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MAIN PRINCIPLES (CONCEPTS, METHODS) OF RONALD STAMPER'S ORGANIZATIONAL SEMIOTICS

Abstract. The purpose of the work is a detailed analysis of "organizational semiotics" by Ronald Stamper. The behavioral approach, in which it is embodied, is currently considered one of the most effective modern methods of studying, analyzing and designing organizations of various types.

In accordance with the set goal, the main attention in the work was focused on revealing the content of the main concepts of organizational semiotics, identifying logical relationships between them, and considering methodological principles. Analytical and comparative methods were used as the main methodological strategies in the work. The first of the declared methods was used in the process of defining the main concepts and methodological arsenal of organizational semiotics. The second as a tool for their comparative comparison and disclosure of semantic relationships between them.

It is demonstrated that in the realities of the information society, Ronald Stamper's "organizational semiotics" is a new interdisciplinary method of studying and designing organizations. Within this approach, the organization is understood as a necessary component of the modern infosphere, as a complex information structure created by communicative processes, objects and services. Both global and local reasons for the appearance of this approach, as well as its varieties, are established.

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It was found that one of the most effective methodological variants of Ronald Stamper's "organizational semiotics" is the so-called Behavioral approach. Its conceptual basis, which consists of the concepts of "information field", "affordance", "semiotic ladder" and "Umwelt", is analyzed. The close semantic interrelationships between the specified concepts have been demonstrated. It is shown that with the help of these concepts, the functioning of the organization is understood as a special semiotic space constituted by various behavioral patterns and social norms. Relying on them, social agents are able to perform communicative actions, create or change knowledge, adhere to or deviate from formal and informal norms of joint existence. The main methodologies of the behavioral approach (semantic and normative) are analyzed and the main phases of their deployment are revealed.

Keywords: "organizational semiotics", information society, behavioral approach, organization theory, management, modeling.

Introduction. One of the most important tasks of modern management theory is to reveal the peculiarities of organizational functioning in developed societies' current post-industrial stage of existence. It is evident that the emergence of modern information technologies, new software, and the rapid growth of information has significantly transformed not only the economy or society as a whole but also our perception of the world and ourselves (Floridi, 2011).

Analysis of recent research and publications. Solving this type of problem requires new methods and approaches. One such approach is Organizational Semiotics, which emerged in the early 1970^s (Stamper) and developed its most productive capabilities in the late 1990^s and early 2000^s. Various theoretical reviews have since been published (Jorna, 2009; Gazendam, 2004).

These include Montreal-2002, Dubrovnik-2009, Barcelona-2012, Delft-2002, and Reading-2003 (Pietarinen, 2010), (Stamper, 2001), and various conferences and workshops which have contributed to the development of the new methodology. Additionally, there has been a significant increase in practical works that directly apply the new methodology, such as those by Senyo (2016, 2018), Rambo (2011), Charel and Gallareta (2007), and Liu (2000).

The purpose of the article. The primary objectives of our work are to uncover the meaning of fundamental concepts, establish logical connections between them, and analyze the primary research methodologies of behavior-oriented approaches – one of the most effective approaches in organizational semiotics. Similar to other forms of organizational semiotics, this variant is interdisciplinary at the theoretical and conceptual level. Even a preliminary analysis shows that "organizational semiotics" draws on components from philosophy, semiotics, cognitive psychology, and sociology, economics, and management theory and computer science. This complexity makes it challenging to understand and apply in practical research.

Formulation of the main material.

Organizational semiotics: definition, emergence reasons, and directions.

According to the definition, organizational semiotics seeks to understand organizations (firms, institutions, and companies) in terms of the use and interpretation of all types of sign systems, sign artifacts, and communication, using scientific disciplines such as cognitive psychology, sociology, economics, management studies, computer science, and information systems (Jorna, 2009, p. 311).

This definition provides three important components for understanding the new approach. Firstly, it indicates a broad scope of application, potentially covering all existing organizations. Secondly, it highlights the main basic terms of the approach as signs and sign systems. Thirdly, it suggests that the approach is applicable to a wide range of contexts. The last section of the definition highlights the interdisciplinary nature of the approach and its reliance on multiple disciplines.

The emergence of organizational semiotics was influenced by various factors, which can be divided into two groups: global and local. Global factors include the information revolution and the reassessment of the role of information in the modern world, as well as the rapid development of new software and the challenges that have arisen from its implementation and use.

The very emergence of organizational semiotics was caused by factors of various kinds. With a certain degree of conventionality, they can be divided into two groups: global and local. The former includes the information revolution and the reassessment of the role of information in the modern world, the emergence and rapid development of new software and all the problems that have arisen as a result of its implementation and use.

Among the factors of local nature, we can single out the following:

a) The inability of other approaches to analyze the peculiarities of information functioning within an organization. Quite often, the focus is primarily on the introduction of new software, ignoring the problems of its interaction with users. According to K. Liu, one of the important consequences of this disproportion is the low economic return of IT in various organizations, especially commercial ones (Liu, 2000, pp. 2-6);

b) The methods related to software development used in the study and modeling of information systems lack scientific substantiation. These methods cannot be considered acceptable for solving many problems caused by the rapid growth of global communications and their impact on business, management, economy, and politics.

However, it is possible to solve such problems with the help of semiotics. Semiotics is the science of sign systems that can provide the necessary level of detail for studying, modeling, and designing organizational and technical systems. It can also establish relationships within binary oppositions such as individual-social, human-technology, and interrelationships that occur within or between organizations. Organizational semiotics is an approach that considers any organization as a complex social semiotic information system. It comprises software and communication relationships that arise in different directions.

Three types of organizational semiotics can be distinguished on the basis of what constitutes the (*elementary unit of communication*) of the object under study. The initial approach acknowledges the "text" as the fundamental unit of analysis in *text-based semiotics*. This direction is based on the analysis of various texts, with the aim of understanding their function and establishing inter-textual relationships. The first variant of "orgsemiotics" allows for the active involvement of the discourse analysis method in its research tools. This approach focuses on the effects of speech in the social dimension, including knowledge production, creation and maintenance of identities, power relations, and ideologies (Mills, 1997). The language used is clear, objective, and value-

neutral, with a formal register and precise word choice. The text adheres to conventional structure and formatting features, including consistent citation and footnote style. The logical structure ensures a clear and concise flow of information with causal connections between statements. The text is free from grammatical errors, spelling mistakes, and punctuation errors. No changes in content have been made.

Representatives of the second option recognize the "sign" as a unit in *sign-based semiotics*. The main focus is on either the relationship between the sign and the object (sign semantics) or the relationship between the sign and human cognitive activity (the pragmatic dimension of the sign). The latter area actively involves and utilizes the findings of cognitive psychology and biology.

Finally, representatives of the third option recognize the "meme" as the primary communicative unit in *meme-based semiotics*. The main focus is on the processes of transmission and selection of these memes. Research efforts in this area of organizational semiotics aim to study the dynamics of the population of memes and their carriers, as well as the mechanisms of transmission and selection (Gazendam). The term "meme" refers to cultural units that are fixed in a certain symbolic form and serve to consolidate and transmit socially significant information.

Table 1

Classification of approaches to organizational semiotics

Classification of organizational semiotics	The basic communicative unit	Subject of study
1. Semiotics of the Text	Text	Identification of texts; analysis of texts functioning within the organization; Studying discourse; establishing intertextual relationships
2. Sign Semiotics	Sign	The problem of meaning (semantics). The study of the pragmatic dimension of the sign
3. The Semiotics of the "Meme"	Meme	The role of memes in the information and communication space of an organization

Source: built by the authors

However, it is also possible to classify approaches based on the changes that occur within organizations. This has led to the identification of three variants of organizational semiotics: the system-oriented approach, the behavior-oriented approach, and the knowledge-oriented approach. The most extensively developed of these approaches is the behavior-oriented approach, which is closely linked to the founder of organizational semiotics, R. Stamper.

The main concepts of the behavioral approach: definitions, logical relationships and transitions.

The main concepts and terms on which R. Stamper builds his behavioral approach are: the concepts of the "*semiotic ladder*" and the "*information field*".

The "*information field*" includes the concepts of "*umwelt*" and "*affordance*". The concept of the "*semiotic ladder*" can be seen as the starting point for the development of "organizational semiotics", as it contained the main programmatic provisions of the latter implicitly. The scientist himself

links the emergence of this concept to the crisis in defining information during the late 1960^s and early 1970^s. At that time, approaches were mostly based on vague and subjective terms. According to (Stamper, 2001, p. 6), it was necessary to replace subjective evaluations with objective, practical, and empirically verifiable information. To begin this reorientation, an ostensive definition of information could be used. Ostensional definition is a type of indirect definition that uses visual examples. It is commonly used when defining a concept is challenging due to its genus and species, but it is possible to provide specific visual examples.

The concept of signs is a prime example in the field of information. Signs can be perceived, recorded, demonstrated, processed, and ordered, allowing for connections to be established with reality. Additionally, signs are related to the intersubjective sphere, where people can efficiently interpret them. The "semiotic ladder" is a visual diagram that displays all possible dimensions of a sign in detail. It is a useful tool for demonstrating the various aspects of a sign objectively (Fig. 1).

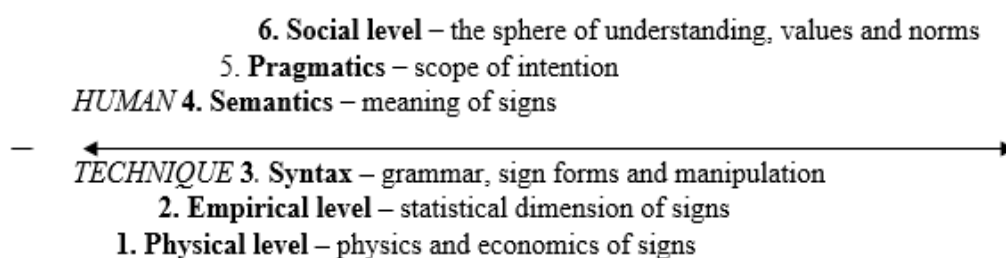


Fig. 1 – "Semiotic ladder"

Source: built by the authors

The diagram illustrates the technical dimensions of the mark. The first three rungs represent the physical qualities of the sign, such as shape, size, intensity, transmission rate, and source. At the empirical level, we are no longer dealing with individual signs, but with their ordered flows of a certain configuration. This stage is best developed within the framework of mathematical information theory, where coding, transmission efficiency, and entropy measurement are important considerations. The highest level of the primary ladder is the syntactic level of grammar and rules for combining signs. This field encompasses programming and sign processing.

The ascent to higher levels of the hierarchy involves a direct connection to human activity. The semantic level deals with issues of meaning, truth, and denotation that arise during social interaction. The pragmatic level pertains to the implicit intentions, goals, and negotiations embedded in communication exchanges. Lastly the highest level – social – concerns understanding, beliefs, social norms, and values. According to R. Stamper, knowledge comprises of our worldview positions and universal norms that guide our behavior, either directly or indirectly. Worldview positions are a type of norm, and signs are only valuable if they can influence the norms of groups of people or their worldviews (Stamper, 2001, p. 12).

Thus, it can be said that Stamper has succeeded in expressing the main aspects of the information functioning of a modern organization within the "semiotic ladder". If the sphere of various technical devices and software is

expressed by the first level of the ladder, then intersubjective communication is the second. This kind of information interaction includes not only the elementary level of human communication or the sphere of understanding, intentions and values, but also inter-organizational relations and contacts between organizations. However, it is obvious that the "semiotic ladder" should take into account another important aspect of the modern functioning of organizations, the importance of which is only growing in the current environment (primarily due to the invention and increasing use of artificial intelligence) – the problem of human interaction with computers and new types of software, in other words, how can the first and second levels of the "semiotic ladder" interact effectively?

It should be noted, however, that despite the recognition of the importance of studying all the levels of the "semiotic ladder" in the context of the functioning of the organization, the main emphasis in the behavioral approach was placed on studying its upper levels. More precisely, the social level or the level of social norms.

Social norms, in turn, are seen by Stamper as a particular variant or type of information field (Stamper, 2001), (Liu, 2000).

Thus, the *information field* is defined as "a set of social norms accepted by members of a particular community that express knowledge about desired and exemplary behavior in that community" (Gazendam, 2004, p. 5).

In other words, social norms are certain, not always conscious and explicit, laws that are followed by members of a particular community, which can be a family, a family, a business organization, a party, and so on. Each such community is a kind of information field. It is the existence of such a field within an organization that enables the members of that community to carry out their behavior in a certain orderly and organized way. In essence, it is a kind of coercive structure that forces the members of the community to act in a certain way. On the other hand, the process of forming common social norms in the community allows for a certain consensus and agreement on them. Social norms that constitute the information field can be defined by certain characteristics. These include: the conditions for their implementation, the situation that triggers activation (*triggering state*), the agents responsible for initiating or avoiding an action (*responsible agent*), the normative operator (*deontic operator*) that helps us to clarify whether an action is possible, obligatory or vice versa. In addition, each of these norms has a specific time frame (beginning, duration and end) (Stamper, 2004). It is precisely the possibility of describing an organization by identifying the social norms that make up the information field that makes it possible to use them for the development of (computer) information systems.

To some extent, the concept of information field can be clarified by comparing it with the concept of *Umwelt*. The term was coined by the German and Estonian biologist Jakob von Uexkull (Uexkull, 1982). By environment, he means a certain special communicative relationship with the world that various biological organisms, including humans, build up in the course of their lives. According to the scientist, each organism, although existing in a certain common communicative field, has its own personal and unique environment.

The construction of this world, the contact between the world and the organism, is based on the fact that the latter chooses only what is suitable for it in all its diversity, and the environment around it allows this choice. In addition, this choice is conditioned by the peculiarities of its organization and the needs for survival and successful activity. It is quite possible and productive to analyze this relationship between organism and environment as a kind of communication and exchange of signs (Kull, 1998). Similar to the information field, the Umwelt is an organized semiotic space in which an individual resides. However, while the former emphasizes normativity, coercion, and consensus, the latter prioritizes communicative and dialogical aspects, despite its biological context. Each individual constructs their own worldview through communicative exchanges, not only within society but also with the *environment*. It is important to remember that each individual's Umwelt is holistic, despite being made up of different information fields represented by various communities such as family, work, political party, and religious community. Stamper strengthens and clarifies the concepts of the information field and Umwelt by introducing a third concept – affordance. The concept was developed by J. Gibson, an American psychologist and biologist who created the ecological theory of perception (Gibson, 1979).

"Affordance", borrowed from evolutionary biology, is a term used to describe the possibilities provided by the objects in the world around us. Interaction with objects allows us to learn about their possibilities, gain life experience, and socialize. For instance, the shape of a chair indicates that it is suitable for sitting; the handle on a cup indicates that it can be held in our hands, and the rungs of a ladder indicate that we can climb it. Stamper argues that affordances highlight the relationship between an individual and their *environment*, based on behavioral patterns that have been practiced in a community over time (Gazendam, 2004, p. 5). Essentially, affordances refer to the opportunities that the environment provides to the organism, which then acts on these opportunities. As with Umwelt, it is important to consider the relationship between the organism and the environment, where the environment provides certain opportunities and the organism responds to them.

All efforts are classified into physical and social. The former refers to a set of behaviors related to the recognition of the properties of the physical environment, while the latter operates within the social environment. For instance, social behaviors are tuned to a specific social environment or are conditioned by the roles and responsibilities that people have in a community. Stamper defines social affords as social constructs that can only be performed and created by actors with certain social powers. Physical affords accumulate knowledge over time and are passed down from generation to generation.

The information field can thus be seen as a set of physical and social affords accepted by a particular community. Social affords can be seen as social constructs that exist in the form of signs created by certain authorized agents. The proposed Venn diagram visually demonstrates the logical relationships between the main concepts of the behavioral approach (Fig. 2).

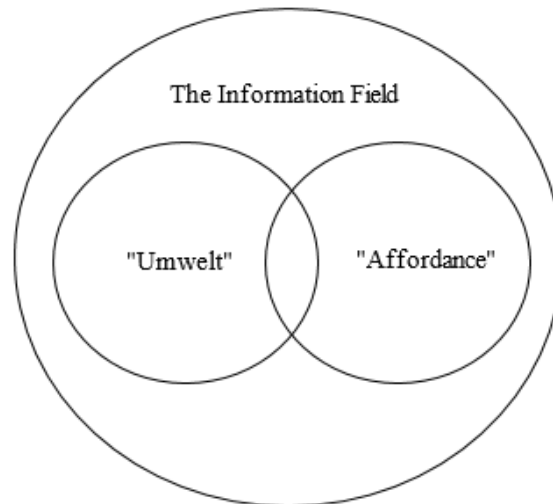


Fig. 2 – Logical connections between main concepts

Source: built by the authors

Basic methodologies of the behavioral approach.

The concepts discussed above have become the conceptual basis for *MEASURE* (*Method for Eliciting, Analyzing and Specifying User's Requirements*), a research program that encompasses several working methodologies for the study of organizations. The main aim of this program is to provide a set of methods that can be used by researchers and business users in understanding, developing, managing and using information systems.

One of the fundamental positions of *MEASURE* is social constructivism. Like its proponents, the researchers in this program believe that the environment in which we live is socially and subjectively constructed. In business systems, there are many agents/actors who are guided by different forces in the information field. These forces are related to their interests, tasks, goals and values. They usually take the form of formal or informal rules, beliefs, cultural habits and conventions, which can be called norms.

The *MEASURE* methodologies include *Problem Articulation Methods*, *Semantic Analysis Method*, *Norm Analysis Method*, *Communication and Control Analysis*, and *Meta-Systems Analysis*. However, the most developed and effective methods are the *Semantic Analysis Method* (SAM) and the *Norm Analysis Method* (NAM).

The main focus of Semantic Analysis is on Business Systems and other types of organizations. The developers of this methodology acknowledge that it is impossible to comprehend and cover all aspects of an organization's functioning using a single methodology, no matter how effective it may be. Therefore, they concentrate primarily on modeling and reproducing the semantics of the behavioral aspects of its members. A crucial aspect of this methodology is a well-developed formalization method that enables the modeling, analysis, refinement, and presentation of user requirements. A further step in this formalization process is the creation of ontological diagrams that clearly illustrate the dependencies between the organization's actors and their behavioral affordances.

An important feature of the methodology is that it is usually developed in

four phases: 1) *problem definition*; 2) *candidate affordance generation*; 3) *candidate grouping*; and 4) *ontology charting*. Within the first phase, the main task of the researcher is to identify and understand the problem to be solved. The second phase consists of generating a list of semantic units that can be used to build models for describing agents and their behaviors. The phase of grouping agents allows the continuation of the previous one, i.e. the further analysis of the semantic units. Finally, the creation of ontology diagrams is essentially the final stage in the creation of semantic models of the organization.

Normative Analysis is considered a continuation and complement to previous approaches. According to behavioral approach representatives Andy Salter and Kechen Liu, Normative Analysis is a method that studies norm features, including implementation conditions, empowered agents, and triggers (Salter & Liu, 2002). It can also be said that Normative Analysis is concerned with identifying common patterns of agent behavior within various business systems and organizations. It studies the regularities of this behavior, the behavioral patterns that govern this behavior. As with Semantic Analysis, various formalization options are also actively used in this field. The results are often represented in a special knowledge representation language (NORMA), which is then translated into a computing language (LEGOL) for further processing.

The similarity of normative analysis to semantic analysis is also evident in the fact that it also unfolds in four phases, namely: 1) *responsibility analysis*, 2) *information identification*, 3) *trigger analysis*, and 4) *detailed norm specification*.

The initial stage requires identification of the agents responsible for initiating or completing specific actions. The subsequent stage, Information Identification, involves identifying and analyzing the information required to make decisions that the responsible agent makes. During the Trigger Analysis stage, 'any temporal, substantive, or semiotic causes responsible for triggering the norms are identified' (Salter & Liu, 2002). The Refinement of Norms' Details stage formalizes the results of the analysis collected in the previous stages.

Conclusions. The emergence of organizational semiotics is closely related to the problems that have arisen due to the information society and its impact on organizational activities and understanding. It is important to note that subjective evaluations should be excluded unless clearly marked as such. To address the limitations of previous approaches, it was necessary to supplement them with additional methods. This is due to the lack of scientific justification and failure to consider the impact of new software on the organization's communication space, which can lead to the emergence of new information relationships. Organizational semiotics is an approach that studies organizations as complex information systems. These systems include both programs or devices and communication structures created by people, as well as the relationships between them. This approach is used in the field of *Human-Computer Interaction*.

Stamper views any organization as a complexly ordered information field. Information production occurs at various levels, known as the "semiotic ladder", but the most crucial levels are those related to the organization's social

functioning. Structuring and organizing information at this level is achieved through social norms that accumulate knowledge and serve as rules of coexistence within the team, expressed in the form of signs. However, the founder of the behavioral approach also considers this same information field as Umwelt. The diversity of relations between the organism and the environment is reduced to a communicative exchange. This exchange can be effective if it is organized and ordered. "Affords" implies normativity and orderliness, as it refers to opportunities provided by the environment and behavioral patterns that govern human behavior. At the same time, due to communicative interaction and the fact that any pattern can be seen as socially constructed and acquired knowledge, affords can also be seen as a normalized and ordered information field.

These fundamental concepts have been consolidated and are used in the methodologies developed in the behavioral approach. They are most effective in semantic and normative analysis. The former aims primarily to study the behavioral semantics of the social agents that make up an organization, while the latter examines the patterns that govern this behavior.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Павло ХРАПКО, Наталія ЗОЩУК, Оксана КЛЮХА
ГОЛОВНІ ПРИНЦИПИ (ПОНЯТТЯ, МЕТОДИ) ОРГАНІЗАЦІЙНОЇ
СЕМІОТИКИ РОНАЛЬДА СТЕМПЕРА

Анотація. Метою роботи є детальний аналіз «організаційної семіотики» Рональда Стемпера. Поведінковий підхід, у якому вона втілена, на теперішній час вважається одним з найефективніших сучасних методів вивчення, аналізу та проектуванні організацій різноманітного типу.

Відповідно до поставленої цілі головну увагу в роботі було зосереджено на розкритті змісту головних понять організаційної семіотики, виявленні логічних взаємозв'язків між ними та розгляді методологічних принципів. В якості основних власних методологічних стратегій у роботі було використано аналітичний та компаративний методи. Перший з заявлених методів було використано у процесі дефініції основних понять та методологічного арсеналу організаційної семіотики. Другий у якості інструменту їхнього порівняльного співставлення та розкриттю смислових взаємозв'язків між ними.

Продемонстровано, що в реаліях інформаційного суспільства «організаційна семіотика» Рональда Стемпера є новим міждисциплінарним методом вивчення та проектування організацій. В рамках цього підходу організація розуміється як необхідний компонент сучасної інфосфери, як складна інформаційна структура, що твориться комунікативними процесами, об'єктами та послугами. Встановлено як глобальні так і локальні причини появи цього підходу, а також її різновиди.

Виявлено, що одним з найефективніших методологічних варіантів «організаційної семіотики» Рональда Стемпера є так званий Поведінковий підхід. Проаналізовано його концептуальну основу, яка складається з понять «інформаційного поля», «афордансу», «семіотичної драбини» та «Умвельту». Продемонстровано тісні смислові взаємозв'язки між вказаними поняттями. Показано, що за допомогою даних концептів функціонування організації розуміється як особливий семіотичний простір, конституюваний різноманітними поведінковими патернами та соціальними нормами. Спираючись на них соціальні агенти мають змогу здійснювати комунікативні дії, творити або змінювати знання, дотримуватися чи відступати від формальних та неформальних норми спільного існування. Проаналізовано основні методології поведінкового підходу (семантичний та нормативний) та розкриті головні фази їхнього розгортання.

Ключові слова: *«організаційна семіотика», інформаційне суспільство, поведінковий підхід, теорія організації, управління, моделювання.*

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HUMAN RIGHTS AS PHILOSOPHY BASIS OF PROFESSIONAL ACTIVITIES OF POLICE OFFICERS

Abstract. The modern vision of the future coexistence of societies in the general picture of the world is inextricably linked with the need for the maximum development of individual responsibility of the individual in the process of professional activity, especially in the conditions of constantly acting challenges of various nature: social, economic, cultural, psychological and emotional. The article is devoted to considering the requirements of a new approach to the performance of professional duties by police officers, which involves the formation of a worldview on a democratic basis, taking into account the interaction and mutual influence of the individual, society and the state in the creation of a modern socio-cultural discourse. The main components of the worldview, which should be the basic foundation for the formation of professional competence, are considered. The article determines that one of the effective tools for achieving the goal of creating a fair and harmonious society is the inclusion of gender competence as one of the components of human rights education in the system of professional training of police officers, which should ensure the embodiment of humanistic values in society. The work notes that the rule of law, as one of the indicators of the functioning of the legal state, implies respect for human rights, the equality of all people before the law and the inevitability of punishment for its violation. Preventing human rights violations is the highest goal of community police officers. The research provides the conclusion that modern requirements for the work of police officers provide for the formation of a human-centered worldview, which requires special attention to the formation of certain competencies of police officers.

Keywords: *human rights, gender equality, prevention of gender discrimination, police officer, rule of law, prevention of human rights violations.*

Introduction. Life in conditions of instability in the social, economic, political and cultural spheres imposes a special responsibility on representatives of law enforcement agencies. The general picture of the society depends on the level of their legal culture, on their commitment to the principle of the rule of law in all spheres of public and private life. Police officers provide security not only in the form of direct response, but also through the

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formation of legal awareness among the population in various spheres of life. It should be recognized that the modern picture of the world no longer presents itself as clearly outlined. The world is no longer seen, not even as a kind of mosaic composition, united by some, even if difficult to grasp, single plan. But, nevertheless, even in such conditions, a person needs to find the point of existence, the sense of being now and in the future. In such conditions, the concept of "human rights" can be such an instrument with the help of which a person, society can build a "discourse today" as a social project of the future.

Analysis of recent research and publication. Theoretical researches that analyzed the problem made great and deep survey. The concept of human rights was studied by scientists in different countries. Its relevance caused by the urgent need to know the phenomenon of human rights in all its diversity its manifestations. This issue is studied by specialists in different spheres of modern knowledge. A significant contribution to the discussion and analyzing of this issue belongs to such specialists of jurisprudence, such as A. Kolodiy, N. Kinsella, V. Kapitsyn, O. Lukashkova, O. Petryshyn, P. Rabinovych, T. Slinko, H. Hristova and others. But if we want to understand the reason why this an important for society survival concept is ignored very often by different social institutes it is necessary to make the philosophical survey of main parts of human rights concept on person-centered basis.

The purpose of the article is to carry out a historical-philosophical analysis of the concept of human rights by analyzing its genesis; to analyze the effect of gender educational component as the part of concept human rights to stabilization of all society institutes; to study public service sphere as reflection of state respect to human rights; to examine the situation in society regarding the elderly's rights.

Formulation of the main material. The historical and philosophical analysis of the concept of human rights requires us to recognize human rights as one of the universally recognized fundamental values that reflect the inner and outer meaning of human existence. Modern socio-political discourse as one of the manifestations of future social projects indicates that despite the rather long history of mankind, we still have not understood the full depth of the social meaning and ontological meaning of this concept. Synthesis and analysis as methods of scientific knowledge help establish that all social projects and the content of any discourse, as well as the values of this discourse, must change as a necessary condition of vitality. This phenomenon found its embodiment in a well-known philosophical generalization, according to which there is nothing permanent in the network that would not be subject to change.

Political and legal achievements are the grounds for ensuring the overcoming of all types of violence in both private and public spheres. In the conditions of the requirement of recognition and consolidation at the legislative level of human rights and freedoms guaranteed by the state, police officers should have a correspondingly high level of legal culture and legal awareness, which are formed under the influence of various factors, including knowledge of gender theory, philosophical critical thinking on the main parts of society, which provide fundamental knowledge about human rights from the point of view of the social equality of men and women in the process of construction of the overall world picture and as a reflection of the situation in the sphere of

human rights protection.

The willingness of police officers to defend human rights in the public and private spheres reveals the mission of police officers as defenders of fundamental humanistic principles. It is difficult to overestimate the importance of the social mission in sphere of gender, public service, protection of human rights of the elderly.

In today's reality the social systems acquired such attributes as openness, instability, unexpectedness and non-linearity of development. Hence the perception of lost control over the situation, instability at all levels of social structure, the sense of chaotic state and uncontrollability of social transformations (Kakhovska, Skyba et al., 2020).

The goal of introducing a gender in its different aspects into the educational process of future law enforcement officers is to form in higher education students a world view based on respect for human rights and the prevention of gender discrimination in its different ways, as well as knowledge and skills aimed at the real provision of gender equality in their professional activities, respect for rights man as one of the highest values of achievements of a civilized society. Currently, the introduction of elements of a gender approach into education as an indicator of the quality of education is becoming increasingly popular. The concept of gender equality in education means equal access to high-quality knowledge that ensures the process of socialization and transmission of norms and values, including gender justice, equality and non-discrimination. High-quality education, which strives to achieve gender equality in society, addresses gender issues in the training of future specialists. This qualitative characteristic of education is a necessary condition for increasing the attractiveness and competitiveness of higher education for police. One of the social characteristics of higher education for police officers is the creation of preconditions for strengthening social cohesion based on reducing social and gender inequality at all possible levels. This approach, through the inclusion of gender knowledge in the education system, contributes to the training of professional personnel who ensure the functioning of gender-sensitive practices and the introduction of the principles of non-discrimination.

Respect for human dignity as one of the inalienable rights of every person is directly related to the fight against the manifestation of gender-based domestic violence and gender discrimination in the public and private spheres. Knowledge of gender theory, critical thinking skills regarding the negative impact of gender stereotypes, the ability to establish cause-and-effect relationships on the basis of logically substantiated conclusions helps police officers to establish professionally directed contact, which has a positive effect on the prevention of offenses in the field of human rights protection. A modern police officer must be clearly aware that the state of gender relations is an indicator of changes in the plane of socio-cultural relations and a manifestation of action in the practical sphere of the rule of law, where respect for human rights is the highest value.

Having applied historically comparative, deconstructive and structuralism methods, we can see the historical ways of building the modern concept of human rights. Hammurabi's Code, the Bible, the works of Plato and Aristotle were the sources that considered the first ideas on which, step by step, the modern understanding of the principle of justice is formed as the basis for

the construction of human society. Ancient Roman thinkers such as Cicero and Seneca added powerful theoretical tools to the logical means of proving the truth of certain propositions of this concept.

The author of the work "Human Rights and the Bible" (Yang, 2016) tries to provide a detailed philosophical and historical analysis of the emergence and formation of the concept of human rights. He points out that at first glance there is a startling difference between the world of ideas on this issue in the Bible and the modern understanding of human rights. Biblical texts are theocentric, and human rights discourse, on the contrary, is anthropocentric. And even the very word "rights" as we use it today does not even appear in the Bible. But by exploring the inner meaning and deep meaning of certain norms, Young sees in the biblical texts the source of the modern concept of law. The Holy Scriptures contain fundamental principles, which can justify the universal discourse of human rights. The Holy Scriptures contain a deep religious humanism, which some modern Jewish thinkers see as the basis of Western-style liberalism and the basis of the Declaration of Human Rights. According to religious texts, if a person is created in the image of God and all people descend from mother Eve, and then in this case there is no inherited hierarchy between people, and all people should have equal rights.

The name itself (Being created in the image and likeness of God) means being created as children of God) indicates the transcendental nature of human rights as a concept that conditions and determines the possibility of any experience. There are very interesting and important for the modern state of humanity some rules regarding the poor, which can be seen as a form of protection of social rights. The Bible's concern for foreigners, the poor, slaves and workers has often been interpreted by modern scholars as support for the discourse of social rights.

There are several categories, such as foreigners or the poor, to whom the Bible imposes obligations, often associated with implicit "rights", but they are formulated as protections against certain arbitrariness. The poor are protected, for example, by tithe laws and other necessary gifts in the form of various food and grain. Workers are protected by biblical labor laws such as the Sabbath law and the prohibition against withholding wages or economic exploitation. Debtors are protected by the ban on interest and special rules on deposits.

When considering the category of political rights, Yang Sungu determines that a certain number of duties are imposed on each member in society, including the sovereign. Unlike much of ancient culture, in which the king was seen as the source of law, the king in the Bible obeys the law. This is what allowed the biblical prophets to act as social critics and challenge unworthy worthless leaders. The prophets demanded freedom of speech and claimed the moral authority of their protests. According to the author, the Bible and the Old Testament laid the first ideas about human rights in figurative forms. Biblical law in a certain way establishes the type of relations, the purpose of which is to establish fair relations in society. It is quite clear, the researcher notes, that there is a deep connection between Judaism and the latest discourse on human rights (Yang, 2016).

When using the generally historical method, we see that in the period of Middle Ages, such thinkers as Augustine, Boethius and Thomas Aquinas occupied a special place, whose further influence on the general principles of

the concept of justice in European scientific thought lasted for several centuries.

Among those thinkers who initiated the promotion of human rights, there was always an understanding that rights are an aspect of humanity. They do not depend on such characteristics as race, nationality or gender, as well as on the presence of a person in the territory of a certain political entity. Human rights in their inner meaning are ethical norms, and in their external signs they are carriers of legal norms. This format requires that state institutions respect and adhere to them.

Humanistic values as a set of practices, behavior and ethical guidelines are passed from one generation to another. Such social processes as the construction, formation and constant reproduction and transmission human rights concept from generation to generation as the highest value of humanity ensure the sustainable development of society, timely detection and elimination of threats to its existence.

The content of the value of the concept of "human rights" is realized in all social institutions, such as the system of education and upbringing, the labor market, marriage and family relations, and legal institutions.

Over time, human rights have been defined in society as one of the important factors of the rule of law. The police, as a body for the protection of law, is to reflect the changes in the socio-cultural discourse and gradually is to become one of the effective mechanisms of security and protection.

The second half of the 20th century and today's reality reflect socio-cultural changes in society. The consciousness of society perceives the arrival of women in various spheres of production and, in general, in the public sphere, as inevitable. This, on the one hand, destroyed the traditional representation of men's and women's socio-economic roles and places in the whole picture of the world, and on the other hand, forced human scientific research to review the theories about the objectification of women, to consider a new paradigm of subjectivity and to realize women, on an equal footing with men as the subject, that is, the creator of history. There are fundamentally new interconnections between the theory of human rights and their implementation in the practical plane. Thanks to this, approaches to the gender division of labor are revised, discrimination in work is investigated, and new household analytics are conducted. The data of both theoretical and practical research contributed to the beginning of a broad discussion about the place and importance of women and men in the general system of socio-economic relations.

Modern police officers should form a new outlook that reflects fundamental changes in the value paradigm of nowadays. It is thanks to humanitarian knowledge, which is built on the principles of deep respect for human rights, the reproduction of gender stereotypes, dichotomous perception of private and public lives of men and women can be overcome at the subconscious and conscious levels. A set of beliefs is formed and changed during human socialization. The mutual influence of society as an environment and a person as a component of this environment imposes a special responsibility on all social institutions of society, including the police agencies. In other words, the meaning of the concept of "human rights as a value" can be defined as a system of beliefs accepted by the internal essence of a person. This

system exists beyond compromise; it is first instilled by the first environment, but in the process of personality formation it is supported and consolidated through personal experience. These processes affect both behavior (as a person's external behavior) and the world of thoughts and mental processes (as an internal behavior). It can be noted that the meaning of the concept of "human rights as a value" is based on the rules of ethical norms, which, for the sake of unifying society, are aimed at overcoming individualism and aggressiveness and are aimed at introducing a humanistic order in the general picture of the world. Human rights as a socio-political value are implemented in the form of social conditions that prevent the occurrence of consequences, which are considered negative from the point of view of the needs, ideas and knowledge of society about justice (Community policing, 2023).

One of the public institutions of society is the provision of public services, which directly reflects the level of mutual understanding and support between the citizens and the state. This is one of the effective mechanisms for ensuring the protection of human rights. The sphere of public services in Ukraine should contribute to the formation, improvement and further development of the system of providing public services on the basis of clearly defined legal principles. This will allow satisfying the needs of citizens-consumers of public services and ensuring the protection of their rights and interests, which are guaranteed by the Constitution of Ukraine and other regulatory legal acts.

In order to protect human rights in the public sphere, as well as to prevent disbelief of citizens in the operation of the principle of the rule of law, it is necessary to conduct an analysis of the situation in this sphere. Police officers can inform citizens about the availability of such a service. In such a way they can be indirectly involved in the formation of an atmosphere of trust and respect of citizens towards police. The identification of shortcomings, which on a practical level prevent a fair and legal resolution of the case within a reasonable time, has a positive effect on the establishment of the general concept of human rights protection in society.

The current state of the provision of public services in Ukraine is characterized by a large number of shortcomings and problems despite the fact that the state must guarantee the right of every consumer to an impartial and fair decision concerning a case solution within a reasonable time.

Improving the provision of public services in Ukraine contributes to the creation of favorable conditions for the provision of public services to the subjects of the appeal. Thanks to the activation of state bodies, there is an increase in the level of legal awareness of consumers when receiving state services. Informational openness and transparency of the activities of the subjects of the state administration service is ensured, thanks to such transparency, the level of corruption risks in the process of providing public services is reduced, which also affects the improvement of the human rights protection mechanism. Improving the quality of the provision of public services affects the general human rights climate of society and ensures the effectiveness of the implementation of guarantees of legality and protection of human rights in both the public and private spheres (Skyba & Polishchuk, 2019).

The modern concept of human rights pays attention to the protection of

rights in their entirety and in all manifestations. In nowadays conditions, the protection of gender identity from the point of view of the concept of protection of human rights is manifested in the protection not only in granting equal rights to men and women, but also in the protection of the population of elderly people or as it is named as "gender problems in aging" in scientific researches.

The man/woman's identity is not fixed anymore by anatomy, at present it is "fluid" with the time and age "shifts" of femininity and masculinity.

Thanks to the development of medicine and related knowledge, approaches to the problem of aging have changed. Many people aspire to social activity even in adulthood. Taking into account such changes in the identity of men and women, a paradigm of temporality appeared in modern discourse in relation to all varieties of self-expression at different times of human existence. With age changes, identity changes, but a person remains an important value of society and needs protection of his or her rights.

Under Z. Bauman's opinion (2013) we are experiencing re-distribution of the social forces of the contemporary world, the latter represents the unstructured and under-defined or even non-defined fluid state of the immediate setting of the life politics (Bauman, 2013).

In modern economic, social and cultural conditions, an elderly person is not understood as a person outside the limits of social activity, but, on the contrary, acquires the necessary maturity and competence in his or her professional field. The person's value does not decrease even outside the boundaries of professional activity. The attitude towards an elderly person's activity in a human-centered society can work as a reflection of the real situation with respect to human rights.

Social contexts in their changing "landscapes" make people become involved in creating the new dimensions of temporality through their experience of "age models" imposed by pop-culture and mass media (Vlasova, Skyba et al., 2022).

For centuries, the term definitions of a woman or a man were strictly biological. Their professional, political, personal, and gender factors were not taken into account. The primary importance for women and men was their compliance with the standards of a "real man" and a "real woman".

In addition to biological changes, labor market leaves the elderly people with poor health and few resources in old age. In such a situation they need be protected their human rights. It is an obligation of any democratic state, which is people-centered. The formation of the worldview of police officers, which is built on humanistic principles and respect for human rights, will contribute through direct and indirect means to increasing the level of legal awareness of the country's population, where the value of each individual will be measured not only by direct economic benefit (Skyba, 2020).

Community officers need to know that in a culture built on gender dualism or dichotomy, an individual cannot simply be a "person". Gender is always emphasized in such a society, it is strictly identified and, therefore, there is gender discrimination as the result of the dichotomy. Our language, intellectual history and social forms of existence are "gendered". It is impossible to deny the influence to gender stereotypes or to just avoid this process. It is impossible to ignore the consequences of this fact. They can be

resisted by a fierce desire to transcend gender dualism, not allowing our behavior to be limited by attributes such as "male behavior" or "female behavior" (Skyba, 2021).

The police officers should take part in making the atmosphere of old people support in the society. They should be well educated and well informed in the area of human rights and freedom. Such measures will ensure that harmony and social welfare will be the goal of policing and, in turn, will lead to a reduction in crime, eventually displacing arrests as the main focus of police work. Experience shows that the approach based on the principles of Community Policing reduces the level of public fear of crime, increases citizens' sense of security, safety and trust in the police, which indirectly affects the level of legal awareness and legal culture (Kelly & Mears, 2023).

