development will contribute to the growth of a new intellectual resource. The combined methods of intellectual resource management in four groups: organizational: definition of structure, tasks, functions of intellectual resources; approval of norms and standards in the field of intellectual resources management; approval of methods and recommendations; financial and economic: investing in the formation and use of intellectual resources; pricing for intelligent resources; socio-psychological: creation of creative atmosphere in the workplace; formation of principles and norms of behavior in order to increase creative activity; PR events (public relations - "public relations"); legal: application of laws and other regulations on copyright protection, as well as protection against unfair competition and intellectual piracy; administrative: these are methods of influence of public administration on society where intellectual resources are formed and characterized by relations "power – society".*

Keywords: *intellectual resources, public administration, development, education, mechanism.*

JEL Classification: H10, H75, J01

Formulas: 0; fig.: 1; tabl.: 0; bibl.: 7

Introduction. In the current conditions of economic development of Ukraine, the theoretical foundations of effective management of the formation and use of intellectual resources require careful study, after all, information, scientific knowledge, professional, scientific and cultural potential of society determines the structure of the national economy, the quality of manufactured products, the provision of services.

Literature Review. The search for directions and measures to improve the management of intellectual resources is presented in the scientific works of such domestic Nukovs as: O. Amosov, V. Bzalyevich, I. Bilous, N. Gavkalova, V. Geyts, B. Dergalyuk, Y. Zaitseva, S. Kis, N. Kravchuk, L. Kurylo, L. Lazebnik, G. Lyashenko, E. Libanova, V. Mandybury, R. Marutyan, Y. Pashomov, O. Popelo, V. Savchuk, L. Fedulova, A. Chukno, V. Yakubenko and others.

At the same time, many issues in the Ukrainian and foreign scientific literature

are related to the study of the peculiarities of managing the development of intellectual resources in the economy of Ukraine requires careful research.

Aims. The purpose of the article is to substantiate the scientific and applied principles of formation and implementation of the mechanism of public management of the system of development of intellectual resources of the economy of Ukraine.

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. In a broad sense, the "management mechanism" is the process of the agreed influence of the management entity on the phenomena of social reality surrounding it.

Summarizing the above interpretations of the term "management mechanism" can be defined as a set of means, functions, methods, legal, organizational, administrative, motivational measures aimed at ensuring the dynamic development of society [2] and the country as a whole, the components of which are specific management mechanisms (economic, motivational, political, legal, etc.), which together are able to ensure the balanced and effective functioning of a single mechanism.

In our opinion, the mechanism of public management of the development of intellectual resources is a system of elements: forms, methods, functions, principles and tools by which the state influences society in order to manage the formation and use of intellectual resources aimed at the implementation of goals.

Theechanism of management of the system of formation and use of intellectual resources of Ukraine is a cycle structure in the form of a continuous and rather dynamic process.

The State is the main regulator of the formation and use of intellectual resources in the country's economy with the help of regulatory, administrative, financial, economic, information and organizational levers in order to target the Ministry of Education and Science to achieve the goals and priorities of the state scientific and educational policy.

The state can perform its functions of influencing the economy directly - through financing the development of the public sector, science, culture, education, social protection of the population or indirectly - through a system of legal and economic regulators. .

The main branch of the state that influences the formation, development and use of intellectual resources is scientific and educational - the central body of which is the Ministry of Education and Science of Ukraine, which ensures the formation and implementation of state policy in the fields of education and science, intellectual property, scientific, scientific, technical and innovative activities, informatization, development of national electronic information resources, creates conditions for the development of the information society, and also carries out where rusty supervision over the activities of educational institutions, regardless of their subordination and form of ownership.

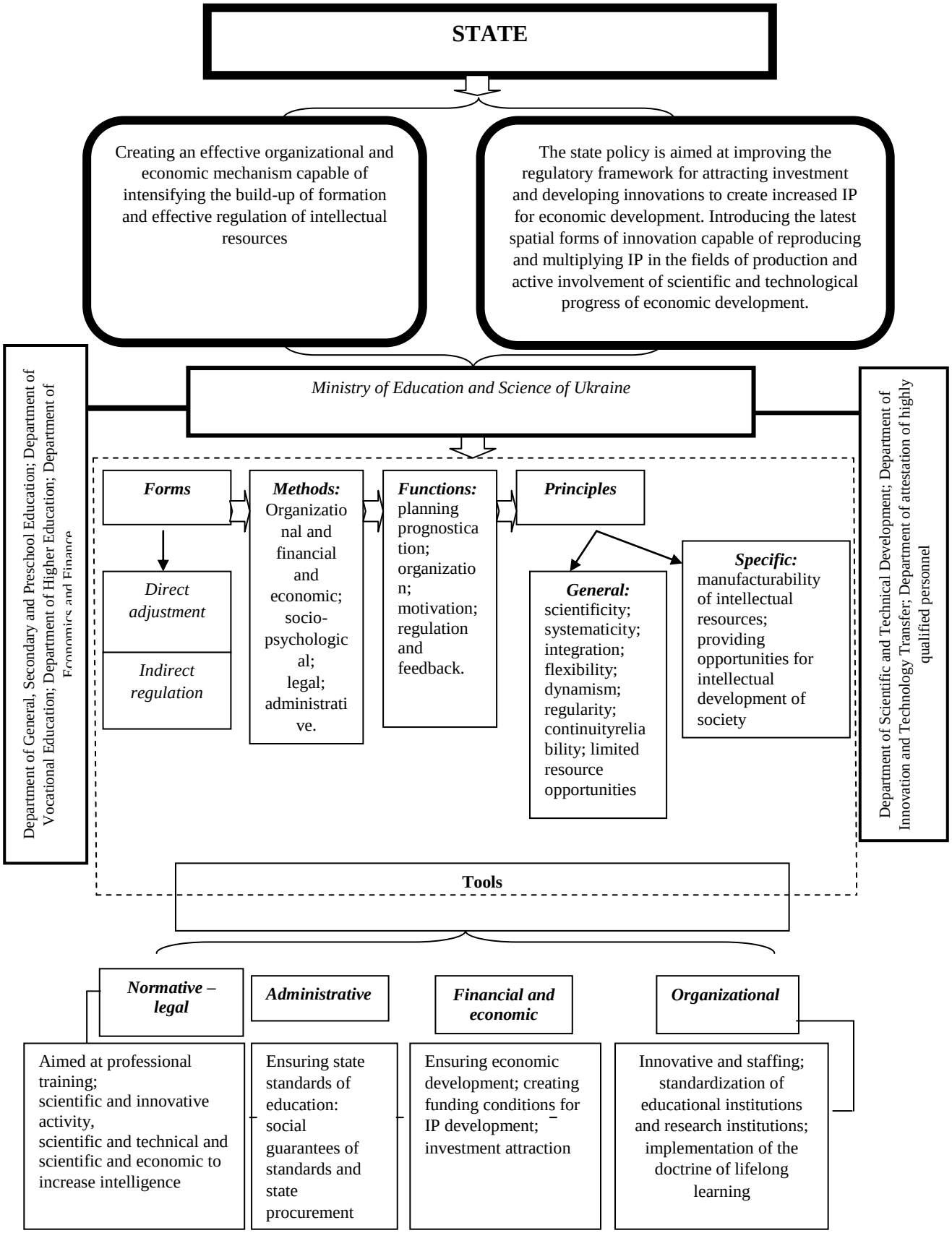

Figure 1. Mechanism of public management of the system of formation and use of intellectual resources

Source: developed by author

The Ministry of Education and Science *through the* Department of *General, Secondary and Preschool Education*: in the formation and implementation of the state policy on the development of general secondary and preschool education; formation of a regulatory framework and conditions for obtaining preschool and complete general secondary education for children; - ensures the right to education for children in need of state assistance and support: orphans and children deprived of parental care, children with special educational needs, including children with disabilities, through the introduction of inclusive learning;who are in conflict with the law; development of priority areas of general secondary, special and preschool education; development of state requirements for determining the procedure for state control over the activities of preschool and comprehensive educational institutions, selection of managerial personnel and management activities in preschool and general secondary education; promotes the integration of the national education system into the European and world educational space; coordination of activities of institutes of postgraduate pedagogical education on general secondary and preschool education; introduction of innovative educational technologies, which are based on the principles of taking into account the interests of a child with special needs;

The Department of Vocational Education determines the prospects and directions of development of vocational education; provides interaction with other fields of education; carries out normative and methodological support for the functioning of vocational schools; monitors the implementation of state policy; determines on the basis of state order and labor market needs the volumes of training, retraining and advanced training in vocational schools; determines the strategy for monitoring the quality of education and ensures its implementation; provides, together with local education management, optimization of the network of educational institutions of vocational education;

The main tasks of *the Department of Higher* Education are: conducting analytical and prognostic activities in the field of higher education, identifying trends in its development, the influence of the demographic, ethnic, socio-economic situation, the infrastructure of the production and non-production sphere; formation of strategic directions of higher education development, development of organizational and legal mechanism of its functioning taking into account scientific and technological progress and other factors; development of draft legislative acts and normative documents on higher education; participation in the formation and implementation of state policy in the field of higher education, coordination of work on higher education of central executive bodies, which include higher education institutions; formation of proposals and placement of a state order for the training of specialists with higher education; development of admission system to higher educational institutions; development and implementation of a career guidance system for young people for higher education and the creation and practical implementation of programs for identifying and educational growth of talented youth; formation of a list of fields of knowledge and a list of specialties on which higher education applicants are trained; organization of development of standards of educational activity and standards of higher education; organization of training in the

level system of higher education, integration of educational institutions of various types into educational, educational, research and production complexes; organization of the system of pre-university education; participation in the organization of the educational process and state certification during the training, retraining and advanced training of personnel in higher educational institutions and postgraduate education institutions; participation in the organization of professional and practical training of personnel, assistance to higher educational institutions in the selection of places of industrial practice and employment of graduates; formation of tasks for conducting scientific research on the problems of higher education; generalization of world and domestic experience in the development of higher education; organizational work on the integration of Higher Education of Ukraine into the European Higher Education Area [4].

The *Department of Scientific and Technical Development is responsible* for organizing and ensuring the implementation of the functions of the Ministry on the formation and implementation of state policy in the field of science, scientific and scientific and technical activities.

In particular, it concerns the issues of state certification of scientific institutions, the system of scientific and scientific and technical expertise, support for the development of scientific and technical infrastructure, social protection of scientific workers, coordination of the development of projects of state target scientific and scientific and technical programs, the formation and implementation of state procurement for scientific and technical products, etc. Having a powerful system of higher educational institutions and scientific institutions in the field of their management, the Ministry provides financial support and promotes their research and development, stimulates the involvement of young people in scientific activities [5].

The Department of Innovation and Technology Transfer improves the legal conditions for innovation and technology transfer; ensures the development of innovative infrastructure in order to assist scientists, inventors and enterprises throughout the innovation chain: scientific and technical development - innovation - production; promoting the commercialization of intellectual property rights and transferring technologies to enterprises to create the production of competitive products; developing and introducing effective mechanisms of state support and attracting financial resources for the implementation of innovative projects.

Department of attestation of personnel of higher qualification ensures the formation of a network of specialized academic councils, postgraduate, adjunct and doctoral studies, providing and analyzing their activities;

The main tasks of *the Department of Economics and Finance are:*participation in the formation, preparation and definition of indicators of the draft law on the State Budget of Ukraine for the corresponding year in the sections "Education" and "Science"; development and bringing to the departmental institutions and institutions the amount of expenditures of budget funds for the relevant year; ensuring timely and full financing of expenditures under the sections "Education" and "Science" within the budgetary appointments provided for by the Law of Ukraine on the State Budget for the relevant year; analyzes the use of budget funds in the context of budget

programs; participates in the development and improvement of conditions and remuneration of employees of budgetary institutions and organizations of the educational sector; develops annual and long-term state programs of economic and social development of educational institutions and institutions on issues within the competence of the department.

The mechanism of management of the formation and use of intellectual resources reacts to the environmental impact and the less oscillations in it, the more stable the system that adapts and develops. To increase intellectual resources and increase the efficiency of their use, a comprehensively thought-out and effective national intellectual system with regional subsystems capable of functioning offline, taking into account the peculiarities of regional socio-economic development, is necessary.

Forms of public administration are divided into *direct management, which include:* determining state priorities for the development of education, science and technology; state educational, scientific and technical programs; state order in the educational and scientific and technical sphere; budget financing of education, research and works carried out within the framework of priority directions of education, science and technology development; training of scientific and technical personnel; and *indirect management:*instruments of financial and budgetary, tax policy; legal protection of intellectual property; state policy in the field of international scientific and technical cooperation.

Methods of intellectual resources management are a purposeful procedure for the management subsystem and the use of management techniques for intellectual resources in compliance with the relevant conditions and restrictions. We combine intelligent resource management methods into four groups:

1. Organizational: definition of structure, tasks, functions of intellectual resources; approval of norms and standards in the field of intellectual resources management; approval of methods and recommendations.

2. Financial and economic: investing in the formation and use of intellectual resources; pricing for intellectual resources.

3. Socio-psychological: creating a creative atmosphere in the workplace; forming principles and norms of behavior in order to increase creative activity; PR (relations - "public relations").

4. Legal: application of laws and other regulations on copyright protection, as well as protection against unfair competition and intellectual piracy..

Administrative: these are methods of influence of public administration on society where intellectual resources are formed and characterized by relations "power - society", improvement of the system of public administration. Such a methodological approach of the main regulator in the person of the state is necessary to coordinate efforts to form effective mechanisms in the public administration system.

Six functions of ensuring the development of intellectual resources are highlighted in the work*:*

1) planning are actions and solutions aimed at developing specific strategies

designed to help the state achieve its goals. Expenditures from the state budget for education in 2015 decreased by 16.3% compared to the previous year and amounted to UAH 1.6 billion, therefore, accordingly,the volume of state procurement for the training of specialists with higher education, the future may hinder the development of intellectual resources;

2) forecasting - the application of the acquired experience, skills and current assumptions in order to determine the future development of intellectual resources;

3) organization - the process of creating and establishing work, which enables people to work effectively to achieve a common goal using their knowledge;

4) motivation consists in providing conditions for the formation of intellectual resources - creating favorable working conditions, updating technological support and providing premises for practical research, which together will contribute to the increase of intelligence;

5) management is a management process that is carried out using methods of formal influence and strengthened (power and leadership) in order to preserve the stability of the state by maintaining the necessary ratio between their different elements, timely elimination of possible deviations from the established norms in the functioning of management objects [6].

The formation of a mechanism for managing the formation and use of intellectual resources as a system is based on scientific principles:

– the principle of scientificity - methods,, means of management of the formation and use of intellectual resources should be scientifically justified and proven by practice;

– the principle of systemicity consists in establishing between the structural elements of the information system of communications that ensure the integrity of the functioning of the management mechanism of the system of development of intellectual resources;

– the principle of integration - the interaction of all forms, elements and methods of formation and use of intellectual resources and their organization into a single system at all levels of development;

– the principle of flexibility, which means the ability of the mechanism plan to change its direction when changing the conditions of activity and have certain reserves.

– the principle of dynamism assumes that the IP control mechanism must be adapted to the requirements of the external and internal environment;

– the principle of systematism means that the management system should be aimed at solving not only current but also long-term problems of intellectual capital development [5-6];

– the principle of continuity and reliability is manifested in the creation of organizational and economic conditions that will contribute to the stability and continuity of the effective functioning of intellectual resources;

– the principle of limited resource capabilities provides for the effective use of all types of resources.

Specific principles of the mechanism model include:

– ensuring the manufacturability of intellectual resources development;

– providing opportunities for intellectual development of society.

Taking into account the specifics of intellectual resources, it is advisable to use combined techniques that involve several management methods at the same time. With the complex action of levers, the impact on the process of intellectual resource management can be strengthened, weakened or completely neutralized depending on how rationally their regulatory values are established.

The tools of the mechanism are the main means of applying the mechanism of public management of the formation and use *of intellectual resources in the economy of Ukraine, among them normative legal - laws of Ukraine*, resolutions of the Cabinet of Ministers, orders and instructions of central executive bodies aimed at professional training, scientific-innovative, technical, economic activities to increase intelligence; *administrative* - development and approval of standards of education, social guarantees and state order for training; *financial-economic* - income of employees of the scientific and educational sector, state spending on research work, financing of education.

The *organizational tools of the intellectual resources management mechanism* include:

– innovative support - technological and technical renewal of basic sectors of the economy; implementation of highly profitable innovation and investment projects;

– personnel support is personnel planning.

– ensuring control contributes to the achievement of the main cost goal of institutions, optimization of financial results, through maximization of profit and capital value with guaranteed liquidity.