Interaction between officers of the community and its residents should ensure, through various innovative means and forms, the most favorable mode of communication between law enforcement officers and residents of the territorial community. Trust as one of the effective tools for increasing the level of environmental security is formed thanks to many factors, not least of which is the partnership between the parties of any project. The introduction of the philosophy of partnership into the practical sphere has its positive consequences, because it is known that the organization of work based on the principles of mutual assistance, trust and respect for the values of each party has results due to purposeful activity, due to persistence in achieving the goal (Miller, Hess & Orthmann, 2017).

Conclusions. In society, in all institutions, there should be such a social practice that connects the issue of reproduction of a stable society based on the principles of the rule of law. Such tasks facing the authorities, including in law enforcement, require the introduction of knowledge about gender relations as a component of the concept of human rights in the education of future police officers. In our opinion, an effective approach should be based on the inclusion of aspects of gender issues in existing academic disciplines, such as sociology, philosophy of law, jurisprudence, psychology, legal logic and others, which makes it possible to identify and analyze the problems of gender inequality in various areas. This approach makes it possible to systematically introduce gender knowledge into the system of higher education of police officers and indirectly influence the formation of a worldview that pushes aside humanistic ideals of human rights as its deepest convictions. This will increase both the level of trust in the police authorities and the understanding of the principle of the rule of law among the police representatives themselves. The problem of human rights statement is to build a democratic Ukraine of European standard. It should not be based solely on discussing the problems but it requires radical changes in the legal field, which support both private and public spheres. As the result, any person, his/her rights and freedoms must become a priority as the bases of legal state.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Елеонора СКИБА, Камерон БАТМАНГЛІЧ
ПРАВА ЛЮДИНИ ЯК ФІЛОСОФСЬКЕ ПІДГРУНТЯ
ПРОФЕСІЙНОЇ ДІЯЛЬНОСТІ ПОЛІЦІАНТІВ

Анотація. Сучасне бачення майбутнього співіснування суспільств у загальній картині світу нерозривно пов'язане з необхідністю максимального розвитку індивідуальної відповідальності особистості в процесі професійної діяльності, особливо в умовах постійно діючих викликів різних характер: соціальний, економічний, культурний, психологічний та емоційний. Стаття присвячена розгляду вимог нового підходу до виконання своїх професійних обов'язків офіцерів поліції, що передбачає формування світогляду на демократичних засадах з урахуванням взаємодії та взаємовпливу особистості, суспільства та держави у створенні сучасного соціокультурного дискурсу. Розглянуті основні складові світогляду, що мають бути базисним підґрунтям для формування професійної компетентності.

Визначено, що одним із дієвих інструментів досягнення мети створення справедливого та гармонійного суспільства є включення гендерної компетентності як однієї зі складових правозахисної освіти до системи професійної підготовки поліцейських, що має забезпечити втілення гуманістичні цінності в суспільстві. Зазначено, що верховенство права, як один із показників функціонування правової держави, передбачає повагу до прав людини, рівність усіх людей перед законом і невідворотність покарання за його порушення. Попередження порушень прав людини є найвищою метою поліцейських офіцерів громади. Зроблено висновок, що сучасні вимоги до роботи працівників поліції передбачають формування людино-центрованого світогляду, що потребує особливої уваги до формування певних компетентностей офіцерів поліції.

Ключові слова: права людини, гендерна рівність, запобігання гендерній дискримінації, офіцер поліції, верховенство права, запобігання порушенню прав людини.

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THE CONTRADICTIONARY NATURE OF ICT AS A FACTOR OF DEVELOPING THE INFORMATION SOCIETY IN THE CONDITIONS OF THE FOURTH INDUSTRIAL REVOLUTION

Abstract. The relevance of the research on the problems of the Fourth Industrial Revolution is that Industry 4.0 is characterized by "a combination of technologies that blur the boundaries between the physical, digital and biological spheres" and represents a new revolution. The Fourth Industrial Revolution is based on the inventions of the Third, but its difference and main contribution lies in the combination of technologies that blur the boundaries between the physical, digital, and biological worlds. The purpose of the article is to conceptualize the contradictory nature of information and communication technologies (ICT) as a factor in the development of the information society in the conditions of the Fourth Industrial Revolution.

The task of the research is to reveal the contradictory influence of ICT on the development of digitalization; to trace the transformation of Internet technologies and their impact on the development of "digital twins"; to find out the main contradictory trends in the development of digitalization in the conditions of the Fourth Industrial Revolution. The object of the research is the contradictory nature of ICT as a factor in the development of the information society in the conditions of the Fourth Industrial Revolution. The subject of research is the influence of the Fourth Industrial Revolution on the contradictory nature of ICT as a factor in the development of the information society.

The authors use a system of methods and principles of scientific research – analysis and synthesis, abstraction, historical and logical, which allowed us to conceptualize the contradictory nature of ICT as a factor in the development of the information society in the conditions of the Fourth Industrial Revolution.

As research result, it has been proven that, on the one hand, there is a statement that digital technologies will provide solutions to most of today's economic and social problems, and on the other hand, scenarios prevail, according to which digital technologies will replace human labour, which will lead to a sharp increase in the level of unemployment with negative economic and social consequences. A digital twin, created by taking advantage of the improved technology, is an important method with its virtual reality infrastructure. A digital twin is used to analyze and simulate real-world conditions to respond to changes and improve processes. All this is further enhanced by technological advances in areas such as quantum

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computing, machine learning and artificial intelligence, robotics, virtual assistants, the Internet of Things, self-driving cars and drones, 3D printing, nanotechnology, biotechnology, traffic and safety monitoring systems, renewable sources energy Therefore, we are trying to explain the process of information management, how it occurs, what it is based on, how modern trends in the development of "cyber-physical systems" connecting machines, computers and people are implemented. The assessment of the possibilities for creating new jobs through digitalization is contradictory. However, it is obvious that there will be significant opportunities in innovative IT services that require a high level of digital skills, and clusters around such services are already emerging in many countries. This means that digital technologies will be incorporated into projects related to health, education, agriculture, food security, basic infrastructure, water supply and sanitation, governance, social protection, financial services, etc. Digitalization is changing the economies of countries, but the specific scope and scale of these changes remain to be seen as they will be influenced by both technological development and political regulation.

Keywords: *information, information management, ICT, information society, Fourth Industrial Revolution.*

Introduction. The relevance of researching the problems of the Fourth Industrial Revolution is that Industry 4.0 is characterized by "a combination of technologies that blur the boundaries between the physical, digital and biological spheres" and represents a new revolution. It is different from the third one, which has a systemic impact of breakthroughs that do not have any historical precedent, and today, due to their complexity and contradictions, it shows a dualistic character, which has pros and cons. Industry 4.0 comes with huge obstacles in every sector of the economy, but the possibility of connecting billions of people, buying mobile devices with unprecedented power, and storage capacity with access to knowledge makes the revolution more special. According to Nick Bostrom, Industry 4.0 is characterized by new technological breakthroughs in artificial intelligence, robotics, the Internet of Things, autonomous vehicle Internet services, 3D printing, nanotechnology, materials science, energy storage, and quantum computing, which bring with them development strategies and dangers smart machines (Bostrom, 2020). Today, the world is at the dawn of a new 5th industrial revolution, which will fundamentally change the way we live and work. Peter Diamandis and Stevens Kotler (Diamandis & Kotler, 2021) note that while the Agricultural Revolution marked the transition of human societies from gatherers and hunters to settled farmers, the First Industrial Revolution, which began in the late 18th century, marked the transition from manual production to industrial production using machines (the steam engine is the most important one), mechanized production using the energy of water and steam, changing business, industry and our lives.

The last 230 years, known as the "Industrial Era", began with the use of steam engines in textile production and the introduction of the first mechanical loom in 1784. The introduction of electric power and mass production in 1870 marked the beginning of the Second Industrial (Technological) Revolution. The second industrial revolution at the turn of the 20th century introduced new technologies such as electricity and brought mass production using electricity, the basis of the development of Industry 2.0 was industrialization along with innovations. The introduction of assembly lines also marked the transition to the Second Industrial Revolution.

The third was already characterized by automation and Digitalization, mainly with the use of electronics and information technologies.

The Fourth Industrial Revolution is based on the inventions of the Third

one, but its difference and main contribution lies in the combination of technologies that blur the boundaries between the physical, digital, and biological worlds. Similarly, the digital revolution is seen as a transition from mechanical to digital technology and offers a range of new technological opportunities that have a profound impact on the economy as a whole. This is further enhanced by technological advances in areas such as quantum computing, machine learning, artificial intelligence, robotics, virtual assistants, the Internet of Things, self-driving cars, drones, 3D printing, nanotechnology, biotechnology, and traffic.

We try to trace the potential impact of the Fourth Industrial Revolution on information management and the role that information will play in all areas. The fourth industrial revolution is based on an analysis of the most common current trends and developments in "cyber-physical systems" that connect machines, computers, and people. The fourth industrial revolution considers the need to rethink the definition of information, its creation, types, processing, sustainability, and usability features. Given the magnitude of the potential impact of the Fourth Industrial Revolution on information management, the question is what challenges it poses to information managers. It can be assumed that it will be necessary to acquire new knowledge and skills and update existing processes and methods. Awareness of this new phenomenon is only the beginning and can be accompanied by professional development and appropriate training.

Analysis of recent research and publications. There is a lot of literature on Industry 4.0, referred to as the Fourth Industrial Revolution, especially its impact on the economy and education sectors. The interest in the topic of digitalization from the viewpoint of economic development is highlighted by a recent wave of publications and policy initiatives related to digitalization. Scholars have found that higher education in the context of the Fourth Industrial Revolution is a complex, dialectical, exciting opportunity that can change society. The digitalization literature suggests that AI is at the heart of the Fourth Industrial Revolution, which has the potential to transform workplace tasks from task-based to human-centric characteristics. Most of the new literature on the impact of digitalization focuses mainly on the analysis of industrialized countries, while the impact on developing countries has been underresearched.

However, there is reason to believe that a separate analysis of the impact on developing countries is needed since the effects of digitalization differ significantly depending on the level of industrialization and per capita income. The fact that in many developing countries the industrial revolution and the digital revolution are occurring simultaneously, creates certain challenges. It has been argued that China may have been one of the last countries to pass the wave of industrialization to prosperity, as already industrialized countries have significant advantages in the use of digital technologies. Although the recent literature focuses mainly on industrialized countries, there are several researches on the impact of pre-ICTs on development: the literature on ICT for development, the literature on big data (data for inventions), or big data for inventions. For example, UN agencies, development cooperation agencies, the World Bank, and others have collaborated to define the "Principles for Digital Development". Several

different development agencies have developed specific strategies and projects addressing the opportunities that digital technologies provide for development cooperation. The World Bank devotes annual reports to this topic: the "World Development Report" (World Bank 2016-2021), and the United Nations Conference on Trade and Development (UNCTAD) report "Digitalization, Trade and Development" (UNCTAD 2017-2021). According to Patrick Dixon (Dikson, 2021), scholars note similarities between perceptions of the ICT impact on developing countries in the late 1990^s and early 2000^s and during the new wave of digital technologies today.

Brian Christian and Tom Griffiths in the work "Life according to algorithms. How to make a rational choice" (Braian & Hriffits 2020) discuss some authors who have expressed concern that, in fact, the digital technologies used to solve problems create many new problems that, in turn, will require the formation of algorithmic culture and thinking.

Still there are few previously unsolved parts of the investigated problem. The history of industrial revolutions presents a historical scale that includes basic elements indicating the degree of complexity. The second half of the 20th century brought us computers and electronics, which for many meant the Third Industrial Revolution. Their mass distribution was caused by an increase in speed and functionality, as well as a decrease in price and size. Machines have become interconnected, able to "talk" to each other and perform many tasks that were previously had been reserved only for humans.

After the 1960^s, due to the growth of the urban population, people's socio-economic needs were diversified to get better government services and make life easier, and as a result, improve the world of computer and digital technology. As a result, the channels of communication have expanded along with the developments that have begun to develop rapidly in the digital world and affect all areas of human activity. The network of information exchange expanded, and the digital era began with Industry 4.0 in the early 2000^s. Today, this rapid integration, introduced by Industry 4.0, has shortened decision-making processes thanks to the instant insight into economic and financial data for enterprises. The interaction of objects, which are being developed together with the digital age, introduces radical digital transformations in many areas – from the procurement of services to delivery, which greatly affects efficiency, and needs to develop according to the modern requirements of the digital world.

For many industries, the introduction of cyber-physical systems marked the beginning of a new era – the Fourth Industrial Revolution, which is based on the Third one. The difference and its main contribution lie in the combination of technologies that blur the boundaries between the physical, digital, and biological worlds and gave rise to the phenomenon of "digital twins" in the era of the "second machine age, changing progress and prosperity" (Brynjolfsson & McAfee, 2016).

The purpose of the article is to research the nature of ICT as a factor of information society development in the conditions of the fourth industrial revolution.

Formulation of the main material.

1. The contradictory impact of ICT on the development of digitalization.

In recent years, the discourse on the digital revolution has attracted

interest both in the academic sphere and among politicians and the public. This interest is caused by the emergence of new technologies, such as various types of automation, robotics, artificial intelligence, and big data. However, the process of Digitalization of the economy is not a new phenomenon, it began in the second half of the 20th century (between the late 1950^s and the 1970^s, depending on the exact definition) with the advent of modern digital computing and continued with the emergence of various types of information and communication technologies (ICT), which influenced the IT giants and their intelligent machines that changed humanity, – Amy Webb notes in the work (Webb, 2020).

The digital revolution is often seen as the Third Industrial Revolution and is believed to have as profound an impact on the economy and society as the previous two industrial revolutions. Some even claim that the changes caused by digitalization will have a "destructive" nature and that there is a "possibility of completely new development trajectories", in particular the formation of a smart-society and smart-technologies (Voronkova et al., 2017). However, it is impossible to make accurate predictions about the economic and social consequences of such profound and unprecedented changes – the consequences for jobs and employment, structural transformations, environmental impacts, etc. Extreme views on both sides of the spectrum are widespread in public discourse. On the one hand, there is an assertion that digital technologies will provide solutions to most of today's economic and social problems, on the other hand, scenarios prevail, according to which digital technologies will replace human labour, which will lead to a sharp increase in the level of unemployment with negative economic and social consequences. One of the innovative technologies that has been introduced into our lives in recent years – digital twins – is revealed. A digital twin creates a copy of a physical object or process of real-time data obtained from the physical environment and prolongs it to the computer environment. It creates solutions using technologies such as machine learning, artificial intelligence and reconstructing the physical environment using these solutions.

Digitalization is a very broad and comprehensive concept; almost all economic processes are directly or indirectly affected by digital technologies, including our space future, – as Ashley Vance and Elon Musk claim in the work "Tesla, SpaceX and the Way to a Fantastic Future" (Vens & Mask, 2018). Scholars refer to the part of the economy that is directly related to digital technologies as the "digital sector", namely the IT/ICT sector that produces basic digital goods and services. The "digital economy" includes the "digital sector" plus digital services and platform services, which is defined as the part of the economic output generated solely or mainly by digital technologies with a business model based on digital goods or services.

The authors review measurements of what they define as the "digital economy" and estimate it to be around 5 % of global gross domestic product (GDP) and 3 % of global employment in recent years. This is about consistent with other research that finds approximately 6.5 %. There are estimates of the size of the entire "digital economy", according to which it was about 20 % of the global economy in 2015. However, due to measurement difficulties, the size of the "digital economy" is generally considered to be underestimated. Furthermore, there are significant global differences when it comes to the size

of the digital economy; the percentage of GDP for developing countries is likely to be about one-third to one-half of the Organization for Economic Cooperation and Development (OECD)/world figures. Given the high level of both complexity and uncertainty, the research focuses on a broad overview of the most important issues, as well as the relevance and state of application in development cooperation. Scientists start from the premise that the digital revolution will continue to occur and shape the economy and society. Therefore, the pressing question for politicians is not whether Digitalization should occur, but what type of Digitalization is desirable and how best to deal with it. This implies an answer to the question of how to use the potential and how best to mitigate possible negative consequences, creating a modern world, – Simon Winchester notes in the work (Winchester, 2019).

In recent years, the discourse on the digital revolution in the economy has gained renewed interest both in the academic sphere and among politicians and the public. This interest has been driven by the emergence of new technologies such as various types of automation, robotics, artificial intelligence, and big data. However, the process of digitalization of the economy (also known as Digitalization) is not a new phenomenon. It actually, began in the second half of the 20th century (between the late 1950^s and 1970^s, depending on the exact definition) with the advent of modern digital computing and continued with the advent of various types of information and communication technologies (ICT) during the last decades. The digital revolution is often seen as the Third Industrial Revolution and is expected to have as profound an impact on the economy and society as the previous two industrial revolutions (Voronkova, Teslenko et al., 2020).

It is necessary to emphasize nine principles of digital development: 1) "design with the user", which should take into account the specific target users of the technology with their interests and skills; 2) "understanding the existing ecosystem": the technology must be compatible with the local context and existing policies; 3) "design for scale": it is necessary to ensure the use of the technology after the pilot stage; 4) "creating for sustainable development": the goal should be to achieve a certain level of institutionalization in the applying of technologies so that they continue to be used in the future; 5) "data-driven": projects should be designed in such a way that data can be collected for decision-making and monitoring, and the data collected should be used for these purposes; 6) "using open standards, open data, open source codes and open innovation": if it is possible, to use open source technologies in order to avoid spending scarce development cooperation funds on expensive licenses and to reduce dependency on a particular supplier; 7) "reuse and improvement": it is possible to adapt technologies that are already used in a certain context, instead of introducing something completely new; 8) "privacy and security of an address": careful examination of what data is collected and received, used, stored and provided; 9) "to be collective": experience should be shared with other practitioners, users, experts.

Thus, K. Schwab suggests conducting a thorough impact assessment before implementing the technology, during which special attention should be paid to the following aspects: 1) to help avoid misuse by authoritarian governments or corporations with high market power and criminal forces; 2) to overcome inequality and the digital divide, which should decrease, but not

increase; 3) to support economic development that creates jobs; 4) to develop the ability of partners in conducting such assessments independently (Voronkova & Kyvliuk, 2017).

2. Transformation of Internet technologies and their influence on the development of "digital twins."

Science is like a wall rising above bricks. The development of technologies and their use in all areas of human life cause a transformation that is effective in many areas, such as human life, business processes, ways of doing business, distribution channels, social and cultural values, government processes, etc. (Voronkova, Puchenko & Azhazha 2020). This transformation brings both advantages and disadvantages, which affect many areas, which attests to the dualistic nature of information and communication technologies. The main purpose of the research is to draw society's attention to the consequences of changes in digital transformation, which makes a significant contribution to science and humanity, makes changes, and entails consequences that both people and the whole world face (Nikitenko, 2020).

Regarding digital twins mentioned above, it is necessary to emphasize that the technology of digital twins promises a great contribution and has advantages for many institutions and enterprises in both the public and private sectors in the context of the digital strategy, – Mark Goodman notes in the work "Crimes of the future: everything is interconnected, everyone is vulnerable and what we can do about it" (Goodman, 2019). Since it is impossible to understand and analyze the impact of digitalization on the quality of public life without a deep insight into achieving digitalization and its process, they are trying to prove the effectiveness and influence of digital twins along with the use of Internet technology objects. As a unique form of transformation of digital channels and services with the help of certain technologies, the digital twin attempts to focus on the transition from a traditional approach to an innovative one.

As a basic starting point, the digital twin highlights the transition to modern management and the digital twin method using continuous monitoring. This technology aims to try to find out the use and impact of the digital twin method, which is basically one of the advantages of technological developments, and their impact on real life. The Digital Twin attempts to make an important contribution to quality by ensuring the security of information technology and data through the ongoing state-of-the-art auditing offered by the Digital Twin. Technological advancements and digital transformation have opened the door to the digital age worldwide due to the desire and thirst for quick access to information. In the era of the Fourth Industrial Revolution, advances in areas such as artificial intelligence and machine learning, the Internet, and data analytics have been implemented during the transformation and development of technology to meet modern needs. Since the transition process is driven by innovation in many sectors, it quickly turns digital audit into an innovative structure that determines the transfer of human-created data or work processes in the digital environment, defining the digital strategy for the development of society, people, and business (Womack, Jones & Ross, 2017).

Digitalization with Industry 4.0 is the process of transforming resources into optimal results using the capabilities of digital technologies. European and

East Asian countries follow the innovations offered by digitalization and consider them as policies that can push the country forward in terms of technology, evaluating it within the framework of the national technological movement. It is argued that by increasing global competitiveness with the help of technology, economic and technological independence of countries will be achieved, social welfare will rise to a higher level, and digitalization will respond to human needs in the fastest way. Statistics show that while only 15 % of the global economy was digitized in 2005, and 22 % in 2015, in 2020 25 % of the global economy is digital. Thus, to be one of the leading countries in the world in terms of technology and to demonstrate successful growth, it is necessary to attach great importance to Digitalization and the general development index (GDI), which Richard Florida talked about. According to the theory of digitalization, the Fourth Industrial Revolution as a road map of intelligent manufacturing systems can surpass technological goals. Therefore, the concept of digital twins began to be perceived as an indicator of the power of the mind.

Among the innovative technological developments that are considered indicators of the power of the mind are innovations that can make human life easier, including big data analysis, virtualization, modelling and simulation, Internet platforms, innovative sensors, cloud computing, and cyber security. Increasing the speed of data processing on a computer in the era of digital technologies and the volume of data transformed innovative technological developments every day and gave rise to many new phenomena such as "digital twins" which modern civilization has not encountered yet. In particular, with increasing competition and global integration, all societies have transformed many different areas, ranging from portable storage, modelling, and data analysis to self-driving cars using sensors, – James P. Womack, Daniel T. Jones, Daniel Roos note (Womack, Jones & Ross, 2017).

A "digital twin" created by taking advantage of technology enhancements is an important method with its virtual reality infrastructure. The digital twin is used to analyze and simulate real-world conditions to respond to changes and improve the processes of an intelligent cloud platform based on services, applications, and algorithms, ensuring the privacy of extreme devices. They are based on the collection, processing, correlation, interpretation, reporting, and use of data for decision support systems, and implementation of applications and solutions in the field of cyber security. The intelligent cloud platform is based on the creation of a joint Internet program of safe and secure industrial facilities that can work together and in an integrated way, improving the development of software for devices and hardware, developing appropriate data storage technologies that are generated by reliable and innovative equipment and/or M2X (machine-human, machine-machine, machine-infrastructure) software. This improves the quality and efficiency of everyday life.

While technological inventions are building a bridge between the real and virtual worlds, the concept of digital twins is its generation and is closely related to technological phenomena such as design, data analytics, data mining, the Internet, deep and machine learning. With the help of digital twins, defects that may arise are noticed in advance, losses in terms of saving materials and time can be minimized by timely intervention. The number of solutions that are

achieved in response to problems can reach a maximum level, which can be easily solved by observing the problem on a virtual product before it is tested on a real product. Just as an information system creates a digital model for physical machines and can be implemented in a virtual environment, so a digital twin offers the possibility to check the quality of the process at each stage with a continuous audit. This is a kind of combination of artificial intelligence and virtual reality with phases such as constant monitoring and supervision of activities. To determine how objects work in different environmental conditions and how they react to the created responses, digital twins compare physical data with real results, in which fundamentals – force, principle, and technology – are inextricably laid.

3. The main contradictory trends in the development of digitalization in the conditions of the Fourth Industrial Revolution.

Information management in the Fourth Industrial Revolution connects billions of people through powerful communication networks and smart mobile devices, offering access to vast amounts of data and information through high-speed Internet access and unlimited memory. It affects a person's life, identity, and information management. All this is further enhanced by technological advances in areas such as quantum computing, machine learning and artificial intelligence, robotics, virtual assistants, the Internet of Things, self-driving cars and drones, 3D printing, nanotechnology, biotechnology, traffic and safety monitoring systems, renewable sources energy. Therefore, we need to explain the process of information management, how it occurs, what it is based on, how modern trends in the development of "cyber-physical systems" that connect machines, computers and people are implemented. Information management includes the need to analyze and rethink the definition of information, its creation, types, processing, sustainability, and usability. Given the magnitude of the potential impact on information management, the question is what challenges are there in implementing information management today?

The research found that South Africa faces many challenges to fully digitize the education sector. The identified challenges include problems related to inequality, isolation, insufficient funding, insufficient skills, and the absence of a clear integrative national strategy, which indicates the insufficient development of ICT as a factor in the improvement of the information society. The research also found that, despite the challenges, the digital transformation of the education sector can provide an opportunity to ensure that universities will become innovative and creative centres, with the opportunity to expand access to educational resources. Big investments in the infrastructure of the Fourth Industrial Revolution can help to solve the problems of inequality and exclusion. National governments should develop an integrative national strategy to ensure that all regions and provinces move at the same pace during the transformation of this sector (Drucker, 2000).

However, despite the technology being integrated at an alarming rate into almost all sectors of our society, its ethical, pedagogical, and epistemological implications for the education sector remain questionable, especially concerning the challenges associated with full Digitalization. New technologies change the way of production and consumption of services, products, and materials, they opened the door for space expeditions, biotechnology, and

programmed specialists contribute to the development of high-level automation. Scientists claim that machines and humans will converge, which will reduce the subject distance between the humanities and social sciences, as the convergence between humans and machines will occur. Thanks to technological progress in Industry 4.0, enterprises are competing for innovations in products, services, and business models.

The research also showed that business sustainability can be achieved through the development of companies, and cooperation in supply chains. The success of the Fourth Industrial Revolution depends on the leadership of all sectors working together to seize the opportunities and address the challenges of the Fourth Industrial Revolution. Collaboration between its various participants is of decisive importance to ensure success, but for collaboration to happen, trust and cohesion are critical. It is important to find innovative ways to solve the socio-economic problems associated with the Fourth Industrial Revolution, such as potential job loss, increasing the wage gap, increasing digital skills, improving professional knowledge, which have a positive impact on the development of digitalization. Therefore, knowledge, practice, professional participation, and self-management can be considered the fundamental dimensions of readiness for digital work, – Ito Joy and Jeff Howe note in (Joy & Howe, 2018).

There are countless opportunities to take advantage of the innovations associated with the Fourth Industrial Revolution, and the framework conditions in which cooperation for development operates are evolving. Most research on the impact of digitalization on developing countries emphasizes that there is a significant "digital divide" in many countries, – Kai-Fu Lee says in the work "The superpowers of artificial intelligence" (Lee, 2020). The digital divide manifests itself in terms of inconsistencies: first, in the use of digital technologies (due to the presence of basic infrastructure, access, availability, etc.); second, in the benefits obtained from digital technologies; third, in the level of digital skills. The dimensions in which the digital divide exists include mainly development status (i.e. the gap in the use and return to technologies between industrialized and developing countries); urban against rural population; individual level of income and education within a certain country, forming human, social and intellectual capital, – Karlgaard Rich notes in the work "Human factor. The secrets of the long-term success of outstanding companies" (Rich, 2017).

This digital divide exists within all digital technologies and, in some dimensions, tends to widen. Although the majority of the world's population has access to mobile phones (5.2 billion) and can receive a mobile signal (7 billion), more than half of the world's population does not have access to the Internet. This "offline" population is located mainly in poor regions of the world. The relative size of the digital economy is about two to three times higher in industrialized countries than in developing countries. This digital divide attests to the sharp lag in the use of several different technologies in developing countries and least-developed countries. Except for mobile subscriptions – with over 70 % coverage of residents/households – all other technologies are used by at least four times as many residents/households in "advanced economies". As already mentioned, the Internet is still inaccessible to the majority of the world's population. In developing countries, there is a

significant gap between urban and rural populations, between education levels, income distribution, and genders (men are twice as likely to have access to the Internet as women of the same age group and with the same level of education and income).

The topic of the impact of ICT on the environment is extremely under-researched, especially with a particular emphasis on developing countries. There are three types of impact of ICT on the environment:

1) direct impacts are created by the production and use of ICT, which include resource use, energy consumption and pollution caused by the production of infrastructure and devices, electricity consumption from the use of devices, disposal of e-waste (which occurs mainly in developing countries);

2) indirect impact arises due to the influence of ICT on production processes, products, and distribution systems and includes dematerialization, the substitution effect, i.e. the replacement of material goods with informational goods, as well as travel with "communication technologies";

3) "structural and behavioural impact", which covers the effects caused by structural changes and growth of the economy, changes in lifestyles, and value systems with the help of ICT.

The overall impact of ICT on the environment is determined by the impact of all three categories. Thus, it is almost impossible to assess whether digital technologies will have an overall (negative or positive) impact on the environment. However, their environmental impact is significant and should be taken into account, as both mining and waste management are pressing issues for developing countries. Other authors emphasize the positive effects through which the technology contributes to increased efficiency and new opportunities for, for example, the production of renewable energy and the formation of technologies that shape our future (Kelly, 2018).

Industrialization, structural change, and employment, the emergence of a new wave of digital technologies has significant implications for both industrial development and employment. This changes both the relative importance of specific sectors in the economy and affects employment levels in those sectors as well as skill requirements. In recent decades, many developing countries have pursued "late-comer industrialization strategies", sometimes with success, as exemplified by the rapid industrialization of China and other Asian economies. However, there is growing evidence of a phenomenon called "premature deindustrialization" associated with digitalization, which has taken many companies to a new level, as Tim Cook notes in the work (Cook, 2019).

Empirical evidence shows that the process of deindustrialization observed in industrialized countries for decades occurs at earlier stages of industrial development than in newly industrialized countries. This means that the process begins at lower shares of industrial production in GDP and at lower income levels.

Scientists suggest that the economy of developing countries can become a service economy, without having passed the proper experience of industrialization, but in the last turn thanks to the growing "servicification" of industrial processes, the development of new digital technologies is promoted. At the same time, it means that the strategy of "late industrialization" that has been successful for many countries in the recent past may not be a viable development strategy for countries in the future. In addition, the issue of

employment and its replacement by technology is a serious concern, – Jeffery K. Liker says in (Liker, 2019). While digitalization is displacing some workers with technology, it is creating jobs in new fields. Both of these parameters must be taken into account to estimate overall changes in employment levels. The World Bank provides a framework for assessing the probability of automation by occupation. Many occupations at high risk of automation are also occupations that do not require a high level of technology use (e.g. agricultural workers).

This means that there is a tendency for a worker to be less likely to be replaced by technology if he/she complements the technology. However, there are also a few professions (mainly in the service sector) that do not require a high level of technology use and at the same time have a low risk of automation (for example, hairdresser). Regarding the country-level receptivity to automation according to development status, the results are very mixed. The World Bank suggests that industrialized countries are more susceptible to job losses due to digitalization than developing countries due to their high level of technology use. The analysis provided by Boston Consulting Group focuses on the potential of automation according to revenue. Most highly automated industries have a relatively high income, while most least automated industries have relatively low income, suggesting that industries in high (and middle) income countries will be more affected by automation than industries in low-income countries. It should also be said about the trend of negative correlation between income per capita and the share of employment with a high risk of automation: the lower the income per capita, the higher the risk of automation for the country's workforce, – Michio Kaku notes in his work (Kaku, 2017).

Assessing the possibilities of creating new jobs through digitalization is even more controversial. Nonetheless, it is clear that there will be significant opportunities in innovative IT services that require a high level of digital skills, and clusters around such services are already emerging in many countries. The tendency of future changes in the international division of labour and the organization of global production networks through digitalization is directly related to this issue. Since the 1970^s, there has been a continuous process of moving economic activity, in particular production, from industrialized countries to developing countries. There is now growing attention to the phenomenon of "reshoring" or "backshoring", which refers to the relocation of previously offshore economic transactions back to high-income countries, but this phenomenon is still understudied. Digitalization can facilitate repeat retention by changing cost structures and reducing the importance of economies of scale, although, today most manufacturing products are highly standardized and produced in large quantities, often far from the point of final demand, the new technological capabilities are likely to move production closer to final demand and in smaller quantities.

The most important technological capabilities in this regard have been summarized by the term "additive manufacturing". This refers to a development that can be understood as a change in specialization: new technologies allow a single worker or machine to efficiently produce parts, components, or even entire products that are made of different materials. The most striking example of "additive manufacturing" is 3D printing, when a machine can produce an entire product from an original material. Such

technologies allow for improved decentralized production in small quantities or even particular, personalized products for individual wants and needs. The speed and scale of reuse will depend on how quickly additive manufacturing moves from its current focus on prototyping and product development to decentralized mass production of final products from multiple materials. This, in turn, will depend on how quickly the costs of additive manufacturing, such as 3D printing, fall, determined by big data, which increases inequality and threatens democracy, – Kate O’Neill notes in (O’Neill, 2020). The observation is that digital technologies have received a very positive evaluation in the literature when we are talking about their potential for developing countries, and scholars express that there will be a tendency for revolutionary changes in the development of countries. The cycle of technology invention, hype around its development impact, collaborative learning through failed and successful project implementations, and finally more deliberate steps to integrate the new technology into the development effort are steadily evolving (Nikitenko, Andriukaitiene & Puchenko, 2020).

On the other hand, the new wave of digitalization differs significantly from the previous one in several dimensions, asserting that the new digital technologies in their overall impact are transformative in nature, end-to-end, and pervasive in their innovative application in various industries, and lead to the increasing homogeneity of industrial processes in functions ranging from design to monitoring and control methods. In addition, the "digital divide" between developing and industrialized countries has widened in various dimensions. The potential of ICT has been driven by the “shifts” brought about by technological change, contributing to the impact of technology on global productivity, expanding opportunities for the poor and middle class. However, digital technologies are fundamentally changing the global economy, and understanding these changes will be vital for development policy and development cooperation. Interest in the use of digital technologies in development projects has recently increased both, from the part of international organizations and development cooperation agencies, as well as private providers and non-governmental organizations. It should be noted that digital technologies can be applied in a large number of sectors where development cooperation is common, such as agriculture, trade, health, private sector development, etc. (Dahoho, 2021).

There are three trends in the implementation of digital technologies:

- 1) use of big data;
- 2) digital technologies for inclusive societies;
- 3) digital technologies for inclusive and sustainable economic growth.

To achieve these goals, digitalization can play an important role in all sectors, so digitalization is seen as an end-to-end challenge that suggests integrating digitalization into everything we do if it contributes to our vision. This means that digital technologies will be incorporated into projects related to health, education, agriculture, food security, basic infrastructure, water supply and sanitation, governance, social protection, financial services, etc. However, there are certain basic conditions for a successful "digital approach" that require close attention and include the availability of ICT infrastructure and electricity, the availability of human skills to use and manage the technology, sound leadership and an enabling regulatory framework. The

Belgian strategy emphasizes that local ownership and knowledge transfer, as well as environmental issues (the most important thing is e-waste management), are key to the sustainability of digital projects (Teslenko, 2021).

The main focus is on supporting the provision of digital infrastructure (e.g. broadband internet cable), e-learning projects, good governance and anti-corruption, public health projects, IT sector development, promotion of democratic processes, and refugee projects. Thus, the German agenda identifies changes in the labour market, the digital divide, data security, and human rights, as well as E-waste as the main challenges to digitalization (Teslenko & Zadoia, (2021).

Digitalization and technology are a strategic priority for Danish foreign and development policy, an area in which Denmark, based on digital values, principles, and experience with a highly digitized public sector, can help set global foreign and development policy agendas for the coming years.

Bridging the digital divide from the viewpoint of mobile phone and internet access is its main concern. Projects are being developed to use Blockchain technology in the context of development cooperation, such as financial transfers, record keeping (e.g., land ownership rights, medical records), contracting, e-voting, and e-learning. The UK's Department for International Development has launched a digital strategy that aims to establish it as a world leader in digital technology, tackle global poverty, promote common principles and standards for digital development across the care system, ensure safe internet access, use data to make decisions in the organization and to increase accountability (Teslenko, 2021, 2022).

Managing the economic potential and challenges of the digital economy includes both managing structural economic changes and harnessing the potential for new production and employment. In the context of digital development, the process of managing the changing skill needs in traditional labour-intensive light industries such as clothing, leather, agri-food, etc., in the light of automation and robotics (Industry 4.0) deserves special attention. It is concluded that economic feasibility rather than technical feasibility will be decisive, and that automation and robotics will ultimately reduce the potential for job creation in typically labour-intensive industries. Instead, the demand for work will shift to more qualified workers, the competitiveness of such industries will depend on the supply of qualified labour in the future. The state must increase investment in vocational training and education to equip the workforce with the skills needed for modern industrial production. This should include not only the necessary technical skills, but especially those skills that complement the type of tasks that will increasingly be performed by machines (Cherep, Voronkova et al., 2021).

Thus, the emergence of new job-creating economic activities will especially require the development of the tendency to develop the creative and innovative potential of the future workforce, which requires the following:

1) Development cooperation should support efforts to improve skills in industrial sectors, especially among the young working population.

2) Facilitating domestic production of high-value-added products: technologies such as 3D printing allow to produce of high-value-added products to order within the country (e.g. pharmaceuticals, prosthetics), thus avoiding the need for expensive imports of such products (Cherep,

Voronkova, et al., 2021).

3) Policymakers should promote companies using digital technologies to domestically produce products that replace expensive imports. Last but not least, digital technologies also offer new opportunities to improve the effectiveness of development cooperation by streamlining bureaucratic procedures and also improving the evidence base for designing and evaluating development projects.

Digital technologies can also contribute to increasing transparency of cooperation in the field of development. Ultimately, the economic, social, and political consequences of digitalization will depend on political governance, which will determine the strategic trajectories of the digital revolution in the future. It must be emphasized that this process must be based on democratic decision-making and, as far as development cooperation is concerned, aims to promote socially inclusive and environmentally sustainable development. All this requires effective information management, as the volume of information and the speed of change update, new elements of definition appear, focusing on quality, intellectual property, security, confidentiality, stability, the need for increased knowledge, and the achievement of stability (Cherep, Voronkova & Nykytenko, 2020).

Conclusions. Digitalization stimulates economic growth by increasing labor productivity, optimizing business processes, and creating new markets. The introduction of information technologies allows for the automation of routine operations, faster decision-making, and greater resource efficiency. This leads to lower production costs, increased output, and increased competitiveness of national economies in the global market.

Digitalization increases globalization and competition in the labor market, creating both new opportunities and challenges for national economies. On the one hand, digital platforms and online services expand access to global labor markets and allow companies to attract talent from different countries. On the other hand, this increases competition for highly qualified specialists and may lead to an outflow of labor from countries with less developed digital infrastructure. Successful adaptation to digitalization requires countries to invest in the development of human capital, digital infrastructure, and innovation ecosystems. States must stimulate the development of education and professional retraining, provide access to high-speed Internet, and create favorable conditions for the development of start-ups and innovative companies.

Digitalization is changing the economies of countries, but the specific scope and scale of these changes remain to be seen because they will be influenced by both technological development and political regulation. Historical experience shows that technological euphoria, as well as overly pessimistic explanations of the transformational impact, are inappropriate. A first observation regarding impacts is that the large labour-displacing effects of Digitalization are not supported by available historical data. The introduction of new technologies has a dual impact on employment, although some jobs are lost, new jobs are created due to the emergence of new activities and new products and services that are made possible by new technologies.

Thus, the real policy challenge consists of two parts: 1) coping with the inevitable migration of jobs from old sectors and industries to new ones;

2) stimulating the emergence and expansion of new economic sectors that use and expand new technologies in such a way as to provide a net social benefit to society. The first challenge especially requires government capacity in the field of education and vocational training, as well as an active labour market policy. The second challenge requires a proactive industrial policy focusing on innovation, tax and financial pinfluenceolicy, infrastructure policy, and social and regulatory policy. Perhaps such political capacity is better developed in highly industrialized countries than in developing countries, and development cooperation should support building its digital capacity.

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Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Тетяна ТЕСЛЕНКО, Біджай Кумар КАНДЕЛ
СУПЕРЕЧЛИВА ПРИРОДА ІКТ ЯК ЧИННИК
РОЗВИТКУ ІНФОРМАЦІЙНОГО СУСПІЛЬСТВА
В УМОВАХ ЧЕТВЕРТОЇ ПРОМИСЛОВОЇ РЕВОЛЮЦІЇ

Анотація. Актуальність дослідження проблем Четвертої промислової революції в тому, що індустрія 4.0 характеризується «поєднанням технологій, які стирають межі між фізичною, цифровою та біологічною сферами» і представляють нову революцію. Четверта промислова революція базується на винаходах Третьої, але їх відмінність і головний внесок полягає у поєднанні технологій, які стирають межі між фізичним, цифровим і біологічним світами. Мета статті – концептуалізація суперечливої природи ІКТ як чинника розвитку інформаційного суспільства в умовах Четвертої промислової революції. Завдання дослідження: розкрити суперечливий вплив ІКТ на розвиток цифровізації; прослідкувати трансформацію Інтернет-технологій та їх вплив на розвиток «цифрових двійників»; з'ясувати основні суперечливі тенденції розвитку цифровізації в умовах Четвертої промислової революції. Об'єктом дослідження є суперечлива природа ІКТ як чинника розвитку інформаційного суспільства в умовах Четвертої промислової революції. Предметом дослідження – вплив Четвертої промислової революції на суперечливу природу ІКТ як чинника розвитку інформаційного суспільства. Використано систему методів та принципів наукового дослідження - аналізу і синтезу, абстрагування, історичного і логічного, що дозволили Здійснити концептуалізацію суперечливої природи ІКТ як чинника розвитку інформаційного суспільства в умовах Четвертої промислової революції.