Discussion. For the effective action of the mechanism it is necessary:

– tocreatelegal and prerequisites forthe exit of education from a crisis state, the transformation of the educational regulatory framework into an effective tool for quality management and improving the effectiveness of education;

– to create favorable conditions for the development of higher education, the development of the best national educational and cultural traditions, which will contribute to the comprehensive development and education of Ukrainian citizens;

– to increase the prestige of science and scientific activity, the development of innovation activities, the formation of the information society and the economics of knowledge;

– to ensure harmonious interaction of national systems of education, science, economics and modernization of the system of training specialists with higher education, taking into account the needs of the person, interests of the state, territorial communities and employers;

– to create conditions for stimulating business entities to introduce innovations;

– to concentrate state financial resources on breakthrough directions of scientific and technical development by changing the system of formation and implementation of priority directions of innovation activity;

– to ensure the protection of intellectual property as a prerequisite for the successful commercialization of scientific developments;

– to stimulate the scientific and technical potential of Ukraine to introduce the latest technologies and developments, as well as to establish effective interaction between business entities and state authorities in the field of technology transfer;

– to create favorable conditions for the development and use of scientific and technical potential of Ukraine.

Conclusions. A mechanism for public management of the intellectual resource development systemhas been developed, the application of which will improve the regulatory and legal support of intellectual resourcesmanagement, the introduction of new spatial forms of innovation and attraction of investments in the development of suchresources will be implemented, which will significantly increase theintellectual development of Ukraine. The model of formation, use and development of intellectual resources in the economy of Ukraine was built, which will ensure effective management of intellectual resources of the national economy and their innovative development through scientific and technological progress, IT technology and the formation of a virtual economy, high standards of ensuring protection, cultural and educational level of society, health, which significantly affect the development of intellectual resources; staffing potential, scientific potential, innovation potential, productivity, migration of scientific personnel are factors that affect the use of intellectual resources; conditions for the growth of intellectual resources and dynamic development, social guarantees, patriotism of the population, social standards, responsibility to society, balance of the labor market are factors thataffect the development of intellectual resources.

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CHAPTER 2
LEGAL RELATIONS: FROM THEORY TO PRACTICE

THE RIGHT TO PRIVATE COMMUNICATION USING TELECOMMUNICATIONMEANS: NATIONAL AND INTERNATIONAL LEGAL ASPECTS OF PROTECTION

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Abstract. *Today's challenges dictate the need to strengthen the national and international legal mechanisms for the protection of personal data and the right to private communication. However, considered rights are not absolute. Legitimate restriction of guaranteed rights is possible, since these means of communication are a powerful tool in the investigation and disclosure of hard/very hard crimes, including transnational ones, especially considering the terrorist threats to Jordan and other countries. The possibility of restricting human rights, arising from the guarantees enshrined in the European Convention on Human Rights and consistently enshrined in the ECHR, demands from the state the least compulsory guarantee while interfering with the rights of individuals – to act "in accordance with the law". Law protection of personal data and right to privacy are researched in the context of peculiarities of conducting investigative (search), secret investigative (search) and other procedural actions in criminal proceedings, which concern access to some telecommunication means (e.g., smart phones). Taking into account different functional purposes of technical means of telecommunication, access and collecting of evidence contained therein, should be carried out on a case- to-case basis, in a different procedural form, considering specifics of telecommunication technologies in each particular case.*

Keywords: *privacy, the secret of communication, telecommunication means, criminal proceedings, covert investigative (search) actions, due process, international law, smart phone.*

JEL Classification: K12, K22, K33,

Formulas: 0; fig.: 0; tabl.: 0; bibl.: 8

Introduction. The protection of personal data in information and telecommunication networks/systems (telecommunication means), including using the Internet, today is one of the main tasks of the states, private institutions and the international community. Legal protection of personal data and privacy rights includes the following: constitutional law, international law, administrative law, and criminal and criminal procedural law.

Consequently, these rights on the national level are guaranteed by constitutions or special legislation. Also, today's challenges dictate the need to strengthen the international legal mechanisms for the protection of personal data and the right to private communication. However, considered rights are not absolute. Legitimate restriction of guaranteed rights is possible, since these means of communication are a powerful tool in the investigation and disclosure of hard/very hard crimes, including transnational ones, especially considering the terrorist threats to Jordan and other countries.

General Data Protection Regulation (GDPR) (EU) 2016/679 (it. 4 of Preamble) states that "the processing of personal data should be designed to serve mankind. The

right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality". At the same time GDPR (it. 19 of Preamble) should provide for the possibility for Member States under specific conditions to restrict by law certain obligations and rights, when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard specific important interests, including public security and the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. This is relevant, for example, in the framework of anti-money laundering or the activities of forensic laboratories [1].

Aim. The main objective of the research is to identify issues related with the legal regulation of the protection of personal data and the right to private communication, and to put forward suggestions for their solution, which are set out in the results of our study. Law protection of personal data and right to privacy are researched in the context of specifics of conducting investigative (search), covert investigative (search) and other procedural actions in criminal proceedings, which concern access to some telecommunication means.

Methods. The national and international (in EU area) legislatives, case-law of ECHR, judgements of Jordan courts in criminal cases and relevant legal literature are analyzed in the paper. In this research, a complex of general and special scientific methods of legal science (dialectical, comparative legal, analytical, descriptive, systemic-structural, generalizations etc.) is used.

Results. The stated idea of possible wrongful use, in particular of the Internet environment, for improper purposes, is consistently traced in Recommendation CM/Rec (2018) 2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries (Adopted by the Committee of Ministers on 7 March 2018at the 1309th meeting of the Ministers' Deputies). As specified in the Recommendation, inter alia, "the internet has facilitated an increase in privacy-related risks and infringements and has spurred the spread of certain forms of harassment, hatred and incitement to violence, in particular on the basis of gender, race and religion, which remain underreported and are rarely remedied or prosecuted". According to the Committee of Ministers of the Council of Europe, owing to the abuse, serious problems were encountered in connection with maintaining public order, national security, crime prevention, activities of law enforcement bodies, as well as the protection of other persons, including protection of intellectual property rights [2].

For example, Art. 8 Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 1950), along with the fact that it enshrines the right to respect for the right to private and family life, to own home and correspondence, also provides for the possibility of restricting it to clearly defined cases, such as "in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well- being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the

protection of the rights and freedoms of others". It follows from the practice of the European Court of Human Rights that interference by public authorities is possible not only when it is carried out "in accordance with the law", but also when it has a "legitimate purpose" and is "proportional" [3].

European Court of Human Rights (hereinafter, ECHR or European Court) also asserted that legitimate restriction of guaranteed rights "are tolerable under the Convention only in so far as strictly necessary for safeguarding the democratic institutions. Noting, however, that democratic societies nowadays find themselves threatened by highly sophisticated forms of espionage and by terrorism, with the result that the State must be able, in order to counter such threats effectively, to undertake the secret surveillance of subversive elements operating within its jurisdiction, the Court considered that the existence of some legislation granting powers of secret surveillance over the mail, post and telecommunications was, under exceptional conditions, necessary in a democratic society in the interests of national security and/or for the prevention of disorder or crime" [4].

All of the foregoing, taking into account the possibility, in exceptional cases, of limiting the right to privacy and private communication (as a part of the right to respect for private and family life), determines our further scientific research and analysis of legislative regulation of the presented set of problems in the criminal procedural context since nowadays, the means of criminal procedural influence and combating crime, including transnational one, are perhaps the only effective way to counteract these challenges of national security and public safety.

As Dita Plepa rightly specified in her paper, "security has been and is one of the most fundamental issues defining relations between the state and the citizen. Development of a contemporary democratic and judicial state is linked to the search for balance between the protection of constitutional values and respect for human rights" [5].

Consequently, as we see, the possibility of restricting human rights arising from the guarantees enshrined in the European Convention on Human Rights and consistently enshrined in the ECHR demands from the state the least compulsory guarantee while interfering in the rights of individuals – to act "in accordance with the law". Nowadays it is an indisputable thesis since the proper legal procedure enshrined in the law is an unconditional guarantee of enforcement of human rights and freedoms. Therefore, in our study, we will try to show that a serious problem, inter alia, for a number of European states is the imperfection of the legislative regulation of the grounds, conditions and procedure for legal interference of the state with these persons' rights, taking into account the factor of the rapid development of information and telecommunication technologies.

In this context, for example, the decision of the ECHR in the case *Liberty and Others v. the United Kingdom*, July 1, 2008, may be indicative. The applicants, a British and two Irish civil liberties' organisations, alleged that between 1990 and 1997 their telephone, facsimile, e-mail and data communications, including legally privileged and confidential information, were intercepted by an Electronic Test Facility operated by the British Ministry of Defence. They had lodged complaints

with the Interception of Communications Tribunal, the Director of Public Prosecutions and the Investigatory Powers Tribunal to challenge the lawfulness of the alleged interception of their communications, but to no avail. The Court held that there had been a violation of Article 8 of the Convention. It did not consider that the domestic law at the relevant time indicated with sufficient clarity, so as to provide adequate protection against abuse of power, the scope or manner of exercise of the very wide discretion conferred on the authorities to intercept and examine external communications. In particular, it did not, as required by the Court's case-law, set out in a form accessible to the public any indication of the procedure to be followed for selecting for examination, sharing, storing and destroying intercepted material. The interference with the applicants' rights under Article 8 was not, therefore, "in accordance with the law" [4].

Consequently, as we see, the desire of the state to counteract serious challenges regarding unlawful and extremely dangerous criminal offenses against public security can, on the one hand, lead to abuses of the competent public authorities while investigating and detecting crimes and, accordingly, unlawful restriction or violation of human rights and freedoms, on the other hand.

And therefore, the law and the due legal procedure enshrined in it is a guarantee against the specified abuses. That is why we consider it expedient to analyze legal regulation of the procedural instruments (means) which enable to obtain evidence constituting personal data of a person, as well as data concerning the exchange and use of information that can be attributed to private communication.

As it is supposed, such ambiguity is caused by the uncertainty of legal regulation of this issue, as well as by the very specific, unequal technical and legal nature of the above telecommunication means (devices) and information that is stored, processed and used with the help of the latter. For example, the mobile terminal of communication systems – "smartphone" - can be used as:

1) a means of communicating in real time (online), for example, for making telephone calls;

2) a means of access to electronic information systems using various forms of data transmission, including, as a rule, via the Internet (for example, for communication in various chats, social networks, namely, Facebook, Twitter, Instagram, Telegram, Snapchat, etc.; or for use of e-mail, including using the so-called "cloud-based technologies" ("cloud computing") for storing and processing information (for example, Google Drive or the like); or using so- called "messengers" such as Viber, WhatsApp, Skype, Facebook Messenger, Telegram, etc.). As the researchers point out, these telecommunication technologies represent network convergence supporting a wide range of access methods (traditional telephony, DSL, networks WLAN, RAN, etc.); at the level of service convergence during mobile communication sessions with the help of specialized software, mobile access to data, audio and video contraction, voice and instant messaging can be carried out. The widespread use of smartphones with installed programs that combine IP-telephony and instant messengers (Skype, Viber, etc.) or only instant messengers (ICQ, Telegram, WhatsApp, etc.) by mobile telecommunication subscribers form them as

elements of distributed electronic information systems (hereinafter, DIS). DIS components are distributed, therefore, on several computers. In turn, DIS is composed of file-server information systems and client-server information systems. In the latter, for example, a database and database management system are located on the server, and client- side software is located on the workstations. As specified in the literature, both local and distributed electronic information systems can be open for the public and closed, i.e. access to which is limited to their owner, proprietor or holder, to obtain more information on the features of individual electronic information systems and IREIS. At the same time one very significant feature should be mentioned. As a rule, information displayed on the device screen is not physically stored on it. It is stored in electronic information systems (information (automated) systems), on servers of the relevant companies providing appropriate information and telecommunication services. In other words, in this case, a mobile device serves only as a means of access (a kind of "key") to information that constitutes communication content. Otherwise, if specified information is stored in the memory of the device itself, the features of the use of the latter will be described below, in the third group. In addition, it should also be noted that some of the mentioned messengers or social networks also allow real-time communication (online). Therefore, in such cases, the smartphone should be assigned to the previous group according to its functional (functional, technical and communication) purpose;

3) A means of storing and/or processing data (a variety of text, image, audio, video and other files and digital content). For example, audio, video, photo files, SMS messages and others sent and saved by a user can be stored in the device memory. Access to this information contained in a technical device can be gained either directly by an operating system of the latter or with the help of a specially-designed software, so-called applications (commonly known as "a mobile application" or just "an application").

As it is supposed, given the different functional purpose of the said mobile terminals of communication systems, access to the information contained therein should be carried out on a case-by-case basis in different procedural order, using diverse methods of collecting evidence, taking into account the above-mentioned features in each particular case. Thus, the due legal procedure of the procedural order, ways of obtaining evidence in the context of access to it using the specified mobile terminals of communication systems (technical means of telecommunication) should be carried out as follows.

In the first case, when a mobile device is used as a means of communication in real time (online), information constituting private communication content can be obtained by conducting such a CISA as IRTTN (or monitoring a means of communication, since data transfer is carried out with the help of appropriate technical capabilities of transport telecommunication networks (communication channels). It should be borne in mind that when communication takes place in real time with the help of (by means of) software of a device that transmits data through social networks or similar online services, i.e. provides communication with electronic information systems (information (automated) systems) which are located

on the servers of the respective companies, access to such information in the context of "penetration" into these systems has to be gained by means of such a CISA as IREIS.

In the second case, when a smartphone (or other technical device) serves only as a means of access to information stored in electronic information systems and only displayed on the screen of a device, but physically not stored in it, obtaining and recording (copying) such information has to be done by means of conducting such a CISA as IREIS (such information is recognized as valid and admissible evidence in the court which is confirmed in the Jordan judicial practice.

Finally, in the third case, when a device is, virtually, a technical stored data carrier, the latter is characterized by all the features that are inherent in actual evidence or documents (in this case, these are electronic documents) in criminal proceedings. Therefore, only in this case access to the data stored in a technical device (a mobile terminal of communication systems), received and saved by a user (or automatically saved in this device), if the user is familiar with its content, can be obtained in such a procedural way as any other things or documentsin criminal proceedings. In other words, namely, seizure of a mobile device and access to the information content in it can be gained in connection with a search, examining a housing or other person's possessions, searching a person during a search in a housing or other property, temporary access to things and documents, etc. Examination of information contents contained (stored) in a device seized in such a way, copying of the relevant electronic documents have to be carried out during examination of the device, which includes involving expert assistance (in case of the need to apply expert knowledge while examining a device or information contained therein, it is also possible to involve an expert and conduct an expert examination in accordance with the procedure established by the procedural law).

In our paper, while characterizing the procedural order for obtaining (collecting) evidence, as an example, a smartphone is used as a mobile terminal of communication systems (a technical means of communication, telecommunication device). However, according to the same principle, taking into account the similarity of technical and legal nature, similarity of algorithms for collecting, storing, processing, transmission and use of information, functional purpose, etc., the indicated methods of procedural order of access (collection) to evidence may be applied to other types of technical means (devices) of telecommunication (personal computers, tablets, laptops, etc.).

Consequently, taking into account different functional purposes of technical means of telecommunication, access to and collecting evidence contained therein should be carried out on a case-to-case basis, in a different procedural form, considering specifics of telecommunication technologies in each particular case.

Here is a typical example that can illustrate the problems at both the national and international (transnational) levels of legal regulation.

Interesting that the entry into force of the General Data Protection Regulation (GDPR) (EU) 2016/679 of 25.05.2018 improved the protection of personal data of all persons within the EU and the European Economic Area, but at the same time, from

the point of view of legal regulation of the problem of access to personal data by law enforcement agencies, Directive (EU) 2016/680 of the European Parliament and of the Council, of 27 April 2016 "On the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data and repealing Council Framework Decision 2008/977/JHA" is more specialized, along with Directive (EU) 2016/681 of the European Parliament and of the Council, of 27 April 2016 "On the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime". However, consistently emphasizing the protection of citizens' rights to privacy, the specified Directives also determine the direction of restricting this right in connection with the need to protect public and national interests from criminal infringements.

Discussion. Therefore, at the level of international legal treaty regulation, it is necessary to envisage a specific universal mechanism in criminal procedural sphere (co-operation) which, under certain conditions, would provide legal reasons and real possibilities for authoritative bodies of one state to have a power to influence companies being under the jurisdiction of another state. Appropriate unification and harmonization of national legislation should take place on certain principles of the common framework of conventional international legal regulation.

And the EU Directives alone cannot solve the problem, given that there are non-EU countries. Such countries can easily become so- called "information offshore" providing opportunities to evade the itemized conventional IT-regulation.

Among other issues, despite the fact that The Regulation and Directives were passed and enforced, it is seriously worrying that there are still ongoing discussions in the EU countries on finding legitimate reasons for preventing the transmission of information spread over the Internet, e.g., via Skype and Viber beyond the scope of criminal proceedings (as is already the case in the United States), which poses a threat to human rights.