Як результат дослідження доведено, що з одного боку, існує твердження, що цифрові технології забезпечать вирішення більшості сучасних економічних і соціальних проблем, а з іншого, переважають сценарії, згідно з якими цифрові технології замінять людську працю, що призведе до різкого зростання рівня безробіття з негативними економічними та соціальними наслідками. Цифровий двійник створений за допомогою переваг вдосконалення технології, є важливим методом з його інфраструктурою віртуальної реальності. Цифровий двійник використовується для аналізу та моделювання умов реального світу, щоб реагувати на зміни та вдосконалювати процеси. Все це додатково посилюється прогресом технологій у таких сферах, як квантові обчислення, машинне навчання та штучний інтелект, робототехніка, віртуальні помічники, Інтернет речей, безпілотні автомобілі та дрони, 3D друк, нанотехнології, біотехнології, системи моніторингу руху та безпеки, відновлювані джерела енергії. Тому ми намагаємося пояснити процес управління інформацією, як він відбувається, на чому

базується, як реалізуються сучасні тенденції розвитку «кіберфізичних систем», які з'єднують машини, комп'ютери та людей. Оцінка можливостей створення нових робочих місць шляхом цифровізації носить суперечливий характер. Проте, очевидно, що з'являться значні можливості в інноваційних ІТ-сервісах, які вимагають високого рівня цифрових навичок, кластери навколо таких послуг уже виникають у багатьох країнах. Це означає, що цифрові технології будуть включені у проекти, пов'язані з охороною здоров'я, освітою, сільським господарством, продовольчою безпекою, базовою інфраструктурою, водопостачанням і санітарією, управлінням, соціальним захистом, фінансовими послугами тощо. Цифровізація змінює економіку країн, проте конкретний обсяг і масштаб цих змін ще належить з'ясувати, так як на них впливатимуть як технологічний розвиток, так і політичне регулювання.

Ключові слова: інформація, управління інформацією, ІКТ, інформаційне суспільство, Четверта промислова революція.

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COLLABORATIONISM IN THE UKRAINIAN DIMENSION: EVOLUTION OF UKRAINIAN STATEHOOD

Abstract. The Russian-Ukrainian war has brought renewed attention to the modern interpretation of terminology associated with military conflict. One such term is "collaborator" and "collaboration." Their appearance is linked to the course of the Second World War, but in modern times, they have acquired specific features. The hybrid nature of the military-political activities of the Russian Federation in Ukraine has led to a deformation of the meanings of established concepts and terms. Presenting its aggressive policy as an internal conflict, Russia initially prevented the legal classification of collaboration as a violation of the law.

The article discusses the motivational component of the population in certain regions of the Donetsk and Luhansk oblasts in supporting actions related to the occupation of these territories. The formation of privilege in these regions during Soviet times led to a distorted system of values and orientations in the population of the region. Representatives of the regional industrial-state oligarchy tried to preserve this mental worldview in the evolution of the economy from a state to a market economy. It is characteristic that political forces channeled this regional mental specificity into electoral bonuses for themselves on the way to elections to government bodies. By acting as a passive manipulative component of the population, the region gradually adapted to aggressively protest against existing formats of state power.

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Another basis for active collaboration was the economic component. Against the backdrop of the rapidly enriching regional elite, the main mass of the population was in a difficult economic situation. Worsening demographic and economic indicators in the region became a typical phenomenon. The socio-economic and demographic imbalance led to the emergence of constant social discontent among the population.

Active anti-state activities of the local elite against the background of the inaction of state authorities have created a phenomenon of conditional impunity. The intensification of Russia's involvement in the conflict led to more active actions. The activities in support of Russia by the Ukrainian population of the occupied territories, as aggressor countries, for a long time (2014-2022) did not receive proper qualification. The position of countries, leaders of the world political community, internal political disputes, the massiveness of examples of collaborationist activity, etc., was successful.

The situation changed radically after February 24, 2024. The open disregard for international law, the conduct of military operations with numerous casualties and infrastructure destruction by the Russian Federation, the consolidation of the international community in a coalition supporting Ukraine, and a clear state course to restore territorial integrity and sovereignty led to a more radical and consistent classification of collaborationist activities. With the formation of a national idea and unprecedented consolidation of Ukrainian society, activities that do not fit into this concept have become clearly defined. State institutions, together with society, began to demonstrate intolerance towards manifestations of encroachment on national security and territorial integrity. The evolution of legal classification, effectiveness, and inevitability of punishment for crimes against state security, indicate the completion of the stage of the process of Ukrainian state-building. We are faced with a Ukrainian state with clearly defined national priorities, a formed state identity, national interests, and the ability to protect them.

Keywords: *Soviet mentality, USSR, Ukraine-Russia war, collaborator, collaborationist activity.*

Introduction. The challenges to state security faced by Ukraine have no equivalents in modern international practice, in terms of both content and practice. The events of 2014 demonstrated the direct interdependence of the concept of state security with the implementation and enforcement of justice, control of the information and communication space, and the mental-ideological content of the population's worldview. They became a diagnostic test for the foundations of modern Ukrainian statehood. The wave of various types of collaborationism has highlighted the problematic issues of a wide range of existing concepts in the system of organization of all branches of state power. Understanding the functional nature of this phenomenon requires us to analyze its deformations. Defining the mechanisms of the emergence and implementation of collaborations in conditions of open democratic systems can lead to the development of mechanisms to counter these challenges by the state and representatives of civil society.

The non-standard nature of our research subject directs us towards finding the uniqueness of the method of studying the phenomenon. The nature of modern collaborationism lies not only in the socio-political sphere but also in the deep mental context. This context, in our view, is relevant to consider from the historical, political, and socio-economic perspectives. We propose to present the issue in accordance with the analysis of the human and state factors. With regard to the human dimension, we have the task of analyzing its socio-economic status and mental-historical expectations from the actions of the state power. Defining the state factor, we investigate the mechanisms of implementation/non-implementation, activity/inactivity of the exercise of state power. The existence of a historical factor is indicated by the mental proximity

of the population to the Soviet legacy and the absence of effective constructs for its transformation.

Our research examines the territory of Donetsk and Luhansk regions during the period from 2014-2023. The chosen region and timeframe provide a comprehensive presentation of the spread of collaborationist activity in both the human and state-legal dimensions.

Analysis of recent research and publication. The authors of the Oxford Dictionary present a collaborator as "a person who helps the enemy in a war, when they have taken control of the person's country" (Oxford learners dictionaries, 2023). The Encyclopedia of the Institute of History of Ukraine of the National Academy of Sciences of Ukraine interprets collaborationism as voluntary cooperation with the occupying authorities. It has various types, such as domestic, administrative, economic, military, political, and military-political (Dereyko, n.d.). The Great Soviet Encyclopedia defines collaborationists as people who collaborated with the Nazis during World War II (Great Soviet Encyclopedia, n.d.). Thus, by comparing the chronological and terminological concepts, we can conclude that in a broad context, there is a common substantive interpretation. Collaborationism is an activity aimed at supporting the establishment, maintenance, and functioning of institutions in a country that has annexed the territory of another state. A collaborator is a person who, through their actions or inaction, contributes to the establishment, maintenance, and functioning of institutions in a country that has annexed the territory of another state.

Collaborationism is not a invention of modern times, it has received its interpretation and wide coverage with socio-scientific discussion during and after the Second World War. Researchers of this issue have a wide geography, but not united by a common understanding of this phenomenon. Domestic scientists began to actively study this issue starting from the restoration of Ukrainian statehood. In his works, Yaroslav Hrytsak presents collaborationism as cooperation of the population with the occupation regime. Considering the events of the Second World War, he emphasizes the forced nature of collaborationism associated with physiological survival. Presenting its manifestations on the territory of Ukraine, especially in Galicia, as those that did not have a meaningful basis. The population of the region did not recognize the political and legal jurisdiction of the USSR on its territory, considering it as a result of temporary military occupation, which leads to conditional interpretation of their activities as collaborators (Hrytsak, 1996). A similar point of view, considering the events of World War II, is held by another domestic researcher – I. Patrylyak. His thesis is based on the absence of Ukrainian statehood and the disorientation of society in the conditions of global changes (Patrylyak, 2017). American researcher of the history of the Soviet Union T. Snyder defines the nature of collaborationism on its territory by the presence of mental non-perception of the repressive nature of the totalitarian policy of the state towards its own citizens (Snyder, 2011, p. 28). This position was completely different from the Soviet interpretation of collaboration, which was determined as the implementation of any activity regulated by the Nazis. Even the fact of being in the occupied territory was considered a crime against the state. Responsibility for such actions was borne by every citizen of the USSR who found himself on the occupied territory; it

did not provide for state humanitarian tolerance (Penter, 2005; Shaykan, 2012). Based on the analysis of scientific paradigms, we tend to the absence of a single definition of collaborationism and the existence of different interpretations of this phenomenon in various socio-historical contexts.

The purpose of the article is to research the evolution of Ukrainian statehood.

Formulation of the main material. The functioning of state institutions in Ukraine during the first decade of independence was based on the basic post-Soviet model of governance. This was due to several factors, including the absence of comprehensive programs for reorganizing the state to Western democratic standards, the dominance of individuals or supporters of the Soviet ideological model of governance at various levels of government, and, most importantly, the lack of a formed mental concept of Ukrainian statehood in society.

With the restoration of independence, the socio-economic expectations of a certain part of society were not fulfilled. The market economy of the 1990s led to financial impoverishment of the majority of the country's population. Against this backdrop, former Soviet nomenklatura representatives and openly criminal elements rapidly enriched themselves. They were able to appropriate and monopolize the main part of the economic legacy of the USSR and natural resources of the state. In the conditions of the initial period of capital accumulation, they only in the 2010^s were able to establish financial and economic well-being of the population. The polarization of property in society did not give mental peace to the population of the country, especially in the Donbas region. The idea of social equality, close to the majority since the Soviet times, did not leave the information-political sphere. The high level of incomes of the managerial staff of large private enterprises, highly qualified workers, and gradually self-employment of the population became a preventive measure against social explosions.

The Donetsk and Luhansk regions had one of the most powerful potentials in the country during the pre-war period. Let's try to determine the demographic and socio-economic indicators of the region using statistical data. In the study, we will use official statistical indicators recorded in the reports of the State Statistics Service of Ukraine, which do not require additional verification. The statistical calculations presented in the study were made by the author. The chosen chronological periods correspond to profound political shifts in the country: 2005 (the time after the victory in the Orange Revolution), 2008 (in the absence of official statistical indicators for the corresponding period), and 2013 (the year of the greatest economic stability in the pre-war period), (State Statistics Service of Ukraine).

As of December 1, 2005, the number of residents in Donetsk region was 4,627,119 people, of which 4,179,631 (90.3 % of the total population of the region) lived in urban areas and 447,488 lived in rural areas (9.6 % of the total population of the region). As of December 1, 2013, the number of residents in Donetsk region was 4,346,727 people, of which 3,940,110 (90.6 % of the total population of the region) lived in urban areas and 406,617 lived in rural areas (9.3 % of the total population of the region). By population size, this was the most populous region in Ukraine. In the Luhansk region, these indicators were as follows: as of December 1, 2005, the number of residents was 2,411,747

people, of which 2,083,209 (86.3 % of the total population of the region) lived in urban areas and 328,538 lived in rural areas (13.6 % of the total population of the region). As of December 1, 2013, the number of residents in the Luhansk region was 2,240,786 people, of which 1,946,316 (86.8 % of the total population of the region) lived in urban areas and 294,470 lived in rural areas (13.1 % of the total population of the region).

Analyzing the natural population movement over the same period in Donetsk region for 2005, it was -47,780 with 412 deaths of infants under 1 year old. In 2013, the situation was as follows: natural increase was -28,311 with 467 deaths of infants under 1 year old. In 2005, the increase in Luhansk region was -26,498 with 210 deaths of infants under 1 year old, while in 2013, the natural increase was -15,291 with 152 deaths of infants under 1 year old. In 2013, these regions demonstrated the worst demographic indicators and were among the five regions of Ukraine with negative demographic indicators, just like in 2005.

The level of economic activity of the population in Donetsk region in 2013 for ages 15-70 was 65.4 % (of the total population of the corresponding age), of which the working-age population was 75.7 %. The corresponding indicators in Luhansk region were 63.3 % and 71.2 %. The high indicators of activity actually had an average result among other regions of the country: Donetsk region ranked 8th and Luhansk region ranked 15th. Comparing these indicators with similar ones in 2008, we can state the stability of positions. In 2013, the employed population (based on a selective survey on economic activity) was considered to be 1,968.1 thousand people in Donetsk region and 1,104.7 thousand people in Luhansk region. In 2005, the employed population by types of economic activity was as follows: industry – Donetsk region – 667.7 thousand people (31.42 % of the total employed population), Luhansk region – 307.9 thousand people (29.2 % of the total employed population). These indicators placed the regions in the top three leaders in the country. In construction: Donetsk region – 122.5 thousand people, Luhansk region – 51.6 thousand people. In this position, Donetsk region took first place, and Luhansk region was among the top five. In 2013, the industrial sector employed 496.4 thousand people (25.2 % of the total employed population, but 25.6 % less than the previous indicators) in Donetsk region, and 240.7 thousand people (21.8 % of the total employed population) in Luhansk region.

The average monthly salary in 2005 (January-December) was 961.61 UAH in Donetsk region and 804.85 UAH in Luhansk region. These were the second and fifth positions in the ranking of regions in the country. In 2013, this situation remained unchanged. The average monthly salary (January-December) in Donetsk region was 23,755 UAH, and in Luhansk region it was 3,337 UAH. This allowed them to maintain their positive positions in the national ranking (second and fourth places, respectively). At the same time, there was a constant backlog in the payment of wages: in 2006, as of January 1, this figure was 227.7 million UAH in Donetsk region and 84.8 million UAH in Luhansk region; in 2014, it was 115.4 million UAH and 44.2 million UAH, respectively. Analyzing statistical data as of January 1, 2014 (actually for 2013), it should be noted that the level of wage arrears in Donetsk region was several times higher than the corresponding indicators in the regions of Ukraine. Thus, the relevant indicators by regions in millions of UAH were as

follows: Dnipropetrovsk region – 7, Zaporizhzhia – 41, Kyiv city – 36.9, Mykolaiv region – 45.7.

The regional gross product in terms of US dollars (based on the NBU exchange rate as of the end of December of the current year and without taking into account inflation) was 15,278,701.2 US dollars in Donetsk region in 2008 and 20,876,708.8 US dollars in 2013. With the unemployment rate in Donetsk region at 8.4 % (among the working-age population) in 2013 and 6 % in 2008. Luhansk region had a regional gross product in terms of US dollars (based on the NBU exchange rate as of the end of December of the current year and without taking into account inflation) of 5,582,467.5 US dollars in 2008 and 6,975,696.2 US dollars in 2013. With the unemployment rate in Luhansk region at 6.7 % (among the working-age population) in 2013 and 7 % in 2008. A comparative analysis of the relationship between the unemployment rate and regional gross domestic product (GDP) indicators is a contradiction to widely recognized economic laws. In the region, a situation has arisen in which an increase in regional GDP leads to an increase in unemployment. Factors influencing this phenomenon that are not typical of economic laws, in our opinion, may include a high level of hidden employment and, as a result, sustainable development of shadow economy sectors.

The comparative analysis of statistical indicators leads us to certain conclusions. Despite positive economic achievements, there were growing negative trends. While the total number of people employed was decreasing, the percentage of economically inactive population was increasing. The high level of wages was maintained due to the work of the leading industry in the region – the manufacturing sector. Observing the level of wage arrears, we can conclude that there is a disparity in the economic development of the region. The employment sector was mainly represented by a segment of large private ownership and the public sector. The share of private self-employment among the population was not significant, which hindered the formation of an initiative civil society.

The imbalance of economic indicators created a certain level of social tension in the region, which in turn led to the formation of a specific psycho-emotional state of the population. This situation has intensified fears of the actively employed part of the population about restructuring and standardization in accordance with new European production standards, with partial loss of positive economic indicators. The traditionally economically inactive part of the population was anticipating a decline in their standard of living. All of this was happening against the backdrop of active dissemination of fake information by representatives of local political elites and influential entrepreneurs who acted as amplifiers of public opinion and "guarantors of stability" regarding the negative consequences of such transformations.

The further implementation of economic reforms has become a politically motivated process. The party-clan oligarchy sought to create conditions for lobbying their own economic needs and maintain a dominant position in certain industrial sectors, linking this to the single vector of development for the state and the region. The main idea of the political elites becomes a choice between pro-European and pro-russian economic-informational content. Moreover, local elites in their private activities considered these vectors to be parity. Acting at the regional level as guarantors

of economic stability (employers and taxpayers, patrons), they oriented the political preferences of the local population towards themselves. Attempts by representatives of opposition-oriented power to correct this situation faced crazy social resistance and failed.

The process of the emergence and functioning of the party-clan oligarchy has two tendencies characteristic of the region. Firstly, we can determine the traditional nature of the perception of power and political infantilism of society. In such an industrial region as Donbas, the Soviet authorities formed an international community with a denationalized essence. The factor of national identity was artificially replaced by socio-economic identity. The high concentration of industrial production, urbanization processes, and the exclusive presence of the state sector of the economy led to an indispensable dependence of the economic well-being of the population on the effectiveness of state regulatory policy. Where only the state acted as a guarantor of the stable socio-economic well-being of citizens. The intensity of the production cycle and typical political inertness is a characteristic feature of shaping the worldview of the population of the region during the Soviet period. The period of Ukraine's independence led to economic crises, including bankruptcies of state-owned enterprises, stagnation in the industrial sector, high unemployment, and restructuring of production. As a result of various circumstances, the right to ownership of industrial production acquired monopolistic features, concentrated in a small circle of individuals. They initially became the guarantors of the region's economic stability, but later developed political ambitions. The transformation of state ownership into private ownership occurred in the public consciousness through a simplified procedure, without the conscious participation of the majority of the population. This situation became possible due to the traditional isolation of the population from economic and political processes in society. Taking advantage of the stability of the industrial sector in the region, led by representatives of big business, the population, at a semi-conscious level, began to attribute to it characteristics typical of the Soviet era, while fully or partially distancing themselves from their own active socio-economic and political position.

During the first decade of Ukrainian statehood, there were two stable socio-mental identities in the information field: the Soviet and the state-building identity. The Soviet identity emerged as a result of the state policy of the country until 1991. The leading role of ideology in the life of the state through the educational, household, and official worldview systems made a significant part of the population carriers of such a way of seeing the functioning of the state and the world. Soviet narratives took root in everyday life and demonstrated resistance to hybridization. Physiologically, carriers of such a mental worldview predominated and had an active life phase during the first decade of Ukrainian independence. In contrast, the state-building concept was presented in the early years of independence by a small percentage of the population, positioning itself on a spectrum of interpretation from neutrality to hostility. The lack of comprehensive ideological and educational programs, double standards in historical heritage, and the de facto change of political players have led to its weakening or amorphous existence. The bimentality that was characteristic of the population of Ukraine had clear regional specifics.

Regional political elites played a catalytic role in providing a certain "legitimacy" to these perceptions. Starting from the events of the Orange Revolution (2004), they actively used concepts of regional specificity, pro-russian orientation, openly presenting various formats of regional autonomy and separateness from state institutions. With these actions, they provoked the formation of an artificial identity, not related to historical reality, with separatist tendencies. The plane of influence on the consciousness of the region's population was devoid of state regulation and was formed on the unconscious reaction of the population.

Russian ideological and worldview concepts have increasingly become a geopolitical alternative for the region. Over the past decades, narratives of Soviet heritage and geopolitical mistakes of the past have spread in Russia. A socio-political and economic context was formed under which the existence of the reincarnation of the Soviet Union is a quite relevant phenomenon in modern globalization conditions. This paradigm advocated the idea that the unification of two states is a completely "justified" phenomenon of restoring "historical justice". The mental proximity of part of Ukraine's population to such narratives became a fertile ground for mass collaboration activities and uncritical acceptance of aggression. The model of state collaborationism was considered the only correct model of regional self-identification and a guarantee of economic stability in the region.

Since 2014, events in the Donetsk and Luhansk regions have had a parallel classification. The Russian side presented this as an internal state conflict, while Ukraine considered it as external aggression. The hybridization of Russian actions and locals in the early stages of military aggression solidified the classification of "separatism" for the actions of the local population. This position was intended to remove legal responsibility from both the aggressor country and its supporters in the occupied territories. The legal strategy adopted made it difficult for Ukraine to conduct its own judicial proceedings and temporarily delayed international categorization. Using these circumstances, the Russian side attempted to unilaterally legalize the collaborationist activities of the local population, providing them with state support and recognition.

The presence of ideological positions among the region's population, as well as the support and provocative activities of local political and economic elites, formed an active protest enclave in the region at the beginning of 2014. It should be noted that these events took place against the backdrop of a power transition in the central authorities in Kyiv. The disappearance of President V. Yanukovich and the appointment of O. Turchynov as Acting President following the Revolution of Dignity only exacerbated this situation. Russia's active interference in Ukraine's internal affairs led to an effective policy of removing regional elites from leading positions in the protest movement in the region. Therefore, since the spring of 2014, we can observe Russia's exceptional role in managing certain territories in the Donetsk and Luhansk regions.

By the decree of the Acting President of Ukraine, O. Turchynov (No. 405/2014) dated April 13, 2014, in accordance with the decision of the National Security and Defense Council of Ukraine of April 13, 2014 "On Urgent Measures to Overcome the Terrorist Threat and Preserve the Territorial

Integrity of Ukraine" (Decree of the President of Ukraine No. №405/201419), an Anti-Terrorist Operation was declared on the territory of the state. It lasted chronologically from April 14, 2014 to April 30, 2018. After its completion, the President of Ukraine, P. Poroshenko, signed a Decree on the beginning of the Joint Forces Operation under the leadership of the Armed Forces of Ukraine "to ensure the protection of the territorial integrity, sovereignty, and independence of our state," thereby implementing the decision of the National Security and Defense Council of Ukraine dated April 30, 2018, "On a Large-Scale Anti-Terrorist Operation in Donetsk and Luhansk regions" (Decree of the President of Ukraine No. 116/201818). Legislative regulation of the actions of the state of Ukraine to restore the territorial integrity of the state has a military-political meaning. The use of the Armed Forces of Ukraine in this context is the main result of responding to an external threat. However, our attention will be focused on the legal and legislative activities of the state on the classification and implementation of justice for the collaborationist activities of its citizens.

Using the results of our research, we can assert the formation of a mental stereotype of thinking among residents of certain territories of Donetsk and Luhansk regions, which were occupied as early as 2014. The presence of bivalent identity, which combined them with Soviet standards of life and orientations, the mental non-perception of the latest living conditions in independent Ukraine, as well as the disregard for personal efforts towards internal self-improvement and the need to take personal responsibility for their own lives, turned the main mass of the population into a constantly protesting mass. The lack of "de facto" traditions and practices of defending their rights in a democratic way, the functioning of the Party of Regions as a regional, political hegemon and transmitter of socio-economic aspirations of the population turned the region's population into a manipulative component of lobbying interests of party-oligarchic structures. The deterioration in the progression of economic indicators of life and the unwillingness to seek alternatives were perceived as a pretext for legal social protest. The synchronization of protests in the region with the overall nationwide trend against the background of the Revolution of Dignity. In our opinion, these circumstances led to a massive wave of protests that engulfed settlements in Eastern Ukraine. The political instability in the country and the region was exploited by the Russian Federation, the consequence of which is the occupation of Ukraine's territory.

During these events, Ukrainian society and the legal system collided with mass manifestations of collaborationist activity. Attempts to classify them as separatism clearly fit into the official Russian concept of an "internal" Ukrainian conflict, complicating social debate and judicial practice. The Criminal Code of Ukraine provides for liability for crimes against the foundations of national security of the state (Articles 109-114). The object of the crime is social relations that ensure state security, constitutional order, sovereignty, territorial integrity and inviolability, defense capability. For such activity, significant punishment is provided from five to fifteen years (Criminal Code of Ukraine). The main changes and additions to these articles took place in 2022. The open military aggression of the Russian Federation against Ukraine caused the detailing of actions related to collaborationist activity,

corresponding changes were determined by the President in the Law of Ukraine On Amendments to Certain Legislative Acts of Ukraine Regarding the Establishment of Criminal Liability for Collaborationist Activity of March 3, 2022, No. 2108-IX (Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Establishing Criminal Liability for Collaborative Activities"). This article increases the legal liability for acts of collaborationism and establishes clear criteria for prosecution.

Despite the existing legal norms, from 2014 to 2022, the judicial practice did not become an effective tool for preventing and punishing collaborationist activities. The wide public discussion and media accusations only partially reflected the fate of collaborators. Analyzing the Unified State Register of Court Decisions, it can be argued that during the period from January 1, 2014, to February 24, 2022, there were only 81 documents containing court judgments on the qualification of state treason (the analysis was carried out within the geographic boundaries of the entire country). Not all the facts in this list were given responsible verdicts. The majority of decisions concerned deputies, military personnel, judges, employees of the Security Service of Ukraine, and other law enforcement agencies throughout Ukraine. The punishment terms mentioned in the cases have a significant character ranging from 3 to 14 years.

Using the same register but correcting the query in the format of criminal cases concerning crimes against national security, there are already 347 judgments by judges. The vast majority of these judgments were conditional. Judges took into account the willingness of the defendants to cooperate and issued verdicts with probationary periods without imprisonment and insignificant terms of imprisonment ranging from 3 to 6 years. In our opinion, such inconsistency was due to low factors. Among the main factors, we can highlight the following: the absence of a consolidated policy of the world countries regarding the Russian-Ukrainian conflict, the lack of a national strategy for restoring territorial integrity against the backdrop of massive collaborationist facts, the existing energy dependence of the world countries, especially Europe, on Russian energy resources, the presence of Russian nuclear potential and public statements about its use. These circumstances significantly affected the effectiveness of the application of national law norms.

The situation underwent a fundamental change after February 24, 2022. Russia's overt military aggression, aimed at the complete occupation of Ukrainian territory and a change in its constitutional order, led to the radicalization of all state defense mechanisms. Against the backdrop of a clearly defined state position on sovereignty, a democratic coalition supporting Ukraine was consolidated. Traditional partners as well as those who took an expected position from the start of the conflict became part of this coalition. Russia's gross violation of international law led to the radicalization of actions against it by world countries. Diversification of European energy dependence, extensive military-technical, humanitarian, and socio-economic support for Ukraine, and successes of the Ukrainian Armed Forces made it possible to reclassify Russia from a "permanent enemy" to a "solution to the Russian threat". The number of cases that received verdicts with significant prison terms in the speedy procedural period is increasing. In response to our request through the Unified State Register of Court Decisions in the category "criminal cases:

crimes against the national security of Ukraine," there are already 931 documents, including 293 for the charge of state treason and 365 for collaboration activities.

In January 2023, the fact of the occupation of Ukrainian territory since 2014 was recognized at the international judicial level. The decision of the Grand Chamber of the European Court of Human Rights in the case of Ukraine and the Netherlands v. Russia (applications Nos. 8019/16, 43804/14, and 28525/20) confirms the *de facto* existing definition, legally classifying the jurisdiction of the Russian Federation over temporarily occupied territories of Ukraine (<https://hudoc.echr.coe.int>). Based on this provision, the actions of the local population are automatically classified as collaborationism, not separatism. This fact convincingly proves not only the period of actual occupation of certain territories of Donetsk and Luhansk regions, but also the chronology of Russian military aggression against Ukraine as a whole. We can assert that the persecution of collaborators in legal practice and the public information space will intensify and take on specific forms. One such form of persecution and prevention can be physical destruction of collaborators in occupied territories. The activities of Ukrainian citizens in occupied territories, which since 2014 had no clear legal qualification or responsibility, have acquired all the features of collaborationism since February 2022.

Conclusions. In the conditions of a totalitarian society with the absence of the right to freedom, collaborationism was caused by the impossibility of representatives of civil society to effect change (place of residence, political regime in the country, resources of political power). Considering the Ukrainian dimension of collaborationism, we have opposite indicators. Ukrainian citizens had access to democratic instruments of change (elections of local authorities, parliamentarians, president), a long history of legitimacy of the Ukrainian government that was not called into question, and free access to change citizenship and place of residence. Collaborationist activity, which for some time was presented as a regional socio-economic and political specificity, no longer has arguments to interpret as such. The inspiration and interference in the internal affairs of Ukraine, effective management of territories by the Russian Federation since 2014, recognition of "formats of self-government" and their inclusion in its composition – are the main arguments in favor of classifying the aggressor country as such. And as a result, it requalifies the activities of Ukrainian citizens in support of the aggressor country as collaborationist activity.

The basis of the mass collaboration that took place in certain regions of Ukraine as of the spring of 2014 is becoming history. They had their roots in the Soviet mentality, economic instability, and the absence of a state narrative. With the strengthening of life positions of the generation of the last years of the existence of the Soviet Union and born during the period of independence of Ukraine, the significance of these factors is decreasing.

Legislative regulation and public discussion regarding the terminology and content of collaborative activities in the socio-legal field are significant indicators of the final stage of the formation of Ukrainian statehood and complete distancing from Soviet heritage. Today, not only is there an increase in responsibility for collaborative activities and classification of conflict parties, but also a change in the mental-terminological understanding of the

term "state". Against this background, Soviet social and political practices of civil society functioning and the role of the individual in this process are completely destroyed. Instead, a new mass format of involvement in state-building processes is emerging, where an active civic position corresponds to the standards of building and functioning of a democratic society.

The degree and extent of punishment for each individual citizen of Ukraine for collaborative activities in occupied territories will be determined by the court, but it is already clear that the manipulative component of such classification has significantly narrowed. In Ukrainian society and legal classification, the contours of statehood mentality, which have historical and national roots and completely destroy imperial-soviet narratives, are clearly defined.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Артур МАРГУЛОВ

КОЛАБОРАЦІОНІЗМ В УКРАЇНСЬКОМУ ВИМІРІ: ЕВОЛЮЦІЯ УКРАЇНСЬКОЇ ДЕРЖАВНОСТІ

Анотація. Російсько-українська війна актуалізувала сучасну інтерпретацію термінологічних понять пов'язаних із військовим конфліктом. Однією із таких одиниць є терміни «колаборант» та «колабораційна діяльність». Їх поява пов'язана із перебігом Другої світової війни, але у сучасних умовах вони набули специфічних рис. Гібридність військово-політичної діяльності російської федерації на території України призвела до деформації змістів усталених понять та термінів. Презентуючи свої агресивну політику як внутрішньодержавний конфлікт, росія на перших етапах унеможливила правову класифікацію колабораційної діяльності як правопорушення.

В статті розглядаються мотиваційна складова населення окремих регіонів Донецької та Луганської областей у підтримці дій пов'язаних із окупацією цих територій. Формування за радянських часів привілейованості зазначеного регіону призвело до викривленої системи цінностей та орієнтацій у населення регіону. Цей ментальний світогляд намагались зберегти представники регіонального промислово-державного алігархату в умовах еволюції економіки з державної до ринкової. Характерним є те, що його також використали з політичної метою. Політичні сили каналізували ментальну регіональну специфіку у електоральні бонуси для себе на шляху до виборів у органи державної влади. Виступаючи пасивною маніпулятивною складовою населення регіону поступово адаптувалось до агресивно-протестного супротиву існуючих форматі державної влади. Іншим підґрунтям активної колабораційної діяльності була економічна складова. На тлі швидко збагачуючої регіональної еліти, основна маса населення перебувала у важкому економічному становищі. Погіршення демографічних та економічних показників у регіоні ставало типовим явищем. Соціально-економічний та демографічний дисбаланс призвів до появи постійно існуючого соціального невдоволення населення.

Активна антидержавна діяльність місцевої еліти на фоні бездіяльності державних органів влади утворили феномен умовної безкарності. Активізація росії як сторони конфлікту призвело до більш активний дій. Діяльність на підтримку дій росії з боку українського населення окупованих територій, як країни агресори, тривалий час (2014-2022 роки) не отримувало належної кваліфікації. Вдалась взнаки позиція країн, лідерів світової політичної спільноти, невизначеність внутрішнього політичного диспуту, масовість прикладів колабораційної діяльності та ін.

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норм міжнародного права, ведення воєнних дії із численними жертвами та інфраструктурними руйнаціями із боку РФ, консолідація міжнародної спільноти у коаліційній підтримки України, чіткий державний курс на відновлення територіальної цілісності та суверенітету – призвели до більш радикальної та послідовної класифікації колабораційної діяльності. З формуванням національної ідеї та небаченої до того консолідацією українського суспільства стало чітко вимальовуватись діяльність, яка не входить до цієї концепції. Державні інституції разом із суспільством почали демонструвати відсутність толерантності до проявів посягання на національну безпеку та територіальну цілісність. Еволюція правової класифікації, дієвість та невідворотність покарання фактів скоєння злочинів проти державної безпеки, свідчить про завершення етапу процесу українського державотворення. Перед нами постала українська державність із з чітко визначеними національними пріоритетами, з сформованою державницькою ідентичністю, національними інтересами та можливостями їх захищати.

Ключові слова: *радянська ментальність, СРСР, україно-російська війна, колаборант, колабораційна діяльність.*

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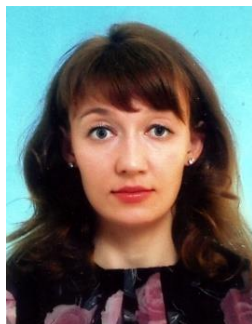
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PHILOSOPHICAL ASPECT OF INFORMATION WARFARE

Abstract. The purpose of the article is to determine the philosophical aspect of the current state of information warfare. The set goal determined the solution of the following tasks: 1) to substantiate the expediency of using the terms information warfare and information warfare discourse; 2) to improve the definition of information warfare; 3) to analyse the threats

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and reasons for Ukraine's insufficient response to information attacks by the Russian Federation.

The reliability of the obtained results and conclusions was ensured by the use of linguistic methods: the functional and stylistic method (to distinguish the semantic and constructive elements in the structure of information warfare texts); semantic and differential analysis (to trace changes, to distinguish the semantics of language units).

Analysis of the narratives' content aspect is an important tool for decision-making and strategy development after the invasion of an aggressor country. The study of narratives allows us to identify the strengths and weaknesses of different approaches and methods and to formulate recommendations for success in the further restoration and protection of territorial sovereignty. Highlighting the true picture changes society's perception and builds support for countermeasures.

The prevalence of positivism in Ukraine's domestic and foreign information field is complicated and often depends on political interests and context. Positivism can be traced in media clichés and narratives, including the description of Ukraine as a strong adversary, a reliable partner, and a supporter of democratic values. Negativism was found in the transmission of anti-Russian narratives and in the portrayal of the terrorist country.

Keywords: *discourse, information, information warfare, communication, media clichés, narratives.*

Introduction. Modern war is built around a number of information tasks. Their significance is so high that we can speak of hybrid warfare as a hybrid and information war, especially since military operations are muted, while information operations, on the contrary, are sharply intensified. Informational status grows because it needs to disguise physical actions. The material goal in hybrid warfare is achieved by active actions not only in the physical space, but also in the information and virtual spaces. It is conducted in such a way as to prevent the attacked party from taking adequate actions in response. And this is the main task of the hybrid tool kit, which seeks to influence the enemy's decision-making centers: both military and civilian.

Ukraine is experiencing an extremely difficult period of its own state formation, which is marked not only by profound problems of socio-economic development, but also by the need to resist external hybrid aggression from the RF, which threatens the existence of Ukrainian Independence. To resist the urge to Russia's hybrid aggression is a complex and lengthy process (Mahda), which requires the coordinated action of all subjects of society. This threat can be overcome and a stable future for Ukraine secured only by joining forces and mobilising resources.

A conflict situation, especially if it is prolonged and violent, can cause emotional stress. It is difficult to distinguish between a friend and a foe, an enemy and a defender, good and bad. A general state of mistrust, a sense of threat and fear lead to a distorted perception and assessment of the situation. Such disorientation can have serious consequences for mutual understanding and communication between people.

Information war redistributes activity from a purely physical space, as it was in the wars of the past, to work in information and virtual spaces. Accordingly, it is also possible to win in it by conducting work in all three spaces, because it is impossible to repel attacks in the informational and virtual planes in the physical space. The only instrument of this physical type is censorship as a physical overlap of informational and virtual messages. But in today's oversaturated world of connectivity, this is very difficult to do. Even in the Soviet times, censorship rather restrained the circulation of certain

messages, which still reached consumers in other ways, for example, through foreign radio voices.

There is a great responsibility in society to inform speakers adequately about the social, political and economic complexity of the world in order to promote understanding and appreciation of different views and positions. It is gaining relevance nowadays, the study of the philosophical state of the information war, the identification of the mechanisms of language influence on the cognitive structure of the speaker.

Analysis of recent research and publications. The scientific works of researchers, namely: O. Kyryliuk (Kyryliuk, 2021), V. Kulzhenko (Kulzhenko, 2023), E. Mahda (Mahda, n.d.), L. Strilchuk (Strilchuk, n.d.), L. Shevtsova (Shevtsova, n.d.) are devoted to the problems of forming and implementing the national security policy of Ukraine in the modern conditions of conducting information and hybrid wars, developing and planning measures of information warfare and ensuring information security. The problem of information wars in politics has been studied by prominent Ukrainian researchers H. Karpenko, V. Lipkan, V. Ostroukhov, Y. Korokhod and others. The trends of recent publications in foreign scientific literature (R. Ortega-del-Cerro, E. Levine, F. de Vivo, M. Viceglia) clearly outline the danger of information influence, which demonstrates the urgency of the problem of proper legal protection of the interests of society. It is important to establish the peculiarities of creating the image of the enemy and shaping ideological narratives.

The purpose of the article is to determine the philosophical aspect of the current state of information warfare. The set goal determined the solution of the following tasks:

- 1) to substantiate the expediency of using the terms information warfare and information warfare discourse;
- 2) to improve the definition of information warfare;
- 3) to analyse the threats and reasons for Ukraine's insufficient response to information attacks by the Russian Federation

The reliability of the obtaining results and conclusions was ensured by the use of linguistic methods: the functional and stylistic method (to distinguish the semantic and constructive elements in the structure of information warfare texts); semantic and differential analysis (to trace changes, to distinguish the semantics of language units).

Formulation of the main material. Russia's armed aggression against Ukraine took place in 2014. It is not at all surprising that it started after Ukraine began to get closer to the European Union and NATO. During this time, the discourse of the Russian-Ukrainian confrontation has repeatedly been the subject of research by Ukrainian and foreign scholars. The current state of Russian aggression against Ukraine, as Y. Polovynchak and A. Berehelskyi rightly point out, is not the first conflict of the social media era, but it is definitely unprecedented in terms of the scale of the confrontation and, at the same time, information support.

The level of produced content is of very different quality (from amateur, which accidentally captures unique phenomena or events at a key moment in a certain place, to highly professional and that which has significant artistic value); purpose (documentation of everyday war or combat operations, recording of war crimes; entertainment or propaganda materials); values (from

informational noise to unique evidence or influential iconic symbols of the era), (Polovynchak & Berehelskyi, 2022, p. 24).

There are three main objectives of information warfare:

1) Control over information space, its use in defense of own military information functions against enemy actions (counter-information);

2) Use of control over information to conduct information attacks on the enemy;

3) Increasing the overall effectiveness of the armed forces through the universal use of military information functions.

Information and communication are the basic concepts for the studying modern information confrontations. As to the information, it is understood as information or data about the environment surrounding a person. In terms of communication, it is the process of transferring or exchanging information. In different eras, information processes bore the imprint of those technologies that were invented at a certain stage. This affected the peculiarities of the relevant information confrontations. Each of these inventions can be defined either as an information explosion or as an information revolution based on their historical significance and technical characteristics. By the concept of information revolution, we understand a fundamental change in the methods of creating, accumulating, storing, searching and distributing information. Such phenomena include the emergence of speech, writing, and computer technology. All these inventions were the beginning of a fundamentally new direction in the development of information and communication technologies.