Conclusions. On the basis of the research, the shortcomings of the legal regulation of the protection of personal data and the right to private communication at the national level, as well as inconsistency with international legal requirements and recommendations were revealed. This requires improvement of the legislative consolidation (in accordance with the requirements of the current level of development of telecommunication facilities), the bases, conditions and procedure for legal intervention of the state in the sphere of private life and communication; also bringing national legislation in line with international requirements and practices of international judicial institutions.

Taking into account different functional purposes of technical means of telecommunication, access to and collecting of evidence contained therein should be carried out on a case-to-case basis, in a different procedural form, considering specifics of telecommunication technologies in each particular case.

At the level of international legal treaty regulation, it is necessary to envisage a specific universal mechanism in criminal procedural sphere (co-operation) which,

under certain conditions, would provide legal reasons and real possibilities for authoritative bodies of one state to have a power to influence companies being under the jurisdiction of another state. Appropriate unification and harmonization of national legislation should take place on certain principles of the common framework conventional international legal regulation.

The specified mechanism should be universal, efficient, operative, guaranteeing protection of human rights and freedoms against unlawful violation, as well as compensation for damage caused by unlawful restrictions (violations) of these rights.

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7. An exception to this is, for example, Viber and some others where information on the content of messages, sent files, etc. is physically contained (stored) in the memory of a technical device itself since, as the company claims, information content of messages is deleted from the servers of the company as soon as a message is sent to an end user. See more about Viber's privacy and security policy. Available at: https://www.viber.com/security (accessed on September 30, 2018) On the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecutionof criminal offences or the execution of criminal penalties, and the free movement of such data and repealing Council Framework Decision 2008/977/JHA: Directive (EU) 2016/680 of the European Parliament and of the Council, of 27 April 2016. Available at:https:///eur-lex.europa.eu/legalcontent/en/TXT/%3Furi%3 DCELEX%253A32016L0680&prev=search (accessed on February 5, 2019)

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TYPES AND CONTENT OF RESTRICTIVE MEASURES TOWARDS PERSONS WHO HAVE COMMITTED DOMESTIC VIOLENCE UNDER THE CRIMINAL CODE OF UKRAINE

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Abstract. *Within the conditions of the spreading the pandemic, the number of domestic violence cases has increased significantly, necessitating a review of restrictive measures in different countries. The concepts, features, legal nature, legal grounds and conditions for the application of restrictive measures, their types and content, nature (short-term or long-term), shortcomings of the modern model of criminalization of domestic violence in Article 126-1 of the Criminal Code of Ukraine have been systematized in the present academic paper as well as ways of solving problems that exist in this area. The method of content analysis of laws and regulations has been used in the research and the development of the legal framework of Ukraine towards combating and protecting against domestic violence has been analyzed. The object of the research is a system of restrictive measures in order to combat domestic violence. Restrictive measures can be attributed to countering domestic violence due to measures that restrict: 1) general place of stay / residence; 2) communication; 3) approaching to the victim; 4) electronic means of communication; 5) undergoing the program of correction of aggressive behavior; 6) search or pursuit; 7) preventive work; 8) monitoring the offender. These measures are carried out by specially authorized bodies upon request for a certain period. In general, the content of restrictive measures in accordance with the legislation provides for combating violence in the short term through passive measures and in the long term through behavior correction programs. Restrictive measures can be considered coercive criminal measures, which are characterized by an additional nature and can be applied by a court in the case the adult has committed a crime related to domestic violence. The duality of restrictive measures has been identified: on the one hand, they are a law of the forum, but on the other - a duty / prohibition for the offender.*

Keywords: *domestic violence, restrictive measures concerning violence, criminalization of domestic violence, classification of domestic violence.*

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Introduction. Within the conditions of the pandemic, the number of cases of domestic violence is growing: in Brazil by 40% - 50%, in Spain - by 20%, in Cyprus - by 30%, in the UK - by 25% (Bradbury-Jones & Isham, 2020). The number of injuries as a result of violence is also increasing (Olding, Zisman, Olding & Fan, 2021). The increase in the length of staying at home has negatively affected the number of cases of domestic violence in the United States. According to research of Hsu & Henke (2021), staying at home due to the COVID-19 pandemic has led to an increase in violence by an average of 5%.

In Ukraine, domestic violence is extremely common, as evidenced by the data of the OSCE study (2019), conducted in the spring-summer of 2018 through a survey of 2048 women aged 18-74, analysis of information from focus groups, interviews, discussion with experts. Respondents note the prevalence of the phenomenon: 64% of respondents consider the phenomenon common, 67% have encountered various forms of violence (psychological, physical, sexual). This situation indicates the need to review, update the legal framework in order to ensure women's rights and opportunities for protection and advocacy. The research also shows that various forms of violence are widespread in Ukraine, in particular due to gender inequality, social expectations, lack of choice, lack of access to protection services against violence, lack of information about possible ways of protection for victims, lack of trust in protection institutions, insufficiently effective legal framework for protection, lack of clear instructions for the implementation of protection, centralized data collection system. The following legal issues should also be highlighted, namely: the formality of laws on the work of protection bodies (protection centers, police, psychological support centers, subjects of violence prevention). The lack of shelters and support services, in particular due to the lack of legal regulation of the mechanisms of their functioning, qualified specialists, especially at the regional level, quality programs for working with offenders exacerbate this problem. In fact, there are no preventive measures to combat violence, despite the approved Standard Program for Abusers Who Commit Domestic Violence (hereinafter - the Standard Program) (the Ministry of Social Policy, 2021c). Thus, the Standard Program provides for "the formation of awareness by the perpetrator that domestic violence is a violation of human rights punishable under current legislation", which actually means informing potential offenders about criminal liability.

Literature Review. Domestic violence is being studied as a form of abusive treatment in household space (Bradbury-Jones & Isham, 2020). Restrictive measures are considered in the scientific literature as certain obligations or prohibitions due to their application to a certain category of persons who have committed crimes related to domestic violence, in relation to the victim - a person who is (has been) with the abuser in the family or / and close relations as well as subject to the application of a wider range of conditions (Pavlova, 2019). Typically, such measures are aimed at restricting a certain category of subjective rights of the offender: housing, communication, personal freedom and other rights. The restriction of the right varies for each individual measure; it is a mandatory feature of all subjective rights. Restrictive measures should also be provided for in criminal legislation, which is their additional feature. The court is the body that is empowered to exclusively apply measures in order to restrict the rights of offenders on the basis of a ruling or sentence (Novikova, 2020).

In foreign countries, court orders on protection are a traditional restrictive measure to protect against domestic violence, which generally provide a negligible reduction in violence (Dowling et al., 2018b). Under certain conditions, orders are more effective, especially with a lower level of communication between the offender

and the victim. Orders are less effective for offenders who have committed a crime and / or violence, having psychological problems.

Shelters for victims and aggrieved persons are among the means of protection against domestic violence (Gregory, Nnawulezi & Sullivan, 2021). However, recent trends indicate a strengthening of the rules in shelters, which leads to increased psychological pressure on victims. Programs aimed at correcting offenders' behavior abroad and cognitive-behavioral therapy for 1 year are widely used as a restrictive protection measure against violence. Such programs are effective, as confirmed by a study of Zarling, Bannon & Berta (2019) on a sample of 3474 men arrested for domestic violence. The measures of police are also effective in combating violence, including timely response to incidents (Dowling et al., 2018a).

The investigation of Juodis, Starzomski, Porter & Woodworth (2014) focuses on the following countermeasures, namely:

1) planning of measures for victims' safety and teaching young people the skills to form and maintain psychologically healthy relationships,

2) coordinated responses of the defense authorities,

3) programs to assess the risks of violence,

4) special programs to correct the behavior of offenders.

Based on the analysis of legal norms on domestic violence, Pavlova (2019) examines the legal grounds and conditions for the application of measures towards restricting the rights of offenders. The basis for application is the commission by the offender of crimes that can be classified as domestic violence. Additionally, it is possible to determine the conditions for the application of measures in order to restrict the rights, namely:

1) penalties not related to imprisonment;

2) exemption of a person from criminal liability on grounds not provided by the Criminal Code of Ukraine;

3) exemption of a person from punishment on the grounds provided by the Criminal Code of Ukraine.

Characteristic features of restrictive measures that determine their legal nature are as follows (Kisilyuk & Smaglyuk, 2018):

1) measures of state coercion, as applied by the court on behalf of the state;

2) measures of an additional nature belonging to the category of other measures of a criminal law nature, forasmuch as they are applied along with punishment (except for punishments related to imprisonment);

3) restrictive measures provided by Art. 91-1 of the Criminal Code of Ukraine; they constitute an institution of the General Part of the Criminal Code of Ukraine;

4) the use of measures is a right, not an obligation of the court, in the interests of the victim in case of immediate danger from the offender. In this case, the court must take into account the opinion of the victim and apply these measures or give reasons why it does not consider it necessary to apply the restrictive measures;

5) the measures are applied to a person who is a special subject of criminal liability (forasmuch as his characteristics do not affect the qualification and are taken

into account when sentencing, exempted from punishment and / or criminal liability), who has turned 18 years old when committing a crime related to domestic violence;

6) the outlined measures are characterized by terms and are applied from 1 to 3 months and, if there is a need, they can be continued in accordance with a court's order for up to 12 months (part 3 of article 91-1 of the Criminal Code);

7) forasmuch as restrictive measures are devoid of capital punishment, their application does not entail a criminal record.

Pavlova (2019) argues that the legislation in this area envisages similar terms – "crimes related to domestic violence" (The Verkhovna Rada of Ukraine, 2018) and "domestic violence" (The Verkhovna Rada of Ukraine, 2020). The term "crimes related to domestic violence" is defined by the author in a more comprehensive sense. In addition to Art. 126-1 of the Criminal Code of Ukraine, it includes other crimes committed against a former spouse, family members, being in marital (family) and / or close relations, regardless of the indication of such circumstances in the criminal law as signs of a qualified or basic crime. This term includes such types of violence as: sexual, physical, economic, psychological, which cause the appropriate types of suffering (physical and psychological), cause health disorders, deterioration of quality of life, disability, etc. (Pavlova, 2019).

Vozniuk (2019) lays emphasis on certain shortcomings of the model of violence criminalization in accordance with the analysis of the rules of Article 126-1 of the Criminal Code of Ukraine, namely:

1) due to the literal interpretation of this norm, an erroneous impression is formed about the coverage of all cases and types of violence in Art. 126 of the Criminal Code of Ukraine;

2) problems of identifying the facts of qualification of each individual case exclusively under Art. 126 and the need for additional qualifications in accordance with other rules of law and articles of the Special Part of the Criminal Code of Ukraine;

3) the difficulty of distinguishing domestic violence as a crime from an administrative violation of the law;

4) formation of preconditions for violation of the principle of non bis in idem.

By the way, while taking into account the unresolved issues of previous studies, it is worth highlighting the lack of studying the practical experience of using the norms to counter domestic violence in Ukraine. Therefore, the necessity arises to continue research in this area and study the features of the practical applying law enforcement of new legislation in the field of combating domestic violence in Ukraine.

Aims. The purpose of the academic paper lies in identifying the types and content of restrictive measures against perpetrators of domestic violence, assessing the effectiveness of the practice of restrictive measures and developing recommendations for optimizing the system of measures in order to protect against violence.

Methods. In the present research, a qualitative investigation method has been used based on the content analysis of regulatory legal acts and the dynamics of the

development of the legislative framework of Ukraine in the field of counteraction and protection against domestic violence. The object of the research is a system of restrictive measures against violence. Content analysis of the legal framework has been carried out on the basis of the following regulatory legal acts of Ukraine for the period of 2017-2021, posted on the website of the Verkhovna Rada of Ukraine (2021) and the Ministry of Social Policy (2021), namely:

1. Resolution of the Cabinet of Ministers of Ukraine on the Procedure for the formation, maintenance and access to the Unified State Register of Cases of Domestic Violence and Gender-Based Violence (The Ministry of Social Policy, 2018).

2. Criminal Code of Ukraine (The Verkhovna Rada of Ukraine, 2001).

3. Law of Ukraine "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine in order to implement the provisions of the Council of Europe Convention on the Prevention of Violence against Women and Domestic Violence and Combating These Phenomena" (The Verkhovna Rada of Ukraine, 2018).

4. Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" (The Verkhovna Rada of Ukraine, 2005).

5. Order "On approval of the Standard Program for Offenders" (The Ministry of Social Policy, 2021c).

6. Law of Ukraine "On Prevention and Counteraction to Domestic Violence" (The Verkhovna Rada of Ukraine, 2020).

Results. For the period of 2017-2021, the regulatory framework of Ukraine concerning regulating restrictive measures and combating, preventing and punishing violence has been significantly improved. At the same time, the formation of an effective system and institution for combating domestic violence is at an early stage. Since the 1990s, attempts to combat violence have been ineffective due to the following basic problem, namely: lack of legal regulation, limited legal and regulatory framework and lack of public awareness of possible ways to address the problem of violence. The Law of Ukraine "On Prevention of Domestic Violence" adopted in 2001 indicated the organizational and legal basis for the prevention of legal liability for domestic violence, however, effective actions and measures to restrict, counter violence, help victims and influence offenders were missed in the Law. There were no special norms of criminal liability in the criminal legislation of Ukraine for domestic violence or violence between persons in family / close relationships as signs of qualifications or circumstances aggravating punishment.

Criminal liability for domestic violence has been introduced in Ukraine since 2017. It is worth noting that among all cases, 90% of women are subjected to violence. According to the Law of Ukraine "On Prevention and Counteraction to Domestic Violence", "domestic violence means acts (actions or omission to act) of physical, sexual, psychological or economic violence committed in the family or within the place of residence or between relatives, or between former or current spouses, or between other persons who live together (have lived) in the same family, but are not (have not been) in a family relationship or registered marriage with each other, regardless of whether the person who has committed domestic violence lives

(has lived) in the same place as the victim, as well as the threat of committing such acts" (The Verkhovna Rada of Ukraine, 2020). The present Law also defines the list of restrictive measures of rights; it defines the duties of the offender to correct behavior on the basis of the application of measures of restriction to the suspect, person convicted or accused of violence in accordance with the Criminal Code of Ukraine (hereinafter - CCU). According to Section XIII of Art. 91 of CCU, restrictive measures against the offender are defined as follows (Figure 1) (The Verkhovna Rada of Ukraine, 2001):

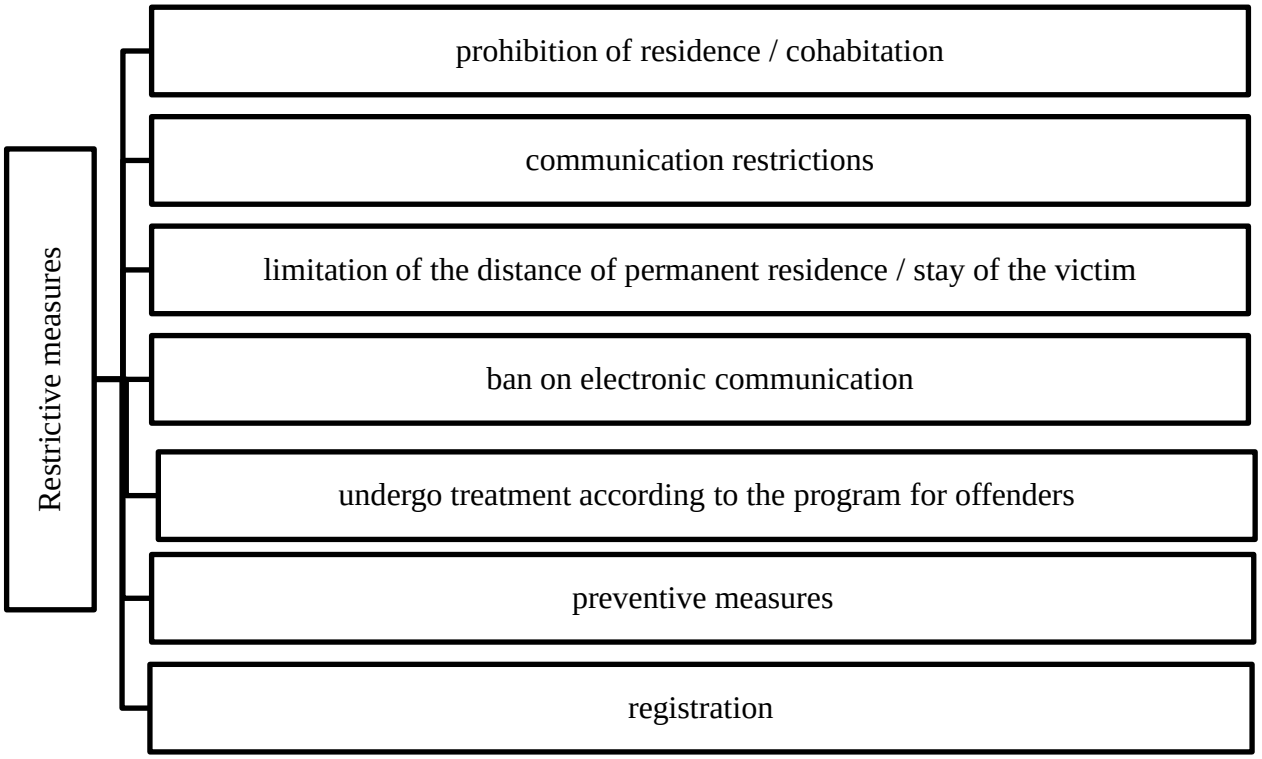

Figure 1. Types and content of restrictive measures

Source: compiled by the author on the basis of the Verkhovna Rada of Ukraine, (2001; 2002).

Additionally, the legislation of Ukraine provides the following measures, namely:

1. An urgent prohibition order obliging the abuser to immediately leave the home of the victim, contact the victim in accordance with the decision of the National Police on the application of the victim or on the initiative of employees (The Verkhovna Rada of Ukraine, 2020).

2. Restrictive injunction defining the prohibition on the abuser's stay in the place of residence, approaching a certain distance to the location of the injured or aggrieved person, the prohibition of the search and pursuit of the victim, various methods of communication, including through third parties for a period of 1-6 months with a possible extension for another 6 months. In accordance with the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" (hereinafter Law No. 2866-IV), "restrictive injunction regarding the offender means a measure of temporary restriction of the rights or imposition of duties on the offender,

aimed at ensuring the safety of the injured or aggrieved person, has been established in court" (The Verkhovna Rada of Ukraine, 2021c). Thus, restrictive measures 1-4 should be referred to the temporary restriction of the rights of the offender, and measure 5, in accordance with Art. 91 of Criminal Code of Ukraine, - to impose obligations on the offender to undergo treatment according to the program of formation of a new model of psychological behavior (The Verkhovna Rada of Ukraine, 2021a).

3. Preventive measures and registration by an authorized police unit with possible further deregistration (The Verkhovna Rada of Ukraine, 2020).

4. Undergoing treatment according to the program for abusers - a set of measures aimed at changing violent behavior, which forms a non-aggressive psychological behavior in a relationship for a period of 3-12 months (The Verkhovna Rada of Ukraine, 2020).

Law № 2866-IV (The Verkhovna Rada of Ukraine, 2005) defines the essence of the concept of "combating gender-based violence - a system of measures carried out by executive bodies, local governments, enterprises, institutions and organizations, as well as by citizens of Ukraine, foreigners and stateless persons who have been staying in Ukraine on legal grounds, aimed at stopping gender-based violence, providing assistance and ensuring the protection of the victim and obtaining compensation for the damage caused, as well as the proper investigation of cases of gender-based violence, prosecution of perpetrators and changes in their behavior" (The Verkhovna Rada of Ukraine, 2005).

Therefore, restrictive measures can be attributed to combating domestic violence through measures restricting:

1) joint residence / staying;
2) communication;
3) approaching the victim;
4) electronic means of communication;
5) undergoing treatment according to the program of correction of aggressive behavior;
6) search or pursuit;
7) preventive work;
8) registration of the offender.

These measures are carried out by specially authorized bodies upon request for a certain period. In general, the content of restrictive measures in accordance with the legislation provides for combating violence in the short term through passive measures and in the long term through behavior correction programs.

The development of the legal framework in Ukraine has contributed to the awareness of the population on ways of addressing and applying to specialized bodies in order to combat and protect against violence. Consequently, the Procedure of the Cabinet of Ministers of Ukraine (the Procedure for the formation, maintenance and access to the Unified State Register of Cases of Domestic Violence and Gender-Based Violence) has been adopted, however, the project is being implemented (The Ministry of Social Policy, 2018).

For instance, in 2020, the police has processed by 40% more complaints (101 thousand calls have been received) concerning various types of violence. In Ukraine, there is a network of institutions for protection and combating violence, which provides temporary shelter for victims, namely: 21 centers of social and psychological assistance; 23 shelters for victims of violence; 339 mobile brigades of social and psychological assistance to victims; 12 centers of medical and social rehabilitation for victims; 12 day care centers; 142 "hot lines" (The Ministry of Social Policy, 2021a). For instance, in the period from January 2020 to January 1, 2021, 29 344 complaints from victims of violence have been received through the hot lines, as well as 211 362 complaints about domestic violence have been registered by the subjects of interaction, while in 2019 – 130 514 (by 61,9% more), of which 2 765 - from children, 180 921 - from women and 27 676 - from men.

In February 2021, the Government has adopted the State Program for Prevention and Counteraction to Domestic and Gender-Based Violence for the period up to 2025 (The Ministry of Social Policy, 2021d). The program provides the development of template programs for victims and a program for children - abusers with recommendations for correct implementation and ensuring reporting; expanding the network of protection against violence and facilitating restrictions by establishing support services for victims (shelters, day centers of social and psychological assistance, mobile brigades of social psychological assistance, specialized services of primary social and psychological counseling). Along with this, the Program provides the inclusion of measures to counter violence through court hearings, the development of standards for the formation of non-violent value guidelines at the institutions of preschool, primary, secondary, vocational and higher education; completing training programs for specialists in the field of psychological training of authorized bodies of counteraction, protection of violence; involving business entities in the development of a system for preventing and combating violence and / or gender-based violence (prevention of violence in labor collectives as part of corporate social responsibility) (The Ministry of Social Policy, 2021d).

Discussion. The lack of de facto normative legal regulation of domestic violence and a clear definition of restrictive measures against perpetrators in Ukraine have affected the widespread prevalence of various forms of violence, the victims of which are mainly women. The legislation has not been updated since 2000. Only in 2017, Ukraine adopted Law № 2229-VIII, which defined the conditions for the establishment of restrictive measures in the form of a temporary injunction, restrictive prohibition, preventive work and undergoing treatment according to the program for offenders. The development of the legal framework in this area and the use of automated information systems to combat violence (hot lines and the development of a support network for victims) contributes to the broad informatization of the population about possible ways to address situations related to violence. Herewith, the amendments to the CCU contain certain contradictions. The basic ones are as follows: the impossibility of a clear classification of all types of crimes related to violence, according to Art. 126-1 of the Criminal Code of Ukraine, difficulties in distinguishing between a criminal offense and an administrative offense

in case of domestic violence. This requires specifying the disposition of Art. 126-1 through the definition of the objective composition of the crime, a clear formulation of the list of crimes related to domestic violence. Vozniuk (2019) claims about such amendments: "at least a clear definition of the disposition of Article 126-1 of the Criminal Code of Ukraine, first of all, by specifying the content of the forms of the objective side of this crime".

Pavlova in her study (2019), singles out such restrictive measures as responsibilities and prohibitive measures.

Based on the analysis of CCU, we have determined that the responsibilities include restrictions on: 1) common place of residence / staying; 2) communications; 3) approaching to the victim; 4) electronic means of communication; 5) registration of the offender.

Restrictions, such as prohibition, include: 1) undergoing treatment according to the program of correction of aggressive behavior; 2) search or pursuit; 3) preventive works.

These measures are carried out by specially authorized bodies upon request for a certain period. At the same time, Pavlova (2019) argues that the right of the court is a sign of restrictive measures, not an obligation that can be used in case of an imminent threat. This means the duality of restrictive measures: on the one hand, they are a right of the court, but on the other - an obligation / prohibition for the offender.

Thus, restrictive measures can be considered as coercive criminal law measures, which are characterized by an additional character; they can be applied by a court in the event that an adult commits a crime of domestic violence. Regarding their place in the system of measures of criminal law influence, based on the general content of Art. 91-1 of the Criminal Code of Ukraine, the measures outlined are subject to another measures of criminal law nature against individuals; they are aimed at restricting the victim from the violent actions of the offender and preventing any future forms of violence against him. Failure to comply with restrictive measures, instructions or failure to undergo treatment according to the program for offenders will result in criminal liability (Black, 2018; Yakimova & Dzhepa, 2020).

The conducted research makes it possible to determine the following ways of solving problems towards preventing and countering violence, namely: 1) to exclude from Article 126-1 of the Criminal Code or at least clearly define the disposition by specifying the content of various forms of the objective side of such crimes; 2) to formulate and enshrine in the notes to Article 91-1 of the Criminal Code of Ukraine the definition of crimes related to domestic violence as any dangerous act for the society, provided by the Special Part of the Criminal Code of Ukraine and involves using physical, economic, mental, sexual violence between married couple, between former family members, a person with whom the offender lives or is in a close relationship, as well as provide an exhaustive list of such crimes; 3) to replace the term "system-based" in the CCU with "systematically" and provide the term with a legal definition in the note to Art. 78 of CCU; 4) to replace the term "psychological violence" in the CCU with "mental abuse (violence)".

Conclusion. The present research has systematized the concepts, features, legal nature, legal grounds and conditions for the application of restrictive measures, their types and content, nature (short-term or long-term), shortcomings of the modern model of criminalization of domestic violence in Article 126-1 of the Criminal Code of Ukraine and ways to solve problems existing in this area. Restrictive measures can be attributed to combating domestic violence through a set of special measures carried out by specially authorized bodies upon request for a certain period. In general, the content of restrictive measures, in accordance with the legislation, provides combating violence in the short term through passive measures and in the long term through behavior correction programs. Restrictive measures can be considered as coercive criminal measures, which are characterized by an additional nature and can be applied by the court in the case the adult commits a crime related to domestic violence. The duality of restrictive measures has been identified: on the one hand, they are a right of the court, but on the other - a duty / prohibition for the offender. The practical application of the research results lies in the possibility of supplementing the legal acts of Ukraine in the field of combating domestic violence. The specific proposals for exclusion / amendment / consolidation of legislation of Ukraine in the research area has been presented in the academic paper. Further scientific investigations should relate to the practical application of law enforcement of new legislative acts based on the study of court decisions.

Author contributions. The authors contributed equally.

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ADMINISTRATIVE AND LEGAL SUPPORT OF JUDICIAL AND ALTERNATIVE WAYS OF RESOLVING PUBLIC LAW DISPUTES

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Abstract. *The topic of protection of human and civil rights, freedoms and interests, legislative consolidation of the mechanism of their implementation, occupies a leading place in modern society and is the primary duty of every democratic state governed by the rule of law. An important element of this mechanism is, in particular, the creation of an effective legal system capable of ensuring standards of the rule of law in the field of protection of human and civil rights in public relations, including providing a real opportunity to challenge decisions, actions or omissions in court. According to part five of Art. 55 of the Constitution of Ukraine, everyone is guaranteed the protection of their rights, freedoms and interests from violations and unlawful encroachments by any means not prohibited by law. Thus, as can be seen from the construction of this constitutional norm, there is a possibility of applying methods of protection of the right not provided by procedural norms. The relevance of this article is due to the main task of any democratic state to create an effective system of protection of rights, freedoms and interests of man and citizen, built on the principles of legality and equality before the law.*

The author analyzes the ways of resolving public law disputes and explores the basic administrative and legal principles of judicial and alternative ways of resolving public law disputes. The object of research is public relations that arise in the field of public administration. During the writing of the article the author used a systematic method of scientific research, as well as the method of analysis and synthesis.

Keywords: *public law dispute; judicial method of resolving public law disputes; alternative ways of resolving public law disputes.*

JEL Classification:I14, I18, K36, Z18

Formulas: 0; fig.:0; tabl.:0; bibl.: 6

Introduction. Among legal disputes, a special place is occupied by disputes of individuals and legal entities with public authorities and local governments in the exercise of their powers. After all, a person, entering into legal relations with the authorities, is subordinated to these bodies, which can determine the rights and responsibilities of the person. Disputes of this type in the Code of Administrative Procedure of Ukraine are called public law.

Literature review. Issues of determining the essence and content, procedures and methods of resolving public law disputes have repeatedly been the subject of scientific analysis of many scientists - representatives of administrative law: V. Averyanov, Z. Krasilovskaya, O. Bryntseva, M. Zhernakova, I. Zavalnyuk, N. Bozhenko, E. Kataeva, S. Kivalova, I. Koliushko, V. Krivtsova, O. Kuzmenko, R. Kuybida, S. Korinny and other scientists.

Aims. The aim is to determine the basic administrative and legal principles of judicial and alternative ways of resolving public law disputes.

Methods. The author used system method of scientific research, as well as method of analysis and synthesis.

Results. The Constitution of Ukraine proclaims Ukraine a democratic state governed by the rule of law, in which the establishment and protection of human

rights and freedoms is the main duty of the state. Going to court is considered the main way to protect the violated rights, freedoms and interests of individuals in relations with public authorities. Judicial method of resolving public law disputes is based on Art. 55 of the Constitution of Ukraine, according to which everyone is guaranteed the right to appeal in court against decisions, actions or omissions of public authorities, local governments, officials and officials [1]. Administrative proceedings are also aimed at ensuring this right. According to Part 1 of Art. 2 CAS of Ukraine the task of administrative proceedings is a fair, impartial and timely resolution by the court of disputes in the field of public relations in order to effectively protect the rights, freedoms and interests of individuals, rights and interests of legal entities from violations by the authorities [2] . In accordance with paragraph 2 of Part 1 of Art. 4 CAS of Ukraine public law dispute is a dispute in which at least one party performs public authority management functions, including the performance of delegated powers, and the dispute arose in connection with the performance or non-performance by such party of these functions [2] . The subject of power is a public authority, local government, their official or official, another entity in the exercise of public authority management functions under the law, including the implementation of delegated powers, or the provision of administrative services (item 7 part 1 of article 4 CAS of Ukraine) [2].

According to item 1 of h. 1 Art. 19 CAS of Ukraine, the jurisdiction of administrative courts extends to cases in public law disputes, in particular disputes of individuals or legal entities with the subject of authority to appeal its decisions (regulations or individual acts), actions or omissions, except when consideration of such disputes, the law establishes a different procedure for court proceedings [2].

Thus, the jurisdiction of administrative courts includes disputes of natural or legal persons with a public authority, local government, their official or official, the subject of which is to verify the legality of decisions, actions or omissions of these bodies (persons) taken or committed by them in the exercise of power. managerial functions, except for disputes for which the law establishes a different procedure for judicial decision. According to Article 124 of the Constitution of Ukraine, justice in Ukraine is administered exclusively by courts, and Article 125 of the Constitution of Ukraine provides that in order to protect the rights, freedoms and interests of a person in the field of public relations, administrative courts operate [1].

Along with the administrative and legal support of the judicial method of resolving public law disputes, one of the promising areas for improving the procedure for consideration and resolution of public law disputes is the introduction of alternative (extrajudicial, pre-trial, quasi-judicial) ways of resolving and resolving conflicts between participants in public relations. An alternative settlement of legal disputes is a set of methods and techniques of out-of-court settlement of disputes, as a result of which the disputing parties enter into a mutually agreed agreement. There is a worldwide practice of using alternative forms of resolving legal conflicts, which serve as an alternative to formal justice. Creating an effective system of alternative dispute resolution, including public law, is an important area for improving justice in Ukraine. Thus, in particular, paragraph 5.4 of the Strategy for reforming the judiciary,

judiciary and related legal institutions for 2015–2020, approved by the Decree of the President of Ukraine of 20.05.2015 №276 [4, p. 38], provides for the expansion of methods of alternative (out-of-court) dispute resolution, in particular, through the practical implementation of the institution of mediation and mediation, expanding the list of categories of cases that can be decided by arbitrators. An important emphasis on the introduction of alternative dispute resolution in the justice system of the state is made in international legal instruments.

In particular, paragraph 3 of the Recommendation of the Committee of Ministers of the Council of Europe № R (81) 7, Recommendation CM / Rec (2010) 12 of the Committee of Ministers of the Council of Europe to member states on judges: independence, efficiency and responsibilities of 17.11.2010 39 and Recommendation № R (86) 12 of the Committee of Ministers of the Council of Europe to member states on measures to prevent and reduce excessive workload in the courts of 16 September 1986 [4, p. 46; 217]. Today, mediation is one of the most popular alternative ways of resolving disputes (conflicts) in developed countries. It involves the involvement of a mediator (mediator), who helps the parties to the conflict to establish a communication process, to analyze the conflict situation so that the parties can choose the solution that will satisfy the interests and needs of both parties to the dispute.

Having conducted a thorough study of the introduction of mediation in the administrative process, Korinny S. O. concluded that "only an integrated model of mediation has been introduced in the administrative process of Ukraine, and given the world experience it has been proved that for the further development of this institution it would be effective to introduce an associated model of mediation in the administrative process. the initiator and implementer is a court-independent, third-party intermediary, which may be a professional private mediator with a license licensed by the state to conduct mediation activities in the manner prescribed by law (such as a private executor), and an authorized mediator from a public body, government or local government, depending on the category of dispute" [5, p.10].