Successfully used linguistic units (words, phrases, terms) can significantly affect society, in particular:

Changing the world picture. Language describes the world around us, and we perceive it. Expressions used to describe objects, events or ideas can influence society's perception and understanding of this world. The introduction of new terms or words can indicate the discovery of new concepts or technologies and change the way we can see the world. With the start of the full-scale invasion, the largest broadcasters (1+1, UA: Pershyi, Rada, ICTV, STB and Ukraina 24) united together in the joint telethon called United News to voice the official position of the state openly and promptly. The transition of society to the state of daily monitoring of news has changed not only the choice of communication method, but also the style of communication at the household level, especially at the state level. These are narratives such as "the russian army is an army of homeless people and looters", "the second army of the world": "Their soldiers did the best they could, stole a warehouse with Ukrainian military uniforms and changed into our boots. And they boast that they are the "second army of the world?". In short, they are "bums" and "looters" ("PIK").

Change of value orientations. Language influences our values and beliefs. Rhetorical appeal, visual illustrations, coherent phrases can persuade the audience to adopt new views. Politicians, activists and media figures manage to use language to change the value orientations of society. The narrative "the president of russia is a bunker grandfather" not only demeans the status of the head of the country, but also forms a contemptuous attitude towards russia, because increasingly the name of the aggressor country is written with a lowercase letter by the mass media and representatives of

various levels of government (Kyrylenko, 2021): "He played around, overlooted, became arrogant . This is the bunker grandfather. He really lives in his painful world, and two options will befall him: either the dock in The Hague, or an inglorious death somewhere in a bunker in Altai" ("1+1" Channel, Ukraine); "By demonstrating that he is not a bunker president, Zelensky shows us all that he is a leader of the nation who deserves long-term support" (BBC NEWS Ukraine).

Creation of a common identity. The use of a common language, slang or code words strengthens the sense of unity and builds relationships between people. Language can be used to create a common identity for a group of people, which leads to the formation of a unified social image. However, not all wartime narratives have a negative tone. There are a number of positive narratives to raise morale, increase the level of public trust in the actions of the Armed Forces of Ukraine, and to position Ukraine on the international arena: "Ukraine will win, and russia will lose" or its variation "Ukraine is an invincible country": "russia will lose and disintegrate, and Ukraine will win" ("Narodnyi Ohladach"), "Happy to live on the same land with you, indomitable and invincible in an independent state!" (Olexandr Starukh), "We are beautiful, strong, brave, intelligent, talented people. Invincible" (Volodymyr Zelenskyi); "When we say that Ukraine must win, it means that russia must lose" (Olexandra Matviychuk); "Ukraine is invincible. Ukrainian bravery changes the world" (Prime Minister of Lithuania Ingrid Šimonite); "russia must lose this war, and Ukraine must win. And even in the darkest time there is hope...Ukraine will win, and evil will be defeated" ("Hlavkom").

Taking into account the controversy over the results of the work of special monitoring missions, the information war preceded the real war and accompanies it. The experience of russia's war against Ukraine provides grounds for asserting that the object of informational attacks was primarily the mass consciousness of various population groups such as the population of both Ukraine and russia; the population and political elite of the post-soviet states; the political elite of the citizens of the European Union.

Communicative situations convey an important message that is to raise the spirit of Ukrainian society. In this case, the actual text-narrative about the peculiarities of life in the conditions of war is of primary importance, but the illustrative material recedes into the background. The successful use of linguistic units can have a significant impact on society changing its worldview and value orientations.

1. Microcontext. In order to understand correctly the communicative meaning of statements, it is necessary to take into account the details of information about the speaker, the listener, the place of communication, the contextual situation and other factors that affect the perception of the message. A common means of influence is "linking technique". It consists in artificially placing a concept in the required context (most often within the binary opposition of positive – negative). As a result of the associative interaction of language units, their seme's variation occurs. The most popular type of seme's variation is the introduction of seme, which consists in introducing a contextual seme that is not present in the system meaning of the word (Kyrylenko, 2021).

Of course, the authorities have a significant influence on blocking access to certain Internet resources that are dangerous or hostile. This is done to

prevent the spread of disinformation, mobilization or coordination of hostile actions. However, it is not always possible to control this, because there are citizens' own accounts where they post posts containing dangerous data. In this case, either explanatory work should be carried out or special services should intervene. We can learn from the European Union's experience in organizing communication. The EU has a well-developed system of communication technologies used to communicate with citizens, inform them about political decisions and government services, and ensure transparency and interaction between the government and citizens. One example of a successful practice is an electronic government communication system. Many EU countries are implementing electronic platforms and web portals that allow citizens to access information about government services, legislation, programs and other resources. These platforms also allow citizens to express their opinions, leave comments and contact the government with questions or complaints.

In an interview with Fabio Belafatti, a lecturer at Vilnius University emphasized that pro-russian commentators in the West resort to stereotypes about russia and its neighbors and outdated colonial thinking: "This is racism, according to which there are one people, one nation – russians, maybe even Poles – and all others are considered second class, a mistake of history, and not real nations that deserve the same respect as russians" ("Voice of America" page 11/02/2014) the opposition of russians – normal brings this "abnormality" to the meaning of the word "russian". So, it is precisely under the influence of the microcontext that the semantic features of various linguistic units are varied in order to influence the recipient.

The pragmatic impact on the addressee is determined by various factors: the content of the information expressed; the nature of the signs that form the discourse, because the speaker chooses specific linguistic means to construct the statement in order to exert a certain influence on the addressee and the addressee's personality traits. Thus, it is under the influence of the microcontext that the semantic features of different linguistic units vary in order to influence the recipient.

Propaganda is characterized by the use of several communication channels simultaneously. Today you will read this in a Telegram channel, tomorrow it will be shown to you on TikTok, and the day after tomorrow the same narrative will be imposed in an interview with a "good russian". And so information gets into your brain in pieces from different sources. Propaganda shifts the responsibility for the war from russia to Ukraine.

The language of Ukrainians has changed. In our everyday use, we all began to use the names of military equipment (tanks, armored personnel carriers, drones, Grads, kamikaze drones, Bayraktars), equipment (body armor, helmets, radios), weapons and ammunition (assault rifles, grenade launchers, mines, Javelins, bombs, missiles, etc.). Especially during active hostilities, people used the phrases "from us" (exit) and "on us" (arrival) to mean the movement of shells.

2. *Euphemisms*. "Special operation" but not "war"; "bang" but not "explosion"; "regrouping" but not "retreat"; "gesture of goodwill" but not "loss of control of Zmeinyi Island"; "humanitarian missile strike", "missiles of good" instead of "terrorism" – all these and many other words and phrases are used by the russian propaganda media. This distortion of meaning is called "new

speech".

The media of totalitarian states use the new language because it is required by their regime. The leadership needs, for example, to refer to death camps as "concentration camps" in the language, and the media will not question the leadership's demand. Journalists are either influenced by ideology or dependent on the regime and cannot go against it, or both. It is the media and the political elite that make the new language very familiar. They are the first to use the necessary vocabulary to inform the public and to define certain phenomena. Over time, the audience begins to use the same words used in the media to retell and explain information. Completely invented words (neologisms), unlike neosemes, can give a sense of distance, because the reader is not involved in their creation. The understanding of such words does not depend on a social change in usage, but on the word's ability to draw attention to perceived differences in culture and consciousness. Modern neologisms are created by analogy with foreign words in natural languages that ordinary people encounter.

The Kremlin and pro-russian media are trying to influence not only their domestic audience, but also foreign audiences, including Ukrainians, with the help of the new language. MediaSapiens explains what the novovaya language is, how its use affects thinking, whether novovaya can be considered a restriction on freedom of speech, and what propaganda messages russia is spreading with its help. However, the success of russian propaganda has significantly decreased after the introduction of the so-called "special military opera". The enemy was disoriented because the residents of the affected territories did not understand the postwar future.

3. *Truisms. Obvious statements.* That is, those phrases with which any person will automatically agree. These phrases are used to elicit a "Yes" response. Then you express your desire. And since the partner has already agreed with you several times, there is a high probability that he will easily agree with the last statement. The use of phrases that model information as an indisputable fact. This is not a restriction on free speech if the interchange of terms is voluntary. Manipulation of legal concepts (such as stories about the genocide of kussian-speakers in Ukraine, the illusory fulfillment of the "duty to protect", the replacement of war with the vague concept of special operations), the spread of false information about the circumstances and those responsible for the commission of war crimes – all this is part of a coordinated kussian disinformation campaign, which is aimed not only at the internal, but also at the external audience (Kulzhenko). In particular, the message mentions obvious facts, which helps to cause a positive reaction of the recipient, to make him agree with the other by the information provided. For example: "everything has changed, although *not everyone* realizes it yet"; "russian soldiers did not only drink a lot and rob houses and shops, but also killed a large number of civilians". Such formulations are intended, if not to convince immediately, at least to sow doubts at the initial stage. But the media, by not writing from a human-centered perspective, are robbing themselves in the same way as by avoiding coverage of human rights. Treating the topic of human rights with disdain, considering it "ordinary" social issues, journalists ignore many silenced topics. For example, the prohibition of torture and the inadmissibility of inhumane treatment in prisons, the prevention of

discrimination based on property status, or the problem of bullying at school, domestic violence, or self-government in communities.

4. *Illocution of appeal.* The illocutionary component of the call can be expressed by incomplete sentences with the semantics of the urge and indication of the direction of the action or the desired consequence. Slogans are usually placed at the end of the appeal (sometimes at the beginning) in order to emphasize the main idea of what is being communicated, or express the ultimate goal of the entire appeal (Los, 2009: 72): "It's time to unite!", "The time has come – it's time to act!", "Only the people have the right to decide their fate!", "Kharkiv is a free city!", "No one but us!", "There are many of us and our power is in our hands! The truth is with us!".

In addition to direct means of expressing an appeal, there are numerous linguistic techniques for disguising them. This is primarily the presentation of the relevant speech acts in the form of semantic implications, which are used, on the one hand, as elements of the most effective method of speech manipulation – hidden speech influence on consciousness, and on the other hand, are associated with an attempt to avoid responsibility for violating the law.

Calls can take direct and indirect forms. A direct appeal is the most radical, explicit form of verbal influence on the behavior of a subject, containing a verb in the imperative voice. In texts containing indirect appeals, the main external feature of a direct appeal, the imperative form of the verb, is absent. In order for such indirect forms of inducement to qualify as public appeals, it is necessary to establish that the relevant statements, images, etc. are purposeful, specific and understandable to the recipient of the information.

5. *Conceptual metaphor.* The metaphors representing the concept of war (war as a diagnosis of partnership; war as a game; war as a litmus; war as an agreement; war as a way of making money; war as a catastrophe; war as an inner experience) have been recorded: "War, like a downpour, washes away everything alien" ("Holos Ukrainy").

War is always associated with destruction, ruins, material damage, losses and devastation. The analyzed articles contain the conceptual metaphor WAR IS DAMAGE, and here is how the scene after the missile strike was depicted by The Washington Post: "A quarter-mile away at the recreational facilities struck in the attack, images showed a pile of debris and mangled railings strewn across the ground among the ruins of the building's bright pink facade. A mountain of debris covered what had previously been a large swimming pool" (The Washington Post, July 1, 2022). This conceptual metaphor is paragraph-structured (according to M. Fabishak's classification), as it depicts the entire atmosphere at the scene. The target domain DAMAGE is expressed by the nouns debris, ruins and the adjective mangled. The stylistic metaphor "mountain of debris" adds expressiveness, and the details of the facade color add drama to the description.

Conclusions. Information warfare is a complex technology of social manipulation carried out with the help of mass media. It exists within specific states (information struggle between different political parties, ideological, religious organizations, etc.), at the international level it expresses the conflict of interests of different states. The information warfare between individual states within the global information environment is a way of constructing a

global media picture of the world rather than a local one.

The analysis of linguistic influence in modern communication after the full-scale invasion of the aggressor country allowed us to identify two vectors of message modality. The negative semantics such as "the russian army is an army of homeless people and looters", "the second army of the world", "the president of russia is a bunker grandfather", "they promised to take Kyiv in three days", "russia is a terrorist country" cause contempt for the enemy and ridicule the military threat posed by russia. These narratives are usually accompanied not only by storytelling, but also by photographs, which are confirmation of the facts of war crimes. The positive semantics such as "Ukraine will win and russia will lose" (and its variant "Ukraine is an invincible country"), "The West is Ukraine's partner and helper", "Glory to the Armed Forces!", "Glory to the heroes!", "Ukraine is the only one" work to boost morale, spread pro-Ukrainian sentiment among the population and form a renewed nation of heroes who have something to be proud of within their country.

Cheap and effective, and the main thing, practically unrefusable information weapons have a much wider range of applications than any other weapon. The object of impression in the information attacks is the consciousness and will of the society that is subject to aggression, and therefore it is extremely important to have countermeasures in the arsenal – a media-literate society that is resistant to information attacks (Strilchuk).

In the context of information warfare, in order not to accept the enemy's propaganda, you need to stop watching videos made by the enemy. The war in Ukraine is not a TV show, it is a terrible aspect of our common life. We need to limit our consumption of news consumption, because our Ukrainian news media, due to their inexperience, often pick up sensationalism and sensationalism and fried (literally) facts, some of which are russian propaganda. The Ukrainian media are still learning how to protect themselves from how to protect themselves from hostile influence. The prospect of studying this topic is to investigate other aspects of the concept of information warfare discourse and to trace changes in the construction of media space in diachrony or synchrony.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Ірина ЦАРЬОВА, Ольга МАКСИМЕНКО, Рита КАЛЬКО
ФІЛОСОФСЬКИЙ АСПЕКТ ІНФОРМАЦІЙНОЇ ВІЙНИ

Анотація. Мета статті – визначити філософський аспект сучасного стану інформаційної війни. Поставлена мета зумовила розв'язання завдань: 1) обґрунтування доцільності використання термінів інформаційна війна, дискурс інформаційної війни; 2) удосконалення дефініції інформаційна війна; 3) аналіз загроз і причин недо- статнього супротиву України на інформаційні атаки з боку російської федерації.

Достовірність отримання результатів і висновків забезпечило використання лінгвістичних методів: функційно-стилістичного методу (для виокремлення змістово-конструктивних елементів у структурі текстів інформаційної війни); семантико-диференційного аналізу (для простеження змін, розрізнення семантики мовних одиниць). Аналіз змістового аспекту наративів є важливим інструментом для прийняття рішень та формування стратегій після вторгнення країни-агресора. Вивчення наративів дозволяє виявити сильні та слабкі сторони різних підходів та методів і сформулювати рекомендації для досягнення успіху в подальшому відновленні та захисті територіального суверенітету. Висвітлення правдивої картини змінює уявлення суспільства та формує підтримку для контрзаходів.

Превалювання позитивізму на внутрішньому й зовнішньому інформаційному полі України має складний характер і часто залежить від політичних інтересів та контексту. Позитивізм простежено в медіамовних кліше, наративах, зокрема опис України як сильного супротивника, надійного партнера, прихильника демократичних цінностей. Негативізм виявлено в передачі антиросійських наративів, при зображенні країни-терориста.

Ключові слова: дискурс, інформація, інформаційна війна, комунікація, медіамовні кліше, наративи.

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MESSAGE-BASED SEMANTICA FOR SAT PROBLEMS

Abstract. This paper outlines the logical system of MSSG-logic originally developed by the author to represent a particular theory in analytic philosophy of language. That was a theory by philosopher Paul Grice that proposed to consider the intention of the speaker as an important context for the definition of the true meaning of his speech act. MSSG-logic proposes to use special sets of symbols for the additional interpretation of the logical formulas as well as the supersets of these sets ("trees of messages") with defined algebras on them for more complex cases. This particular paper proposes to modify the "linguistic" MSSG-logic to represent the famous computer science boolean satisfiability problems (SAT) with the similar tools. The consequences for computer science and philosophy of language are also discussed.

Keywords: SAT, boolean satisfiability, computer science, logic for CS, Paul Grice, formal language, analytic philosophy of language.

Introduction. Author initially proposed message-based logical semantics for formal study of natural language. The main inspiration for the idea was concept by analytic philosopher H. Grice. He researched linguistic semantics and proposed that to define the true meaning of the utterance (speech act) we should take into consideration the intention of the speaker (Grice, 1972, p. 3).

The idea is next. Whatever the words' meaning "by vocabulary" is, a speaker might be using the speech act to manipulate his audience. Speaker can lie, manipulate the facts or make a certain wrong emphasis in his words. In this way, the true meaning of the speech act is not its plain meaning but the intention of the speaker combined with the "usual" meaning. More generally, the key context of the utterance defines the meaning of the utterance as well as the "vocabulary".

The idea of the message based semantics is adding to the signature of the logic special symbol sets – messages. Messages will define meta-rules for interpreting the semantics of the language studied by the particular logical system. Thus, the message may state that the formal expression is not true because the speaker is lying to achieve his goals etc.

Let us take the obvious example. Politician A. makes an election speech and he needs to introduce the facts about economics in the context he needs rather than just objective facts. We combine the statements in his natural

language speech with a message: "A. needs facts in a certain context and he may be lying". Interpreter of the speech will have the meta-rule for assessing this speech.

He may use this meta-rule to interpret A.'s speech as a rhetorical speech or he may interpret it differently, according to his own information and purposes. He can try to expose A or just observe the situation based on his own goals. That is the strong side of meta-rules – with some specifications they can be used for a wide range of different purposes. From rhetoric to mathematics.

In this way, messages are wider as a concept than just this narrow usage in analytical philosophy and linguistics. It is possible to build a system of messages that cooperate with each other by rules of a special algebra and represent structure other than just that of natural language. It is especially important for formal languages. For the case of the linguistic application the author proposed to use the abstract systems of messages ("message trees") which later can be developed into an algebraic mathematical structure. It is not obligatory that there should be just "trees". Different algebras and rules of cooperation can present different hierarchies of meta-rules – both vertical and horizontal.

One of these possible alternative applications is computer science SAT (Boolean satisfiability) problems (Manquinho & Marques-Silva, 2004, p. 354). SAT problem is defining the semantics status of the propositional logic formula. It usually concerns the very complex propositional formulas that define certain abstract computational structures which can relate both to the computer hardware design and applied mathematics engineering problems. In this way, whether it is possible to find such a combination of truth values for the parts of the propositional formula so it will be TRUE (satisfiable) is a question which has consequences for theoretical computer science (existence of the appropriate algorithm) and pure hardware circuits design. Sometimes the truth status of such formulas also has consequences for certain problems in an algebraic complexity theory. As a result, the paper proposes to introduce a slightly modified version of this linguistic logical semantics that can help represent the SAT problems.

Analysis of recent research and publications. The connection of the philosophical (non-classical) logics and computer science is quite a hot topic in the scientific discourse of the recent years. Most of these discussions include computational logic i.e. specific logical systems for formal deductive reasoning about the computational functions which are the foundation of any computer system.

From the beginning of the XXth century an extremely important segment of mathematics connected to logic and computer science was automated theorem proving (Biere et al.). Though, Hilbert's Problem seems to be unsolvable there is always progress to make in applying computers to finding new formal results in mathematics.

Another extremely influential topic is temporal logic (Clarke et al.). Research in this area allows for new insights on saving computational powers. In this way it is connected to dynamic logic (Goranko et al.).

In general MSSG-logic version, presented in this particular paper it goes

specifically about the SAT problems, but in general it shares many common topics with computational logic and computer science.

The purpose of the article is to research the features of message-based semantic for sat problems

Formulation of the main material.

1. The semantics in the nutshell

The initial semantics states the existence of the additional sets of symbols in the signature of the classic formal logic. Each message will define a certain context for the propositions in question. In this way each such eligible message will be a meta-rule for the particular formal logic.

The initial example of the text-based message (meta-rule) was given in the introduction section. Text may constitute an extremely wide range of topics and tools for defining the context of the propositional formula in question. In a sense, the concept of "messages" in formal logic seriously widens its application domain.

What is the example of such a meta-rule for a non-linguistic usage? Suppose we have a complex statement which involves many different propositions connected by logic operators. There are so many different propositions that it is impossible to build a truth table or use any other classic way to define the status of this statement as the resulting calculation will be unbearably complex.

Suppose also that we have some meta-information about this statement. Among the propositions of the statement there is a proposition "p" and our meta-information states that "p" is false. Introducing this meta-information into the assessment of the initial complex proposition will help a lot with the task.

Assume also that "the message" we introduce gives a general criterion why "p" is false rather than just stating its status. In this way the meta-rule will state that all the propositions of the "p-type" are false. The problem here is to define what is exactly for the proposition of being of "p-type" but it will concern particular engineering problems. If we return to an example with the politician, we can generalize the meta-rule used in this example for all the politicians and their speeches. "You should be cautious in assessing the speeches of the politicians who strive to win the elections, as they can lie to achieve their goals". Then we have a logic that can be useful in the field of rhetorics as well as political science (Graham, 1928, p. 26).

If we would had to assess such contexts formally without the specific messages we would have built a separate logical system modified to represent particular political rhetorical speeches. That would be another interesting project but it should be taken into consideration that message-based logic already allows such contexts as well as the wider range of alternatives without deepening the technical aspects of the formal logic.

This is a very simple and plain example and we can devise something much more complex and subtle but it illustrates the concept. We can develop it further, stating that we have a special curve function that distributes probabilities of certain propositions in the long complex formula being true or false. This particular function may be itself of a certain type and special rules for particular classes of similar functions in the meta-rules may be defined as

well.

The "p-type" case may seem like a very unnatural example. It is because the illustration is very basic. It is doubtful that in a real practice the computer scientist will have the evidence that a particular proposition for his logical ventile formal description is false. Or, at least, he will not need the guidance of specific formal structures to use this kind of information. However, there are cases when there is additional non-mathematical (or partially formalized) knowledge about the formal problem including the circuits' design and our semantics gives a chance to use it in solving the problem. In all the cases the information may be codified using textual description in natural language.

Mathematical formalisms thus constitute a little bit more narrow field of application. But there is always a possibility to synthesize approaches by using both formalism and natural language (Wybraniec-Skardowska, 2020, p. 190).

As for the function curves, methods of mathematical calculus are sometimes used to help with the SAT problems and similar mathematical problems that involve propositional formulas. The same goes for the different combinatorial formulas which are actively used in different fields of computer science and applied mathematics. It is difficult to find the particular example that will perfectly fit the description but there is a class of problems for which it would be useful to create a message-based logical system. In fact, the "curve case" is the same as the "false p" case, just more advanced.

Of course it is easy to imagine that for each such complex statement there is more meta-information and more meta-rules accordingly. And these messages can interact with each other so it is not a good decision just to compose one big complex message from them using the "and" operator. Apart from that there could be a cooperation of meta-rules of different types. Some may be probabilistic curves while others are defined facts about propositions et cetera.

Because of this reason, the original paper devoted to Gricean linguistic philosophy proposes to consider more abstract and complex structures instead of the messages alone – already mentioned "trees of messages". Let us suppose there are several meta-rules for one very big propositional formula and they may contradict each other or change meaning when combined. It seems that the set of such messages forms a particular "tree-like" structure.

Then we must define the hierarchy of these messages and, more generally, algebraic relations between different messages. Different "trees" can also influence each other and the case for interaction of different complex propositions gives even a more complex picture. So there will be an algebra for relations between the trees as well as for the relations between the different messages in one single tree (Bjarni, 1984, p. 301).

The formal definition of the logical system remains mostly the same as for the linguistic case. The sets of messages are added as well as connected supersets of trees with the defined functional relations. Then the systems of supersets of trees are connected with appropriate functional relations.

Let us just site the formal definition from the author's original paper on the linguistic variant of the semantics: "We add next elements to the model of the classic propositional logic – [A, T, K, G] where A is a superset of sets of

textual symbols composing messages, T is a superset of subsets of A constituting the "message-trees", K is a superset of sets of ordering relations on T constituting algebras for "message-trees" and G is a global algebra for cooperation of different trees (or a blank set if there is no global algebra in the system). Different other types of this semantics are possible through specification of local and global algebras" (Petik, 2022).

SAT case requires almost the same specifications. It just should be mentioned that "A" constitutes not textual messages with meta-rules but additional mathematical formal expressions such as mentioned probability distribution curve or other specifications with additional information about the complex propositional formula in question.

"T"-expression for the "message-trees" remains almost the same. The algebra of the relations between the "trees" and the "messages" inside the "tree" should be more strictly defined than for the linguistic case. The same with the different types of modifications for the semantics. It all can be done through added specifications.

The hierarchy of the messages inside one of the "trees" was mentioned previously. It was also specified that it can be "vertical" or "horizontal". Vertical hierarchy means there are always some prior messages that if in conflict with the inferior ones, cancel them. Horizontal hierarchy is the set of rules for dealing with the messages where it is impossible to understand the priority status. In fact, such a "horizontal" set of rules will be a sort of the algebra for the relations between different messages in the system of a one single tree.

It is possible that such a "horizontal" algebra will involve the probability ranges for the different truth statuses of the propositional formulas. The simple or more advanced probability theory schema can be introduced into the system of formal logic to represent that. It was also mentioned that a certain system of the relations between different trees of messages is also possible to establish. Computer science field of application may involve cases when very complex propositional formulas interact with other complex propositional formulas creating a very hard case for the classic logic to represent.

If there is such a practical case, then the message-trees of both formulas will be interacting. We can devise a similar "global" algebra for these interactions. It may seem that there should be a certain ordered hierarchy between "trees" as well. Some trees will be superior to others. It is easy to formalize this relation as well by the ordering relation on the superset of all the message-trees. That is what is meant by "cooperation of the trees".

2. Consequences for computer science.

The proposed semantics allows for building a logic system that will be more effective in solving the SAT class of problems. This is not a universal solution for this type of problems but being properly implemented it may help with the general approach. As was implied in the introduction paragraph, message-based systems make it easier to specify particular formal logic for some technical problem. If not for this solution, you have to build a new independent specific logic for each local case.

SAT problems are important for the circuits design and have theoretical

implications for the algorithmic complexity chapter of the computer sciences. The existence of the MSSG-semantics and its applicability to the technical computer science problem proves the intrinsic relation of natural language, formal systems and computational elements design.

The idea of this paper was devised before the introduction of ChatGPT and the massive spread of the artificial intelligence systems which are based on machine learning. However, the paper was completed after AI became very popular. Despite their usefulness, ChatGPT and similar systems cannot solve a lot of existing mathematical problems including the complex propositional formulas and SAT. In this way, the AI does not cancel the usefulness of the formal systems proposed in this paper (Russel & Norvig, 2010).

More to that, the principle of the AI – learning from textual information and answering to the requests in natural language – seems to imply that it is a particular technological bridge between the study of natural language, programming and formal languages. This will also involve contemporary philosophy of language. Do the classical problems and approaches posed by Wittgenstein and his followers change their status due to the new ways to interpret and understand language? That is a very deep question that concerns philosophy first of all. In general this idea is in mathematical logic/combinatorics and as such is an interesting new approach to some of the classic problems and formal structures in computer science.

3. Consequences for linguistics and philosophy of language.

Of course, semantics of such type as described in this particular paper has its consequences for the linguistics and philosophy of language. The deep connection to the philosophy of language in a new AI-related context was already stated. MSSG-logic originally was created to represent one of the concepts of the philosopher of language in analytical tradition of Paul Grice.

The modification of this semantics presented here proves that there is a deep connection between the formal structures of the natural language and formal languages. That is a known idea in philosophy of mathematics but here it is studied in one more practical aspect. It can be connected to linguistics practical research. MSSG-logic can also be used to study other concepts and theories in the field of philosophy of language. These possible applications include the classic ideas of Ludwig Wittgenstein as well as the later ideas by Grice and his followers and probably some further specifications for the French continental philosophy of language.

Citing the original paper once more: "As was mentioned before, messages as a concept are wider than just the intentional theory of meaning of Grice. Text messages may express more than intention – as meta rules their domain is context of the formal expression as a whole. The domain of message-based semantics is about particular specifications. In this chapter we will outline what such specifications are needed to fit into Gricean theory and theorize on further specifications for the case of computer natural language processing.

Textual messages are actually also wider than meta-rules. Textual information may constitute almost any kind of idea. However, the scope of formal logic presupposes meta-rules as the main content for the messages. Any

other kind of textual information would make the relations between different trees chaotic. It will be impossible to build a rigorous algebra.

Though, it is still interesting how such a chaotic system will look like and what will be its parameters. Unrigorised textual information will not define the precise values for the truth function. Instead the influence will be chaotic and extremely complex. In fact, it will be more like the cooperation of two different text messages or pieces of fiction text than mathematical expression. In this sense unrigorised message systems are very promising for natural language processing and artificial intelligence " (Petik, 2022).

The main detail here is about chaotic text systems. It seems that natural language is such a chaotic system. Or it is the system with so many complex rules and local cases that it seems chaotic to the most advanced human mind. That is the type of text that is studied by philology and philosophy of language. It is also in line with the complex interacting tree-based structures.

Compare it to the continental philosophy understanding of the natural language. French structuralism and post-structuralism philosophers studied the language as the center of human culture and introduced the notion of postmodernism and hypertext. That would be a great field for formalization for message-based logic in particular.

MSSG-logic has a lot of consequences for the philosophy of language, both analytic philosophy of language and its continental counterpart. In this way, research in this field will be quite fruitful for the new understanding of the natural language.

Conclusion. This paper proposes to modify the existing linguistic logical semantics to be used for the computer science problems known as the SAT problems. SAT problems are important for algorithmic complexity theory, circuits design and computer science in general.

The semantics requires only a few little details of modification which implies the inner connection of the ordinary language and formal languages used for stating mathematical problems.

This semantics is not the universal tool for solving the problems but it may help with the general approach to such types of problems. The paper will be interesting for computer scientist, logicians, linguists and philosophers interested in computation theory.

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

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Ярослав ПЕТИК

ЛОГІЧНА СЕМАНТИКА НА ОСНОВІ ПОВІДОМЛЕНЬ
ДЛЯ SAT ПРОБЛЕМ

Анотація. В статті проведено огляд логічної системи MSSG-логіки, спочатку розробленої автором для представлення певної теорії в аналітичній філософії мови. Цю теорію запропонував філософ Пол Грайс, який пропонував вважати намір власника мовлення важливим контекстом для визначення справжнього значення його акта мовлення.

MSSG-логіка пропонує використовувати спеціальні набори символів для додаткового тлумачення логічних формул, а також надмножини цих наборів («дерева повідомлень») із визначеними алгебрами для більш складних випадків. Стаття пропонує модифікувати «мовну» MSSG-логіку для представлення відомих булевих задач задоволення умов (SAT) у галузі комп'ютерних наук за допомогою подібних інструментів. Також обговорюються наслідки для комп'ютерних наук та філософії мови.

Ключові слова: SAT, boolean satisfiability, комп'ютерні науки, логіка для комп'ютерних наук, Пол Грайс, формальна мова, аналітична філософія мови.

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DIRECTIONS OF EFFECTIVE USE OF DATA AND ANALYTICS IN DECISION-MAKING ON STAFF DEVELOPMENT

Abstract. Modern companies are faced with a large amount of data about their employees, company processes and market conditions. Using this data to make decisions about personnel development can help companies effectively manage their personnel potential, predict training and development needs of employees, and plan strategic steps from the standpoint of personnel management. Research in this direction can also help identify optimal methods of attracting and retaining talented employees, which in turn will contribute to increasing the company's competitiveness in the market.

Incorporating data and analytics into staff development decision-making processes can lead to more informed and objective decisions. The use of key performance indicators (KPIs) and metrics can provide valuable information about employee performance, training needs, and

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promotion. Personalized Development Plans: Data and analytics enable HR professionals to create personalized development plans for employees based on their strengths, weaknesses and career aspirations. This personalized approach can increase employee engagement and retention.

Optimizing recruitment processes and talent retention with the help of data analytics opens up new opportunities for increasing the competitiveness of organizations.

Keywords: *personnel development, personnel potential, personnel planning, data analytics, KPI.*

Introduction. In the course of their activities, enterprises use various types of resources – from material to financial, and they can be both their own and borrowed. In order to obtain excess profits, enterprises try to minimize the cost of services or goods that they offer to consumers, while neglecting to observe an important principle – preserving the price and quality of goods or services in combination with a high company image. In our opinion, it is impossible to offer stakeholders a high-quality product with only impeccable technologies, because it is also necessary to involve highly qualified personnel in the production process. At the same time, we note that highly qualified personnel are not born, they become them, and to a greater extent, it is not the employees themselves who take the initiative to improve their qualifications, but the company's management with the help of effective levers should encourage the personnel to do so. The effective use of data and analytics in making decisions about personnel development is an important aspect of successful business management at enterprises, because human resources are the most important resources of any enterprise.

Analysis of recent research and publications. Many domestic and foreign researchers paid attention to the study of personnel development. Many of them studied the essence of personnel as such, many paid attention to such an intangible asset as the intellectual resources of the enterprise, others proposed effective directions for improving personnel qualifications (Truong & Nguyen, 2024; Turchina & Azarov, 2023; Kaletnik & Kolomiets, 2020; Martseniuk & Matusевич, 2023).

Sufficient attention has also been paid to the areas of labor potential development (Martseniuk, 2020). The author correctly defined the components of labor potential: psychophysiological, value-motivational, personnel, qualification, professional, organizational, and socio-demographic. Some researchers have analyzed the human right to receive decent work as an integral element of constitutional guarantees (Nalyvaiko & Martseniuk, 2022).

In recent years, we have observed a large number of studies on distance education, because it is this form of education that has been used in Ukraine in recent years. Among the most thorough works, we can highlight the research of scientists from the Ukrainian State University of Science and Technology (Martseniuk & Hrebenuk, 2021; Galushko & Batmanghlich, 2023).

However, in our opinion, these studies lack a clear mechanism for personnel development, which could be a universal means of improving the qualifications of personnel at enterprises operating in various industries, taking into account today's widespread digitalization.

The purpose of the article is to develop the recommendations for managers of organizations regarding the introduction of an effective personnel development mechanism at the enterprise.

Formulation of the main material. As practice shows, at many enterprises, artificial attention is paid to the development of personnel, most

likely, the management is more interested in the average age of employees, the average rank and the like. In some industries, there are requirements for professional development at least once every five years, but in reality, employees either receive knowledge that they do not apply in practice, or simply receive "fake" certificates. We are sure that the management knows about it, but simply "closes" its eyes to it.

At the same time, some progressive enterprises have successful personnel development practices. First, the company has a clear understanding of what exactly is produced, on which equipment, which functions are available on this equipment, and how many people can fully use this equipment (do they have all the functionality, or can they just press the "turn on" button). Having data on the complexity of the work, it is possible to quite clearly compile a list of employees who have mastered this technique and to what extent, and it is also possible to clearly determine how many more people need to be hired or how many people need to be retrained from among those already working, so that the capacities that the enterprise has at its disposal, was used at full capacity. In this case, equipment manufacturers can be involved in advanced training courses, because they are the ones who can fully explain and teach the full functionality of the employees of the enterprise that purchased the specific equipment. Secondly, an important aspect of maintaining the company's competitiveness in the market is the development of advanced technologies, either similar to those of competitors, or even better. In this case, the issue of rapid retraining of personnel also becomes acute, because the faster the personnel learns to work on new equipment, the faster the company will provide consumers with better products or services than competitors. Thirdly, it is necessary to have an electronic database (with modern software that is able to quickly and in a convenient format to issue the information requested by the manager) of all employees of the enterprise, with the indication of age, gender, education, skills, talents, certificates of practice, the ability to combine positions, the ability to be in leadership positions, as well as the ability to transfer knowledge, other characteristics of employees. An important point here is the support of the mentoring system at the enterprise. In many developed countries, enterprises have been successfully operating for many years thanks to mentoring, because the older generation passes on their experience to the younger, and the younger brings modern, fresh knowledge and advanced digital technologies to the enterprise.

An effective personnel development mechanism consists not only in the desire to develop one's own personnel on the part of the management or owners of the enterprise, but also on the part of the employees themselves, who will receive various benefits from improving their own qualifications, mastering technologies, transferring knowledge to colleagues, etc. It is necessary to include all forms of motivation that will work for different people in different ways, depending on their temperament and other important qualities and values of a specific individual (Charkina, Martseniuk et al., 2022).

The scientists in the article (Tishchenkova, Martseniuk et al., 2021) paid attention to the study of the quality of higher education, rightly highlighted the risks that employers may face when hiring staff who fully received knowledge only in a distance format.

The problems and prospects of dual education are outlined in the studies

(Martseniuk, 2020; Galushko et al., 2022). It is dual education that can become an effective tool for training qualified personnel for a specific enterprise.

An important aspect of maintaining the balance of female and male professions or the capabilities of men and women, taking into account not only knowledge, but also physical capabilities, is the observance of the gender principle of the formation of the enterprise team (Vlasova & Martseniuk, 2019).

There should not be biases in one direction or another, it is necessary to form a team in such a way that men and women receive positions not only depending on gender, but also taking into account their own abilities. In the scientific information space, we find enough publications on the topic of gender equality, all scientists emphasize that in the civilized world, women and men should have equal rights and responsibilities. Professors L. Nalivayko and L. Martseniuk in their research paid attention to the analysis of gender equality in Ukraine, they emphasized that recently gender issues at enterprises of various industries are coming to the fore, which finally brings us closer to civilized countries (Martseniuk & Nalyvaiko, 2022).

Also, an important aspect of the successful operation of the enterprise, maintaining its high image on the market, is the management's adherence to the principles of barrier-freeness. It is understood that work at the enterprise should be accessible to various categories of the population, including those with some health disabilities. the principle of barrier-free should be present in all spheres of our life, there should not be too many people in modern society (Martseniuk & Nalyvaiko, 2023).

In the pursuit of their own well-being, increasing profits, increasing the level of competitiveness, enterprise managers should not assume that all means are good for achieving goals. It is important to clearly comply with the current legislation, work in the legal field, calculate and minimize various risks, ensure economic security as an important element of Ukraine's national security (Martseniuk & Nalyvaiko, 2021).

In today's dynamic business environment, where competition and technological innovation are constantly increasing, an organization's ability to effectively manage its most valuable asset – its personnel – becomes a decisive factor for its success. Recognizing the role of data in making informed decisions about staff development emphasizes the need to improve the processes of gathering and analyzing information. It provides a foundation for strategic planning, identifies talent and potential for growth, and improves overall employee productivity and satisfaction. In this context, the competent setting of data collection processes and quality metrics, or key performance indicators (KPI), play a key role, as they provide the opportunity not only to measure progress, but also to ensure continuous improvement and adaptation to changing market conditions.

The importance of customizing data collection processes. Setting up data collection processes is critical for any organization seeking to achieve high performance in decision-making, particularly in the context of staff development. Quality data collection is the foundation of accurate analysis, strategic planning, and effective resource management.

Properly configured data collection ensures that analytical conclusions are based on relevant, complete and accurate information. This reduces the risk of errors in decision-making and allows management to act on the basis of objective

data. Optimizing the data collection process helps to reduce the time and resources spent on information processing. Automating data collection can significantly improve productivity, freeing up employees' time for more important tasks.

Analysis of the collected data allows for a deeper understanding of the training and development needs of employees. This contributes to the creation of effective development programs that meet individual needs and contribute to increased staff satisfaction and productivity. Data collected through well-tuned processes can be used to predict future trends and an organization's staffing needs. This allows management to develop future-oriented strategies and provides the organization with a competitive advantage.

Many jurisdictions have strict regulations regarding the collection and processing of personal data. Correctly setting up data collection processes ensures compliance with these requirements, minimizing the risk of legal violations and possible fines. Establishing robust data collection procedures also includes measures to ensure its security and protection against unauthorized access or leakage. This is critical to maintaining the trust of employees and customers.

To make informed decisions about staff development, organizations need to collect and analyze a variety of data, which may include:

- Personal data of employees. Name, age, gender, education, professional experience, contact information. This data helps identify the employee and provide a basic understanding of their professional background.

- Performance data. Performance evaluations, evaluation results, performance reports. Analyzing this data allows you to identify each employee's strengths and areas for development.

- Information about training and development. History of participation in trainings and courses, received certificates and licenses. It helps to track the progress of employees in training and their readiness for new tasks.

- Feedback from colleagues and management: Feedback from direct managers, colleagues, subordinates. Feedback can provide valuable insight into an employee's team interactions, leadership qualities, and contribution to overall success.

- Data on engagement and job satisfaction. Satisfaction survey results, employee turnover analysis, internal survey data. This data helps identify factors that influence employee motivation and loyalty.

- Information about career advancement. The history of changes in positions, departments, projects on which the employee worked. Tracking the career path helps in planning further development and using the potential of employees.

- Psychometric data. Results of tests for professional skills, psychological tests. Psychometric data can be used to assess professional competencies, personal characteristics and potential for development in certain areas.

- Data on vacations and absences. Information about sick days, vacations, absences without valid reasons. It helps to analyze the overall performance of the employee and his reliability.

In this regard, the correct setting of data collection processes is not only a technical necessity, but also a strategic asset that contributes to increasing the competitiveness, efficiency and innovation of the organization as a whole.

The importance of competently established quality and efficiency assessment indicators. Development should always be measurable, so well-established quality metrics or key performance indicators (KPIs) are critical to successful staff development and overall organizational performance. They allow not only to define goals and expectations clearly and concretely, but also provide an opportunity to objectively assess progress in achieving them.

Here are some key aspects that highlight the importance of such metrics:

– Objectivity of assessment. KPIs allow you to evaluate the effectiveness of employees and the effectiveness of training programs based on specific, quantitative data. This reduces subjectivity in evaluation and promotes fairness.

– Staff motivation. Clearly defined KPIs can motivate employees because they understand what results are expected of them and how this will affect their career growth and compensation.

– Improving communication. When quality metrics are clearly established, it promotes a better understanding between management and employees about the organization's goals and individual contributions to their achievement.

– Optimization of resources. The use of KPIs helps to identify the most effective development strategies and methods, allowing organizations to optimize costs and resources for the most productive initiatives.

– Strategic planning. KPIs play a key role in strategic planning, helping management to determine priority areas of development and adjust strategies depending on the results obtained.

– Continuous improvement. Regular analysis of KPIs encourages the continuous search for opportunities to improve processes, products and services, which is key to maintaining competitiveness in the market.

– Identification and management of risks. Timely detection of deviations from KPI targets allows prompt response to potential problems and minimizes risks.

Establishing effective KPIs is a complex process that requires a deep understanding of the organization's goals, culture, and specific market context. However, the investment of time and effort in this process directly affects the success of the organization as a whole and its ability to achieve strategic goals.

Directions for using data analytics for personnel development. Data analytics play a critical role in modern HR management, providing HR professionals with a powerful tool to optimize talent development and retention processes. Thanks to deep data analysis, organizations have the opportunity not only to identify the hidden needs of their employees, but also to adapt development strategies in order to maximize their potential. This process covers several key areas, from identifying individual learning needs to predicting future performance, and includes analyzing employee engagement and satisfaction. Effective use of data analytics also allows you to optimize hiring processes, ensuring the attraction and retention of the most talented personnel.

Below, we will take a closer look at these areas and reveal exactly how data analytics can transform approaches to staff development in organizations:

– Determining the training and development needs of employees is a critical process that allows organizations to ensure their continuous professional growth and adaptation to changing market demands. The use of data analytics in this process opens up new possibilities for an accurate and effective approach to learning. Here's how data analytics can be applied to identify learning and

development needs:

– Performance and competency analysis. Collecting and analyzing data on the current performance of employees and their competencies allows you to identify gaps in knowledge and skills. This may include performance appraisals, analysis of self-assessment results, and feedback from peers and supervisors.

– Identification of market trends and needs. Analyzing external data, such as labor market trends, new technologies and methodologies in a particular industry, helps identify future training needs to support the organization's competitiveness.

– Surveys and feedback. Collecting and analyzing feedback from employees through surveys and interviews can reveal unspoken needs and desires regarding their professional development.

– Analysis of historical training data. Examining data on previous training and its effectiveness can provide insights into which training methods and formats have been most successful and help plan future training programs.

– Modeling and forecasting. Applying advanced analytics, such as machine learning, to analyze data can help predict future training needs based on employee development trends and changes in business strategies.

Using data analytics to identify training and development needs allows organizations to create targeted, personalized and flexible training programs. This increases training efficiency, promotes talent development, and ensures a high level of employee satisfaction and motivation.

Predicting the success and determining the potential of employees are key aspects of strategic personnel management, which allows organizations not only to adapt to changing market conditions, but also to effectively plan future development. Applying data analytics in this context opens up opportunities to gain a deep understanding of the talent working in the company and their potential for further growth. Not only does this help identify high-potential employees, but it also helps in designing individualized development programs that target their unique needs and goals.

By analyzing historical performance data, behavioral assessments, and other metrics, companies are able to identify patterns that predict success in specific roles or on specific projects. This allows not only to optimize the allocation of resources, but also to ensure that employees receive the necessary support and training to reach their maximum potential. In addition, the use of advanced technologies such as machine learning allows organizations to predict future performance based on comprehensive analysis of available data, including external factors and market trends.

Effectively predicting the success and potential of employees not only increases the overall productivity of the organization, but also contributes to the creation of a motivating work environment where each employee feels his contribution to the overall success of the company. This approach helps strengthen the relationship between management and staff, ensuring a high level of engagement and job satisfaction.

Analytics of employee engagement and satisfaction plays a crucial role in the personnel management strategy of modern organizations. Because engaged and satisfied employees are often the key to increased productivity and innovation, it's important to understand what motivates and worries your staff. The application of analytics allows for deeper analysis and understanding of

these aspects, providing management with a detailed picture of the state of engagement and satisfaction within the company.

Using data from surveys, assessments, focus groups, and information from social networks and other communication platforms, organizations can identify not only general trends, but also specific issues and challenges facing their employees. This allows not only to react to emerging problems, but also to predict potential risks to reduce the level of engagement and satisfaction, as well as to implement measures to prevent them in time.

In addition, data analysis helps identify the factors that most influence employee engagement, including work environment, corporate culture, leadership style, opportunities for professional development, and work-life balance. With this information, management can develop targeted programs and initiatives aimed at increasing satisfaction and engagement, such as mentoring programs, leadership training, flexible work schedules, and more.

Given the impact of engagement and satisfaction on the overall performance and success of an organization, analytics in this area is an essential tool for any modern leader. It not only helps to improve the internal atmosphere and reduce staff turnover, but also ensures sustainable growth of the company through the development of its main asset – human capital.

Conclusions. Optimizing recruitment processes and talent retention is an important component of a successful HR strategy in any organization. In today's dynamic business environment, where competition for talent is becoming increasingly fierce, the ability to effectively attract and retain highly qualified professionals can be a key factor in a company's success. The use of data analytics in these processes allows you to significantly increase their efficiency, revealing the most productive recruitment methods and employee retention strategies. Data analytics helps identify the key factors that influence the success of the hiring process, from determining the most effective channels for attracting candidates to assessing their potential for future development within the company. This approach allows not only to reduce the time for searching and selecting candidates, but also ensures a high correspondence between the needs of the organization and the competencies of employees.

In addition, data analysis plays a key role in developing talent retention strategies. Studying the reasons for employee turnover, analyzing the level of employee satisfaction and engagement, as well as evaluating the effectiveness of loyalty and motivation programs allow companies to develop targeted initiatives aimed at ensuring a high level of employee satisfaction and engagement. This not only contributes to the retention of key employees, but also positively affects the general atmosphere in the team, increasing productivity and innovation.

Thus, optimization of recruitment processes and retention of talent with the help of data analytics opens up new opportunities for increasing the competitiveness of organizations. It allows not only to respond to the challenges of the modern labor market, but also to anticipate future needs and trends, effectively adapting to them thanks to reasoned decisions based on accurate data.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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НАПРЯМИ ЕФЕКТИВНОГО ВИКОРИСТАННЯ ДАНИХ ТА АНАЛІТИКИ У ПРИЙНЯТТІ РІШЕНЬ ПРО РОЗВИТОК ПЕРСОНАЛУ

Анотація. Сучасні компанії стикаються з великою кількістю даних про своїх співробітників, процеси в компанії та ринкові умови. Використання цих даних для прийняття рішень про розвиток персоналу може допомогти підприємствам ефективно управляти своїм кадровим потенціалом, прогнозувати потреби в навчанні та розвитку співробітників, а також планувати стратегічні кроки з позиції управління персоналом. Дослідження цього напрямку також може допомогти виявити оптимальні методи залучення та утримання талановитих співробітників, що в свою чергу сприятиме підвищенню конкурентоспроможності компанії на ринку.

Включення даних і аналітики в процеси прийняття рішень для розвитку персоналу може призвести до більш обґрунтованих і об'єктивних рішень. Використання ключових показників ефективності (KPI) і метрик може надати цінну інформацію про продуктивність співробітників, потреби в навчанні та просування по службі. Персоналізовані плани розвитку: дані та аналітика дозволяють фахівцям з кадрів створювати персоналізовані плани розвитку для співробітників на основі їхніх сильних і слабких сторін і кар'єрних прагнень. Цей індивідуальний підхід може підвищити залученість і утримання співробітників.

Оптимізація процесів найму та утримання талантів за допомогою аналітики даних відкриває нові можливості для підвищення конкурентоспроможності організацій.

Ключові слова: розвиток персоналу, кадровий потенціал, кадрове планування, аналітика даних, KPI.

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INNOVATIVE ACTIVITY OF CORPORATE-INTEGRATED STRUCTURES IN THE SYSTEM OF ACTIVATION OF ORGANIZATIONAL RESOURCES OF MARKETING MANAGEMENT

Abstract. Nowadays the formation of integrated corporate structures in Ukraine can become one of the tools to counter foreign competitors, the creation of large export-oriented structures that can make investments in enterprises of related industries in order to guarantee their supply of raw materials, sales of products, filling the domestic market with domestic products; consolidation of financial resources of enterprises, stabilization, social condition in the regions of economic presence of companies in view of the creation of new jobs, increase of the tax base through loading of existing and deployment of new productions of their capitalization.

The study of integration processes, their nature, and economic significance made it possible to generalize theoretical definitions of the very essence of integration and its types, to emphasize that in the conditions of modern economic development, one of the forms of integration development is the creation of integrated corporate structures. Integrated corporate structures are an effective form of consolidation of investment resources, knowledge-intensive technologies and production capital, that is, they are the most optimal organizational form of implementing the innovation process.

Considering the purpose of this article is the study of the current problems of the innovative development of corporate-integrated structures in the system of activation of the

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organizational resource of marketing management and the determination of ways to solve them. To achieve the goal, the methods of analysis and synthesis, induction and deduction, comparison, classification, system approach, statistical analysis, structural and logical generalization were used.

The article studies and summarizes the global experience of corporate management. The Polish practice of successful operation of integrated corporate structures is considered. A statistical analysis of the activities of joint-stock companies in Ukraine was performed. The problematic state of the innovative development of corporate structures of Ukraine is considered and ways to eliminate it are determined. Peculiarities, factors, organizational forms, models, types of scientific, technical and innovative activities of corporate structures in Ukraine were studied. The organizational design of the company is proposed, which is aimed at attracting organizational resources. The priority areas of innovative development of corporate-integrated structures in Ukraine have been determined.

Keywords: *corporate integration, corporate integration processes, corporate management, integrated corporate structures, innovative development, innovative activity, marketing management, organizational resource, world experience, Polish practice.*

Introduction. Under the conditions of a constant shortage of state financial resources, which are directed to the support and provision of scientific, technological and innovative activities, the transfer of the center of gravity to the internal capabilities of large corporate structures is a promising way to raise and grow innovative activity in all areas of economic activity. Today, the main problem that hinders the creation of conditions for innovative management is the weakness of the state's policy to support the reproduction of industrial capital. The sector of small and medium-sized enterprises is not able to reach a position comparable to TNCs of highly developed countries, and does not serve as a basis for creating effective economic structures.

The national interests of Ukraine require the solution of the strategic problems of the country's development through the formulation of tasks related to the fierce competitive struggle that is already actively taking place in the domestic and foreign markets, which is manifested in the competition of individual enterprises and companies, in the economic and technological competition of Ukraine with other countries, choosing their place in the global economy. It is from these positions that company management methods should be formed, including adequate economic and legal norms, rules, and regulators.

However, the role of organizational resources of the state remains important, including the development of a system of state programs; stimulation and support of favourable and stable conditions for the development of the most effective forms of large-scale production and its integration with financial capital; effective management of state property; regulation of the development of financial markets and their infrastructure; antimonopoly regulation and stimulation of competition, control over the activities of natural monopolies. That is, the main purpose of using the organizational resource of the state for the sustainable development of the economy of Ukraine is the formation of favourable conditions for the successful operation of large corporate structures – the main leaders of industrial and scientific and technological policy (Fedulova, 2007).

Given this, in modern business conditions, the capabilities of corporations can become one of the main factors in ensuring the competitiveness of the Ukrainian economy.

Analysis of recent research and publications. In the modern world economy, the process of integration takes place in various forms in space and

time, which is intensified and accelerated under the influence of globalization processes, and causes the formation of various types of business structures. The problems of substantiating the theoretical and methodological foundations of the evaluation and substantiation of corporate integration processes were considered in foreign works (Shidpour et al., 2023; Hariyani et al., 2023; Andersen & Bering, 2023; Velte, 2023; Lie, 2023; Ceesay, 2023) and Ukrainian economist scientists (Kyzym et al., 2007; Hutsaliuk, 2017a, 2017b, 2017c; Lutsyshyna, 2019; Shatska, 2019; Iaremenko et al., 2021; Vlasenko et al., 2022).

The analysis shows that recently scientists (Abdekhoda & Dehnad, 2023; Bajolle et al., 2023; Banihashemi et al., 2023) thoroughly research the mechanisms of managing the development of business integrated structures and pay considerable attention to the essence and features of the organizational resource.

Despite the wide range of scientific research on the chosen topic, the multifacetedness and debatable nature of certain issues require further development. And especially the solution to this problem is actualized at the current stage of globalization transformations in the conditions of smart specialization and modernization of the national economy, the formation of a new paradigm of corporate management.

The purpose of this article is to study the current problems of innovative development of corporate-integrated structures in the system of activation of the organizational resource of marketing management and to determine ways to solve them. To achieve the goal, the methods of analysis and synthesis, induction and deduction, comparison, classification, system approach, statistical analysis, structural and logical generalization were used.

Formulation of the main material. In recent decades, integrated business structures have become increasingly important in the development of the world economy. The most common forms of business integration are concerns, financial and industrial groups, and strategic alliances. Integrated business structures are recognized as a means of implementing joint activities, mutually beneficial cooperation, improving the division of labour and cooperation through the formation of production and organizational structures adapted to specific conditions (Kosata, 2015).

On the basis of a comparative analysis of the features of corporate governance in the world, characteristic features have been determined on the example of some countries (Rodionova, 2017). Thus, Great Britain, the United States, Canada, and Australia have the following characteristics: the participants are: shareholders, directors, managers, government agencies, stock exchanges; the share ownership form is associated with the absence of significant investors dominating over others in corporations; dispersion and blurring of the share capital of corporations, which facilitates the flow of shares from one owner to another; finding the majority of shares in the ownership of institutional investors – pension and mutual funds; rather limited influence of shareholders on the activities of the corporation (lack of right in determining the level of dividends, superficial role in hiring or firing managers); the presence of an additional link in the structure of corporations – the board of directors (consisting of insiders and outsiders), which is elected by shareholders and acts as their representative, defends their interests in the corporation; strict disclosure requirements.

Germany, Austria, Switzerland, Belgium, and France are characterized by such signs of corporate governance as: presence of highly concentrated share capital; the presence of a bicameral Council consisting of the Management Board – the Executive Council (company managers, insiders) and the Supervisory Board (representatives of shareholders, employees and company employees). Chambers are completely separate, simultaneous membership in the Management Board and the Supervisory Board is excluded; only independent directors can be members of the Supervisory Board; the executive council (board) of the corporation is a collegial body, as a rule, all members of which have equal rights; the close connection of banks with industry, which is manifested in the cross-industry integration of industrial concerns with financial institutions into horizontal industrial and financial associations; the participation of banks not only in the financing of investment projects, but also in the management of the corporation through the election of representatives delegated by them to the Board of Directors; clear distribution of control and executive functions in the management of the corporation; inclusion of representatives of workers and employees in the Supervisory Board; establishment of the number of the Supervisory Board by law, which cannot be changed by shareholders; the legalization of restrictions on the voting rights of shareholders, that is, the possibility of limiting the number of votes a shareholder has at a meeting by the charter of the corporation, and this number may not coincide with the number of shares he owns; more relaxed disclosure requirements.

As the analysis shows, Poland is an example of the best practice of a structural and well-grounded and formed approach to the corporate management of the economy. Immediately after gaining independence, Poland began European integration. This made it possible to sign the European Agreement in 1991. An important step at this stage was the adaptation of Polish legislation to EU legislation. In this regard, it was necessary to modernize the agricultural sector. In the field of small and medium-sized businesses, implement institutional support in order to increase the competitiveness of Polish businesses on the territory of the European Union. Such actions led to the fact that in 2011 more than 3.6 million entrepreneurs were registered in the country that is, almost every 10 Poles had their own business.

A key stage in Poland's transformation was large-scale privatization. About 45 % of the country's industry was owned by the private sector within two years. The next step to success was the removal of restrictions on the share of equity capital for foreigners. Tax incentives for foreign investors were established. The new law removed all restrictions on the export of profits and the size of investments. The reforms gave results. And already in 2004, Poland became a full member of the EU. In 2013, Poland laid down a national strategic vector, as the Strategy for the Development of Poland 2030 was adopted.

According to the data of the Polish Economic Institute (Ambroziak et al., 2023), the amount of direct foreign investment to Poland in 2021 increased by 82 % and amounted to 24.8 billion dollars. Thus, the country took 14th place in the world and 3rd place in the EU after Germany and Sweden in terms of inflow of foreign direct investments. Previously, the record volume of investments in Poland was recorded in 2007, which amounted to 19.9 billion dollars. According to the results of 2021, the total value of foreign investments in Poland amounted to 269 billion dollars. Previously, Poland was not among the largest European

investors, led by Germany (1,417 projects worth 43.8 billion dollars), Great Britain (1,125 projects worth 37.4 billion) and France (725 projects worth 28.9 billion dollars). Currently, foreign investors invest the most funds in the sphere of production – 42 %, financial services – 22.7 %, as well as motor transport and communication – 12.1 % (Błędowska et al., 2023).

Currently, such private companies as Dino Polska (company value 6.2 billion dollars), InPost (4.03 billion dollars), Cyfrowy Polsat (3.65 billion), LPP (3.3 billion), Synthos (2.66 billion), Polpharma (2.33 billion), Grupa Maspex (2.01 billion), CD Projekt (1.85 billion), Techland (1.66 billion), Polenergia (1.52 billion USD), etc.

The Dino Polska company is a Polish chain of medium-sized supermarkets located in the most convenient places for customers. Over the past few years, the network has shown dynamic growth. Thus, the Compound Annual Growth Rate (CAGR) in 2017-2021 was 49.9 %, and over the past four years, revenues have tripled. The number of stores will also grow rapidly: if at the end of 2010 the company had 111 supermarkets, then by the end of 2021 there will be 1,815 of them.

In 2016, things did not go well for InPost. This is due to the fact that at that time the postal business of InPost was losing to the national post office for almost two decades. Everything was changed by the investment of the Boston Company Advent International, which helped to pay off all the company's debts and contributed to the development of a new direction for the company – the installation of post offices. Currently, there are about 18,500 post machines in Poland. InPost became a public company in January 2021 on the Amsterdam Stock Exchange, where it was valued at \$ 9.7 billion at the time. InPost is trying to expand abroad: its post offices are in Great Britain, Italy and France. The latter company entered the market with the help of the purchase of Mondial Relay for 565 million euros.

The largest Polish chemical concern Synthos supplies rubber to all major tire manufacturers in the world. In addition to scaling up the rubber business, Synthos is gaining access to new technologies that allow it to produce a new generation of low-resistance tires used in, among other things, electric vehicles. This will allow the company to enter a new market with higher profitability.

Polenergia, the leading Polish producer of renewable energy, is taking advantage of the trend towards greener energy sources. Today, the company's income depends on wind energy. This company is one of the few that is gaining momentum on the stock exchange, despite the general trend of falling shares. Polenergia shares grew by 27 % over the year. At the same time, the company established cooperation with global structures in the market of renewable energy. Thanks to cooperation with the Norwegian company Equinor, her company has become the largest player in the renewable energy market in the Baltic Sea, which is currently the most promising field for the development of renewable energy in Poland.

If we consider Ukraine, it is worth noting that today the joint-stock sector of the national economy consists of public and private joint-stock companies (JSC). As of January 1, 2020, 13748 JSCs were registered in Ukraine, of which 1280 were public (9.3 %) and 5370 (39.1 %) were private. The dynamics of the formation of the quantitative composition of joint-stock companies in Ukraine during 2015-2020 characterizes an almost stable trend of this process, which

from the point of view of economic theory does not contribute to the disclosure of the potential of corporate entrepreneurship and its impact on the innovative development of the country. However, according to the State Statistics Service of Ukraine, the total number of joint-stock companies decreased by 11.7 % due to a decrease in the number of public JSCs by 69.1 % of public JSCs. And the number of private joint-stock companies, on the contrary, increased in 2020 compared to 2015 by 54 % (Table 1).

Table 1

Number of joint stock companies in Ukraine

Years	the total number	Including	
		public JSC	private JSC
01.01.2016	15571	4149	3486
01.01.2017	15206	3122	4348
01.01.2018	14710	2186	5076
01.01.2019	14310	1727	5304
01.01.2020	13902	1418	5352
01.01.2021	13748	1280	5370

Source: State Statistics Service of Ukraine (2021). The number of legal entities by organizational and legal forms of business.

In the corporate sector of the economy during the specified period, one more trend remains noticeable – the implementation of periodic processes of property redistribution through the reorganization of joint-stock companies. In particular, their specific weight for the period from 2010 to 2022 decreased from 52.1 to 40 %, which is a consequence of bankruptcies and consolidation of enterprises. Transformation processes of enterprises into other corporate structures are taking place passively in Ukraine. However, most of the leading Ukrainian industrial companies have already clearly recognized the fact that they do not have and will not have the resources to restore the entire existing technological park. The costs of repairing old equipment are often close to the costs of purchasing a new one. Our analysis made it possible to see a picture of the problematic state of innovative development of corporate structures in Ukraine, caused by insufficient use of organizational resources, and to propose ways to eliminate it (Fig. 1). The alternative in this situation is cooperation, concentration of resources on serious technological modernization.

As mentioned earlier, the formation of a new technological system takes place through the formation of clusters of technologically connected industries, which are formed along the directions of the spread of its key factor. Large companies and business groups play a leading role in the coordination of innovation processes in clusters of technologically connected industries. They are system integrators of the innovation process that takes place in various links of the innovation system. Large knowledge-intensive companies can take on large-scale financial and technological risks when developing new technologies.

Such companies control sales channels, are the owners of formats and standards, which becomes an important competitive advantage in high-tech markets. In addition, they create and develop technological platforms. The underdevelopment of such companies is the main strategic weakness of the russian innovation system.

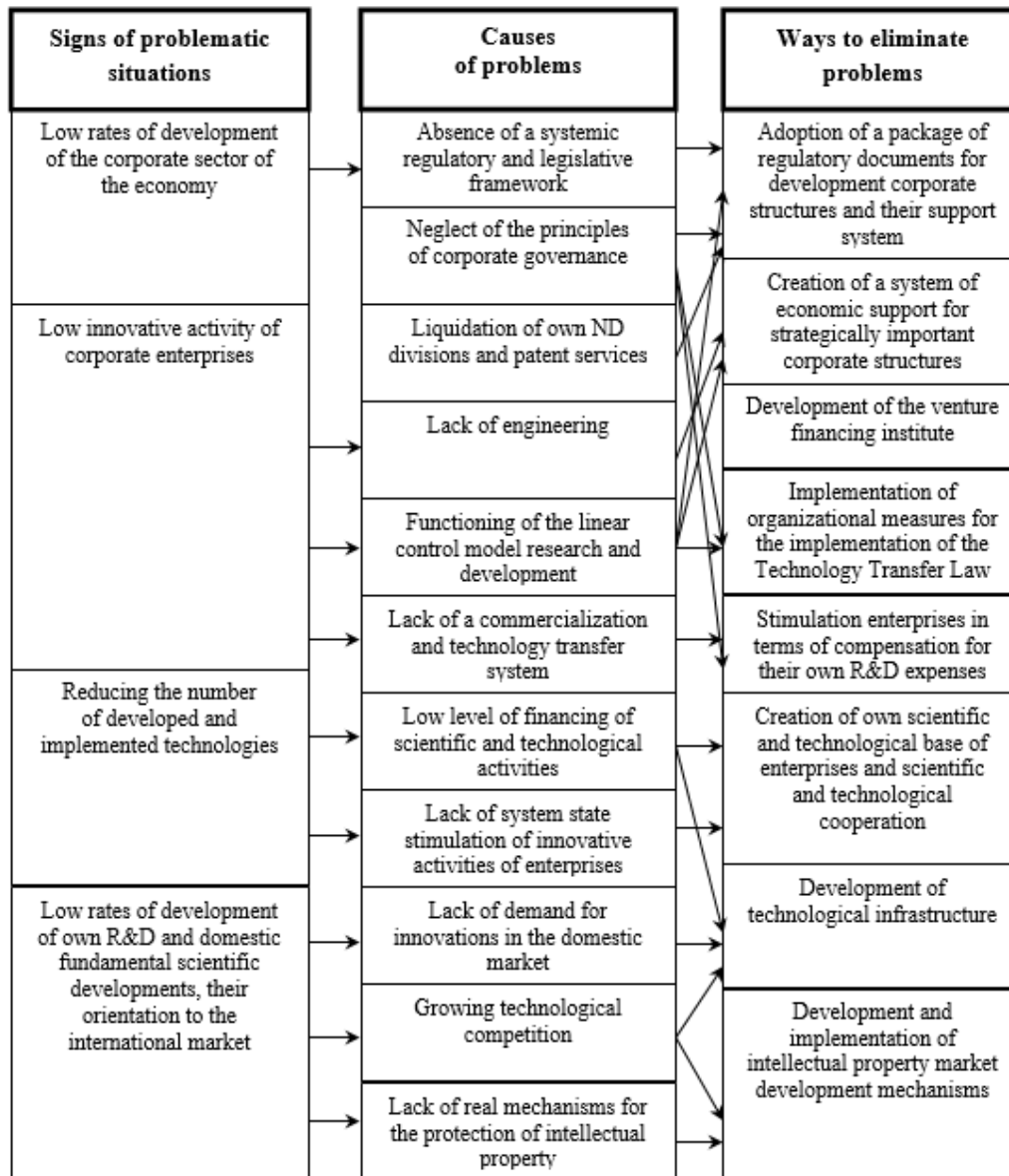


Fig. 1 – The problematic state of innovative development of corporate structures of Ukraine and ways to eliminate it

Source: developed by authors

However, today one of the weak points of the innovative system of Ukraine is the low capacity of corporate research and development, despite some encouraging developments of the last two or three years. Attempts to shift quasi-market research from public organizations to private firms, to stimulate the creation of technology firms, to encourage private investment in research and development, and to attract foreign investment in research and development have generally failed.

In addition, although empirical data is scarce, it can be assumed that Ukrainian business (private firms, as well as state-controlled manufacturing and service enterprises) is mainly involved in the developing part of research and development and has a stronger tendency than its Western counterparts to import

research and development already in the form of manufactured equipment. This has important implications for domestic manufacturers of such equipment, who find it difficult to develop and finance a survival strategy through technological modernization, thus supporting an ambitious research and development program. Ukrainian companies were too large, had debts and liabilities and were not very attractive to foreign investors. Short of liquidation, their only prospect would be to transform into small new businesses that would attempt to match the chosen themes of their research and technology portfolio with market opportunities. Of course, this process causes the loss of a fairly significant part of such a portfolio in the absence of privatization of results with high market potential, which is often beyond the capabilities of small new firms.

Retrospective allows us to pay attention to experience: under conditions when a technological shift occurs, new markets emerge, the usual conditions of the game change or new business models are developed, previously stable economic entities suddenly become vulnerable (the latest global economic crisis is proof of this). One of the main problems of such a state is that the organization of management with discretion requires a completely different set of competencies for the creation and management of innovations. Searching in unusual places, building relationships with unknown partners, placing resources in high-risk projects, researching new opportunities for business development – these can be means of innovation management in the conditions of technological changes, when the dynamics of economic process transitions into a new quality of development.

The researches we have conducted at actual operating enterprises have shown that in all cases there are organizational innovations: the creation of marketing services, the implementation of a complex of organizational measures, including the separation of production into subsidiaries, the creation of a trade network. However, each enterprise necessarily has its own organizational nuances, and where the initiator of the innovation is clearly the director (who can also be a pronounced autocrat), the process of making a decision to implement innovations is formal. Such enterprises have a Board of Directors headed by the same director. Therefore, the decision to carry out an innovation, although it is discussed at the council, is made, in fact, individually. Members of the Council (Directors or Technical Council) are assigned the role of implementing the idea. Judging by the reports, the Technical Council includes the first managers of the enterprise, leading specialists who must organize the work on comprehensive consideration of the proposed initiative and make a decision. At the same time, the technical and economic justification of the project, which has a different form (business plan, production development plan, program of organizational and technical measures, etc.) must be drawn up. At the same time, at the "Equator" enterprise, such a plan is drawn up by the director, the deputy for production and the chief engineer, and the operating document at the enterprise is the orders of the Directorate of the enterprise.

In principle, the mechanism for making a decision on innovations does not differ from the above-described scheme in the case when the author of the idea of innovation becomes the head of the middle management. In our research, he is the head of the department in auxiliary production at JSC "Ekvator". In this case, a link is added to the above-mentioned scheme – access to the Board of Directors. It follows from the report that initially the author of the idea informs

the management of the enterprise about it at a conference call. Then the result of the discussion is formalized in the form of a written application submitted in the name of one of the deputy general directors. He, in turn, submits this proposal to the Board of Directors, which decides its fate. In the case of a positive decision, the relevant services are given the task of comprehensively working out the innovation, specific deadlines for the implementation of measures are determined. If the innovation relates to the creation of new products, then the development is introduced into production first in the form of experimental batches. This option of making a decision on carrying out an innovation is ineffective, because the extension of the chain of access to the owner, which decides the fate of the project, takes time. The initiative for jobs is almost completely ignored, the planning department does not have time to deal with the calculation of the economic efficiency of such proposals. Therefore, workers or engineers have to calculate everything independently, the calculations are considered secondary and are rarely implemented in production. In addition, there are no financial incentives to put forward and substantiate such proposals. Effective implementation of new technology is possible only with the initiative "from above", starting from the level of the head of the workshop.

In the case when the initiator of the innovation is the customer, the mechanism of decision-making on the innovation coincides with a similar case at state-owned enterprises. That is, initial agreements are reached between the managers of two enterprises during their personal meeting. Then, the company's specialists and services are included in the innovation development process, according to the profile of the innovation. In this case, the business plan is not developed, because the customer assumes all costs for the preparation of new production, provides technical documentation.

Thus, the analysis of the reports showed that all joint-stock companies are characterized by a wide range of innovations. The reasons for innovation are: competition and expansion of the sales market for its products, including entering the foreign market, inefficient work of individual factories. The degree of democratic decision-making depends on the power (authoritarianism) of the owner, which can be both external (a third-party organization) and internal (the CEO).

In order to identify organizational management structures (OSU) that have the highest level of innovative receptivity, it is necessary to investigate the following types of them: linear, functional, linear-functional, staff, methodical, line-staff, divisional, matrix, "network", temporary working groups (flexible). The results of the study showed that a high level of innovative receptivity is typical for the last four types. At the same time, there is no single type of OSU that is optimal for all enterprises. Therefore, the choice of the type of OSU depends on the goals, strategy of the company, its scale and resource provision, namely:

– Divisional type of OSU should be chosen in those cases when we are talking about a large industrial enterprise, where innovative projects are difficult to implement due to rigid bureaucratic management methods, which lead to loss of flexibility and mobility of the entire enterprise as a whole. Therefore, the creation of independent divisions aimed at the implementation of innovations will be an effective solution in such conditions;

– Matrix type of OSU is intended for enterprises in which the process of implementing several innovation projects is simultaneously taking place, while

the ascending organization must have the ability to quickly form groups of specialists from all profiles of each innovation project, and it is also necessary that the basis is an informal management style;

– Temporary working groups give a great effect at the initial stages of an innovation project, because their composition includes a few highly qualified specialists. Test samples, which can be used to judge the prospects of an innovative project, are created in a short time. However, such formations only truly justify their existence when they include specialists of a high level of competence, and the entire organization as a whole has a high degree of receptiveness to creative ideas;

– Network approach should be used in those cases when the project requires the interaction of many organizations (research centres from different areas of the innovation project, several enterprises) (Liashenko et al., 2021; Khaustova & Trushkina, 2022).

The features of a science-intensive innovative enterprise (a long production cycle, the need to involve specialized design bureaus (DB), a large number of cooperative relationships, a narrow range of consumers, etc.) require the coordinated and effective work of many performers, the great scientific potential of designers. Such an organization of production can be implemented within the framework of a research and production complex, in the structure of which there is an innovator – DB, which ensures the production of an innovative component, and a financial donor, which, in turn, is an investor in new developments, projects of new products (Chernov, 2007). Currently, in Ukraine, it is expedient to work out organizational and production approaches to the formation of the structures of the future scientific and industrial complex.

As observations show, five stages of innovative development that Ukrainian enterprises go through can be conventionally identified.

At the first, various internal organizational and management innovations are carried out: relations between divisions are structured, planning and budgeting are implemented, personnel are updated, management information processing is computerized, and ERP systems are implemented.

Then second stage of market innovations begins: building sales and distribution networks, logistics chains, marketing policy, sometimes vertically integrated companies are created, packaging and product design changes.

The third stage is modernizing innovations: equipment is modernized, new product ranges are created (without significant changes in technology), quality and knowledge management systems are introduced, new product development departments are created.

The fourth stage is associated with the implementation of a serious technological recovery, when ready-made technological lines (mostly from well-known foreign manufacturers, which have sometimes already been used) and technologies are purchased, research units are created, the task of which is to develop original products based on these technologies; new unoccupied market niches are searched for, automated design systems are implemented.

And only at the fifth stage, when enterprises begin to realize that with the help of known solutions it is impossible to achieve a cardinal advantage in the competition, they move to their own technological innovations: they develop original technologies, create corporate research and venture funds, enter into an alliance with specialized scientific teams, buy small innovative enterprises,

diversify into high-tech, rapidly developing market segments, and pursue an active patent-licensing policy.

The analysis of the organizational structures of machine-building corporations engaged in research and development showed that the most widespread is the organizational structure of management, which consists of a horizontal project group and a vertical hierarchy of functional divisions. The implementation of project management in line-functional organizations affects the hierarchy of authority, responsibility, organizational procedure, the order of resource allocation, and the establishment of relative priorities in the organization. Production goals are focused on cross-functional requirements and mutual agreement of solutions. The implementation of project management leads to a change in the nature of the interaction of units, creates real organizational problems for both project and functional units. In turn, for the effective management of a research unit, a matrix structure will be appropriate – an organizational formation that is created temporarily – for the period of development and implementation of an innovation, includes specialists of various profiles, administratively subordinate to the heads of the corresponding permanent units, but temporarily sent to work in a temporary structure for carrying out work according to a certain specification.

The mechanism for making a decision on carrying out an innovation depends on the form of ownership of the enterprise and on who is the initiator of the innovation (owners of the enterprise or third-party organizations). If the initiative comes from a third-party organization, then it actually determines all initial measures regarding the organization of the innovation: provides information about the type of innovation, calculates technical documentation, fulfils financial obligations. At the same time, this process is the most formal for state-owned enterprises, because the tasks can be directive in nature, which implies the obligation to implement the decision and the methods of its implementation. In this case, discussions and calculations on projects are often not held at the enterprise.

The existing long-term shortage of financial resources, the dispersion of which among small entities and the lack of a limited number of priorities for their direction does not give the opportunity to concentrate them on the implementation of large-scale projects, requires a return to the practice of concentration of production in Ukraine. From these positions, the implementation of the concept of industrial policy, as well as the process of integration, cannot be carried out by taking into account formal documents. In practice, modern mechanisms of organizational transformations should be more actively implemented in the activities of every strategically important corporate enterprise on the basis of merger and acquisition processes, synergism of integration actions, and the relationship between organizational and control functions.

The analysis of the functioning of the leading corporations of developed countries shows that they have created such an innovative structure and management culture, in which the directions of technological development are integrated into general strategic plans, and the growth policy is directly related to the constant development of promising products and penetration into new areas of activity. The search for effective organizational forms of innovation management goes in two directions:

1) Selection and separation of units dealing with innovations and long-term problems of enterprise development;

2) Creation of a mechanism for integration and coordination of the activities of subdivisions during the development and implementation of innovations.

Most companies monitor the emergence of new scientific knowledge even at the first stage of R&D – the stage of conducting fundamental research with the aim of gaining leadership in the scientific and technological race. Therefore, the share of intellectual capital in the total capitalization index of an average modern high-tech corporation reaches 85 %. As a result of the implementation of innovative development strategies and registration of rights to the technologies created at the same time, companies form their portfolio of patents, which allows them to maximally secure the rights to use inventions in this field and block the research and development of competitors.

After that, based on the results of research and development, as well as experimental studies, international standards are formed and licensing rules are established, within the framework of which all products entering this market segment must be developed and produced. At the same time, the rights of other competitors to enter product markets are extremely limited. As a result, a powerful expansion of science-intensive products to selected sectors of regional markets is carried out, besides, pressure is exerted not only on other developers of science-intensive products, but also on manufacturers, which creates additional conditions for the monopolization of production and sale of products. In fact, the transformation of a limited monopoly into a natural monopoly is carried out.

In most cases, corporations, performing R&D, create not only objects of industrial property, but also other competitive advantages. So, for example, the introduction of intangible assets into one's activities and effective management of the latter allows not only to protect the business, but also to increase the value of the company, increase the size of assets, and also provide additional income through the sale of licenses.

Most industrial enterprises of Ukraine engaged in R&D are limited to development. At the same time, some industrial enterprises conduct applied research, and some also conduct fundamental research: CJSC "NKMZ", JSC "Motor Sich", "Sumy NVO named after Frunze", OJSC "Turboatom", OJSC "Nord", OJSC "Azovmash". However, the majority of innovative and active domestic enterprises have concentrated their scientific and technical potential mainly on the improvement of existing products, which, in our opinion, is due to the lack of fundamental and applied research. In conditions of limited financial resources, enterprises need indirect stimulation of innovative activity by the state, which is possible when the moratorium on the effect of tax benefits for innovatively active enterprises, provided for in the legislation, is lifted.

In Ukraine as a whole, according to the results of the analysis, the following trends and regularities were found in the direction of ensuring the use of the organizational resource of corporations in the implementation of R&D:

1) Vast majority of enterprises pay insufficient attention to R&D, due to the lack of an effective mechanism for implementing the strategy of innovative development;

2) Most of the applied research and development is carried out by the

branch sector of science, while the factory sector accounted for only 16.0 % of the total development;

3) Share of R&D expenditures by the factory sector, in the total volume of national expenditures, is very low – 8.6 % in 2016; the tendency of stagnation of the factory sector in terms of the number of research organizations continues, in contrast to other sectors, where a certain stability is observed; the number of R&D performers in the factory sector continues to decrease, in 2016 it was only 23.4 % of the 1991 level;

4) There is a small number of enterprises in Ukraine, that perform the entire cycle of R&D, and in general, the factory sector in 2016-2022 accounted for about 5 % of the total number of organizations that performed R&D on their own in the 4th sectors of science.

From a theoretical point of view, the effectiveness of the R&D stage is influenced by the following factors: conducting R&D in directions that correspond to the effective development of an industrial enterprise in the perspective of a market economy; concentration of qualified personnel at the R&D stage of the enterprise; study of the innovation market, both sectoral and global; acquisition of licenses or ready-made technologies for the production of products that meet the requirements of the efficiency of the industrial enterprise; creation of a powerful material and technical base, the degree of equipment of which will ensure the most productive conduct of the R&D stage; involving, if necessary, third-party organizations for R&D; provision of sufficient funding for the complex of works at the R&D stage; systematic assessment and selection of projects in the early stages of R&D (Pidorycheva & Trushkina, 2021).

At the same time, our research shows that the low effectiveness of using organizational resources both in Ukrainian industry in general and in the corporate sector in particular is explained by a whole set of factors. Thus, the unstable economic situation makes it difficult to reliably assess the demand for innovative products, even in the short term. Often, the need for such products may disappear even before they appear on the market. In combination with insufficient experience in marketing research, this factor serves as a serious obstacle to the promotion of new products to consumers in the domestic market, and the low level of competitiveness of innovative products and services makes it difficult to promote them to foreign markets.

The low level of demand by the domestic economy for innovations and new technologies is due to the following circumstances:

1) Lack of fair competition between enterprises on domestic markets, many of which are monopolized and controlled by criminal structures;

2) Sharp drop and subsequent slow growth of demand for goods and services in the domestic market;

3) Low level of competitiveness of domestic goods and services, which, in turn, leads to a low level of utilization of production capacities and a lack of working capital for ordering R&D and new technologies;

4) Imperfection of tax legislation and the need for most enterprises to pay for R&D and new technologies from profit, etc.