At the same time, it should be noted that "public-law disputes that are resolved through administrative proceedings are often called non-mediatable, ie those that cannot be resolved through the use of mediation" [6, p.142]. The main obstacle to the introduction of mediation as an alternative way to resolve a public law dispute, scientists believe the subjective composition of the parties to the dispute [6, p. 46], namely that one party will always be a public authority that is obliged to act accordingly and within the law, which limits its ability to make decisions in the negotiation process of mediation. At the same time, based on positive foreign experience, scientists prove the possibility of introducing such procedures in our country.

Thus, Krasilovskaya Z.V. considers that "it is the public authorities that should be more interested in the dispute settlement procedure by an alternative method, and in the case of an initiative by individuals or legal entities, the proposal should be accepted. While the judicial review of the dispute should be the last resort to protect the violated rights" [6, p.149].

Discussion. Thus, at the present stage of development of the Ukrainian state and law, despite the problems that exist in the implementation and implementation of alternative ways of resolving public disputes, the establishment of such institutions will play an important role in developing the legal culture of society. public legal disputes.

Conclusions. It should be noted that at the state level the need to reform the judiciary, judiciary and related legal institutions for the practical implementation of the rule of law and ensuring the functioning of the judiciary, which meets public expectations for an independent and fair court, as well as European values and human rights standards. . Therefore, one of the key vectors of the development of justice in Ukraine is the improvement of the administrative and legal framework of the judiciary and alternative ways of resolving public law disputes.

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LEGAL ASPECTS OF STATE REGULATION OF INVESTMENT ACTIVITY

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Abstract. *In the article the basic principles of state regulation of investment processes in country, and the stimulation prospects of attracting investment into the economy are analyzed. The purpose of the article is to develop specific measures to improve public policy on investment and increase investment in the economy. The author used system method of scientific research, as well as method of analysis and synthesis. A necessary condition for attracting a sufficient amount of investment is a high level of investment attractiveness, which is based on the legal framework of state regulation of investment activities and the stability of economic processes. The tendencies of investment policy at the present stage of development of the economy and developed measures to support domestic producers, the preservation and growth of social and economic potential of the regions, providing expanded reproduction, stabilization and support economic growth are studied. The use of investment partnerships as an implement of state policy that will allow to use available economic resources of the country efficiently is offered.*

Keywords*: state regulation, investment activity, investments, economic growth, investment partnership, investment policy.*

JEL Classification: H57, H82, K22, K33

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Introduction. In the conditions of crisis phenomena in the sectors of economy, economic transformations should be aimed at reforming the existing economic mechanism, which should provide optimal conditions for all economic entities, reduce financial risks and maintain investment attractiveness of the industry and region. Therefore, in the formation of state regional policy it is necessary to develop measures aimed at supporting domestic producers, preserving and growing the socio-economic potential of the regions, ensuring expanded reproduction, stabilization and support of economic growth.

Literature review. Problems of state regulation of investment activity are covered in the works of scientists, in particular, G. Birman, S. Brew, D. Darning, M. Jonko, I. Campbell, P. Lindert, D. Miller, M. Porter, S. Fisher and others.

Aims. The purpose of the article is to develop specific measures to improve public policy on investment and increase investment in the economy. A necessary condition for attracting a sufficient amount of investment is a high level of investment attractiveness, which is based on the legal framework of state regulation of investment activities and the stability of economic processes.

Methods. The author used system method of scientific research, as well as method of analysis and synthesis.

Results. The current conditions of economic development cannot provide a sufficient level of investment. Domestic investments are hampered not only by the development of the domestic stock market, but also by the state of the country's financial system, while the unstable political situation puts the problems of regulating the investment process in the background. The main factors that prevent foreign investment are: backwardness of infrastructure, underdeveloped raw materials, external debt, low credit rating, devaluation of the national currency, low consumer

incomes, problems with repatriation of profits. All this creates a negative investment attractiveness, so the most important issue for the government should be to create comfortable conditions for investors [5].

Reducing the demand for products produced by producers requires the formation of new tools that will attract investment in the production process, aimed at using new innovative achievements, which will maintain and increase the competitive advantages of domestic producers. In the context of the economic crisis and budgetary constraints, the regulation of investment activity is characterized by the impact on investment by the state and organizations of professional market participants. The state can directly regulate and manage the direction, use and profitability of investments.

Therefore, an important point is to determine the degree of state participation in the regulation of investment activities and economic growth. To revive production, it is advisable to increase the regulatory role of the state in the economy, which will concentrate certain financial resources on technological modernization and reconstruction of production.

Cooperation between the state, economic sectors and the financial sector should be based on mutual agreements on joint investment activities and the distribution of results, which should be regulated by law. To ensure investment activity, it is necessary to determine the sphere of influence of the state and enterprises of the real sector in the investment process. It is also necessary to restore the potential level of aggregate demand and revive production activities through the recovery of monetary and financial systems, reduce income differentiation, in turn, the growing flow of investment can be aimed at improving the sectoral and reproductive structure of the economy. This in turn will benefit both the state and other investment entities.

The stabilization measures will lead to the strengthening of public financial policy, the formation of stable institutions of the financial system. Creating market conditions on this basis for the further formation of aggregate demand and for increasing investment, the purpose of which is to transform the sectoral and reproductive economy. In the process of activity, potential investment partners of structural adjustment are identified: the state, the industrial complex, the financial sector. The experience of forced industrialization or modernization of production in countries focused, in general, on the widespread use of market mechanisms in economic development is interesting. When considering the participation of the state in such transformations, it is important to "monitor" the quality and results of state intervention. Three factors are important: 1) the period that the economy is currently going through (the state of its productive forces, external conditions); 2) the infallibility of the course chosen by the state in these economic and political conditions; 3) the ability of economic entities to adequately respond to regulatory actions of the state.

A typical example of state influence on the development of production is the industrial policy of Japan in 1950 -1970, when two Japanese ministries - the Ministry of Finance and the Ministry of Industry and Foreign Trade directly controlled the allocation of resources for the steel industry, shipbuilding and technical industry as a

whole. This kind of control was possible by maintaining the exchange rate of foreign currency and the interest rate below the equilibrium level, resulting in an artificial shortage of resources, which became the basis for their administrative distribution. But since the 70's state regulation of this country has become less pronounced [4].

Contradictory experience of state participation in the process of modernization of the production apparatus of Japan and the newly industrialized countries of Southeast Asia, and the contradictions in the evaluation of this experience allows us to determine the logic of this phenomenon. It consists in the fact that at certain stages of economic development the state apparatus has the opportunity to correctly determine the scale and direction of redistribution of resources. This may apply to cases where the correctness of the chosen tactics is confirmed by the experience of countries that have broken into the advanced (North America, Western Europe). The problem is only in what way (administrative, legal, economic or ideological) or a combination of what ways (administrative, legal, economic or ideological) to subordinate a clear state policy of other economic entities.

As we move faster than the leading countries, the uncertainty inherent in long-term investment increases. The generalization of the experience of leading countries is increasingly fragmented and, finally, catching up with countries approaching the limit where attempts to copy other people's development can lead to failures in economic development. At the same time, large-scale direct government regulation is then replaced by softer forms, increasing the role of market regulation [4]. This is due to the fact that with the country's entry into its own development trajectory (South Korea, Japan) the choice of the state apparatus of "key technologies" and "promising markets" is the main problem of future-oriented industrial policy and is associated with much more serious mistakes. than the same choice of the whole mass of independent companies, carried out by "trial and error" The actions of these companies cannot be replaced by "collective reason" even if the discussion involves various corporate groups.

Western economists are often skeptical of the Japanese Ministry of Industry and Foreign Trade or other similar government agencies, pointing out that there is no direct evidence to support the effectiveness of individual policies in industrial policy compared to what would be achieved through market regulation [1]. It is necessary to take into account the need for public policy, taking into account the dynamics of development of a country, the period experienced, world trends. Also, what is true for the United States, Britain, Germany, may not apply to Japan [4].

In determining the sphere of influence of the state on the process of structural transformation and the creation of a highly efficient economy it is necessary to use universal approaches that have justified themselves in world practice and approaches related to specific features of the country at the present stage of its development.

It is possible to determine the main directions of state participation in the investment partnership, which can be clarified or expanded in the actual organization of public-private partnership, namely the investment partnership. These include: development of general provisions, legal and economic foundations of the institution of partnership and relevant infrastructure; modernization and further development of

production and social infrastructure; subsidizing promising research and development, which bring the economic structure of the country to the forefront; investment in human capital in order to develop innovative skills and improve the general skills of the workforce; management of financial flows at the macro level, setting up a mechanism for accumulating investment, etc.

Establishing the spheres and scope of state activity in structural transformations means that all other issues are resolved by other participants in the investment partnership (real sector and financial sector) independently within the general action program under the general coordination of the minimum number of investment partnership representatives. In implementing the idea of partnership, the main thing that can be achieved is to increase the level of trust in government policy and actions of partners towards each other.

The main task of the investment partnership is the efficient use of available resources of the country. As the efficiency of the use of production resources (land, labor, capital, entrepreneurial skills, etc.) and the involvement of previously unused resources increases, the return of each of them will increase. In parallel with this process, the growth of household incomes and an increase in aggregate demand is expected. This development is possible in a market economy, provided that there is a high level of public and business confidence in government policy. In this case, the aggregate supply curve will shift to the right and down as a result of lower production costs, while the aggregate demand curve will shift to the right and up.

It is assumed that it is in this development that the idea of investment partnership is possible. That is, an investment partnership is a complementary element in the set of factors that ensure economic growth. The task of the investment partnership is to ensure a qualitative shift in the efficiency of economic resources through close cooperation and common policies of the parties involved in investing in infrastructure and fixed capital of the real sector.

The organization of investment partnership and conditions of formation of investment partnership are presented in the form of schemes (fig. 1, 2).

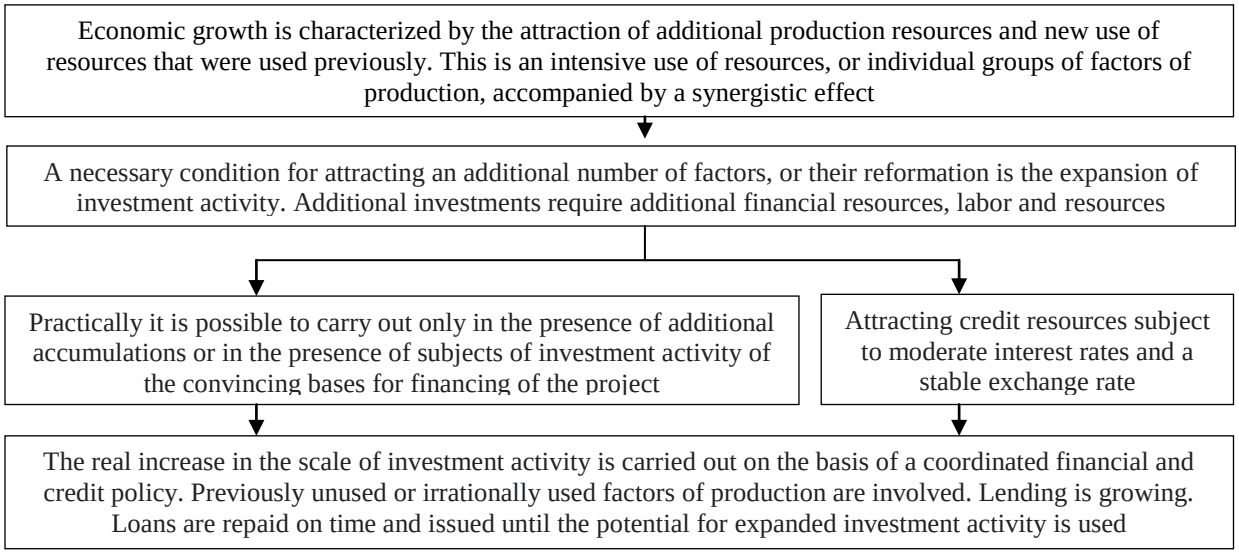

Figure 1. The basic conditions for the formation of an investment partnership

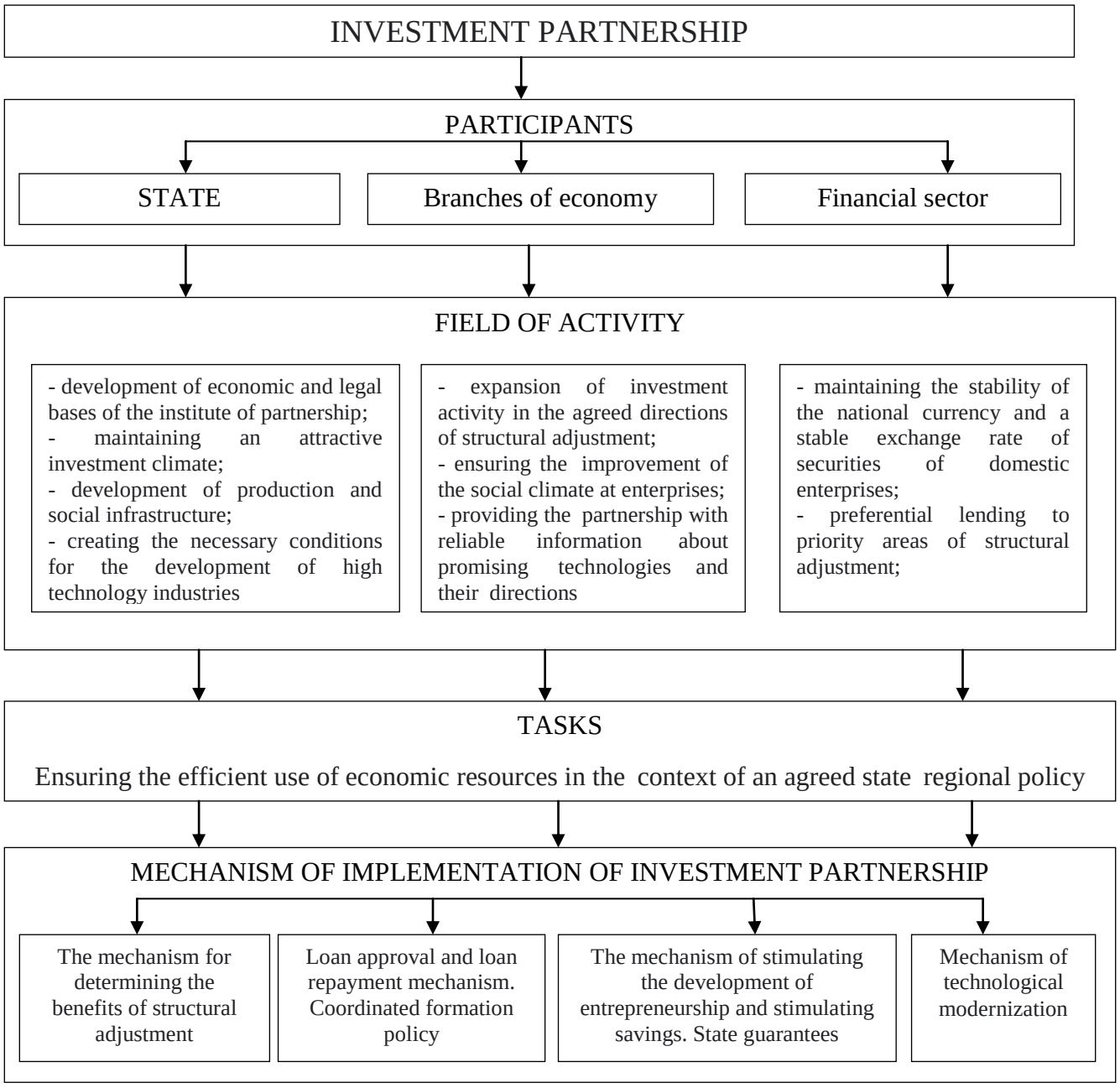

Figure. 2 The mechanism of investment partnership organization

Conclusions. The state should regulate the investment process and be responsible for its organization, as state support for investment activities of the investor helps to increase the investment attractiveness of the country. Therefore, the formation of investment attractiveness of investment objects requires, firstly, economic and political stability in the country and, secondly, a stable legal framework that will allow for sustainable and efficient operation of investment objects.

The use of investment partnership as a tool of public policy will allow effective use of available economic resources and increase the investment attractiveness of the country in a financial crisis.