This condition stabilizes and preserves the low technological level of industry, since investment flows are mainly directed to raw materials industries. This is confirmed by the critical condition of the modern production base of Ukrainian industry. So, in Ukraine, the process of restoring production has

actually stopped. Only 11.2 % of industrial enterprises develop and master innovations (for comparison: 60-80 % is considered the norm in developed economies).

Against the background of the degradation of the technological structure, the volume of scientific research and development, which previously fuelled high technologies, has sharply decreased. R&D expenditures decreased by 5 times and approached the level of countries with low scientific and technical potential. In particular, in 2022, R&D spending in Ukraine amounted to 0.86 % of GDP, while in countries with developed economies, the generally accepted figure characterizing the share of science spending in GDP ranges from 2-3 %. A fact that shows the low level of spending on science is the indicator of spending on R&D per capita. In Ukraine, this figure was 20 dollars in 2022, while in the USA it was 964 dollars, in Japan it was 838.4 dollars, in Sweden it was 1149 dollars, in France it was 598 dollars, and in Germany it was 654.3 dollars. The constant underfunding of science has turned it into an expendable sphere, which practically excludes the possibility of using science as the main factor of economic growth, since analytical estimates show that economic return comes when the critical level of science intensity of GDP is reached, which is at least 1.5-2 %.

Among the factors of a production nature that hinder R&D, the low innovation potential of enterprises, lack of information about new technologies, almost complete lack of information about sales markets, and insufficient opportunities for cooperation with other enterprises and organizations can be noted. All these negative circumstances are a consequence of the rupture of previously formed industrial, economic and informational ties. Lack of information from both developers and potential investors is also a negative factor in the actual implementation of R&D.

The innovation market includes demand determined by enterprises capable of introducing promising technologies into production and investing in high-risk projects, and supply for scientific and technological developments, which is formed by scientific research institutes and separate teams of inventors engaged in the development of new technologies. A prerequisite for the effective functioning of such a market is free access to information from both buyers and sellers, and a high level of intellectual property protection. If property rights are not sufficiently protected, any incentives for private investment will be ineffective. Therefore, the presence of effective laws and mechanisms for the protection of innovations can be seen as a condition for the effective implementation of scientific and technological developments. The simplest and most widespread is the application of certification and the use of patent protection.

So, the factors affecting the scientific and technological potential and the effectiveness of R&D are closely correlated. Unlike industrialized countries, in Ukraine, conducting R&D is not considered by the majority of corporate structures as a necessary condition for successful functioning in market conditions. Statistics show that the most favourable for the implementation of innovations are large industrial corporations with the number of employees from 10 to 25 thousand people, and the largest specific weight in the implementation of innovative products is occupied by enterprises with the number of employees from 100 to 200.

However, it should be noted that the processes of market transformation of the economy of Ukraine led to the development of both methodological developments and the corresponding legislative and normative-instructive framework for the functioning of economic entities, taking into account national characteristics. This directly concerns both the state and non-state sectors, as well as the corporate sector, which is an important element of the entire national economy and includes business entities from both of its components.

The reasons for the slow pace of dissemination of best practices regarding the use of the organizational resource of corporations are the imperfection of the existing system of stimulating innovative activity and the introduction by enterprises of insignificant innovations that do not require large costs and are not calculated for the long-term development of enterprises, but can significantly affect the organization of production and be the basis for the formation of innovative culture through the mechanism of innovative receptivity of employees.

The organization of R&D in corporate structures as a component of the management process is carried out on the basis of the principle of catch-up mastering of innovations. At the same time, the intensity of the mastering process and the level of development are important characteristics, not the speed or duration of the introduction of innovations.

At most enterprises, the R&D process is divided into two separate stages: 1) R&D stage and 2) DCR stage. Although these stages have many common factors, not all enterprises have the opportunity to attract investments in the GDR. On the contrary, research and development work (on various scales) is engaged in by almost all enterprises, regardless of their financial status and organizational form of management.

Under such conditions, in the institutional plan, the creation of appropriate organizational forms within the corporate structure is worthy of attention:

1) Specialized scientific and scientific consulting firms (contract work on R&D development with industrial companies, scientific and engineering expertise for customers);

2) Intensification of innovative processes, when the field of R&D turns into a functional link of a single scientific-production-marketing process oriented to market demands;

3) Formation of internal ventures as a form of integration of research and development with production;

4) Implementation teams, which include employees of production divisions, who solve tasks to reduce the time of mastering a new product into production while minimizing costs;

5) Package of means of organizational and managerial acceleration of research and development: scientific funds that stimulate the development and implementation of fundamental research projects by external specialists; dependent non-profit institutions of industry importance, created by corporations and state departments on a share basis; scientific and technical institutions of an auxiliary nature (R&D service centres), which organize the interaction of specialists from universities, industrial companies and state institutions; research associations (partnerships) of large industrial companies and leading government departments. From these positions, the organizational design of the company, aimed at attracting organizational resources, can be following (Fig. 2).

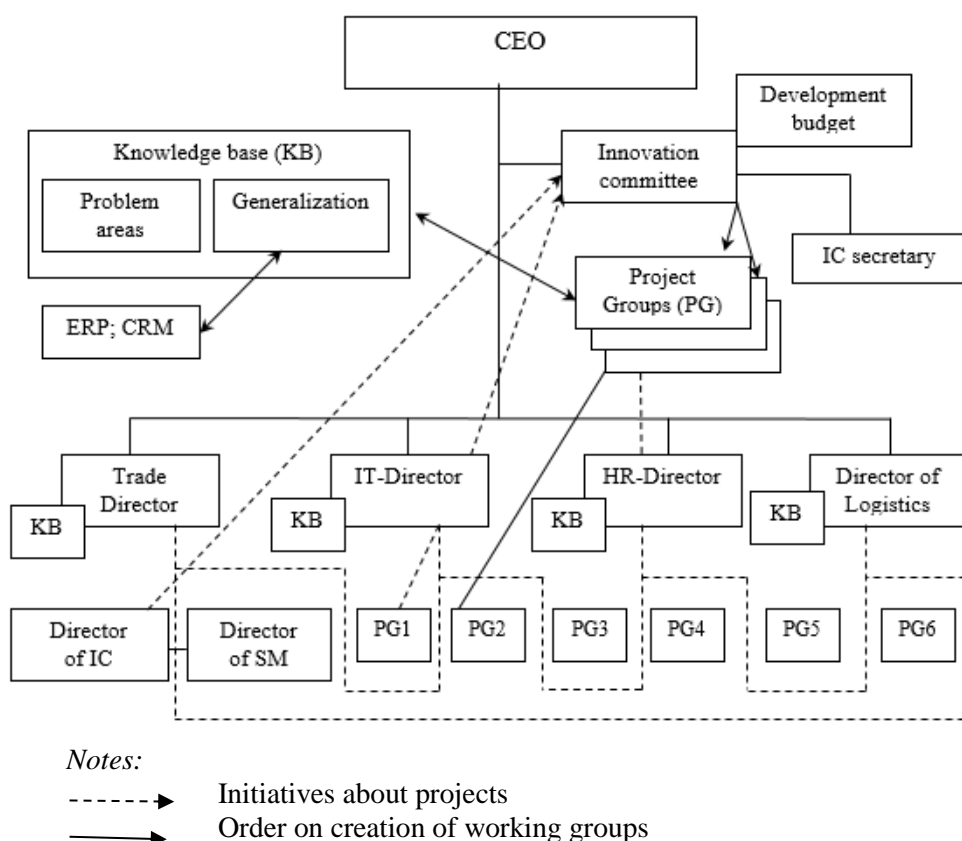


Fig. 2 – Organizational design of the company, which is aimed at attracting organizational resources

Source: developed by authors

Conclusions. As a result of the study, it was established that an important factor in the stabilization and growth of the competitiveness of the national economy is the improvement of the policy of state stimulation of the innovative activities of corporations. State policy in the corporate sector should be aimed at supporting, establishing and operating integrated corporate structures, which would ensure the saturation of the domestic as well as the world commodity market, promote the integration of production and intellectual capital, expand the scope of participation in the international division of labor and transform them into full-fledged transnational companies

Summarizing the results of the analysis reminded me of a well-known statement: if you purchase the most modern equipment, hire the best specialists, and then you can equally fail the business if the most important thing – effective management – is missing. An outstanding example of this is the case of the General Motors plant in Hamtramck (Michigan), which has been included in many management textbooks. Neither the robotic complexes, nor the automated systems, nor the best engineers and programmers involved in the work could ensure the output of even a third of the planned capacity of the new enterprise in the scheduled time. As a result, the plant, which until now has already been called the enterprise of the future, simply demonstrated phenomenal inefficiency. The reason for this is the lack of changes in the organizational

structure and labor incentive system at this enterprise.

Consequently, investments in machinery and equipment may prove to be less effective or completely ineffective without additional investments in improving the management structure and human capital. Even the "new economy" provides production with completely different information opportunities, but it is not a panacea and an automatic guarantor of efficiency and competitiveness.

Prospects for further research in this area are the development of recommendations for improving the policy of state stimulation of the activities of corporations.

Conflict of Interest and other Ethics Statements.

The authors declare no conflict of interest

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Вікторія ГОНЧАР, Олександр ЯКУШЕВ, Наталія ТРУШКІНА
ІННОВАЦІЙНА ДІЯЛЬНІСТЬ КОРПОРАТИВНО-ІНТЕГРОВАНИХ
СТРУКТУР У СИСТЕМІ АКТИВІЗАЦІЇ ОРГАНІЗАЦІЙНИХ РЕСУРСІВ
УПРАВЛІННЯ МАРКЕТИНГОМ

Анотація. На сьогодні одним із інструментів протидії іноземним конкурентам може стати формування в Україні інтегрованих корпоративних структур, створення великих експорто-орієнтованих структур, здатних здійснювати інвестиції в підприємства суміжних галузей з метою гарантованого постачання сировини, збуту продукції, наповнення внутрішнього ринку вітчизняною продукцією, консолідації фінансових ресурсів підприємств, стабілізації соціального стану в регіонах економічної присутності компаній з огляду на створення нових робочих місць, збільшення податкової бази за рахунок завантаження існуючих та розгортання нових виробництв та їх капіталізації.

Дослідження інтеграційних процесів, їх природи та економічного значення дозволило узагальнити теоретичні визначення самої сутності інтеграції та її видів, підкреслити, що в умовах сучасного економічного розвитку однією з форм інтеграційного розвитку є створення інтегрованих корпоративних структур. Інтегровані корпоративні структури є ефективною формою консолідації інвестиційних ресурсів, наукомістких технологій і виробничого капіталу, тобто є найбільш оптимальною організаційною формою реалізації інноваційного процесу.

Зважаючи на те, що метою даної статті є дослідження актуальних проблем

інноваційного розвитку корпоративно-інтегрованих структур у системі активізації організаційного ресурсу маркетингового менеджменту та визначення шляхів їх вирішення. Для досягнення мети використано методи аналізу та синтезу, індукції та дедукції, порівняння, класифікації, системного підходу, статистичного аналізу, структурно-логічного узагальнення.

У статті досліджено та узагальнено світовий досвід корпоративного управління. Розглянуто польську практику успішного функціонування інтегрованих корпоративних структур. Проведено статистичний аналіз діяльності акціонерних товариств України. Розглянуто проблемний стан інноваційного розвитку корпоративних структур України та визначено шляхи його усунення. Досліджено особливості, фактори, організаційні форми, моделі, види науково-технічної та інноваційної діяльності корпоративних структур в Україні. Запропоновано організаційний дизайн компанії, який спрямований на залучення організаційних ресурсів. Визначено пріоритетні напрями інноваційного розвитку корпоративно-інтегрованих структур в Україні.

Ключові слова: корпоративна інтеграція, корпоративні інтеграційні процеси, корпоративне управління, інтегровані корпоративні структури, інноваційний розвиток, інноваційна діяльність, маркетинговий менеджмент, організаційний ресурс, світовий досвід, польська практика.

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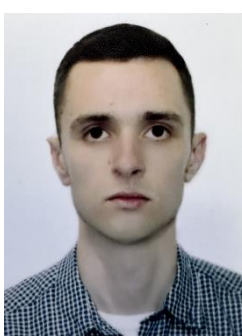
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ORGANIZATION OF PROJECT MANAGEMENT OF RAILWAY TRANSPORT INFRASTRUCTURE MODERNIZATION IN THE CONTEXT OF DIGITALIZATION

Abstract. The organization of project management of the modernization of railway transport infrastructure in conditions of digitalization is an important aspect of the development of the transport industry, which requires a deep analysis and understanding of modern trends. The article is devoted to the study of approaches to projects in the modernization of railway transport infrastructure aimed at the implementation of digital innovative technologies. The authors consider railway transport as a key element of urban mobility, which is experiencing a

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period of significant changes caused by modern trends towards digitalization and innovation.

The research substantiates the current challenges facing the industry, including the need to increase efficiency, reduce costs and improve the quality of services. Emphasis is placed on the importance of implementing the latest IT solutions, such as IoT, AI, machine learning and 5G technologies, which can provide greater security, reliability and optimization of resource management. The article defines various aspects of the modernization of railway transport, which includes not only technical innovations, but also the development of an organizational and economic project management mechanism.

The article develops an organizational and economic mechanism for managing infrastructure projects in railway transport. This mechanism includes a set of measures and structural relationships aimed at effective functioning and development of the project in the conditions of digital transformation. In particular, attention is focused on the need to implement information technologies for the automation of management processes, data analysis and strategic decision-making, as well as resource optimization and project effectiveness maximization.

The authors suggested the use of modern project management methods, such as Agile and Scrum, and the introduction of innovative approaches to the management process based on Big Data analysis and the use of artificial intelligence. Strategies for risk management and ensuring a high level of information protection in terms of digital security have been developed, which plays a key role in the successful implementation of transport infrastructure projects.

Keywords: *railway transport, digitalization, project management, infrastructure modernization, innovative technologies, organizational and economic mechanism, risk management strategies.*

Introduction. In the modern world, railway transport is going through a period of significant changes caused by global digitalization and innovation. These changes are transforming urban mobility, offering new challenges and opportunities for the development of transport infrastructure.

Digitalization of railway transport is a response to the growing needs of passengers and goods manufacturers to increase efficiency, reduce costs, and improve the quality of services. It includes the implementation of the latest IT solutions to optimize work processes, increase the transparency of activities and create new business models that will satisfy modern market demands.

Today's technological landscape is characterized by rapid development and adoption of innovations such as IoT, AI, machine learning and 5G technologies, which are changing the face of public transport. These technologies make it possible to increase the efficiency of passenger service, ensure greater safety and reliability of vehicles, as well as optimize logistics and resource management.

Research in the field of digital transformation of railways emphasizes the importance of innovation to improve productivity and service quality. Various aspects are considered, from optimizing train schedules and routing to customizing services and improving logistics using blockchain.

Such approaches play a critical role in the renewal of railways, highlighting significant benefits for increased productivity, improved safety and improved customer service. The use of intelligent control systems and automated ticket reservation platforms allows not only more efficient management of resources, but also opens up new horizons for the development of the industry.

Analysis of recent research and publications. In the field of modernization of railway transport, there is an urgent need for in-depth analysis and elaboration of various aspects that have not been comprehensively covered in the scientific literature. This direction of research is actively developing thanks to the efforts of such scientists as V. Dykan', H. Ozerska, O. Kirdina,

H. Obruch, M. Korin', I. Tokmakova, T. Charkina, V. Zadoya, and others (Dykan' & Korin', 2020; Kirdina, Tokmakova et al., 2023; Tokmakova, Cherednychenko et al., 2019; Obruch, 2020; Zadoya, 2022; Charkina & Orlovs'ka, 2022; Galushko, 2017; Martseniuk, Dyomin & Galushko, 2021), which make a significant contribution to the development of the process of organizing the project management of the modernization of railway transport infrastructure in the context of the introduction of digital technologies, offering new ideas, solutions and approaches to solving modern challenges in this field. In their activities, they demonstrate how the integration of the latest processes can contribute to the creation of more efficient, safe, and customer-oriented transport systems.

At the same time, despite a significant amount of research, many issues require additional study in the context of the impact of external and internal changes on the industry, which create new challenges and prospects for its development.

The purpose of the article is to study the implementation of project management of the modernization of infrastructure facilities of railway transport in the conditions of digital technologies and innovation.

Formulation of the main material. Digital control systems make it possible to automate many processes that previously required manual intervention. For example, intelligent systems can optimize traffic schedules, detect delays or schedule conflicts, and automatically adjust routes in real time. This increases the efficiency of the staff and ensures smooth movement of trains.

Digital technologies in monitoring and diagnostic systems contribute to increasing the safety of railway transport and allow identifying and diagnosing potential problems with rolling stock or infrastructure before they lead to accidents. This helps reduce the risk of collisions, accidents and other incidents.

Digitalization also accumulates the experience of consumers, which in the future provides an opportunity to improve the quality of railway services. E-ticketing, online booking and mobile apps for controlling train schedules and tracking train movements make traveling more convenient and affordable. This contributes to the growth of customer satisfaction and their loyalty.

Digital transformation also helps railways become more energy efficient and environmentally sustainable. Intelligent control systems can optimize fuel and energy consumption, minimizing CO₂ emissions. Digitalization supports the integration of railways with other modes of transport, promoting the development of multimodal transport solutions and opening the way for innovations: the introduction of unmanned trains, the use of Big Data for demand forecasting and asset management.

The process of implementing digitalization of railway transport is a catalyst for the procedure of organizing projects of modernization and renovation of infrastructure facilities of railway transport, contributing not only to the increase of operational efficiency and safety, but also to the improvement of service for passengers, sustainable development of the system.

Implementation of infrastructure projects in the field of railway transport is an important tool for stimulating economic growth and recovery of the national economy in the post-war period. Scientific studies conducted earlier indicated the following areas of implementation of infrastructure projects (Zadoya, Charkina & Sytnik, 2024):

– Modernization of the railway infrastructure in order to increase the speed of rolling stock. This direction of development is critically important for increasing the average regional speed of warehouse movement, which directly affects the speed of movement of goods or passengers.

– Development of multimodal terminal and logistics centers. The development of these centers can increase the convenience of using the railway infrastructure, both for passengers and for senders and receivers of goods. In addition, strengthening the multimodal infrastructure will help to increase the level of integration of railway transport into logistics chains, reduce the mileage and generally increase its attractiveness compared to road and sea transport.

– Development of transport interchanges. This direction in railway infrastructure development projects is one of the main ones for achieving positive agglomeration effects, such as increasing employment of the population, wages, etc.

– Modernization of the infrastructure of border crossings. The movement of warehouses often slows down when crossing the border. This is due to many factors, starting from the differences in the diameter of the railway track and parameters of the electrification of the railway network and ending with the inefficiency of the customs document flow at the border crossing.

– Implementation of digital platform solutions. The digitalization of railways can not only increase the efficiency of the transport system, the throughput capacity of nodes, but will also contribute to all market participants, as it will significantly increase the convenience of use for passengers and shippers of goods and will allow more efficient integration of rail transport into logistics chains.

For example, in the context of infrastructure projects aimed at organizing passenger traffic, it is possible to obtain various socio-economic effects:

1. Saving time on the road.
2. Improvement of transportation safety.
3. Reduction of emissions of harmful substances and noise level (when choosing alternative options).
4. Positive impact of public transport due to increased physical activity.
5. Social integration and creation of a barrier-free environment.
6. Subjective well-being – perception of the environment or level of happiness (Danylchenko, 2016).

Infrastructure modernization projects are extremely capital intensive and often cannot be fully implemented due to funding constraints. This factor plays a particularly significant role in wartime conditions and forces one to evaluate not only potential effects, but also to carry out comprehensive risk management when deciding on the implementation of an infrastructure project on railway transport.

Another problem of infrastructure modernization projects lies in the principles of cost and risk distribution among its participants. Transport infrastructure projects (TIP) are usually accompanied by a number of risks. Some of them are specific and characteristic only for transport projects.

In the study (Painvin, n.d.), the authors single out three main groups of risks:

– *political*, characterized by threats: long duration of project coordination processes, high probability of intervention by state authorities, deliberate

overestimation of benefits from project implementation in order to obtain political dividends, incorrect assessment of the quality of the institutional environment and legal framework, etc.

– *complex*, due to the uniqueness of transport infrastructure projects. For example, the length of the project's life cycle can lead to difficulties in estimating the costs of implementation and achieving the planned social or commercial effects within the contractual terms and within the allocated budgets due to deliberate "strategic distortions" or errors – the difference between the expected and actual passenger traffic can be within 25 % to 85 % (Dehornoy, n.d.). It is also possible to include here the suboptimal distribution of risks, rights and obligations between the participants in accordance with the concession agreement, etc.

– *commercial*, may arise due to financial, organizational, technical, legal or other factors.

One of the features of infrastructure project management in general is that the project is usually divided into several sub-projects (for example, planning, design, construction, operation).

However, the transport infrastructure is an extensive network with a complex technological process, and each of its links has certain features and limitations that affect the implementation of the project. It is characterized by a linear-nodal type of location, which distinguishes it from industrial (point type) and agricultural (areal type) objects. These aspects are important for project stakeholders, as they must be confident that all factors necessary for the launch or implementation, including technical, financial and logistical, are carefully considered and taken into account in the project planning process.

One of the most important aspects of the successful implementation of any project is the ability to adapt to changes in the internal and external dynamic environment. The factors of the project's internal environment traditionally include: infrastructure, personnel, financial sphere, sales and production sphere, resource provision, management methods, communication channels, technologies (CRM), etc. The external environment includes - political, economic, social, legal, technical and technological, natural and other factors that can affect the project.

Modern infrastructure project management methodologies distinguish general and special factors (Reznikova, 2022).

General factors of external influence include: institutional (level of development of the institutional environment, level of integration of project participants, etc.), organizational (level of knowledge, competence and creativity of management, level of motivation, efficiency and functionality of the organizational management structure, etc.), economic, political, social, natural and other factors.

Special factors have a direct impact on the efficiency and effectiveness of a specific project and include: technical-technological, organizational-legal, organizational-economic, financial, etc. aspects

General and special factors collectively determine the principles of managing transport infrastructure projects, which from the point of view of a systemic approach include: decentralization of works; cooperation with the private sector; principle of subsidiarity; mobility and adaptability; the principle of allocated competence; compliance of powers and responsibilities;

systematicity of the developed solutions and assessment of their effectiveness; principle of scientific validity, life cycle and other aspects.

There are a number of methodological approaches to the management of large infrastructure projects, each of which has its own definition and regulates the process of their development and implementation (Hertogh, Baker et al., 2008):

- PMBOK project management standard (PMBOK Guide, 2008);
- national requirements for the competence of project management specialists;
- methodological developments of Ukrainian and foreign consulting companies.

Acquaintance with the tools that exist in the methodological recommendations of different countries can be key to the successful management of infrastructure projects, to ensure their effective planning and implementation.

In the modern economy, project management processes are characterized by the following features (Table 1): creation of a complex of interconnected projects, selection and regulation of project quality, project implementation planning, project implementation management (monitoring). An important part of the project is the process of structuring (decomposition), that is, dividing it into hierarchical subsystems and components.

Table 1

Groups of project management processes in railway transport in conditions of digitalization

PROCESS GROUPS ACCORDING TO PMBOK	GROUPS OF INFRASTRUCTURE PROJECT MANAGEMENT PROCESSES IN RAILWAY TRANSPORT IN THE CONDITIONS OF DIGITALIZATION
1. Group of initiation processes:	<ul style="list-style-type: none"> – Identification of the needs and possibilities of digitalization of railway transport infrastructure. – Determination of the priority areas of digital development of the railway. – Selection of a model for the implementation of digital technologies in an infrastructure object, taking into account the specifics of the project and the customer's requirements.
2. Group of planning processes:	<ul style="list-style-type: none"> – Comprehensive examination of the existing infrastructure and justification of the necessary changes for digitalization. – Development of a detailed plan for the implementation of digital technologies in the infrastructure object, including technical, time, financial and resource aspects. – Determination of key stages and milestones of the project.
3. Group of execution processes:	<ul style="list-style-type: none"> – Conducting a tender process for the selection of suppliers of digital solutions and services. – Awarding of contracts for the development and implementation of digital technologies in the infrastructure of railway transport.

PROCESS GROUPS ACCORDING TO PMBOK	GROUPS OF INFRASTRUCTURE PROJECT MANAGEMENT PROCESSES IN RAILWAY TRANSPORT IN THE CONDITIONS OF DIGITALIZATION
4. Group of management monitoring processes:	<ul style="list-style-type: none"> – Control of construction works and implementation of digital solutions. – Evaluation of the project’s effectiveness, taking into account the achieved results and compliance with the goals.
5. Group of completion processes:	<ul style="list-style-type: none"> – Management of contracts and closing contractual relations with suppliers. – Project monitoring at the completion stage to ensure compliance with customer requirements and expectations.

Source: developed by O. Zaleskyi

The systematic use of these principles will allow to ensure the concentration of synergy, which can act as the initiator of the project, to form an objective fundamental basis for the development of an organizational and economic mechanism for managing the infrastructure project on railway transport in conditions of digitalization.

The organizational and economic mechanism of managing the infrastructure project on the railway in the conditions of digitalization is a set of measures and structural relationships aimed at ensuring the effective functioning and development of the project in the conditions of digital transformation (Fig. 1). It includes the implementation of information technologies for the automation of management processes, data analysis and strategic decision-making, as well as the optimization of resources and the maximization of project effectiveness.

The organizational and economic mechanism involves the use of modern methods of project management, such as Agile or Scrum, and the introduction of innovative approaches to the management process based on the analysis of Big Data and the use of artificial intelligence, the development of risk management strategies and ensuring a high level of information protection in conditions of digital security. Its purpose is to ensure the successful implementation of the transport infrastructure project, the achievement of the set goals and the maximization of the socio-economic impact.

In general, the authors of the study believe that the key aspects for the successful implementation of projects of infrastructural facilities on railway transport in the conditions of digitalization are the following.

First, it is recommended to consider the possibility of dividing the main project into smaller sub-projects, each of which will be responsible for specific functions and can be transferred to private partners. For example, the conclusion of life cycle contracts (Chukaeva, 2019) taking into account the technical risks and peculiarities of the technological cycle of this or that infrastructure object.

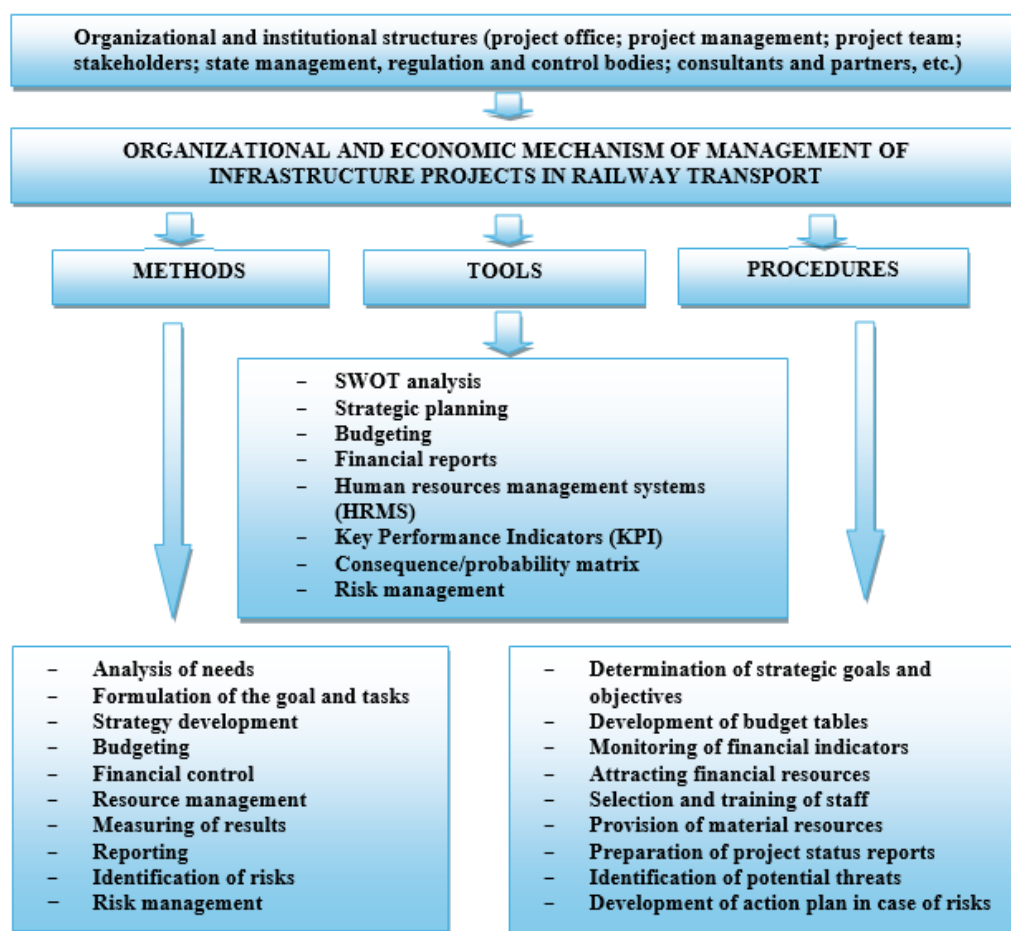


Fig. 1. – Constituent elements of the organizational and economic mechanism of managing infrastructure projects in railway transport in conditions of digitalization
Source: developed by O. Zaleskyi

The second important step is the standardization of all subprojects according to the technological requirements defined at the pre-project stage. This will help to avoid conflicts and risks associated with inconsistency of standards between different elements of the project. However, it should be noted that the responsibility for this process should be transferred to the structural body of the railway to ensure its effectiveness and compliance.

The third stage is the implementation of the project implementation monitoring system, which will be based on a constant analysis of risks and cost effectiveness. The important indicators of such monitoring should include the assessment of cost effectiveness (Value For Money) and the distribution of risks between project participants.

Fourth – management decisions should be based on the mechanisms of clear definition of contract specifications, centralized responsibility, insurance and guarantee provision.

Conclusions. The article proposes an organizational and economic mechanism for managing infrastructure projects in railway transport, which will help the effective functioning and development of projects in the conditions of digital transformation.

The research determined that the key aspect for the successful

implementation of infrastructure projects is the division of the main project into smaller sub-projects with a clear division of responsibilities and risks, standardization of technological processes and effective monitoring of project implementation with an emphasis on cost effectiveness analysis and risk management.

Thus, the authors emphasize the need to ensure the successful implementation of transport infrastructure projects that can stimulate economic growth and contribute to the recovery of the national economy, especially in the post-war period. This will make it possible to carry out the optimal distribution of risks and provide projects with the appropriate level of financial acceptability and viability. The implementation of these measures will contribute to the increase in the efficiency of the process of managing railway infrastructure development projects and will ensure their financial stability.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Тетяна ЧАРКІНА, Олексій ЗАЛЕСЬКИЙ
ОРГАНІЗАЦІЯ ПРОЄКТНОГО УПРАВЛІННЯ
МОДЕРНІЗАЦІЄЮ ІНФРАСТРУКТУРИ ЗАЛІЗНИЧНОГО ТРАНСПОРТУ
В УМОВАХ ЦИФРОВІЗАЦІЇ

Анотація. Організація проєктного управління модернізацією інфраструктури залізничного транспорту в умовах цифровізації є важливим аспектом розвитку транспортної галузі, яка вимагає глибокого аналізу та розуміння сучасних тенденцій. Стаття присвячена дослідженню підходів до проєктів при модернізації інфраструктури залізничного транспорту спрямованих на впровадження цифрових інноваційних технологій. Автори розглядають залізничний транспорт, як ключовий елемент урбаністичної мобільності, що переживає період значних змін, спричинених сучасними тенденціями до цифровізації та інноватики.

В дослідженні обґрунтовано сучасні виклики, з якими стикається галузь, включно з потребою в підвищенні ефективності, зниженні витрат та удосконалення якості послуг. Акцентується увага на важливості впровадження новітніх ІТ-рішень, таких як IoT, AI, машинне навчання та 5G технології, які можуть забезпечити більшу безпеку, надійність та оптимізацію управління ресурсами. В роботі визначені різноманітні аспекти модернізації залізничного транспорту, що включає в себе не тільки технічні нововведення, але й розробку організаційно-економічного механізму управління проєктами. В статті розроблено організаційно-економічний механізм управління інфраструктурними проєктами на залізничному транспорті. Цей механізм включає в себе комплекс заходів і структурних взаємозв'язків, спрямованих на ефективне функціонування та розвиток проєкту в умовах цифрової трансформації. Зокрема, акцентується увага на необхідності впровадження інформаційних технологій для автоматизації управлінських процесів, аналізу даних і прийняття стратегічних рішень, а також оптимізації ресурсів й максимізації результативності проєкту.

Авторами запропоновано використання сучасних методів управління проєктами, таких як Agile і Scrum, і впровадження інноваційних підходів до процесу управління, що ґрунтуються на аналізі Big Data та використанні штучного інтелекту. Розроблено стратегії ризик-менеджменту й забезпечення високого рівня захисту інформації в умовах цифрової безпеки, що відіграє ключову роль в успішній реалізації транспортних інфраструктурних проєктів.

Ключові слова: залізничний транспорт, цифровізація, проєктне управління, модернізація інфраструктури, інноваційні технології, організаційно-економічний механізм, стратегії ризик-менеджменту.

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ANTI-CRISIS MARKETING OF RAILWAY ENGINEERING ENTERPRISES

Abstract. The purpose of the article is to study the specifics and develop measures of anti-crisis marketing of railway engineering enterprises. The relevance of anti-crisis marketing of railway engineering enterprises lies in the need to effectively respond to changes in the economic environment, competitive pressure and changes in demand for products that arise during crisis situations. The role of anti-crisis marketing in the anti-crisis management of enterprises is to ensure effective interaction with other functional units, operational analysis of the market situation and making strategic decisions to overcome crisis phenomena.

The main functions of anti-crisis marketing are the analysis of market trends, forecasting changes in demand, development of strategies for maintaining and developing market position. The main tasks of anti-crisis marketing are to ensure the stability of sales, maintain customer loyalty, optimize marketing costs and increase the competitiveness of the enterprise. To achieve the goals of anti-crisis marketing of railway engineering enterprises, it is proposed to use such methods as: diversification of products and sales markets; flexible pricing; market and

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competitor monitoring using benchmarking; active use of digital marketing; implementation of CRM (customer relations management).

Keywords: *anti-crisis marketing, industrial marketing, B2B and B2G marketing, railway engineering enterprises, crisis, benchmarking.*

Introduction. The railway engineering industry includes various types of businesses involved in the production of equipment, components and technology for the railway industry. They play an important role in creating and maintaining infrastructure and technical support for rail transport. Railway engineering industry also includes the repair enterprises, which specialize in the maintenance, repair and modernization of various types of railway equipment and play an important role in ensuring the safety and reliability of railway transport. The railway engineering industry includes the following enterprises:

1) Manufacturers of traction and rolling stock. These are enterprises specializing in the production of locomotives, trains, wagons and other rolling stock for railway transportation.

2) Manufacturers of railway components and spare parts. These are companies engaged in the production of components such as brake systems, wheels, axles, electronics, signaling and other parts for railway equipment.

3) Manufacturers of infrastructure solutions. Includes companies engaged in the design, production and installation of railway infrastructure, including rails, switches, crossings and other elements.

4) Suppliers of technologies and equipment for servicing railway transport. These are companies that provide technology and equipment for the maintenance and repair of railway equipment, such as service stations, lifting devices and other specialized equipment.

5) Maintenance depot. These enterprises perform routine maintenance and repair of locomotives, trains and carriages. They inspect and repair a variety of systems, including electrical, mechanical, pneumatic and other components.

6) Railway carriage repair enterprises. They specialize in the repair, modernization and maintenance of rolling stock. This may include tire replacement, body repairs, brake systems, and interior upgrades.

7) Diesel locomotive and electric locomotive repair enterprises. They specialize in the repair, modernization and maintenance of traction rolling stock.

8) Infrastructure repair plants. These plants are engaged in the repair and maintenance of railway infrastructure, including repair of rails, switches, crossings and other elements.

9) Specialized centers for repair of electronics and signaling: Engaged in the repair and maintenance of electronic security, communication and signaling systems in railway transport.

Despite the diversity of enterprises representing the railway engineering industry, they are characterized by common features of management and marketing organization associated with belonging to an industry serving state monopolies.

Analysis of recent research and publications. Problems of reforming and technical development of railway enterprises, renewal of rolling stock, as well as issues of economic efficiency and pricing are highlighted in the works of many Ukrainian scientists, including: Yu. Barash, V. Dykan', O. Hnenny, A. Vyshniakova, O. Kirdina, O. Golovnia, I. Korzhenevich, I. Tokmakova, O. Shramenko, N. Bogomolova, N. Kolesnikova, V. Cherny, and others.

The questions of the marketing activity of industrial enterprises and evaluating the effectiveness of marketing activity took a leading place in the scientific works of such scientists as: N. Kundenko, E. Krikavskiy, A. Kalchenko, M. Oklander, N. Butenko, A. Pavlenko, V. Parkhymenko, A. Reznichenko and others.

The role and tasks of marketing in anti-crisis management was studied by such Ukrainian and foreign scientists as: T. Grenz, V. Muller, F. Kotler, M. Weber, A. Shtangret, A. Chernyavskiy, V. Vasylenko, M. Bahorka, S. Khaminich, S. Kovan and others. V. Korol, A. Perepelyuk, I. Zhars'ka, V. Verloka consider the issue of rail transport marketing in their scientific works.

However, as evidenced by the research results, the issue of marketing activities of railway engineering enterprises and, in particular, anti-crisis marketing, requires further research.

The purpose of the article is to research the features of the organization of marketing activities at railway engineering enterprises and to develop proposals for anti-crisis marketing of these enterprises.

Formulation of the main material. Like other industrial enterprises, the railway engineering industry falls into the category of industrial marketing. Important aspects of industrial marketing include understanding product specifications, competitive analysis, customer relationship management, and strategic planning.

At the same time, industrial marketing at railway engineering enterprises has its own unique characteristics, since this segment requires a specific approach to attracting customers, developing products and doing business. Such features include (Martseniuk, Dyomin & Galushko, 2021; Oklander & Zharsjka, 2007; Galushko, 2017b; Verloka, 2009):

1) Technical specifics. In railway engineering, much attention is paid to the technical characteristics of products and their compliance with industry and environmental standards. For marketing, it is important to understand the needs and requirements of customers regarding the technical parameters of products and offer them optimal solutions.

2) Customization of orders. Railway engineering companies often receive individual orders from customers. It is important to have a flexible production chain in order to quickly respond to customer needs and provide them with customized solutions.

3) Sales channels. In the railway engineering industry, various distribution channels can be used, such as dealer networks, direct sales or participation in tenders. It is important to choose the optimal distribution channel for each type of product.

4) Long-term contracts. Many transactions in the railway sector are based on long-term contracts. Planning and managing such contracts is a key aspect of marketing as they can ensure a stable income stream and sustainability of the business.

5) Regulatory environment. Depending on the country and region in which a railway engineering company operates, there may be different regulatory restrictions and standards. It is important to consider this aspect when developing marketing strategies.

Thus, industrial marketing at railway engineering enterprises requires a specific view of business development and interaction with customers. We

should also take into account the crisis conditions in which railway engineering enterprises operate, and the features of anti-crisis marketing.

Many railway engineering enterprises are characterized by single and small-scale production, which has its own characteristics from the point of view of organizing business processes, management and marketing. In single-unit and small-scale production, flexibility in production processes is important, as each model or batch may have unique requirements. Processes must be configured to quickly changeover and adapt to new orders. It is necessary to carefully plan the supply of materials and components, taking into account their specifications and the needs for the production of a particular model. Since each product is unique, quality control must be especially careful and individualized.

From a management perspective, each model or batch can be viewed as a separate project requiring precise planning, control and risk management. Small-scale production requires a flexible approach to product development, taking into account customer needs and the specifics of orders. It is important to take into account customer needs and offer customized solutions, as well as focus on product customization opportunities.

Marketing industrial products in single-unit and small-scale production environments faces a number of unique challenges, including:

1) Limited market. Due to small production volume and narrow specialization, the target audience may be limited, making it difficult to scale marketing efforts.

2) High marketing costs. Single-piece and small-scale production have relatively high marketing costs compared to volume production, requiring more careful budget spending and more precise targeting.

3) Difficulties in promoting products. Marketing efforts are aimed at drawing attention to the unique characteristics and benefits of products, which may require more careful planning and creative approaches.

4) The need for an individual approach. With single or small-scale production, a more individual approach to each client may be required, which complicates the marketing and sales process.