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POISONOUS AND POTENT SUBSTANCES UNDER THE ARTICLE 321 OF THE CRIMINAL CODE OF UKRAINE: LEGAL AND MEDICAL ASPECTS OF TERMINOLOGY

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Abstract. *This article provides brief information about the legal and medical aspects of the terminology. As for the legal aspect of the matter, such a subject of the crime under Art. 321 of the Criminal Code of Ukraine as poisonous (drastic) substances has been revealed in conjunction with the medical aspects of poisonous and drastic substances. The basic concepts of toxicology have been also revealed, modern classifications of poisonous and drastic substances have been given. Possible threats to the human body from exposure to poisonous and drastic substances, criteria for their evaluation to prevent the occurrence of undesirable toxic effects on the human body have been shown. The purpose of the article is to study the legal and medical aspects of terminology on poisonous and potential substances in accordance with Article 321 of the Criminal Code of Ukraine. The author used system method of scientific research, as well as method of analysis and synthesis. The urgent need for further study of this issue by representatives of various sciences has been proved. Interdisciplinary cooperation will contribute to the harmonization of the relevant provisions of criminal law. Within the framework of an interdisciplinary approach, the interaction among physicians, toxicologists, and clinical pharmacologists will promote better diagnostic, treatment, and prevention of these clinical conditions, increase the safety of poisonous and drastic substances use, and prevent serious consequences for human health.*

Keywords: *poisonous substances, drastic substances, toxicology, classification of substances, effect on the human body.*

JEL Classification: I18, K14

Formulas: 0; fig.:0; tabl.:0; bibl.: 19

Introduction. In Ukraine, with the adoption of the Criminal Code of Ukraine in 2001 [1] (referred to as the Criminal Code of Ukraine, The Code) introduced criminal liability for illegal actions with poisonous and potent substances provided for in Article 321. This norm is actually identical to that that existed in Soviet times under the Criminal Code of Ukraine in 1960 (Art. 229), and not only by description of a socially dangerous act, but also by sanctions [2].

Thus, the last 60years there is a criminal norm to which there is an unreasonably low interest, both on the part of scientists and the legislator, in comparison with the norms establishing criminal liability for drug trafficking offenses.

In addition, as the existence of a certain criminal norm, according to which poison is the subject of a criminal offense, poison is known to criminal law since time not remembered, because history knows many cases of secret poisoning of people. Poison was also a means of execution at the verdict of the court. According to a well-known fact, the long-greek philosopher Socrates drank a cup of poison at the verdict of the Athenian court, which is also today regarded as committing forced suicide.

Literature review. There are cases of the use of poisonous or potent substances in the relatively recent past, for example, the so-called. "Assassination with an umbrella" critic of the communist regime of G. Markov, committed September 7, 1978 in London. The criminal case of the late 1980s, which was investigated in Kyiv and was called "Ivanyutin's affairs – Maslenko – Matsybory" was resonant. In this case, 40 episodes of poisoning committed by representatives of the same family were proved, of which 13 were fatal. The largest number of poisonings that caused the death of the victims, namely nine and twenty episodes of the attempted murder was personally committed by T. A. Ivaniutina, who was sentenced to death (execution). The offences were committed using the Clerical Fluid, which is a highly toxic solution based on tally compounds.

Over the past twenty years, it is worth mentioning the following well-known cases with the use of toxic substances themselves: "The Tragedy of Nord-Ost" (2002), "Terrorist Act in Bes lan" (2004), "Poisoning of Sergei Skripal" (2018), "Poisoning of Alexei Navalny" (2020) and others.

Aims. The purpose of the article is to study the legal and medical aspects of terminology on poisonous and potential substances in accordance with Article 321 of the Criminal Code of Ukraine.

Methods. The author used system method of scientific research, as well as method of analysis and synthesis.

Results. The study of the issue of poisonous (potent) substances remains relevant at the moment, since the demand for these substances as an object and means of committing a criminal offense does not fade at all, but only strengthens, given the spread of their use during the war.

1. Poisonous and potent substances in criminal law (Art. 321). Article 321 of the Criminal Code of Ukraine over the past twenty years of its existence has endured changes, but mostly they concerned the sanctions of this article [3]. The legislator took such a step to cover the use of this norm in more cases of illegal actions with poisonous drugs that were mistakenly considered unpuned at that time, namely with such a poisonous drug as Tramadol, which a year later was already classified as a narcotic, that is, it is no longer the subject of this crime [4].

In this norm, there is also a clarification to poisonous or potent substances, namely that they are "not narcotic or psychotropic or their analogues", and this, in our opinion, is superfluous, does not contribute to the effective use of this norm, such clarification only depresses the value of substances, and thus does not specify them for the needs of this norm, that the concept of "substance" is end-to-end for a special part of the Criminal Code, in particular, the concept of "poisonous substance", "potent substance" is contained in other articles of the Code: they may be the subject of smuggling (Art. 201);

Poisonous (potent) substance can be the subject of a criminal offense, as in the mentioned Art. 321 of the Code, and a means of its commission.

The draft Criminal Code of Ukraine (control text as of March 29, 2021), in particular, in Article 1.3.1 (meaning of the main terms) proposes to consolidate the definition of the concept of "generally dangerous way", that is, a way that causes

harm or creates a threat of harm to an undetermined number of people, including the use of toxic substances [5].

Thus, according to the content of the latest scientific study on custom-madekillings, it is believed that in some cases, the method of committing murders to order is chosen with such a calculation that it is both a way of hidingthem. [6].

In addition, on the basis of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on the Implementation of Norms of International Criminal and Humanitarian Law", adopted by the Verkhovna Rada of Ukraine on May 20, 2021, The Criminal Code of Ukraine is supplemented, including by the new Article 438-3 "War crimes related to the use of prohibited means of warfare", the Note contains a caveat that for the purposes of this article, the means of warfare prohibited by international humanitarian law must include the use, in particular, of poison or poisonous weapons; suffocating, poisonous or other similar gases and any similar liquids, materials or means, etc.

Therefore, these terms are used by the legislator, and the content is not disclosed.

At the same time, it should be noted that Article 321 is a norm with a blancet disposition, that is, to clarify all the signs of which it is necessary to apply to other regulatory legal acts, other areas of law, not criminal accordingly.

However, the criminal law on the content of Art. 321 of the Code distinguishes toxic substances from potent substances, the same applies to medicines under this article, although the legislation of Ukraine does not contain certain definitions of "poisonous substance"/"potent substance", and their types/classifications are absent.

Laws that mention poisonous (potent) substances provide only certain restrictions on transportation, prohibition of sale, certain rules for handling them, etc.

List of hazardous properties and instructions for control over cross-border transportation of hazardous waste and their disposal/removal (developed in accordance with the Regulation on control over cross-border transportation of hazardous waste and their disposal/removal, approved by the Resolution of the Cabinet of Ministers of Ukraine of July 13, 2000 No. 1120 [7] contains the following definition of poisonous (potent) substances: "substances or wastes that, by entering the body through the respiratory, digestive or through the skin, can cause the death of a person or havea strong negative impact on it" (p. 6.1) [8].

The legal encyclopedia contains a similar definition of the general concept of "poisonous (potent) substances", which corresponds to p. 6.1 of the mentioned List of the Ministry of Ecology and Natural Resources of Ukraine [9].

One scientific and practical commentary of the Criminal Code of Ukraine contains the following information. *Toxic substances are* poisons, toxins (combat, medicinal, agricultural and others), which, getting into the human body through the respiratory system, digestion or through the skin, can cause death of a person or psychoneurological disorder, respiratory or cardiovascular function, kidney damage (nephropathy) or liver (hepatopathy), etc. They can be mineral (mouse, strychnine, mercury and sulema, synylic acid and other cyanides, pesticides, etc.), vegetable (poison isolated from the flycatcher, pale toadstle, etc.), animal (snake venom and

poison produced by arthropod animals) or mixed or artificial (chemical) origin. *Potent substances* are medicinal, household, industrial and other chemicals that can harm a living organism [10, p. 638]. These include, in particular, aminazine, biseptol, grosseptool, erythromycin, eferalgan, camphor, corvalol, nistatin, nitroglycerin, novocaine, sulfadimezin, tetracycline, furatsilina, some insulin and vitamins, nicotine acid, ginseng and propolis efficacy, iodine solution. Potent substances also include acids, alkalis, salt, as well as doping substances [11].

Another edition of the scientific and practical commentary of the Criminal Code *of Ukraine on toxic substances (poisons)* is understood as substances of plant, animal and mineral origin or products of chemical synthesis in a solid, powdered or other state, which, in a combination of their inherent properties, create or can pose a danger to humans, the environment, animals and those in need of sleepthese methods, conditions and means of handling them, since their entry into the human body, even in insignificant doses, causes severe poisoning (acute or chronic) or death. For its purpose and features of use, toxic substances are divided into: medical poisons used by chemical enterprises during the manufacture of poisonous drugs (atropine sulfate, snake venom, purified bee venom, strychnin, sulema, vaccine-producing strains, antibiotics, vitamins); professional poisons used in the chemical industry and in other production processes (acetic acid anhydrid, salt cianide, metal mercury and its salts, mouse salts, barium, vatadium, bruceil, hydrogen sulpice, sulfur ether, methyl alcohol, etc.); combat poisonous substances. *Potent substances* (synthetic or natural origin, including plants) are divided depending on their scope into potent drugs and other substances used in chemical and other industries [12].

The main difference between these definitions is that in one case the focus is on their danger and the consequences of exposure, in the other – more attention is paid to their possible classification by purpose and characteristics.

Although to prosecute a person for illegal actions with such substances under Art. 321 of the Criminal Code of Ukraine, it is important not only to clarify the content of these terms, but also to the criteria for their delineation, which obviously have a different effect on the human body – from simply harmful to impressive with inevitable and irreparable consequences. In turn, the consequences of harm to public health should be reflected in the qualifications of actions, the gradation of possible punishment, taking into account the degree of public insecurity and the harm that was caused. The issue of weight/quantity of such substances is also important for law enforcement practice, since parts 3 and 4 of this Article provide for signs that qualify and especially qualify this offense – "large size", "especially large size".

Therefore, in such hopeless in terms of legislative regulation, so to speak, salvation should be sought in the science of criminal law. However, the science of criminal law has no thorough research on this issue, there is only one dissertation, which was the first on this topic, the successful defense of which took place recently. At the same time, the co-author of this article is convinced that this dissertation study is not enough, this was only the beginning in the study of this issue.

Due to the similarity of regulatory areas and the general danger from toxic substances, which contain references as a crime not only in Article 321 of the

Criminal Code ofUkraine, there is confusion in the field of protection of a specific norm of certain social relations [13].

The best way to demonstrate the effectiveness of a certain norm is the judicial practice of its application. Thus, according to the content of selectively selected sentences under Art. 321 of the Criminal Code, adopted during the period of ten years 2007-2016, there was a variety of poisonous and potent substances that were the subject of this crime.

It should be noted the following features: in sentences the most frequently distinguishable substance was poisonous or potent; qualifications and punishment were not affected when the same substance was in grams or in tens of liters; the consequences of the offense were not established, since this is a norm with a formal composition, which led to the conviction of persons for actions with substances common in everyday life in small quantities, which hardly required the use of a criminal-legal mechanism for the state's response to such actions.

Generally, it should be noted that the subject of the crime under Art. 321 of the Criminal Code of Ukraine were the following substances: mercury; methanol used to make surrogate alcohol; pesticides, herbicides, insecticides; sodium nitrite, cadmium compound, nickel compound, zinc phosphide; toxic chemicals of groups of organochlorine and organophosphate pesticides used in agriculture, etc. Therefore, the list is quite diverse.

At the same time, it is necessary to create and adhere to a unified legal terminology regarding the subject of crime, which would be based on their understanding in the medical and pharmacological spheres, in particular regarding the impressive and harmful effects of poisonous or potent substances on the human body.

Only lawyers are unlikely to cope with this task, so it is necessary to make joint efforts of representatives of various sciences.

2. Some important medical aspects of terminology in toxicology. *Toxicology is a* section of medical science that studies the physical and chemical properties of toxic substances, their main mechanisms and types of action on the body, as well as studies possible areas of prevention and treatment of poisoning and the possibility of useful for society the use of toxic substances.

By definition D. Bathler, a scientific direction such as general toxicology, aims to study the effects of any pollutant released into the environment, the high concentrations of which in the atmosphere can cause impaired human health [14].

The task *of preventive toxicology is* to study the possible effects of toxic danger and prevent toxic effects, to develop various directions to protect people from the toxic effects of various chemicals.

Preventive toxicology, as a science, studies the permissible effects of toxic substances on the human and animal organism, develops possible means of prevention of toxic effects in real conditions of people's lives in domestic conditions, enterprises, food industry, etc.

The scientific department of clinical toxicology studies diseases that arise as a result of toxic effects of various chemicals [15].

The *very concept* of "toxicity", from the Latin "toxicus", "poisonous" is an indicator of the ability of a chemical when interacting with the body to show its harmful effects.

There are such concepts as acute and chronic toxicity:

– acute *toxicity* – occurs when a significant harmful effect or death occurs in a short period of time after the onset of the substance, when used in a single dose, or at one exposure, or several doses in less than a day;

– *chronic* toxicity — toxicity, when the harmful effect of a substance or mixture of substances is detected over a long period of time (usually on experimental animals, this period is considered to be 3 months or more, sometimes studies last several years, or throughout life).

Potent poisonous substances are substances that are used for economic purposes and when entering the environment as a result of ejection or spillage can lead to air infection in striking and higher concentrations.

Such chemicals are considered poison, which, depending on the dose and concentration, cause harmful effects on the body, and at high doses lead to the death of the body.

Also in modern literature, such concepts as xenobiotics, toxicant, biotoxicant, etc. are often used [16, 17].

It is known that on the territory of Ukraine up to fifty percent of the population lives in the zones of those industrial facilities that use toxic substances in their production cycle. According to the international register of six million toxic substances used in industry, agriculture and everyday life, more than 500 substances belong to potent toxic substances. All processes related to the production, storage, transportation and technologies of the use of potent toxic substances have strict regulation of special safety rules and control over their use, but in case of possible violations of control over the technological process or accidents, severe consequences are possible for the body of a person who has fallen into the affected area.

There are many varieties of classifications of potent poisonous substances due to the large number of their chemical structure, physicochemical properties, various types of influence on the body.

Classification of potent toxic substances by type of action:

1. Substances mainly stuffy action: *chlorine, trichloride phosphorus, phosgene, sulfur chloride, etc.*;
2. Substances mainly general action: *carbon monoxide, blue acid, dinitrophoenyl, ethylene chlorhydrin*;
3. Substances that have a suffocating and generally destructive effect: *acrylonitrile, nitrogen oxides, sulfur anhydrid, hydrogen sulpice, etc.;*
4. Neurotropic poisons that affect the generation, conduction and transmission of nerve impulse: *phosphorus-organic substances, carbon suil, etc.*
5. Substances that have a suffocating and neurotropic effect: *ammonia;*
6. Substances that violate the metabolism and cell structure: *dioxin;*
7. Metabolic poisons: *methylbromide, methyl chloride, dimethyl sulfate, ethylene oxide, etc.*

Also, potent poisonous substances differentiate by the speed of their action on the *body: rapid action,* in slow*action, very slow action.*

Toxic substances belong to the rapid *action group when* the symptoms of intoxication occur during the first minute. These include: hydrochloric acid, hydrogen sulphi, carbon monoxide, acrylonitrile, nitric oxides of high concentrations, chlorine in high concentrations, ammonia, organophosphate substances, etc. substances belonging to the group in slow action, when they are intoxicated, cause the development of symptoms within the first hour after contact. phosphorus oxychloride, dimethyl sulfate, nitric oxides, chlorine, methylchloride, ethylene oxide, carbon sulfide, trichloride phosphorus, sulfur chloride, phosgene, ethylene chlorhydrin, etc.

There is also a distribution of potent toxic substances by chemical structure, which include bases, acids of organic and mineral origin, alcohols and aldehydes, phenols, nitrospolica cresoles, amino acids, organophosphate pesticides, organochlorine, mercury pesticides, phenolocytic acid derivatives and others [18, 19, 20].

According *to the degree of toxicity,* toxic substances are classified as follows: extremely toxic; highly toxic; highly toxic; moderately toxic; little toxic; practically non-toxic.

Important parameters for toxicity indicators are indicators of "dose", "concentration".

Taking into account these classes of toxicity, average death doses/concentrations are established at appropriate values at concentrations in the air (mg/l) and when entering the human body (mg/kg) [21-22].

There is also a distribution of toxic substances by selective action (this distribution occurs at the place of toxic lesion and, accordingly, according to characteristic toxicants):

1. cardiovascular system (plant poisons: aconite, chemerica, lure, etc.; animal poisons: tetrodotoxin; barium salts, potassium);

2. nervous system (psychopharmacological agents: narcotic analgesics, tranquilizers, sleeping pills; compounds of the mouse, manganese, carbon monoxide; carbon monoxide, tetraethylsvine; pesticides; alcohol and its surrogates, hydrocarbons);

3. liver (chlorinated hydrocarbons: dichloroetan, methyl chloride, chloroform, four-chloride carbon, etc.; poisonous fungi: pale toadstool; phenols and aldehydes);

4. Urinary system (compoundsof heavy metals andmouse; pesticides; organic solvents, oxalic acid, ethylene glycol);

5. hematopoiesis system (aniline and its derivatives; nitrite; articulate hydrogen; benzene and its chloride, toluene);

6. respiratory organs, mucous membranes and skin (vapors of concentrated acids and alkas, compounds of heavy metals andmouse).