5) Difficulty in assessing results. Due to small production and sales volumes, it can be difficult to assess the effectiveness of marketing efforts and their impact on business performance.

To overcome these challenges, it is important to develop flexible marketing strategies, focus on a high degree of personalization, and use innovative methods of attracting attention and promoting products.

Crisis situations may arise at railway engineering enterprises for various reasons (Galushko, 2017a):

1) Economic factors. Crises in mechanical engineering enterprises can be caused by economic problems, such as a decrease in demand for products, a deterioration in the financial situation of customers, changes in market conditions or a general economic recession.

2) Technical problems. Incorrect production planning, technological lag, wear and tear of equipment, low efficiency of production processes and other technical problems can lead to a crisis in the enterprise.

3) Management problems. Insufficient management efficiency, ineffective resource allocation, incorrect development strategy, insufficient risk management and other management problems can contribute to the emergence

of a crisis.

4) Competition. Strong competition and lobbying in the railway engineering market can lead to a decrease in sales volumes and a reduction in enterprise profits.

5) Changes in legislation. Changes in legislation, for example regarding environmental or safety standards, may require significant investment or changes in production processes, which may affect the financial condition of the enterprise.

6) Geopolitical factors. Political instability, conflicts or changes in the foreign policy situation in a country or region can affect the activities of railway engineering enterprises.

All these factors can influence railway engineering enterprises to varying degrees and contribute to the emergence of crisis situations.

Anti-crisis marketing is a proactive approach to marketing aimed at maintaining customer loyalty and stimulating sales during a crisis. This approach involves the development of marketing strategies that take into account internal and external factors of crisis situations (loss of key customers, technological non-compliance with industry standards, recession, military operations, pandemic, etc.). Anti-crisis marketing includes both short-term and long-term strategies, for example (Bahorka & Roschchuk, 2021; Galushko, 2017a; Natrus & Khaminich, 2016; Karas', 2015):

1) Diversification of products and services. A look at the possibilities for expanding the range of products and services in order to change the crisis in the minds of key clients or government monopolies.

2) Saving important clients. Customization of products, search for new technological solutions and competitive advantages. Implementation of CRM, active work with key clients and constant contact with them to preserve their loyalty and encourage compliance.

3) Optimization of production and production processes. The search for effective ways to reduce costs for production and management of social activities and SCM implementation to support business stability.

4) Development of new markets. Exploring the opportunities to enter new markets or develop exports to increase sales and take less risk in the face of a crisis in the domestic market.

5) Digital transformation. Implementation of digital technologies in marketing and production processes to improve the efficiency and competitiveness of the company.

6) Analysis of the competitive environment. Benchmarking and continuous monitoring of competitors' actions and analysis of their strategy for decisions making in crisis conditions.

Benchmarking can be effectively used in anti-crisis marketing – it is a process of comparing the company's products, services, processes or strategies with similar indicators of other companies in the industry. Benchmarking allows you to determine which strategies and methods work best in crisis conditions.

With the help of benchmarking, a company can identify its strengths and weaknesses, as well as determine what changes need to be made to its strategy in order to improve its performance. For example, a company can use benchmarking to determine which products or services are most in demand during a crisis, and based on that, develop new products or services. Also,

benchmarking can help a company determine which marketing channels are most effective in a crisis, and redistribute its budget to more effective channels.

The anti-crisis marketing strategy is an element of the overall anti-crisis strategy of the enterprise (Table 1). Its main objectives are to retain existing customers and attract new ones by offering them relevant products or services; supporting competitiveness, maintaining or even increasing the market share of the enterprise.

Table 1

An anti-crisis strategy for a railway engineering enterprise

No.	Stage	Actions
1	Analysis of the current situation	Assess the current financial, operational and market situation of the enterprise. Research factors that may affect your business, such as changes in the economy, competition, and changes in consumer demand.
2	Cost reduction	Identify areas where costs can be reduced without compromising the quality of products or services. This may include optimizing production processes, reviewing budgets, improving resource efficiency and reducing unnecessary expenses.
3	Development of new products and services	Research the market and identify new opportunities for developing products or services that may be in demand during times of crisis. For example, you might consider creating more efficient and environmentally friendly rail vehicles or offering additional services to improve the customer experience.
4	Market Diversification	Consider expanding your customer base and diversifying your markets. Explore opportunities to export products to other countries or attract new clients from different industries. This will help reduce dependence on one market and reduce risks during a crisis.
5	Strengthen Partnerships	Develop a strategy to strengthen partnerships with other businesses in the industry. This may include collaborating with suppliers, dealers or other companies to jointly develop new products, share resources and share risks.
6	Invest in research and development	Place an emphasis on innovation and the development of new technologies. Investing in research and development will help your business remain competitive and adapt to changing market demands.
7	Strengthening the team	Pay attention to strengthening the team and developing the skills of employees. Personnel training and development will help increase the productivity and efficiency of the enterprise.
8	Monitoring and Analysis	Regularly track the results of your actions and analyze their effectiveness. Make adjustments to the strategy as necessary to achieve your goals.

Source: developed by authors

Anti-crises marketing plays a crucial role in the overall anti-crises management of an enterprise by helping the company navigate through challenging times, protect its reputation, and maintain customer trust (Maslak et al., 2020, Tkachenko & Telin, 2010). Anti-crisis marketing of railway

engineering enterprises has its own characteristics that allow them to remain competitive and sustainable in the face of economic crises. These features include adaptability to market changes, customer focus, innovative approach, effective cost management and strategic partnerships.

Adaptability to market changes is a key characteristic of anti-crisis marketing. Railway engineering companies must respond quickly to changes in demand, regulatory requirements and economic conditions. This may include revising the product portfolio, introducing new technologies or modifying production processes to reduce costs.

Customer orientation is an important component of the anti-crisis marketing strategy. Businesses must actively communicate with customers, understand their needs, and offer solutions that meet those needs. This can include personalized offers, flexible contract terms and improved service quality.

An innovative approach is necessary for survival in crisis conditions. Investments in research and development can lead to the creation of new products and technologies that meet today's challenges. For example, the development of automation systems can significantly increase the competitiveness of the enterprise.

Effective cost management is critical during a crisis. This includes optimizing production processes, reducing material and energy costs, and implementing quality control systems. Rational use of resources allows maintaining financial stability and ensuring long-term sustainability.

Strategic partnerships can significantly strengthen the company's position on the market. Collaboration with other companies, research institutions, and government organizations can create synergies that drive the development of new products and solutions. Combined efforts allow more efficient use of resources and faster adaptation to changing market conditions.

Conclusions. Railway engineering enterprises are aimed at supplying products mainly for state monopolies, their marketing strategies must be adapted to the specifics of procurement procedures and customer requirements.

The production of single or small-batch products at railway engineering enterprises requires an individual approach to marketing strategies, as it involves a more flexible response to the needs of customers and taking into account their unique requirements. The need for specialized products and services for the repair and modernization of existing railway rolling stock creates new opportunities for the marketing activities of railway engineering enterprises. The use of innovative technologies in the production of products for railway transport requires active marketing to promote new developments and attract customers.

In the conditions of a limited market and high competition, railway engineering enterprises must actively use marketing tools to position their products and create competitive advantages, actively work on creating long-term relationships with customers, as well as on the development of service-oriented approaches in the field of after-sales service.

Further research could explore the long-term impacts of specific anti-crisis strategies on railway enterprise performance. Additionally, comparative studies across different regions and types of crises could yield valuable insights into best practices for crisis management in the railway industry.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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ПІДПРИЄМСТВ ЗАЛІЗНИЧНОГО МАШИНОБУДАННЯ**

Анотація. Метою статті є дослідження особливостей та розробка заходів антикризового маркетингу підприємств залізничного машинобудування. Актуальність антикризового маркетингу підприємств залізничного машинобудування полягає в необхідності ефективного реагування на зміни в економічному середовищі, конкурентному тиску та зміни попиту на продукцію, що виникає під час кризових ситуацій. Роль антикризового маркетингу в антикризовому управлінні підприємствами полягає в забезпеченні ефективного взаємодії з іншими функціональними підрозділами, оперативному аналізі ринкової ситуації та прийнятті стратегічних рішень для подолання кризових явищ. Основними функціями антикризового маркетингу є аналіз ринкових тенденцій, прогнозування змін у попиті, розробка стратегій збереження та розвитку ринкової позиції. Основними завданнями антикризового маркетингу є забезпечення стабільності продажів, збереження лояльності клієнтів, оптимізація маркетингових

витрат та підвищення конкурентоспроможності підприємства. Для досягнення поставлених завдань антикризового маркетингу підприємств залізничного машинобудування запропоновано використовувати такі методи, як: диверсифікація продукції та ринків збуту; гнучке ціноутворення; моніторинг ринку і конкурентів з використанням бенчмаркінгу; активне використання цифрового маркетингу; впровадження CRM (управління відносинами з клієнтами).

Ключові слова: антикризовий маркетинг, промисловий маркетинг, B2B та B2G маркетинг, підприємства залізничного машинобудування, криза, бенчмаркінг.

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HOW THE FIGHT AGAINST ECONOMIC CRIME IN UKRAINE HAS CHANGED SINCE THE START OF THE FULL-SCALE INVASION

Abstract. Russia's military aggression against Ukraine has caused large-scale destruction of productive capital and infrastructure, and has resulted in human casualties and social losses. The war has resulted in job and income losses, reduced purchasing power and economic crime. Preserving the territorial integrity of Ukraine is the most important task of the Ukrainian people. The challenges that came with the war are a serious problem for the stability and security of society, a threat to the sustainability of legal institutions, democratic values and the rule of law. Corruption, organized and economic crime are the most complex issues in Ukraine that affect the stability of the state and pose threats to national security.

The fight against crime is aimed at applying comprehensive measures to prevent, stop and expose criminal organizations. Under martial law, the issue of preventing all types of crime is one of the most important. Organized crime poses a threat to the security of the state and is used to destabilize the situation in Ukraine. A large number of goods are smuggled, which negatively affects the economic security of the state. In order to avoid such illegal supplies of goods in retail and wholesale trade, it is necessary to create all the necessary conditions, measures, responsibility, control and increased liability for economic crimes at the legislative level to ensure economic stability and prevent criminal activity.

The threatening scale and dangerous manifestations of economic crime are taking on various schemes and organized forms, the fight against which is an important task for our country

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to create an economically developed country in the post-war period and for successful integration into the European Union. Ukraine has already done some of the work to implement the European Commission's recommendations for granting Ukraine the status of an EU candidate country. One of the areas of implementation of the EU-Ukraine Association Agreement by sector is financial cooperation and the fight against fraud. It is in this area that the implementation progress is the worst.

Keywords: *economic crime, prevention of crime, economic security, crime rate, criminal offenses.*

Introduction. Russia's full-scale invasion of Ukraine in 2022 brought many tragic events to the Ukrainian people. The lives of Ukrainians have changed completely. Hundreds of thousands of young men and women went to defend the borders of our country, some stayed and reproduce its economy inside the country, while others left the country to save the lives of their children for the post-war reproduction of all sectors of the domestic economy and business enterprises.

Today, city streets are not as crowded as they used to be, shops and institutions are operating in a state of emergency, with limited electricity and heat, disruptions in transportation, spikes in commodity prices, currency imbalances, and more. It is important to reduce tax and administrative pressure, state support for small and medium-sized businesses and economic enterprises. This creates threats, risks and grounds for criminal activity in the country, shadowing of the Ukrainian economy and weakness of its institutions.

According to official data, the shadow sector of Ukraine's economy was at 20 % in 2022, and in 2023 it was already over 35 %. One of the important components of ensuring the economic security of the state is the state policy of preventing and combating economic crime, which has a significant impact on all components of economic security. The state policy on preventing and combating economic crime is complex and is based on social, economic, political, law enforcement and regulatory functions. Crime in Ukraine has decreased by 15 % during the full-scale invasion of russia, but fraud and drug trafficking remain significantly high. To create effective measures to prevent and combat economic crime, the state has an important role to play. It should form a close link between such mechanisms as information, legal, social, political and economic, which have a significant impact on national security.

Analysis of recent research and publications. Actual problems of combating economic crime and corruption, in particular in the conditions of the russian invasion, were studied by such scientists as: A. Hetman, B. Golovkin, O. Tavalzhanskyi, O. Balynska and other scientists. Nevertheless, as the incursion continues, new cases and patterns of economic crimes emerge that require further investigation.

The purpose of the article is to study the changes in the fight against economic crime in Ukraine, which occurred since the start of the full-scale russian invasion.

Formulation of the main material. Sales of illegal tobacco products through kiosks in 2022 increased significantly compared to 2021. The share of illegal products sold alongside legal products in many kiosks and stores is 63 %.

In the State Budget of Ukraine in 2023, tax losses from the sale of illegal tobacco products amount to about UAH 22 billion. Comparing the number of convictions for economic crimes to 2017, the number of convictions for economic crimes has more than halved from 662 to 256 (2.59 times).

The regions where the largest distribution of illegal products was found include: Dnipropetrovska (14 %), Kharkiv (9 %), Odesa (9 %), Lviv (9 %), Kirovograd (8 %), Chernivtsi (7 %), Khmelnytskyi (6 %), and Poltava (6 %) regions (Fig. 1).

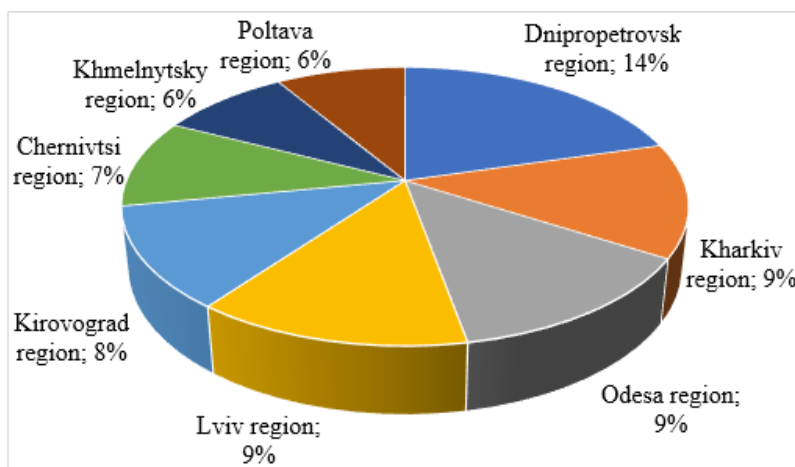


Fig. 1 – Regions of Ukraine with the largest distribution of illegal products

Source: built by authors based on (www.slovoidilo.ua/2023/08/21/infografika/)

As the crime rate in Ukraine decreased in 2018-2023, registered criminal offenses decreased from 487.1 to 302.6 and proceedings sent to court decreased from 177.7 to 90.5 (Fig. 2).

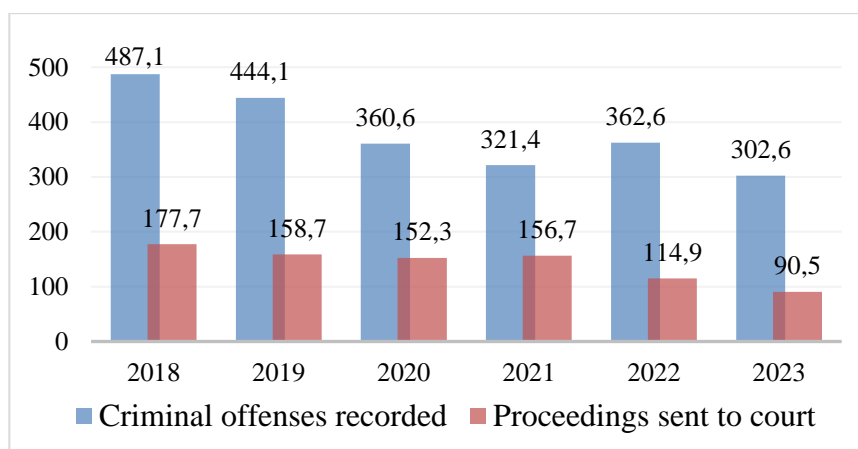


Fig. 2 – Criminal offenses registered and proceedings sent to court

Source: built by authors based on (www.slovoidilo.ua/2023/08/21/infografika/)

In 2018, 487.1 thousand proceedings were registered in Ukraine, and 191.9 thousand cases were served with notices of suspicion. Pre-trial investigation was terminated in 4.5 thousand cases (Fig. 3). At the same time, 177.7 thousand were sent to court. 8.6 thousand people were arrested (www.slovoidilo.ua/2023/08/21/infografika/). In 2019, law enforcement officers registered 444.1 thousand proceedings, and suspects were served with suspicions in 171.7 thousand cases. 158.7 thousand cases were sent to court, and pre-trial investigations were terminated in 2.9 thousand cases. In 2020, 360.6 thousand cases were registered. Suspicions were announced in 167.1 thousand cases.

152.3 thousand proceedings were sent to court. And in 2.7 thousand, the investigation was terminated.

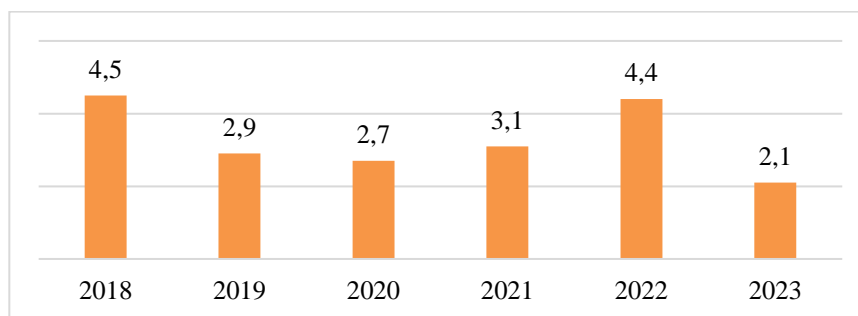


Fig. 3. – Pre-trial investigation suspended

Source: built by authors based on (www.slovoidilo.ua/2023/08/21/infografika/)

In 2021, the number of criminal proceedings decreased to 321.4 thousand. 172.5 thousand cases were served with notices of suspicion. 156.7 thousand proceedings were sent to court, and 413.6 thousand cases were closed. 6.6 thousand people were arrested: 0:25. In 2022, during the first year of the full-scale war with Russia, law enforcement agencies registered 362.6 thousand cases. In 132.4 thousand cases, suspicions were announced, and 114.9 thousand cases went to court. At the same time, 244.2 thousand proceedings were closed. 7.4 thousand criminals were arrested.

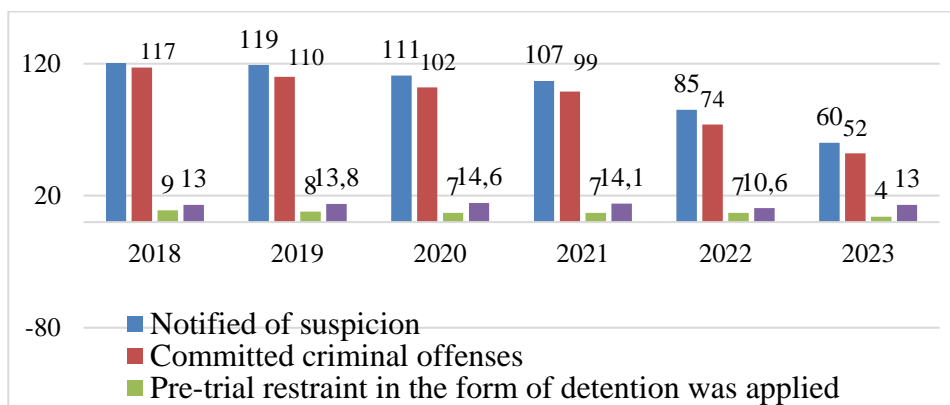


Fig. 4. – Identification of perpetrators of criminal offenses

Source: built by authors based on (www.slovoidilo.ua/2023/08/21/infografika/)

In the first half of 2023 (from January to July), 302.6 thousand criminal cases were registered in Ukraine, and 110.6 thousand were notified of suspicion. 90.5 thousand proceedings were sent to court, and 117.1 thousand were closed. This year, 4.3 thousand criminals have been sent to prison (www.slovoidilo.ua/2023/08/21/infografika/). From 2018 to 2021 and in 2023, out of all criminal offenses committed, only one in 13 or 14 people was detained, and in 2022, only 10 people were detained (Fig. 4).

The number of convictions for economic crimes has more than halved over the past six years, and the share of the shadow economy in Ukraine has increased from 2.3 % to 17.8 % (Fig. 5).

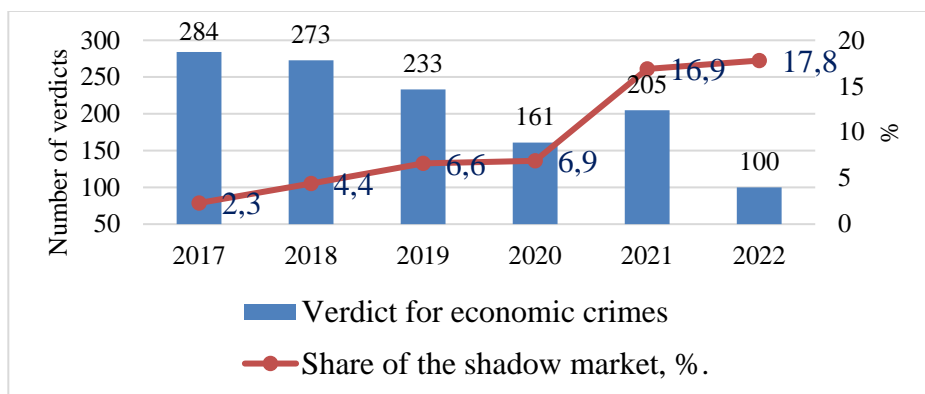


Fig. 5. – Economic crimes in 2017-2022.

Source: built by authors based on (www.slovoidilo.ua/2023/08/21/infografika/)

The most widespread economic crime schemes include: illegal manufacture and sale of excisable goods, forgery of documents for registration of a company or individual entrepreneur, tax evasion, fraud with financial resources, counterfeiting of money and securities, illegal transfers, illegal gambling, drug trafficking, etc.

Looking at the level of fraud for the first half of 2023, it should be noted that it has become even higher than in previous years. In January-August 2023, law enforcement officers opened more criminal investigations into fraud than in the previous 2 years, amounting to almost 60 thousand.

Every second Ukrainian was cheated by fraudulent schemes when buying or selling goods on the Internet (52.74 %), through fraudulent links – 18.6 %, through hacking of social networks by fraudsters – 12.0 %, by phone – 10.16 % of Ukrainians were cheated out of information, and 6.5 % of other schemes were used. Western partners support Ukrainians in the military, economic, social, and humanitarian spheres in 2022 and 2023. Financial support for Ukraine from European countries and IFIs is necessary to pay off external debt and public debt.

Ukraine has sustained its debt burden, reduced its external debt and the NBU's debt dependence on the IMF. In September 2023, Ukraine's international reserves amounted to USD 39.7 billion (<https://bank.gov.ua/ua/news/>). According to the State Treasury Service, in January-September 2023, the general fund of the state budget received UAH 1,274.9 billion, including UAH 144.1 billion in September, which indicates that taxes are paid in good faith and support Ukraine's defense capability and resilience.

Starting from October 01, 2023, the sale of alcohol and cigarettes in duty-free shops has been restricted. On October 1, 2023, the Law of Ukraine "On Amendments to the Customs Code of Ukraine and Other Laws of Ukraine on Combating Illegal Trafficking in Tobacco Products" No. 3326-IX, dated August 10, 2023 came into force. As of June 2023, the volume of illegal tobacco products in Ukraine amounted to 19.5 % (Fig. 6), and its largest component is cigarettes labeled "Duty Free" (<https://chamber.ua/ua/news/>).

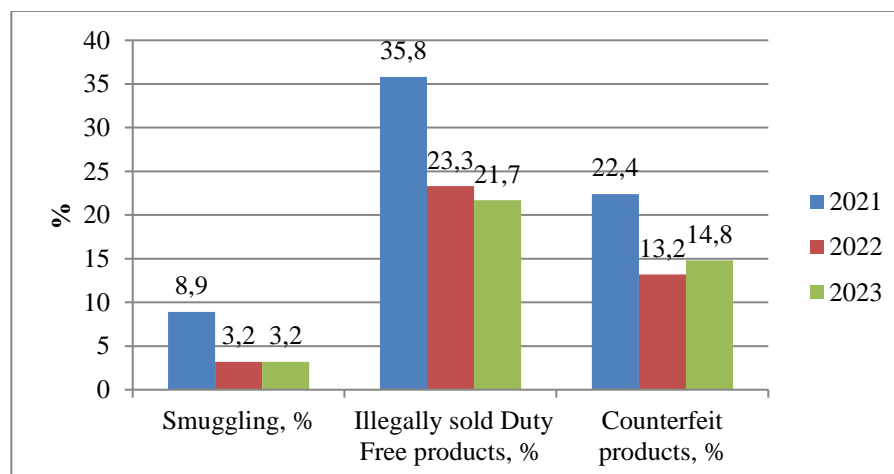


Fig. 6. – Dynamics of the average annual volume of the illegal cigarette market in Ukraine in 2021-2023, %

Source: built by authors based on (<https://chamber.ua/ua/news/>)

Ukraine has already adopted legislative changes to prohibit the sale by duty-free shops and production for such purposes of tobacco products used in electronic cigarettes, the sale by duty-free shops of tobacco products to one person in one day not exceeding 50 cigarettes and the sale by duty-free shops of alcoholic beverages to one person in one day in excess of 2 liters of alcoholic beverages with an alcohol content not exceeding 22 %.

Thus, such changes will help to dismantle tax and excise duty evasion schemes under the guise of tobacco sales by duty-free shops. The Ministry of Finance of Ukraine is actively cooperating with international partners to attract the necessary funding for 2024 (<http://surl.li/mnwhk>),

The need for external financing for 2024 is about USD 43 billion. Ukraine needs about USD 43 billion for social protection and humanitarian support. Ukraine expects to receive funds from key partners: The EU (45 %), the US (30 %), the IMF (13 %), and others (12 %) within the framework of the interagency Donor Coordination Platform of Ukraine; within the framework of the IMF Extended Fund Facility program for 2023-2026 (totaling USD 15.6 billion) and the launch of the EU's Ukraine Facility initiative worth EUR 50 billion for the next four years. These programs provide for Ukraine's implementation of structural and sectoral reforms agreed by the parties.

Ukraine's priority is to attract financing from IFIs to implement investment projects, which will help stabilize economic activity in the long run. Partner financial assistance in the fight against the aggressor, as well as the socio-economic strengthening of Ukraine, has shown that our country has the potential to improve the economic situation in the country and that after the victory, its recovery will be successful.

Conclusions. The frozen assets of the Russian Federation will become the foundation for financing the recovery and reconstruction of Ukraine after the war. Ukraine is confident that our partners will find and help implement mechanisms to use the seized assets of the Russian Federation for the benefit of Ukraine. One of the conditions for Ukraine's accession to the EU is the fight

against fraud (Rybalchenko & Kosychenko, 2023). It is in this sphere of activity that there is the least progress (24 %).

European integration makes it possible to create stable processes in the construction of economic relations between Ukraine and the EU on the model of leading European states. The EU is one of the world's largest economic markets, which has its advantages in international relations, which is the basis of foreign policy. Thus, in order to guarantee the economic security of the state, an effective state policy of preventing and combating economic crime should be built, which will be based on a set of state policy mechanisms such as:

- overcoming corruption in the country;
- counteraction to money laundering;
- reducing the level of criminalization of the economy;
- ensuring information security;
- reduction of the shadow economy;
- reduction of fraud in public procurement;
- use of information and communication technologies to effectively respond to threats that cause economic crimes;
- creation of a high level of cyber defense.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Людмила РИБАЛЬЧЕНКО, Сергій ОХРИМЕНКО
**ЯК ЗМІНИЛАСЯ БОРОТЬБА З ЕКОНОМІЧНОЮ ЗЛОЧИННІСТЮ
В УКРАЇНІ ПІСЛЯ ПОЧАТКУ ПОВНОМАСШТАБНОГО
ВТОРГНЕННЯ**

Анотація. Військова агресія росії проти України спричинила масштабне руйнування виробничого капіталу та інфраструктури, призвела до людських і соціальних втрат. Війна призвела до втрати робочих місць і доходів, зниження купівельної спроможності та економічної злочинності. Збереження територіальної цілісності України є найважливішим завданням українського народу. Виклики, пов'язані з війною, є серйозною проблемою для стабільності та безпеки суспільства, загрозою для сталості правових інститутів, демократичних цінностей і верховенства права. Корупція, організована та економічна злочинність є найскладнішими проблемами в Україні, які впливають на стабільність держави та створюють загрози національній безпеці.

Боротьба зі злочинністю спрямована на застосування комплексних заходів щодо попередження, припинення та викриття злочинних організацій. В умовах воєнного стану питання запобігання всім видам злочинності є одним із найважливіших. Організована злочинність становить загрозу безпеці держави та використовується для дестабілізації ситуації в Україні. Велика кількість товарів переміщується контрабандою, що негативно впливає на економічну безпеку держави. Для уникнення подібних незаконних поставок товарів у роздрібну та оптову торгівлю необхідно на законодавчому рівні створити всі необхідні умови, заходи, відповідальність, контроль та посилити відповідальність за економічні злочини для забезпечення економічної стабільності та недопущення злочинної діяльності. Загрозливих масштабів і небезпечних проявів економічної злочинності набувають різноманітних схем та організованих форм, боротьба з якою є важливим завданням нашої держави для створення економічно розвиненої країни у післявоєнний період та успішної інтеграції до Європейського Союзу.

Україна вже виконала певну роботу щодо виконання рекомендацій Єврокомісії щодо надання Україні статусу кандидата на вступ до ЄС. Одним із галузевих напрямів виконання Угоди про асоціацію Україна-ЄС є фінансова співпраця та боротьба з шахрайством. Саме в цій сфері прогрес у реалізації найгірший.

Ключові слова: економічна злочинність, запобігання злочинності, економічна безпека, рівень злочинності, кримінальні правопорушення.

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INCREASING UKRAINE'S ECONOMIC GROWTH BY ESTABLISHING ZERO TOLERANCE TO CORRUPTION

Abstract. The article examines key tools for improving the life quality of society in Ukraine. It is revealed that Ukrainian scientific and innovative activities have been declining over recent years, while consumer expenditures on food in the structure of household expenses amount to about 90 %, which indicates a low economic standard of living of society. It is determined that one of the efficient methods to improve the situation in Ukraine is to create an economically sustainable and peaceful environment and to overcome corruption as the main factor in reducing the efficiency of stabilization changes. Modeling the role-playing game, we have concluded that tolerance to corruption decreases when creating favorable circumstances for committing illegal acts and becomes popular among the society. A model reflecting the speed and quality of the spread of corrupt behavior could be the biological model of disease spread where infected individuals can transmit the disease to healthy individuals and create corrupt groups that also spread the infection and constantly seek new ways to generate illegal income. It is found that legislative changes that will promote transparency of the judicial system and increase the length of punishment and losses of corrupt officials can improve the situation, while it is desirable to introduce educational programs to promote zero tolerance among young people after the elimination of stressful situations and the process of restoring the territory of Ukraine after the war.

Keywords: *methods of improving public life, economic recovery tools, corruption, corruption in Ukraine, shadow economy.*

Introduction. The increase in the income level changes the structure of consumption and availability of certain goods. According to the State Statistics Committee of Ukraine, the improving quality of public life is characterized by such changes in food consumption as a significant increase in the consumption of meat, berries and fruits, fish and seafood. However, according to the anonymous survey, 44 % of Ukrainians cannot meet their consumer needs for food products in full. At the same time, despite the existing economic and foreign policy problems, Ukrainians remain a nation that constantly strives for development and does not lose optimism. As of 2022, the level of happiness for the majority of Ukrainians was less dependent on the economic situation, and at the global level, it ranked 92nd in the ranking of countries by level of happiness in 2022, while it took the 110th place in 2020. The psychological state of Ukrainians has improved due to the cohesion of the population against russia,

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the increase in the level of importance of the individual, the increase in opportunities for self-fulfillment, the hope for building a happy future, i.e., psychological emotional changes have become primary for the happiness index of Ukrainians (Helliwell, Huang et al., 2023). The increase in the level of happiness for Ukrainians in recent years have been accompanied by serious changes in social life caused by digitalization, but most of the science-intensive goods are imported to Ukraine, and the problem of creating innovations inside the country has not been solved.

In turn, the share of innovation-active enterprises in Ukraine decreased between 2016 and 2020, totally amounting to 28.1 % in 2016 and 8.5 % in 2020. Substantial changes occurred in such areas of entrepreneurship as extractive and processing industry, wholesale trade (except auto), which suggests the indirect impact of the number of innovative enterprises on macroeconomic indicators in Ukraine. The best metric to study innovative changes in the country can be the state of the ecosystem, the number of people using services of innovative enterprises, and involvement in the process of innovation development.

Analysis of recent research and publications. A significant contribution to the study of corruption was made by numerous foreign researchers, in particular, R. Anderson, I. Amundsen, E. Brown, A. Dreyer, D. Kaufman, R. Klitgaard, V. Miller, J. Nye, M. Olson, S. Rose-Ackerman, D. Treisman, and many others. The question of the essence, causes and consequences of corruption, as well as its political, economic, social, legal, and moral aspects were investigated by such domestic scientists as: L. Arkusha, V. Gvozdetskyi, V. Derega, O. Dulskyi, V. Zhuravskyi, M. Kamlyk, M. Karmazina, Ya. Kashuba, O. Markeeva, M. Melnyk, E. Nevmerzhitskyi, O. Prokhorenko, I. Rizak, E. Skulysh, S. Stetsenko, O. Fradynskyi and others.

The purpose of the article is to study the influence of establishing of zero tolerance to corruption on increasing the economic growth in Ukraine.

Formulation of the main material. Fig. 1 shows that expenditures on scientific research and investments in healthcare have been declining at the time interval since 2014. This is caused by changes in the political course of the country, economic risks, depreciation of the national currency, and the beginning of military operations in the eastern part of Ukraine.

The growth in the structure of consumer expenditures on food was characteristic for Ukraine, which means the low living standards of the population. After 2014, consumer expenditures on food increased to 92 % from 90 % in 2010, which illustrates the decline in the life quality of the population and focus on priority needs. After 2018, we can see the improvement in the situation and the increase in the level of expenditures on the needs of other goods, but this level is not sufficient to reach the level of developed countries (about 58 %).

The scientific activity of Ukrainians is also quite low compared to developed countries due to the lack of investments in the industry, which can be seen in Fig. 1 where there is a downward trend at the level of 4 % of each following year.

Expenditures on environmental protection correlate with the level of the country's GDP, indicating the dependence of anthropogenic impacts on the ecosystem on the economic level of the population, which has been repeatedly confirmed by scientists. Thus, after 2014, there is a downward development

trend in many areas in Ukraine. It means the negative impact of military actions in the territory of Ukraine, the change in the focus of the authorities and the public from solving internal problems to preserving the country and confronting foreign policy risks.

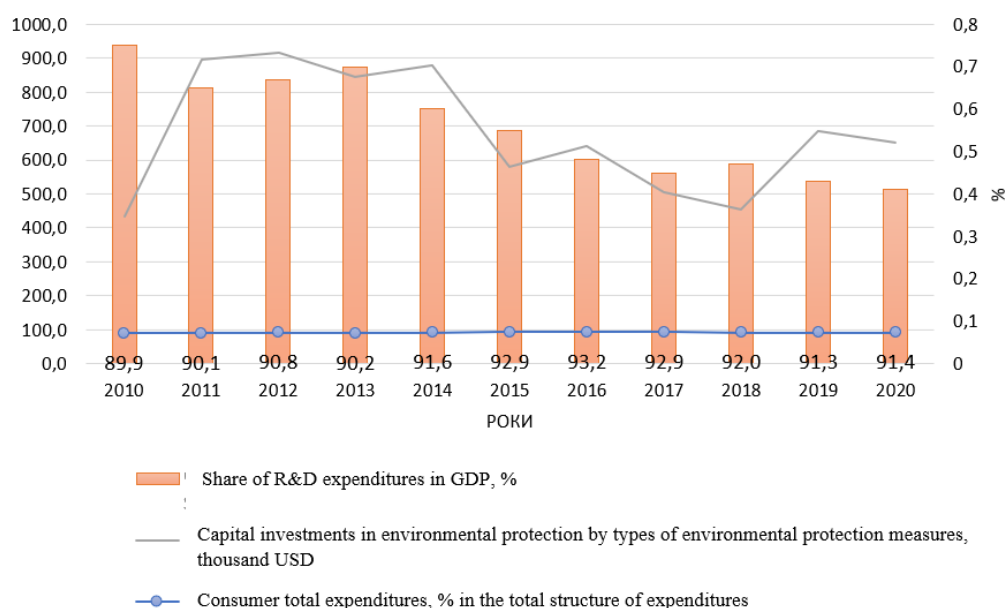


Fig. 1. – Dependence of the studied indicators on the time line in Ukraine

Source: built by author

However, according to the anonymous survey of Ukrainian citizens, the main problem in Ukraine hindering its development until 2022 was corruption and abuse of office by officials. A large number of organized economic schemes to embezzle public funds or reduce tax payments succeeded under the existing judicial system that was loyal to certain personalities because of receiving their shares of remuneration.

The disclosure of public and private data on the loyalty to corruption will contribute to the improvement of organizational culture in the country when taking prompt measures to neutralize the negative effects of violations. Besides, publicizing the results and transparency of the data will facilitate the exploration of new attempts of illegal actions, in particular, as it is currently happening due to the launch of electronic public procurement systems based on tender processes (<https://www.dzo.com.ua/>).

The introduction of these tools allowed activating the public and promoting the disclosure of tenders with signs of offenses, but the situation did not change dramatically, and the shadow economy found other tools to obtain additional income, although the old tools also continued to work, however, with a certain risk for the beneficiary. Joining the Open Government Partnership Program (<https://www.opengovpartnership.org/>) at a time of increased foreign policy risks can be dangerous on the one hand, but on the other hand, it may help to reduce corruption. According to ITSP, digitalization of the economy in order to bring it out of the shadow is one of the main tasks of the government,

which has a positive effect on the population when implemented (<https://www.scugog.ca/media/rsc>).

However, the psychological and cultural aspect of the suggested changes is important for Ukrainians because the mechanism of shadow economy has been established for decades and supported by kinship ties, mentality, interest of other individuals and unwillingness of the government to create a perfect system of control over life activities, the rule of law.

Hypothesis 1: To minimize the level of corruption in Ukraine, first of all, it is necessary to implement a system of improving the living standards of the population and continuous control over activities of officials.

Hypothesis 2: To minimize corruption in Ukraine, it is reasonable to create an efficient system of public control and zero psychological tolerance to corruption.

Chinese scientists note that models based on the DEA CCR Charnes principles can be used to improve the results of the corruption reduction task.

$$\frac{\sum_{r=1}^s u_r * y_{jr}}{\sum_{i=1}^n v_i * x_{ji}} \rightarrow \max \quad (1)$$

Where (j = 1, ..., n) uses m inputs x_{ij} (i = 1, ..., m) and generates s outputs y_{rj} (r = 1, ..., s).

The variables are input weights v_i (i = 1, 2, ..., m) and output weights u_r (r = 1, 2, ..., s) where inputs will be data on corruption offenses in terms of monetary equivalent losses, ecosystem losses from the offense, and outputs will be neutralization of negative effects from shadow schemes (Shih et al., 2022).

In order to determine the level of corruption in the country, one should know information about the public attitude to corruption in favorable conditions for committing illegal acts. Let's divide the population regarding tolerance to corruption into groups that should be based on moral qualities of perceiving corruption schemes. The susceptible class is formed by daily recruitment of individuals born in families with low moral standards and are likely to be vulnerable to becoming infected with corrupt practices at a rate of sb (s is the number of individuals, b is the monetary equivalent of the corrupt component in the income structure), while the immune class are those who have moral standards from childhood and cannot become corrupt on their own at a rate of (1 - s)*b. Susceptible individuals get the corruption infection from corrupt individuals and become corrupt at rate a and can cause financial damage amounting at c, while corrupt individuals are imprisoned at rate d. The corrupted and imprisoned individuals are rehabilitated in the corrected class while serving their sentences and compensating the funds to eliminate illegal actions. All classes undergo a natural death m, which can also be considered as a loss in the creation of a socially useful product to increase the GDP of the country.

The level of corruption over time interval t can be written as a function of indicators:

$$K = F(s * b; a * c(1 - s); d * s * b; m)dt \quad (2)$$

Then the target function of the problem becomes the relation of losses from activities of corrupt persons to total budget revenues for a certain period in the studied territory:

$$P_k = \frac{\sum_{t=1}^T (s*b+a*c(1-s)-d*s*b-m)}{\sum_{t=1}^T Sp} \quad (3)$$

$$P_k \rightarrow \min \quad (4)$$

Where Sp is the socially useful product obtained in the studied territory over a certain period from activities of officials in monetary terms.