This classification provides an understanding of the overwhelming selectivity of the action of poisons on individual organs and systems of the body, but does not exclude other clinical manifestations of intoxication [23].

Due to the large number of toxic substances, their unecured physicochemical structure, they also cause various mechanisms of negative impact on the human body. This leads to various manifestations of the clinical picture of poisoning. Therefore, several criteria and indicators for assessing the toxicity of harmful substances have been introduced to characterize the toxic action. There is no single criterion for the full characteristics of the toxic action. Most indicators show the ratio of the amount of harmful substance to the volume of air, water, soil mass, mass of an animal or person.

Basic concepts and dose rates in toxicology:

– *the* degree of toxicity is the dose that has an effect on the body and leads to pathological changes.

– LD – lethal *(lethal)* doses or concentrations that cause the effect of death of the body. Doses that cause functional changes in the body can be active, threshold or incaestroent doses or concentrations;

– *dose* – has an expression in units of mass or volume of a harmful substance per unit of animal mass (mg/kg). mg/l, mg/kg, %, in parts per thousand (‰, ppm), in parts per million (pastpromille, ppm). Dose (concentration) is often displayed in particles from the lethal dose (concentration), for example, (1/2)LD50; (1/20)LD50, etc.;

– the smallest amount (concentration) of a substance that can cause the death of individual organisms is *called* the minimum lethal dose (concentration) of the substance LDmin (LKmin);

– a dose of a substance, mg/kg, which causes the death of 50 or 100% of organisms, respectively, with a single injected into the stomach through the oral *cavity* – this is the average lethal dose (concentration) when injected into the stomach LD50vn and LD100vn (LK50vn and LK100vn);

– average lethal dose (concentration) when applied to the skin LD50derm and LD100derm (LK50derm and LK100derm) – a dose of substance, mg/kg, which causes the death of 50 and 100% of organisms, respectively, with a single application to the skin;

– average lethal dose (concentration) when inhaling dust or gas LD50 and LD100 (LK50 and LK100) – concentration of the substance in the air, mg/m3, which causes the death of 50 and 100% of organisms, respectively, with a four-hour inhalation effect, etc. indicators.

Norms for the hazard class are calculated according to the following indicators: MPC of harmful substances in the air of the working area, mg/m3; LD when administered into the stomach, mg /kg; LD when applied to the skin, mg/kg; LK in the air, mg/m3; Coefficient of possibility of inhalation poisoning; Acute zone; Zone of chronic action - the ratio of the threshold of acute action of a poisonous substance to the threshold of its chronic action, etc.

Possible hazard classes of harmful and poisonous substances are established depending on the above standards and indicators [24-26].

Conclusions. Thus, the analysis of the issues highlighted in our study shows possible threats to the human body from the effects of poisonous and potent substances, the criteria for their evaluation and the need for measures to prevent the occurrence of unwanted toxic effects on the human body.

We see the urgent need for further research on this issue by representatives of various sciences, in order to harmonize the relevant norms of the criminal law, and doctors, toxicologists, clinical pharmacologists – within the framework of an interdisciplinary approach to the diagnosis, treatment and prevention of these clinical conditions to increase the safety of the use of poisonous and potent substances and prevent severe consequences for human health.

The need for further study, systematization and clarification of concepts of poisonous and potent substances, their dosage of harmful effects on the body in peacetime (in domestic conditions, industrial enterprises, etc.) is shown within the framework of a multimodal approach to improving the safety of use and prevention of severe consequences for human health.

They concluded that there is no distinction between poisonous or potent substances in the criminal law, in fact, there is no same distinction in toxicology, since this degree is determined by the level of doses and concentration of the substance.

In this regard, there is an urgent improvement of the investigated norm of the Code and, possibly, the development of new norms in order to a more personalized approach, taking into account the diagnosis of the severity of toxic action.

Author contributions. The authors contributed equally.

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

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DISTANCE EDUCATION FOR LAW STUDENTS IN THE ARAB WORLD: TRENDS AND ISSUES

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Abstract. *The purpose of this study is to show how e-learning is being developed in the Arab world and its relevance to the issues of general and higher education in the Arab countries. The study is based on the research materials conducted in Egypt, Saudi Arabia, Jordan, Algeria. Recognizing the existing realities in the world and expressing a positive attitude to distance learning, the authors of the works described in this review analyze the opportunities and benefits of distance education for law higher education in Arab countries. They mark the flexibility and convenience of distance learning, which allows geographically dispersed students and especially those who live in areas of military conflicts, continue their education, attend a course of lectures of a leading specialist in their professional field. Among the disadvantages of this form of education the authors drew attention to the lack of live communication between students and a lecturer, implementation of group projects, selectivity of students in relation to the asynchronous communication, low saturation of distance courses in terms of content and others. It is also about the barriers that arise during the development of this sphere of education: lack of strength of the infrastructure equipment, network connection speed, difficulty of preparation and development of educational programs for law students in their native language (Arabic) and others.*

Keywords: *distance learning, law students, Information and Computer Technology, distance learning benefits, problems in the practice of using ICT, barriers to the development of distance learning.*

JEL Classification: K33, I23

Formulas: 0; fig.: 0; tabl.: 0; bibl.: 9

Introduction. Distance learning (DL) is a set of information technologies that ensure the delivery of the bulk of the material being studied, interactive interaction between law students and lecturers in the learning process, and providing law students with the opportunity to independently master the material being studied. Modern distance learning is based on the use of the following basic elements: distance courses, web pages and sites, e-mail, forums and blogs, chat and ICQ, tele and video conferencing, virtual classrooms.

Today, distance learning is firmly occupying its niche in the education market, and it is possible to clearly identify areas where it has confidently established itself as an alternative to traditional education. And for lecturers, this form is attractive in terms of self-education and advanced training. In the educational field, distance learning should continue to complement the traditional full-time learning option, and in most cases blended learning will remain the most appropriate, when some courses, depending on their specifics, are studied in a traditional way, while others are distance learning.

Literature review. DL for lecturers also have unique opportunities to improve their qualifications not only at their place of residence, but also in scientific centers of the country, the opportunity to exchange experience with colleagues from other regions through virtual methodological associations, and participate in virtual

teleconferences. The opportunities are great, but the material and intellectual costs are significant [9. S. 8-9; 10, p. 65; 11, p. 5].

Aims. The purpose of this study is to show how e-learning is being developed in the Arab world and its relevance to the issues of general and higher education in the Arab countries.

Methods. The study is based on the research materials conducted in Egypt, Saudi Arabia, Jordan, Algeria. The research and practical experience of organizing and conducting distance learning requires study. What are the trends in the development of distance education in different countries of the world? What is the place of vocational education in the system of continuing education?

Results. This article will focus on the role of distance education for law students in the Arab world, which is going through a difficult political situation, and the information and computer technologies (ICT) used.

Attitude towards distance education in the Arab world. The development of information technologies and the expansion of the information environment makes it possible to develop different types of information services, such as: A world without documents, universities without walls, virtual laboratories, museums, libraries, including for the needs of education - a virtual environment for schools and universities, virtual classrooms [2. P. 234].

The need for distance education is linked to change in the field of science and technology and in the social sphere. There are educators to meet the challenges of our era, as distance education provides numerous and very important educational opportunities:

- meeting the growing demand of society for education in connection with population growth and the associated increase in the number of law students;
- striving for various forms of education;
- the need for new technologies to assimilate the rapidly accumulating new law knowledge;
- the need for professional mobility of workers in a developing society, in the development and retraining of personnel.
- search for types of education that require lower costs due to the increase in costs for traditional education;
- expanding ties with community life in the field of training and education;
- promoting the education and literacy of girls and adults in the Arab world [1. P. 2].

What are the benefits of distance learning?

- access, thanks to computer technology, to a variety of teaching aids, especially at home, to events (videoconferences, lectures, forums, etc.) via satellite or via video;
- global integration of new concepts and terminology;
- Strengthening peer interaction through collaborative learning;
- improving the quality of education;
- emphasis on the development of the learner's skills of thinking, asking questions, searching for answers;

- flexibility in organizing their academic work in time (law students can choose a time convenient for them), individualization of the passage of educational material, the choice of a resource (video, work with e-mail, browsing the website, etc.);
- management of your own ways to better memorize the content of training;
- search, receipt and access to information at any time;
- independence from geographic and political boundaries in an era of political instability, insecurity and forced migration. As a result of the escalation of adverse events in the Arab world, many law students have been deprived of the opportunity to attend classes. And here the role of e-learning in overcoming these (limiting conditions of conventional education) factors significantly increases;
- expanding access to information and sources that are inaccessible in the traditional learning environment [5. P. 53-66].

Offering flexibility and convenience, distance learning allows geographically distant students and students living in areas of military conflict to continue their education. It also provides them with the opportunity to take two courses at the same time. In addition, students have the opportunity to attend a course of lectures by a leading expert in their professional field.

Compulsory lecture and class learners cannot take breaks when they feel fatigued, unlike distance learning learners, who can stop listening to lectures or watching videos. The material is always available, students control the pace of learning [9]. Recordings of video lectures from previous semesters can be used in the future. This can be a helpful option when the instructor is sick or on a business trip, or if the instructor thinks that the topic is covered well in the recorded lecture.

Distance education requires the lecturer to develop teaching methods appropriate to the changed learning environment. The lecturer needs to learn how to teach, and students need to learn how to learn using distance learning resources [8. P. 391-402].

On the other hand, in the context of distance learning, there are opportunities to expand interaction with law students, in particular, with those who are ashamed to ask questions in class. While remotely, they can overcome their difficulties in making contact.

Experts note that distance education helps to overcome the lack of knowledge required to meet the needs of society inherent in traditional education, as can be seen in the curriculum. Therefore, e-learning has become an integral part of the educational process, as it supports the continuity of education, especially in the special socio-political conditions faced by Arab societies are available to an almost infinite number of students [7. P. 48-54].

Discussion. At the same time, researchers and educators note some disadvantages of distance education:

1. Distance education contributes to the laziness of law students, the refusal of independent work, counting on the help of the online component as a kind of "crutch". The student thinks that if he does not attend the lecture, he can use the video on the Internet and watch it at a later time. As a result, students start to lag behind. This creates problems in mastering the educational material of the course, since the

understanding of the subsequent material and concepts is conditioned by the knowledge of the previous topics.

2. In many forms of distance education there is no live communication between student and lecturer. Many educators believe that face-to-face contact and interaction between law students and lecturers is critical to learning. The lack of such personal communication makes it difficult for the lecturer to stimulate and motivate students to work. Law students may experience feelings of isolation and lack of support. Non-verbal communication, in particular body language and facial expressions, as well as verbal cues cannot be transmitted in distance learning. Often times, teachers can recognize students' facial expressions in class as they understand them. Such "reading" is not possible in distance courses.

3. Group projects can be more difficult for distance students, it is more difficult for them to negotiate, they cannot learn from each other. In the absence of group interaction, they receive less satisfaction from the work.

4. Asynchronous communication has different effects on the self-awareness of law students. They do not allow the expression of emotions and the use of "body language". This turns out to be beneficial for shy students. They prefer an e-learning environment. Conversely, those who like to speak up and participate in discussions of traditional learning are more likely to avoid writing or participating in asynchronous electronic discussions [5. P. 66-75].

5. But Patrick J. Fahy believes that peer-to-peer interaction through existing online contacts (mediated communication) can be a more effective means of student support. Obvious advances in communication technologies that connect “voice and image” for interaction of lecturers and students in synchronous e-learning should be introduced [6].

6. Distance learning courses are poorly saturated in terms of content when instructors deliberately or subconsciously seek to avoid the additional complications associated with the distance learning environment. This jeopardizes the quality of teaching.

7. Distance learning courses require more diligence and preparation than traditional courses. Lectures must be clear [4]. Instructors often underestimate the time and resources required to develop course materials. Email volume for distance students often increases dramatically for instructors and assistants.

8. Institutions are often not well equipped to organize distance courses, in particular they do not have sufficient delivery methods for teaching materials to ensure effective learning. Faculty members are limited due to budgetary constraints in funding access to resources for solving distance learning problems.

9. Distance education faces challenges of academic integrity when evaluating student work. It can be difficult to determine the degree of a student's independence in performing a particular task.

Barriers to e-learning. E-learning faces the same barriers as any modern education system. Some of them:

- The need to ensure the durability of infrastructure devices, the speed of the network connection, the participation of highly qualified specialists in ensuring the operation of the devices.
- The difficulty of preparing and developing educational programs in the native language for students (Arabic). Often the program is presented in English, which is frustrating for non-proficient students.
- Not all lecturers and students know how to use computers and the Internet, do not know how to interact in this environment. Parents of students may not be sufficiently aware of e-learning. This is especially true for the female part of the students.
- Educational sites are exposed to hacker attacks, hindering the educational process.
- Serious problems arise with funding or financial support for the creation of educational sites and equipping universities and schools with computers and Internet networks. To this should be added the costs of operation, maintenance and the cost of creating educational content in Arabic [2. P. 131-133].

Conclusion. The purpose of this study was to show how e-learning is developing in the countries of the Arab world, the relevance of its problems for general and higher education in Arab countries using the example of teaching in virtual classrooms. We believe that the application of such training ideally helps to solve modern educational problems. It is necessary to keep up with the progress in the field of modern technologies and develop. These technologies have invaded our Arab societies, whether we like it or not. This technical intrusion into the educational process requires empowering faculty and students to take advantage of it and use it in education. It should be noted that the Arab world is fully aware of the scale of changes that modern education is undergoing in connection with the use of ICTs and electronic devices, and seeks to use the possibilities of distance education, which make it possible to overcome in this particular situation the unfavorable circumstances of confrontation, the arena of which is the Middle East.

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CHAPTER 3
THEORETICAL AND PRACTICAL ASPECTS OF MODERN PSYCHOLOGY

PROGRAMME FOR THE DEVELOPMENT OF PSYCHOLOGICAL COMPETENCE OF THE EMPLOYEES OF HUMAN RESOURCES SERVICES OF THE CENTRAL EXECUTIVE BODIES

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Abstract. *The article reveals peculiarities of the development of psychological competence of the employees of human resources services of central executive bodies under the conditions of changes and transformations. Considering the fact that success of reform is heavily influenced by quality of human resources management in government bodies, it is necessary to enhance the effectiveness and efficiency of human resources services, in particular, by developing psychological competence of such employees. Based on previous ascertaining study of peculiarities of the development of psychological competence, an in-person and remote programme "Psychological Competence of Successful HR" has been established, which consists of four modules. The objective of the programme is development of psychological competence of the employees of human resources services to respond to modern challenges in a constructive way and to work effectively under the conditions of changes. The programme length is seventy two academic hours and it includes theoretical, in-person and remote parts. The programme was tested by conducting a forming experiment. To analyse the results of testing, two groups of criteria as to dynamics of personality development and dynamics of successful professional activities were applied. Statistically significant changes as to certain characteristics of psychological competence were revealed using Wilcoxon criterion. Thus, it has been proved that the use of in-person and remote programme of the development of psychological competence of the employees of human resources services of central executive bodies contributes to a formation of positive self-attitude, development of communicative and emotional competence and stimulates professional self-realization.*

Keywords: *professional development, psychological competence, public officer, vocational training, programme testing, mixed form of study, human resources services, public service.*

JEL Classification: H10, I0, Y8

Formulas: 0; fig.: 0; tabl.: 7; bibl.: 20

Introduction. Competence management and its development are an integral part of reforms, organizational and cultural changes in public service. Modern challenges require improvement and competence development of public officers, in particular, employees of human resources services of government bodies. Psychological competence plays a meaningful role in effective work of such employees and their professional self-realization. The level of development of psychological competence of the employees should comply with the requirements and tasks performed by the employee, help him to achieve set goals, handle new challenges constructively and overcome difficulties.

Thus, the programme of development of psychological competence of the employees of human resources services requires the development and testing, which will correspond to the current problems, will be based on modern research, will take

into account the peculiarities of activities of public service employees and will be easy to use.

Literature review. Peculiarities of the formation and development of psychological competence are revealed in the works of such scientists as O. Ageiko [3], N. Aliushyna [4], L. Volnova [7], N. Kuzyk [16], K. Kraiger [18], E. Matuska [19], I. Ogorodnichuk [13], N. Proskurka [14], I. Syngaivska [15], A. Fradynska [16] and others.

Psychological competence of the employee can be formed both spontaneously and during special training. An important condition for the formation of psychological competence is creating a special social environment in the training system which triggers the relevant social and psychological mechanisms which internalize and ensure psychological safety of the personality [12].

Many member countries of the Organisation for Economic Co-operation and Development use competence management in their training and development programmes, including Australia, South Korea, Netherlands, Belgium and USA. The Australian Public Service Commission has developed a separate HR Capabilities Development Program, which focuses on developing skills that will help to effectively implement strategic personnel management [20].

Professional competence of public officers in Ukraine is improved by means of vocational training. According to the Law of Ukraine "On Public Service", vocational training is acquisition of knowledge, abilities and skills ensuring the appropriate level of professional qualification of the public officer for his professional activities [1].

Advanced training is carried out according to the programmes, which by education content are divided into general and special. Expected learning outcomes by general and special competence development programmes should cover professional knowledge and professional competences, required for the participants of vocational training to properly perform their tasks and duties [2]. At the same time, there is no currently comprehensive programme for the development of psychological competence of the employees of human resources services that would meet modern challenges.

Aims. The aim of the article is to cover the structure and results of testing the programme for the development of psychological competence of the employees of human resources services of central executive bodies.

Methods. To achieve this goal, a formative experiment was conducted in February 2020 with employees of personnel management services of central executive bodies.

To conduct a formative experiment, 2 groups out of 12 people were formed – control and experimental. Two people were elected from each unit of personnel management services of six state bodies, which have approximately the same socio-demographic characteristics (Table 1).

In the experimental group, special training of staff was conducted in order to develop psychological competence.

Table 1. Comparison of experimental and control groups by socio-demographic characteristics

Socio-demographic characteristics	**Experimental**		**Control**	
Sex				
Men	25%		33.3%	
Women	75%		66.7%	
Age				
26-35 years	33.3%		50%	
36-45 years	50%		33.3%	
46-55 years	16.7%		16.7%	
Position category				
B	33.3%		33.3%	
C	66.7%		66.7%	
Work experience:	*in the civil service*	*in the personnel management service*	*in the civil service*	*in the personnel management service*
up to 1 year	0%	16.7%	16.7%	25%
2-3 years	16.7%	25%	16.7%	16.7%
4-5 years	8.3%	33.3%	8.3%	16.7%
6-10 years	8.3%	8.3%	8.3%	33.3%
more than 11 years	66.7%	16.7%	50%	8.3%

To study the effectiveness of the implemented program, the first and the second diagnostic sections were performed and quantitative and qualitative analysis was performed based on two groups of criteria.

The first group of criteria included the dynamics of personality development, in particular, such components of psychological competence of employees as professional self-esteem, communicative competence and emotional intelligence. The following psychodiagnostic methods were used for this purpose:

- adapted modified questionnaire A. Borisyuk (modification by K. Ushakova) [5];
- "Diagnosis of communication features" (V. Nedashkivsky) [8];
- "Diagnosis of " emotional intelligence " (N. Hall) [17].

The second group of criteria included the dynamics of professional success, in particular the development of professional self-realization and employee involvement. The following psychodiagnostic methods were used for this purpose:

- Questionnaire of professional self-realization of O. Kokun [10];
- Utrecht scale of involvement in the work of W. Schaufeli and A. Becker [9].

In order to assess the impact of the program on the characteristics of psychological competence and success of professional activities of the subjects, the Wilcoxon Criterion was used.

Statistical data processing was performed using the statistical data processing package SPSS, version 21.0.

Results. Based on the obtained preliminary empirical results of the study of 228 employees of human resources services of 68 central executives bodies, the programme for the development of psychological competence has been created and tested.

During the programme development, the results of ascertaining stage of the research were taken into account, during which:

- causal links between the level of psychological competence of the employees of human resources services and the level of psychological indicators of performance are established, as a result of which the components of psychological competence of the employee affecting performance are identified by correlation and regression analysis;
- a framework of psychological competence of the employees of human resources services of central executive bodies is built, which includes five competencies as a part of psychological competence: communicative, emotional, social, value-motivational and autopsychological;
- peculiarities and types of perception of the employees of their professional activity are investigated;
- factors of psychological competence of the employees are identified.

While developing the programme, general scientific and methodological approaches and principles the preparation and holding trainings are taken into account.

In particular, the programme is based on the following principles:

1) activity - encouraging participants to actively express their position, involving them in active implementation of training tasks;

2) reflexivity - providing feedback, focusing on the process of cognition and self-analysis;

3) voluntariness and responsibility - everyone participates in training voluntarily and is partly responsible for the result of work, which certainly depends on the degree of his involvement in process;

4) creativity - a manifestation of creative approach to solving problems;

5) openness and trust - taking into account interests, feelings and emotions of the participants of interaction, creating an atmosphere of security and trust in the group;

6) confidentiality - personal information is confidential [6].

During the development of the program, L. Mitina's model of constructive behaviour change was taken into consideration, which includes the stages and processes that occur at each phase of training: preparation, awareness, reassessment, action [11].

The programme "Psychological Competence of Successful HR" is designed to develop psychological competence of the employees of human resources services for a constructive response to modern challenges and effective work under the conditions of changes.

Based on the aims, the following programme targets are determined:

1) mastering knowledge about the content and role of psychological competence in professional activities;

2) research and analysis of the level and factors of development of one's own psychological competence;

3) mastering practical skills, in particular, communication and interaction, resolving conflict situations, methods of emotion regulation, emotion recognition and

influence, defining coping strategies against stress, self-organization, use of personal and time resources;

4) mastering the psychological tools that can be used in professional activities.

The training program is developed in the following stages:

1) analysis of the results of the study of psychological competence of employees of personnel management services;

2) determination of the purpose and tasks of the training program;

3) determination of the form and methods of increasing psychological competence;

4) development of the structure and content of the training program;

5) determination of time costs;

6) preparation of materials for the remote part of the program and independent work, placing them on the training platform;

7) preparation of face-to-face training classes;

8) identification of tools for assessing the effectiveness of program implementation.

The form of the program is mixed (in-person part and remote).

The scope of the program "Psychological Competence of Successful HR" was 72 academic hours, of which 16 hours - remote theoretical part, 32 - in-person part, 24 - remote practical part. However, depending on the needs, each training session can be held as an independent training.

The general structure of the program "Psychological Competence of Successful HR" is shown in Table 2.

Table 2. The structure of the program "Psychological Competence of Successful HR"

Modules	Number of academic hours
Module 1. "The work of HR in government: challenges and prospects for development"	**18**
In-person part part	8
Remote theoretical part	4
Remote practical part	6
Module 2. "Psychological competence of HR: communication and interaction"	**18**
Remote theoretical part	4
In-person part part	8
Remote practical part	6
Module 3. "Psychological competence of HR: emotional intelligence"	**18**
Remote theoretical part	4
In-person part part	8
Remote practical part	6
Module 4. "Resources, goal setting and focus on self-development"	**18**
Remote theoretical part	4
In-person part part	8
Remote practical part	6
Total	**72**

The remote part of the program was conducted on the basis of the online platform "Community of Practices: Sustainable Development" https://udl.despro.org.ua/, which opened an online course "Psychological Competence of Successful HR".

The in-person part included training exercises to acquire necessary practical skills and experience. During the training, information and problem-searching methods, training psychological exercises and other practical tasks were used.

In the period between in-person sessions the participants of training worked remotely and performed the tasks envisaged for individual studying.

The analysis of the results of the programme testing on control and experimental groups revealed statistically valid changes on certain characteristics of psychological competence by certain criteria.

To determine dynamics of the development of psychological competence of personality, analysis of indicators of **professional self-attitude, communicative and emotional competence** was made in the control and experimental groups before and after the programme implementation.

Presence and absence of changes as to certain indicators of professional self-attitude were determined using Wilcoxon criterion in the experimental and control groups (Table 3).

Table 3. Comparison of professional self-attitude before and after the experiment

№	Indicator	Experimental		Control	
		The value of T-test Wilcoxon	Significance level	The value of T-test Wilcoxon	Significance level
1	Integral indicator of professional self-attitude	**-3.084**	**0.002**	-1.190	0.234
2	Expected attitude from others as a professional	0	1	0	1
3	Self-liking for oneself as a professional	**-3.017**	**0.003**	-0,138	0.890
4	Self-respect as a professional	**-3.217**	**0.001**	-0.491	0.623
5	Self-consistency as a professional	-0.632	0.527	-1.342	0.180
6	Self-understanding as a professional	**-3.207**	**0.001**	-0.577	0.564
7	Self-acceptance as a professional	**-3.317**	**0.001**	-0.791	0.429
8	Self-esteem as a professional	0	1	-0.541	0.589
9	Self-doubt as a professional	-0.577	0.564	-1.633	0.102
10	Self-control	-1.414	0.157	-0.073	0.942
11	Negative self-esteem as a professional	**-2.810**	**0.005**	-1.732	0.083
12	Self-blame as a professional	-0.087	0.931	-0.812	0.417

Obtained results show the difference between the control and experimental groups as to integral indicator of self-attitude and such its characteristics as self-

liking for oneself as a professional, self-respect as a professional, self-understanding as a professional, self-acceptance as a professional, negative self-esteem as a professional.

It was determined that the results of influence in the experimental group improved self-attitude of employees as a professional ($p < 0.05$), in particular, increased self-liking, self-respect, self-understanding, self-acceptance and self-esteem as a professional towards the positive pole has changed.

The indicators of **communicative competence** in the control and experimental groups before and after the programme implementation have been established (Table 4).

Table 4. Comparison of communicative competence indicators before and after the experiment

№	Indicator	Experimental		Control	
		The value of T-test Wilcoxon	Significance level	The value of T-test Wilcoxon	Significance level
1	Ability to understand the interlocutor	**-2.823**	**0.005**	-1.725	0.084
2	Ability to perceive and understand oneself (tendency to reflection)	**-3.064**	**0.002**	-0.205	0.838
3	Ability to build interpersonal boundaries	**-2.731**	**0.006**	0	1
4	Peculiarities of messages in communication	**-2.820**	**0.005**	-1.015	0.310
5	Manifestation of general reflection in communication	**-2.951**	**0.003**	-0.351	0.725
6	Manifestation of the process of empathy in communication	-1.737	0.082	-1.807	0.071
7	“Targeting” in communication	**-2.514**	**0.012**	-0.863	0,388
8	adequate understanding	**-2.288**	**0.022**	-1.222	0.222
9	Ccreation of interpersonal boundaries in communication	**-2.031**	**0.042**	0	1
10	Manifestation of openness in communication	**-2.438**	**0.015**	-0.431	0.666
11	The process of attention allocation to all participants of communication	**-2.456**	**0.014**	-0.359	0.719
12	Reflection of thinking in the moment of communication	-1.179	0.238	-0.302	0.763
13	Reflection of the sphere of desires at the time of communication	-0.711	0.477	-0.707	0.480
14	Reflection of the sphere of feelings	**-3.017**	**0.003**	-1.459	0.145
15	Reflection of bodily sensations	**-2.751**	**0.006**	-0.216	0.829

According to the results of influence in the experimental group, the level of development of such indicators as ability to understand the interlocutor, ability to perceive and understand oneself (tendency to reflection), ability to build interpersonal boundaries, peculiarities of messages in communication, manifestation of general reflection in communication, "targeting" in communication, adequate understanding, creation of interpersonal boundaries in communication, manifestation of openness in communication, the process of attention allocation to all participants of communication, reflection of the sphere of feelings, reflection of bodily sensations ($p < 0.05$).

The indicators of **emotional competence** in the control and experimental groups before and after the programme implementation have been established (Table 5).

Table 5. Comparison of indicators of emotional competence before and after the experiment

№	Indicator	Experimental		Control	
		The value of T-test Wilcoxon	Significance level	The value of T-test Wilcoxon	Significance level
1	Emotional intelligence	**-3.065**	**0.002**	-0.659	0.510
2	Emotional awareness	**-3.083**	**0.002**	-0.284	0.776
3	Management of your emotions	**-3.066**	**0.002**	-0.415	0.679
4	Self-motivation	**-2.425**	**0.015**	-0.085	0.932
5	Empathy	**-2.206**	**0.027**	-0.256	0.798
6	Management of emotions of other people	**-2.209**	**0.027**	-0.535	0.593

By the results of influence in the experimental group the level of emotional intelligence and its components has increased: emotional awareness, management of your emotions, self-motivation, empathy, management of emotions of other people ($p < 0.05$).

In the control group, no statistically significant changes in professional self-attitude, communicative and emotional competence have been revealed.

As to the second group of criteria, statistically significant changes in the development of **psychological indicators of successful professional activities** have been established in the control and experimental group before and after the programme.

The development of signs of **professional self-realization** has been established. The Wilcoxon Criterion was used to determine presence and absence of changes in individual indicators of emotional competence in the experimental and control groups (Table 6).

According to the results of influence in the experimental group, the development of general level of professional self-realization, internal and external professional types of self-realization and their features such as satisfaction with own professional achievements, formation of own "life-professional space", use of professional experience and achievements by other specialists, disclosure of personal potential and abilities in the profession, manifestation of high level of creativity in professional activities are observed ($p < 0,05$).

Table 6. Comparison of the level of signs of professional self-realization before and after the experiment

№	Indicator	Experimental		Control	
		The value of T-test Wilcoxon	Significance level	The value of T-test Wilcoxon	Significance level
1	*Professional self-realization*	**-3.076**	**0.002**	-0.419	0.675
2	*Intra-professional form of self-realization*	**-2.961**	**0.003**	-0.250	0.803
3	The need for professional development	**-2.829**	**0.005**	-0.073	0.942
4	Existence of the project of own professional development	-0.740	0.459	-0.216	0.829
5	Predominant satisfaction with own professional achievements	**-2.963**	**0.003**	-0.087	0.931
6	Constant setting of new professional goals	-0.333	0.739	-0.973	0.330
7	Formation of own "life-professional space"	**-3,065**	**0.002**	-0.171	0.865
8	*External professional form of self-realization*	-1.502	0.133	-1.311	0.190
9	Achieving professional goals	-1.845	0.065	-0.284	0.776
10	Recognition of the achievements of the specialist by the professional community	-1.025	0.305	-0.787	0.431
11	Use of professional experience and achievements by other specialists	**-2.989**	**0.003**	**-2.156**	**0.031**
12	Disclosure of personal potential and abilities in the profession	**-2.816**	**0.005**	-0.181	0.856
13	Manifestation of high level of creativity in professional activities are observed	**-3.062**	**0.002**	-0.597	0.551

Statistically significant change in the development of such a feature of professional self-realization as the usage of professional experience and achievements of other specialists was also found in the control group ($p < 0.05$). Thus, we can assume that the development of this feature was influenced by other external factors but not the programme applied during the experiment.

No statistically significant differences were found in the control group with regard to other signs.

The development of employee **engagement** characteristics has been established (Table 7).

Table 7. Comparison of the level of involvement before and after the experiment

№	Indicator	Experimental		Control	
		The value of T-test Wilcoxon	Significance level	The value of T-test Wilcoxon	Significance level
1	Energy	**-2.324**	**0.020**	-1.823	0.068
2	Devotion	**-2.814**	**0.005**	0	1
3	Absorption	**-2.670**	**0.005**	-0.933	0.351

According to the results of influence in the experimental group, the level of energy, devotion and absorption has increased ($p < 0.05$). There were no statistically significant changes in the indicators of employee involvement in the control group.

Discussion. In modern conditions of professional activity of public officers it is important to effectively organize the process of improving professional competence, in particular, implementation of the most meaningful and practical programme by minimal time. In addition, in connection with the coronavirus COVID-19, quarantine has been established throughout Ukraine. A significant number of public officers have switched to remote or combined work. That is why today distance and mixed (full-time and distance using special Internet platforms, websites, etc.) forms of training of public officers are of special importance.

The programme testing proves that development of psychological competence of the employees of human resources services is possible when using a mixed in-person and remote form. Remote part of the program allows employees to acquire new knowledge, independently perform diagnostic and practical exercises. In-person part in the form of training provides an opportunity to gain new social experience, master practical skills and implement them in a specially created safe training environment, as well as further analyse the independent tasks of employees.

Taking into consideration mentioned above, the programme for the development of psychological competence contributes to:

- formation of positive self-attitude, in particular, increase of self-liking as a professional, self-respect, self-understanding and self-acceptance as a professional, as well as shifting one's self-assessment as a professional towards the positive pole;
- development of communicative skills of the employee, in particular such indicators as ability to understand the interlocutor, ability to perceive and understand oneself (tendency to reflection), ability to build interpersonal boundaries, "targeting" in communication, adequate understanding, manifestation of openness in communication, attention distribution to all participants of communication;
- development of emotional intelligence.

It has been established that the development of professional competence stimulates professional self-realization of the employee and increases his involvement in work, in particular, increases energy, dedication and absorption.

Conclusion. Thus, testing of the program "Psychological Competence of Successful HR" indicates the possibility of its dissemination for use during the professional training of the employees of human resources services of government bodies. The established programme provides development of communicative and

emotional competence of the employees of human resources services, promotes formation of positive self-attitude and self-perception as a professional, stimulates professional self-realization and increases the level of involvement.

Such a programme can be used in professional training of the employees of human resources services of government bodies and integrated into other programmes of professional development of public officers.

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