P_k is the efficiency of the anti-corruption campaign conducted in the given territory in a certain period.

The level of the individual's perception of corruption is affected by factors determined both by psychological and economic characteristics and by external influences and circumstances.

If there is no data on the infliction of material losses in a certain territory at the time interval, it is possible to study the general propensity to corruption of the population of a region in order to assess potential losses and prevent the creation of corruption schemes.

The main factors influencing the level of corruption perception include:

1. Own responsibility and perception of corruption (moral and ethical qualities of the individual);
2. Tolerance to corruption in the family;
3. Level of education ;
4. Economic condition of the country;
5. Economic condition of the individual and his/her close people;
6. Social and cultural environment of the individual (tolerance to corruption in the environment);
7. Favorable conditions for committing an illegal act;
8. Presence of an external catalyst;
9. Degree of economic multipolarization;
10. Level of control over violations and degree of punishment for the offense;
11. Level of transparency of government mechanisms and availability of information on the creation of the offense;
12. Historical prerequisites for the formation of tolerance to corruption;
13. Inefficiency of the judicial system, discrimination, protectionism;
14. Level of efficiency of public society and organizations;
15. Level of risks in the country.

To calculate the perception of corruption in the country, it is necessary to summarize the average weight coefficients of each factor on a point scale from 1 to 10 for each item and analyze the data in order to develop efficient measures to reduce the level of corruption in Ukraine. Special attention should be paid to economic corruption that has the most negative effect on activities and development of the state (Koval, Mikhno, Trokhymets et al., 2020).

According to official data, the corruption perception index in Ukraine in 2022 amounted to 33 points, which corresponds to the 116th position out of the ranking of 180 countries and is below the average value of 43 points.

Fig. 2 shows that, according to official data, Ukraine has a positive trend and has managed to change the indicator by 7 points. This is not enough for successful development at the level of most European countries. Neighboring Poland, which reached the point of minimum extremum and gained 55 points in 2022, outpaced Ukraine by 22 points even with the minimum values. France and Switzerland have smaller deviations and a more stable corruption perception index, which is more than twice the value of Ukraine's index.

Fig. 2 allows us to conclude that the economic level of the country has a substantial impact on the level of corruption perception and determines the

further development of this index. In turn, this index in Ukraine is too low compared to European countries, which indicates a high level of corruption and the existence of this problem in the country and hinders macroeconomic development and European integration processes.

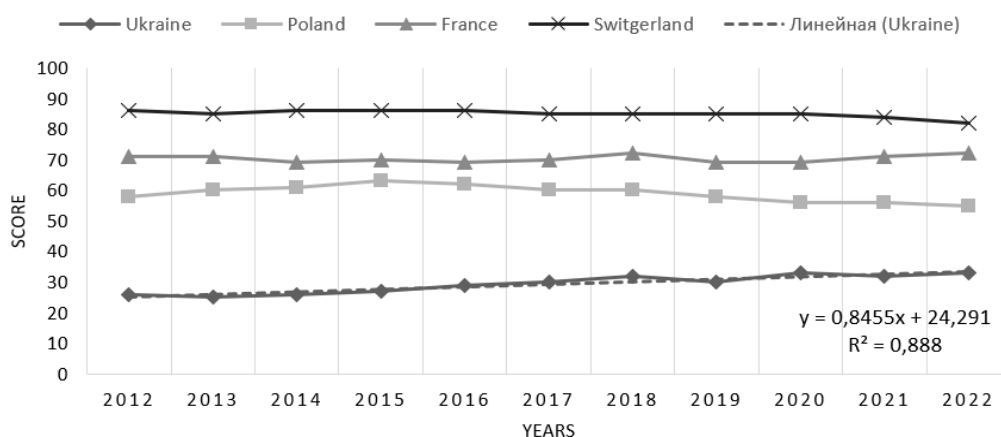


Fig 2. – Corruption perception index at the time interval

Source: built by author based on (<https://www.transparency.org/>)

Despite the openness of borders and the existence of the Internet, the state remains the foundation for personal development, while corruption makes the future of the country highly uncertain and results in monetary relations dominating over social guarantees. Corruption is the main cause of distrust in the government, provocations, foreign policy influences, reduction of security, so it is perceived as a permanent phenomenon with signs of population contagion. If we have a situation not with monetary data equivalent for analysis (which is the best identifier) but with quantitative variables, we can calculate the propensity to corruption using the following formulas:

$$\frac{dS}{dt} = -\alpha \frac{Si}{N}$$

$$\frac{dI}{dt} = \alpha \frac{Si}{N} - \beta I$$

$$\frac{dR}{dt} = \beta I$$

$$R_0 = \frac{\alpha}{\beta} \tag{5}$$

Where S is individuals influenced by a corrupt person,
 N is the total number of individuals in the sample,
 I is infected individuals involved in corruption schemes,
 R is individuals who died or became immune to corruption,
 R0 is the index of contagiousness (spread),

a, b are parameters of epidemic spread – impact of corrupt individuals on individuals with a propensity to corruption (Tang et al., 2020).

We analyzed the propensity to corruption among young people receiving higher education in Ukraine and planning to stay in Ukraine for further employment. These groups of individuals are not yet infected but are in a society with a higher level of tolerance to corruption. After analyzing the control group, we modeled a situation by introducing a game that could be a trigger for breaking the law within this game and contribute to the spread of the disease to other individuals.

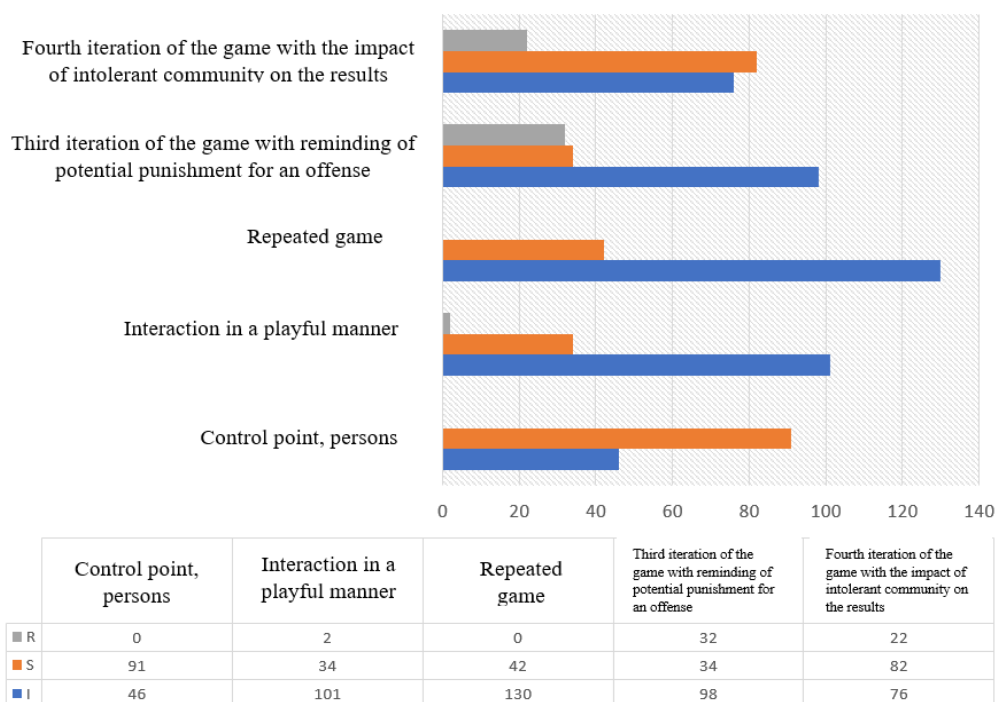


Fig. 3. – Results of the behavioral game based on the principles of infecting individuals in a certain group with the corruption virus

Source: built by author

Those individuals who wrote in the preliminary questionnaire that they would commit illegal acts under favorable circumstances in at least three answers were recognized as infected in the model. In turn, the corrupt person tries to create a space around him/her with other corrupt individuals for comfortable existence and the possibility to control other individuals using manipulation of knowledge about other individuals' offenses. Corruptor's close people become favorable to influence, but only individuals with low moral values become first tolerant of corruption, then infected. The research data are visualized on Fig. 3.

The study involved 230 people who were offered to play the City Administration modeled game at intervals of 24 hours. Roles were assigned according to job descriptions for the main professions used in this institution. Players were given situational tasks where they had to make a choice. The player with the highest amount of finances after the game was the winner (the win for students was automatic credit for the subject). The generation of finances occurred not only by performing works but also by the possibility to perform certain actions (legal and illegal) that also raise funds. A specific feature was the fact that the control propensity to corruption was determined using questionnaires. The questionnaire data showed a large number of persons susceptible to corruption (91), whereas in the first game only 34 persons became corrupt during the game by violating the rules of the conditional law. From the beginning of the game, the number of corrupt persons was 101, which was much higher than according to the questionnaire data (46).

When the results were announced the next day, the number of corruptors increased further to 130, while the number of new corruptors becoming infected during the game increased by 8 compared to the first game. When one created unfavorable conditions for corruption, the number of corruptors in the third iteration decreased to 98, and the number of infected persons during the game reached the level of the first interaction. After conducting the study, we can assert that additional restrictions affect actions of the participants. Thus, having the influence of the non-tolerant community on corruptors, the number of those who chose the path with offenses during the first 5 moves was significantly less, while their number increased significantly during the game, which shows that the desire to win among individuals is of higher priority. The number of people intolerant to corruption was 93 according to the questionnaire, whereas the second game resulted in only 58 people intolerant to corruption, which indicates that the number of infected people increased during the game and that questionnaire research is unreliable.

The research analysis shows that 59 % of individuals are prone to corruption in Ukraine under favorable circumstances, and the questionnaire data can determine the propensity of an individual to corruption, while almost all the individuals identified as prone to corruption in the model game were noted as infected at the first stages of the game. This confirms the hypothesis that the majority of those raised in a tolerant environment to corruption will also become corrupt under favorable circumstances. Public control is efficient at the first stages of the anti-corruption campaign when a person does not yet know all the rules of the game to get a win without recording offenses.

This game model confirms the adequacy of the infectious disease spreading model for investigating the level of corruption and propensity to corruption for a group of individuals. When calculating the losses from corruption at the level of 10 billion UAH per year in Kyiv (<https://zaxid.net/>), where the number of heads of corruption schemes is about 160 people with budget revenues of about 66 billion UAH and the number of employees about 957 people, according to formula 3, the efficiency of anti-corruption measures is about 12 %. It is quite low compared to European countries where the damage caused by corruption is much lower in relation to the creation of socially useful products.

Ukraine needs to develop a model based on the principles of hypothesis 1, stating that Ukrainian realities primarily require the improvement of the level of society and ways of controlling corruption. At the same time, moral, psychological and public anti-corruption tools are important, but they will have a long-term character and won't have a proper effect without appropriate legislative changes. Given the confirmation of hypothesis 1, the model of further government actions was adjusted in accordance with the wishes of Kyiv's population to improve the results of anti-corruption activities.

After the introduction of administrative changes shown in Table 1, it is viable to implement the anti-corruption policy at the level of the individual, form responsibility for violation and promote zero tolerance to corruption. According to hypothesis 1, the first-priority anti-corruption tools are changing the legislative system and increasing the sentence for violation, which was confirmed by the anonymous survey of Ukrainian citizens. This set of tools will be efficient if applied in a comprehensive manner. It is reasonable to compensate

the potential economic burden on the law enforcement system of Ukraine by seizing property and valuable items from corrupt officials and selling these lots on state trading platforms. The creation of favorable conditions for society will grow trust in the government and transparency of the state system.

Table 1

Model of anti-corruption tools in Ukraine determined by hypothesis 1

Action	Expected efficiency	Prioritization by score from 1 to 10
Public punishment for corrupt activities with a term of imprisonment of at least 20 years with confiscation of all available property and inability to hold managerial positions during life for the corrupt person and relatives of the 1 st degree of kinship	78 %	2.4
Adjustment of legislation towards reducing discrepancies that can lead to corruption. Search and elimination of potential tools for corruption schemes based on the launch of the anti-corruption game for university students and officials with the possibility of cash prizes for describing potential corruption schemes and opportunities for their elimination.	31 %	3.2
Development of a digital platform to track all filed corruption cases (online court system). Maximizing their publicity and transparency	58 %	3.3
Increase in consumer confidence and security level to EU average values as of 2023	42 %	3.7
External control over activities of law enforcement agencies. Rule of law. International audit	11 %	4.9
Creation of a single ERP-CRM system for officials where monthly reports would be open to the public	17 %	5.6
Enhancing the living standards of socially vulnerable groups of the population to a minimum value of 500 USD per month due to intensive development of the state and development of the IT services sector	31 %	5.8
Conducting a promotional anti-corruption program by community business representatives	7 %	7.9
Educating youth with zero tolerance to corruption	69 %	8.1
Public control over the digitalized antitrust platform	43 %	8.4

Source: built by author

According to public opinions of Ukrainians, it is important, in addition to adjusting the legislation, to create a transparent judicial system and ensure its maximum digitalization, which will allow indirect influence of the public on decision-making, help to draw attention to the criminal system of Ukraine and affect the increase of responsibility for offenses. These tools are desirable for implementation with zero tolerance for corruption in the judicial system and well-coordinated, systemic work, which is aimed at achieving results of the security bodies of Ukraine.

The economic component of all changes should be justified and should contribute to improving the living standards of the population, which will also allow reducing corruption in Ukraine.

One conducted research on the responsibility of individuals for corruption during stress (using the example of the war in Ukraine) and in the period after the war. These results are averaged for 200 respondents with the total square of deviation at the level of 1189 (the sum – for respondents, average value of the sum of indicators), which can indicate the relative objectivity of the data due to a small deviation from the average value. For each item of the findings, 10 questions were developed to determine the individual’s responsibility for corruption offences at different stages of life and in the modeled environment of the stabilization of the situation in Ukraine. The level of responsibility was determined by means of subjective assessment of the individuals’ situation based on their own experience and can differ from the results of other population groups. 100 % is tolerance to corruption (percentage of infected among the total mass of civil servants in Ukraine), 0 % is zero tolerance to corruption, taking into account the situation in the country and the respondent’s own worldview.

Fig. 4 shows that at the initial stages of the war or when another stressful situation affects the society, tolerance to corruption decreases, as well as the level of corruption itself. The questionnaire respondents noted that in the first three months of the war, a psychological and emotional state based on family upbringing (family values developed from the age of 4 to 8), adherence to rules, empathy, cohesion, focus on moral and ethical norms and mutual assistance prevails. The stressful situation affects the nervous system of an individual so that the preservation of life remains the main task, rather than obtaining financial resources. The war initiates the process of forming internal conflicts, reducing the quality of living standards, accumulating stress situation, destructing infrastructure, insufficiency of financial resources simultaneously with the search for new channels of income. The search for new sources of income contributes to the increase of corruption, while the poor living standards result in tolerance to corruption (Koval, Mikhno, Udovychenko et al., 2021).

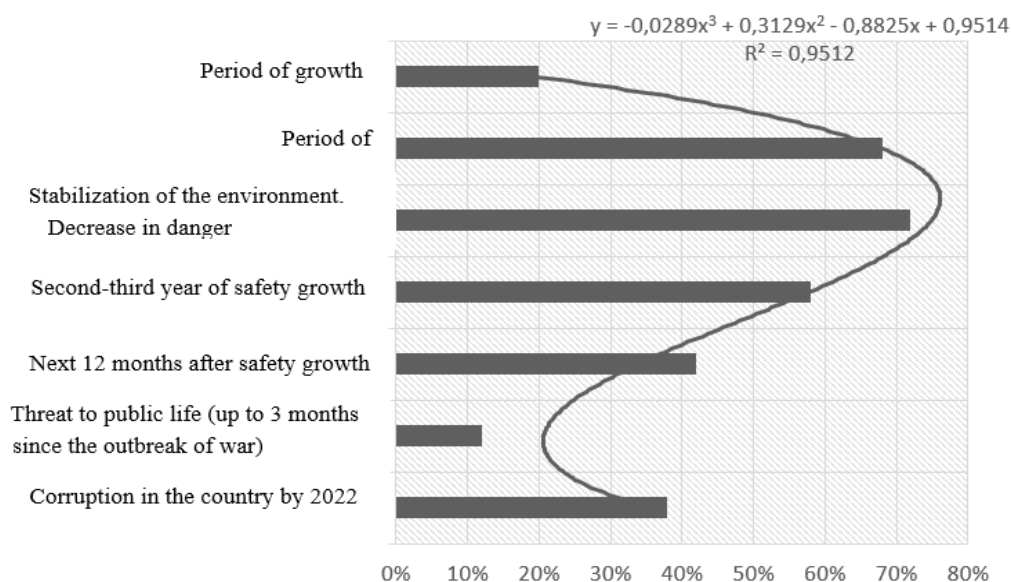


Fig. 4. – Level of tolerance of Ukrainian civil servants depending on the situation in the country according to anonymous questionnaire survey data

Source: built by author

During the conflict, tolerance to corruption grows and new schemes are created to seize resources without observing legal norms. The point of extremum becomes the period of stabilization of the situation and reduction of stress overload. At this time, the respondents noted that civil servants see the prospect of potential changes and will try to accumulate their own fund of resources due to the possibility of dismissal or changes in the political situation. At the same time, there will be new opportunities to create corruption schemes by increasing the level of external investment in the country. The recovery period is also characterized by the high volume of investment in reconstructing the country, which will be a catalyst for increased tolerance to corruption and the increase in the number of infected.

However, during the period of economic growth, tolerance to corruption will decrease again, which will be the foundation for social and economic changes and the creation of favorable conditions for the development of zero tolerance to corruption among Ukrainian youth and growth in the quality of public life, legislative changes towards digitalization and introduction of innovations. 82 % of respondents noted that tolerance to corruption after a stressful situation in the period of growth should be less than before the impact of stressors, i.e. society can move to a new level of responsibility and development. The dependence of changes in tolerance to corruption at the time interval can be cyclical and correlate with current stress factors reflected in the social and economic situation of the society. However, at the stages of growth, one predicts the decrease in the threshold values of tolerance to corruption with each point of extremum, i.e. the increase in the moral and value guidelines of the society.

Conclusions. After 2014, Ukraine experienced the decline in the living standards of vulnerable segments of the population and the decrease in expenditures on R&D and innovations, which indicates a negative trend in social and economic development in the country and the reluctance of the government to support innovative projects. Economic development was kept by the use of available resources and exploitation of obsolete technologies that are mostly no longer used in developed countries, and economic instability slowed down the process of attracting investments.

However, the main reason for Ukraine's low rate of development was the high level of corruption and tolerance to corrupt practices, so neutralizing the impact of this factor on macroeconomic development is a priority task of the state policy. It is revealed that individuals involved in corrupt schemes can infect their close people according to the principle of biological infection spreading and contribute to the increase in the number of persons tolerant to corruption. According to the game model based on the principles of disease spreading in the population, it is found that 55 % of individuals who were not corrupt are prone to corrupt acts under favorable circumstances and become infected during the first contact and the opportunity to obtain additional resources. This demonstrates the weakness of Ukraine's legislative system, the low moral and ethical level of individuals and corrupt law enforcement agencies, which are also mostly infected and spread the disease to other institutions, while most corrupt acts will avoid proper punishment and won't be addressed in public.

Based on the facts of confirmed participation of high-ranking officials in corruption schemes, in order to reduce the level of corruption in Ukraine, first of

all, it is necessary to reorganize the existing judicial system towards digitalization, transparency and automation, to adjust the current legislation towards increasing the penalties for non-compliance with the law, to activate the influence of the public on decision-making and to increase the level of responsibility of individuals for their actions. It is revealed that the level of tolerance to corruption is maximum when the war period increases and the process of territorial reconstruction begins, which means the internal instability of the situation and the unwillingness of current government officials to change towards the neutralization of corruption. At the same time, when stabilizing the economy after the war, one should establish a system of zero tolerance to corruption and conduct activities among young people to form a transparent legal, social, economic and political system, which would increase the level of responsibility for their own actions.

Understanding the level of infectiousness of the existing government system of the country will provide additional assessment when implementing anti-corruption measures at the stage of recovery from stress. However, given the possibility of infection and the poor state of the legal system, stress factors will result in the increasing level of corruption in the country. Therefore, in order to increase the rate of economic growth, it is necessary to remove infected individuals from the system of state administration forever and attract young people who are intolerant to corruption and work according to the principles of innovation and digitalization of available services and flows.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Інеса МІХНО

ПІДВИЩЕННЯ ЕКОНОМІЧНОГО ЗРОСТАННЯ УКРАЇНИ ПРИ ВСТАНОВЛЕННІ НУЛЬОВОЇ ТЕРПИМОСТІ ДО КОРУПЦІЇ

Анотація. У статті розглядаються основні інструменти покращення якості життя суспільства в Україні. Виявлено, що наукова та інноваційна діяльність в Україні за останні роки занепадає, а споживчі витрати на продукти харчування у структурі витрат домогосподарств становлять близько 90 %, що свідчить про низький економічний рівень життя суспільства. Визначено, що одним із дієвих методів покращення ситуації в Україні є створення економічно сталого та мирного середовища та подолання корупції, як основного чинника зниження ефективності стабілізаційних змін.

Моделюючи рольову гру, ми дійшли висновку, що толерантність до корупції знижується при створенні сприятливих обставин для вчинення протиправних дій і стає популярною в суспільстві. Модель, яка відображає швидкість і якість поширення корупційної поведінки, може бути біологічною моделлю поширення хвороби, коли інфіковані особи можуть передавати хворобу здоровим людям і створювати корумповані групи, які також поширюють інфекцію та постійно шукають нові способи отримання незаконного доходу.

Виявлено, що покращити ситуацію можуть законодавчі зміни, які сприятимуть прозорості судової системи та збільшать тривалість покарання та збитків корупціонерів, а після усунення стресових факторів бажано запровадити освітні програми для сприяння нульовій толерантності серед молоді. ситуації та процес відновлення території України після війни.

Ключові слова: методи вдосконалення суспільного життя, інструменти оздоровлення економіки, корупція, корупція в Україні, тіньова економіка.

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FISCAL POLICY CYCLICITY

Abstract. The enterprise's activity is formed taking into account exogenous processes, due to the single or multiplicative influence of a number of factors of different nature in terms of the nature of the impact, predictability, the model of the enterprise's response, the consequences of the impact, the level of controllability. The factor of cyclical economic development has a special influence on the operation of the enterprise. Certain elements may also be subject to cyclical effects, in particular: the product, the enterprise itself, the industry, the

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region or the national economy. The study of the impact of the cyclical development of the economy on the activities of modern enterprises is an important scientific and practical task, the solution of which in the conditions of modern economic realities acquires unconditional relevance.

Purpose of the article is to investigate the peculiarities of the formation of the financial policy of the state in the conditions of cyclical economic development; conduct an analysis of the components that determine the nature of the fiscal impulse; determine the key aspects of building an effective fiscal policy, taking into account cyclical fluctuations. General scientific and special methods are used: analysis, synthesis, tabular-graphic, theoretical generalization and abstract-logical.

The conducted research made it possible to obtain a comprehensive understanding of the peculiarities of the formation of the financial policy of the state in the conditions of cyclical development of the economy. It is determined that cyclical processes affect the contour and strength of the fiscal impulse, which forces enterprises and organizations to adapt by systematizing, evaluating and analyzing the changes that occur. An assessment of the financial policy was carried out from the point of view of cyclical and structural components can be characterized, as a result of which it was justified that the cyclical and structural components of fiscal policy determine a number of processes related to the budgeting of state revenues and expenses.

It is proven that public finances, the stability of which functionally affects the flexibility of fiscal rules and norms, are prone to long-term economic shocks, which as a result distorts the symmetry of reactions to structural and cyclical changes in the mechanism of fiscal consolidation. The practical value of the conducted research lies in the implementation of effective fiscal policy, which allows to ensure its main goals, in particular: smoothing cyclical fluctuations of the economy, promotion of sustainable economic growth, moderate rates of inflation. The key to the reproduction of a balanced fiscal policy in the medium and long term is the adoption of a complex of fiscal rules, which should be effective taking into account external factors and the macroeconomic situation in the country.

Keywords: *fiscal policy, cyclical fluctuations, fiscal consolidation, fiscal impulse, budget and tax institutions.*

Introduction. To ensure competitive and sustainable parameters of the business entity's functioning, the primary task is to analyze the state of its external environment and develop measures to respond to positive and negative trends. The activity of the enterprise is formed taking into account exogenous processes, due to the single or multiplicative influence of a number of factors that have a different nature in terms of the nature of the impact, predictability, the model of the enterprise's response, the consequences of the impact, and the level of controllability.

The state budget deficit of Ukraine for 2021 amounted to UAH 197.9 billion or 3.8 % of GDP. At the same time, the deficit of the consolidated budget was smaller and equaled UAH 186.9 billion or 3.6 % of GDP. Such indexes indicate the restrained nature of the fiscal policy. According to IMF estimates, the average budget deficit in developed countries in 2021 was 8.8 % of GDP, and it was 6.6 % of GDP in countries with emerging markets (Bohdan, 2022).

The factor of cyclical economic development has a special influence on the functioning of the enterprise. Certain elements may also be subject to cyclical effects, in particular: the product, the enterprise itself, the industry, the region, or the national economy. The study of the impact of the cyclical development of the economy on the activities of modern enterprises is an important scientific and practical task, the solution of which in the conditions of modern economic realities acquires unconditional relevance (Sosnovska & Dedenko, 2019; Laktionova, 2014).

In terms of fiscal policy that acts as an infrastructural component of general

state policy, today it is important to understand and evaluate its cyclical nature.

Analysis of recent research and publications. Cyclical fluctuations of the economy attract considerable attention of a wide range of experts, practitioners, developers, legislators and are an urgent problem in the conditions of a changing and constantly changing environment. Theoretical and practical questions regarding the implementation of fiscal policy were formulated by foreign scientists (Bohdan, 2022; Sosnovska & Dedenko, 2019; Laktionova, 2014; Schaechter et al., 2012; Schava, 2015; Horodetska & Sendetskyi, 2017).

However, special attention should be paid to the study of the issue of cyclicity in the context of the formation of fiscal policy with all possible components of this process.

The purpose of the article is to investigate the peculiarities of the formation of the financial policy of the state in the conditions of cyclical economic development; conduct an analysis of the components that determine the nature of the fiscal impulse; determine the key aspects of building an effective fiscal policy considering cyclical fluctuations.

Formulation of the main material. The scientific literature reveals the interpretation of the economic cycle as a period between two falls in the volume of national production, or a period between two crises. This is the basis of the approach to distinguishing tax regulation as a component of stimulating or restrictive fiscal policy depending on the economic situation of tax regulation. In addition, depending on the impact of tax instruments, it is possible to distinguish between discretionary (one-time) and non-discretionary (automatic) fiscal policy.

The European fiscal rules are the same for all EU member states. At the same time, each country has its own supporting procedures and institutions. Furthermore, each country has its own national fiscal rules. The fiscal rules index is therefore not the same for every country. Fig. 1 shows the average value of the fiscal rules index in our sample. In addition, it displays the spread of the minimum and maximum value of the index. The average score for the index gradually increases from 1.87 to 3.22 over the sample period as individual EU member states adopted new fiscal rules and strengthened their fiscal frameworks. The figure also shows two periods during which the index sharply increased, reflecting a strengthening of the European fiscal rules. In 2005, the EC reinforced the preventive arm of the Stability and Growth Pact (SGP), such that every country had a specific medium-term objective (MTO) for the structural budget balance. Furthermore, as the global financial crisis revealed shortcomings of the European fiscal rules, the EU responded with several legislative measures (e.g., the "Six-Pack", "European Fiscal Compact", and "Two-Pack") to enhance its economic governance.

First of all, it is advisable to dwell on the role of automatic regulators. Thus, in the domestic tax system, it is necessary to develop mechanisms of influence on economic cyclicity by increasing the effectiveness of automatic (built-in) stabilizers – the introduction of a low-progressive system of taxation of personal income of individuals. The Institute of Tax Regulation should be a powerful tool for achieving and maintaining macroeconomic stability.

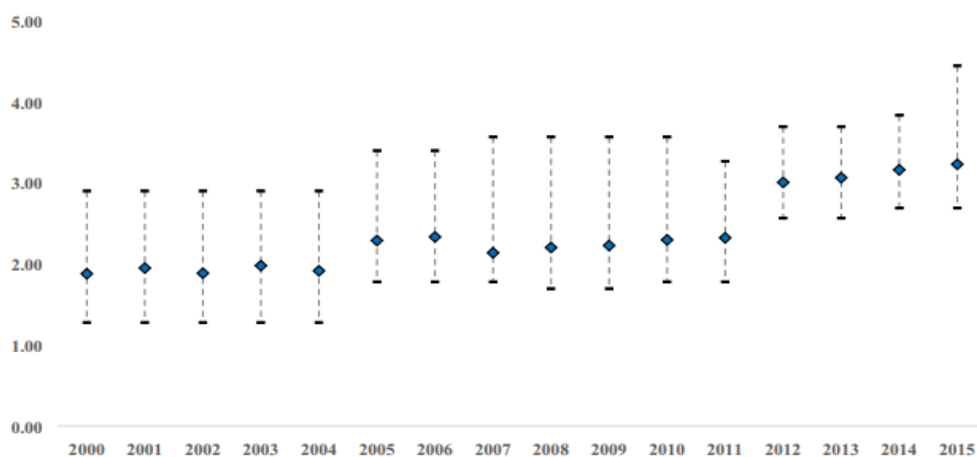


Fig. 1 – Fiscal rules index (EU average)

Note: The fiscal rules index ranges from 0 to 5.

The average score for EU countries gradually increases from 1.87 to 3.22

Source: based on (Schaechter et al., 2012)

Along with the action of automatic stabilizers, it is necessary to actively apply the possibilities of discretionary fiscal policy, within which it is important to use the tools and mechanisms of tax regulation to mitigate economic downturns and restore economic growth. Built-in stabilizers typically include: income taxes, corporate income taxes, and unemployment benefits. Their key function is to automatically stimulate the economy during a downturn and limit it during an upswing, thus achieving its stabilization without government intervention (Schava, 2015).

The regulatory influence of fiscal policy is manifested in the ability to change the structure of the national economy, reduce cyclical fluctuations, ensure maximum employment, promote economic growth, streamline state finances, optimize the level of inflation, etc. (Horodetska & Sendetskyi, 2017).

Corporate taxation is a key component of the taxation system that directly affects current and future business decisions of the private sector. Any changes in the taxation system significantly affect the volumes and dynamics of fluctuations in production costs, investments and general economic activity. In the main, cyclical fluctuations in the value of consumer capital are caused mainly by temporary fiscal incentives, but the trend is determined by the policy of the tax rate. Compared to monetary policy, which is an alternative tool and does not cause economically significant countercyclical changes in the real rates of enterprise financing, corporate tax policy in general and temporary fiscal incentives in particular are more effective tools for overcoming a cyclical downturn (Petchenko, 2018).

Increasing the effectiveness of the use of tax regulation mechanisms will reduce fluctuations in the economic cycle and ensure higher rates of economic growth (Nikitishyn et al., 2022). The practice of fiscal analysis refers to the indicator of the cyclically adjusted primary balance (English SARV) of the general government. CAPB is the result of discretionary fiscal policy. This indicator is calculated as the difference between revenues and primary expenditures of the state, adjusted for the size of the GDP gap.

Another important indicator is the fiscal impulse, which is calculated as the difference with the inverse sign of the CAPB of the current period and the

previous period. A positive value of momentum is an indicator of fiscal expansion, that is, an expansion of the expenditure part of the budget or a reduction of taxes, which positively affects the level of aggregate demand in the economy. On the contrary, the negative value of the fiscal impulse is an indicator of fiscal consolidation – a reduction in expenditures or an increase in state revenues. Fig. 2 presents the dynamics of changes in fiscal momentum in Ukraine and various groups of countries in 2014-2021, according to IMF data.

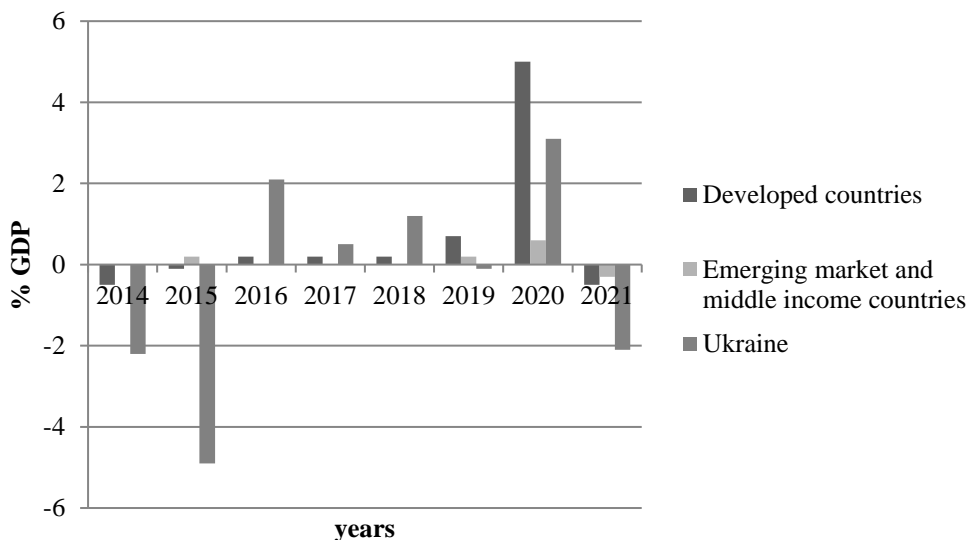


Fig. 2 – Dynamics of changes in the fiscal impulse in 2014-2021.

Source: compiled by the author based on the IMF Fiscal Monitor (Nikitishyn et al., 2022)

A separate study is conducted by A. Vdovichenko, where he uses the OECD methodology to estimate the fiscal impulse. With the help of this approach, the scientist notes that it becomes possible to highlight the cyclical components of the budget through their disaggregation (Vdovichenko, 2018).

Moreover, when studying the categories of fiscal policy, it is especially important to outline the terminological relationships of the concept of fiscal policy with other financial definitions. Therefore, it is advisable to build a terminological composition of the concept of fiscal policy (Fig. 3).

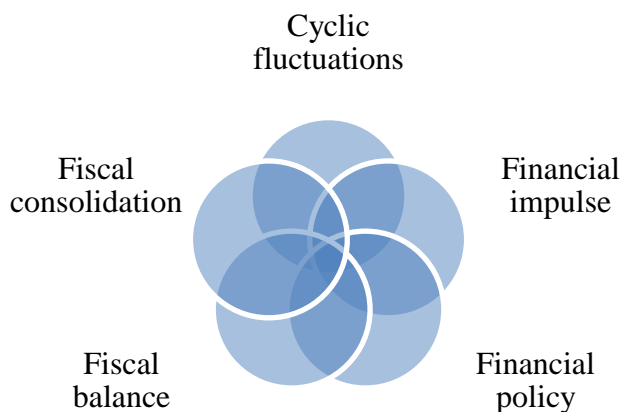


Fig. 3 – Terminological composition of fiscal policy

Source: developed by the author based on analysis (Bohdan, 2022; Sosnovska & Dedenko, 2019; Laktionova, 2014; Schaechter et al., 2012; Horodetska & Sendetskyi, 2017; Onishchenko, 2021)

In general, the assessment of financial policy from the standpoint of cyclical and structural components can be characterized based on the research of leading scientists (Table 1).

Table 1

Assessment of fiscal policy from the standpoint of cyclical and structural components

Author, year	Essence of the approach	Components
Bouthevillain et al., 2001	Emphasizes the impact of economic fluctuations on fiscal policy. A simpler look at the structure of the budget balance is carried out, which makes it possible to distinguish the cyclical component that is formed as a result of the action of automatic stabilizers, and the trend, which is an approximate indicator of discretionary fiscal policy. The action of automatic stabilizers occurs due to the cyclical economic nature of certain categories of budget expenditures and revenues.	cyclical
Gali & Perotti, 2003	The cyclical (non-discretionary) deficit changes as a result of processes not directly under the control of the government – cyclical fluctuations in the level of employment and tax bases. Cyclical fluctuations mainly affect tax revenues because tax bases are very often linked to the economic cycle. Among the categories of budget expenditures, unemployment benefits have an obvious connection with the cyclicity of the economy and are automatic stabilizers. Expenditures for servicing the public debt can also be perceived as a component of the "non-discretionary component", since the government cannot influence their value in the current period.	cyclical and structural
Bornhorst et al., 2011	Adjustment of budget expenditures for the impact of the GDP gap due to the payment of social transfers, the amounts of which increase in periods of economic downturns. With this approach, the list of factors for which it is necessary to adjust the budget balance in order to allocate the discretionary component is expanded, in particular, the following are highlighted: the dynamics of asset prices, the dynamics of prices on world commodity markets, changes in the structure of the economy.	cyclical and structural

Source: compiled by the author based on (Bouthevillain et al., 2001; Gali & Perotti, 2003; Bornhorst et al., 2011)

That is, the cyclical and structural components of fiscal policy determine a number of processes related to the budgeting of state revenues and expenditures. At the same time, the effectiveness of fiscal policy to a certain

extent depends on the choice of fiscal instruments in relation to cycles of business activity and the state of the economic environment, as well as compliance with the basic principles that ensure its optimality (Onishchenko, 2021).

In addition, cyclicity is also a factor that significantly affects the structure of taxation during the stages of recession and economic recovery, which determines the overall level of fiscal efficiency. This is especially characteristic of the open model of the economy (Pasichnyi, 2018).

Among the main goals of fiscal policy, it is necessary to highlight: smoothing cyclical fluctuations of the economy, ensuring sustainable economic growth, moderate inflation rates. An effective fiscal policy is designed to improve the production activity of the economic system and ensure a stable and sufficient filling of the profitable part of the state budget. Historical experience shows the possibility of ascertaining the actual completion of fiscal policy in the form of a cyclical rule of fiscal policy, which can be implemented in an environment with a policy of inflation targeting, openness to foreign trade and capital flows, as well as high capitalization of the banking system (De Gregorio J. Chile, 2009).

Guided by the principle of efficiency, it should be noted that, on the one hand, the fiscal policy of the state is designed to establish the optimal tax pressure on taxpayers, simultaneously with ensuring the maximum profitability of budgets of all levels, and on the other hand, the task of using an effective fiscal policy as an effective lever to reduce negative manifestations of cyclical fluctuations and economic crises.

A separate important issue for building an effective fiscal policy remains the need to ensure control functions in this direction. Currently, international creditors, in particular the IMF, act as a fairly important institution for supervising fiscal balance. However, in the medium and long-term perspectives, our country still has a number of problems, the solution of which requires the adoption of fiscal rules aimed at implementing a balanced fiscal policy, as well as improving fiscal consolidation.

Public finances, the stability of which functionally affects the flexibility of fiscal rules and norms, are prone to long-term economic shocks, which as a result leads to a distortion of the symmetry of reactions to structural and cyclical changes in the mechanism of fiscal consolidation.

Fiscal consolidation, covering the entire system of public finances, is based on adaptive budget and tax instruments. Within the framework of financial theory, the functional and target role of the primary budget surplus (general or cyclically weighted) is emphasized. Under such conditions, the institutional interdependence of fiscal consolidation with budget and tax institutions becomes even more generally defined (Fiscal Consolidation, 2012; Hagemann, 2012).

This aspect is based on the significant dependence of the government on IMF assistance. Continuation of a balanced fiscal policy requires a reduction in external financial infusions. Such a position will contribute to increasing the incentives to use budgetary levers to increase political ratings. In other words, under such conditions, there is a high probability that fiscal policy will continue to remain pro-cyclical. Fiscal stimulus measures should be developed under a favorable conjuncture, seeking to obtain additional political dividends for the country. Thus, guided by the results of the analysis, it is possible to build the

logic of forming an effective fiscal policy, taking into account the impact of cyclical fluctuations (Fig. 4).

Time is an important factor in the formation of an effective fiscal policy. Thus, from a short-term perspective, countercyclical fiscal policy provides the conditions to support aggregate demand and restore growth during a cyclical downturn. Conversely, fiscal austerity can increase the restraining effect on an economy that is growing at a significant rate, i.e. resulting in the risk of glut. Given the long history of tax and government spending regulation, it is worth turning to the experience of smoothing the business cycle in developed economies. In the medium and long term, fiscal policy can also have a significant impact on economic growth.

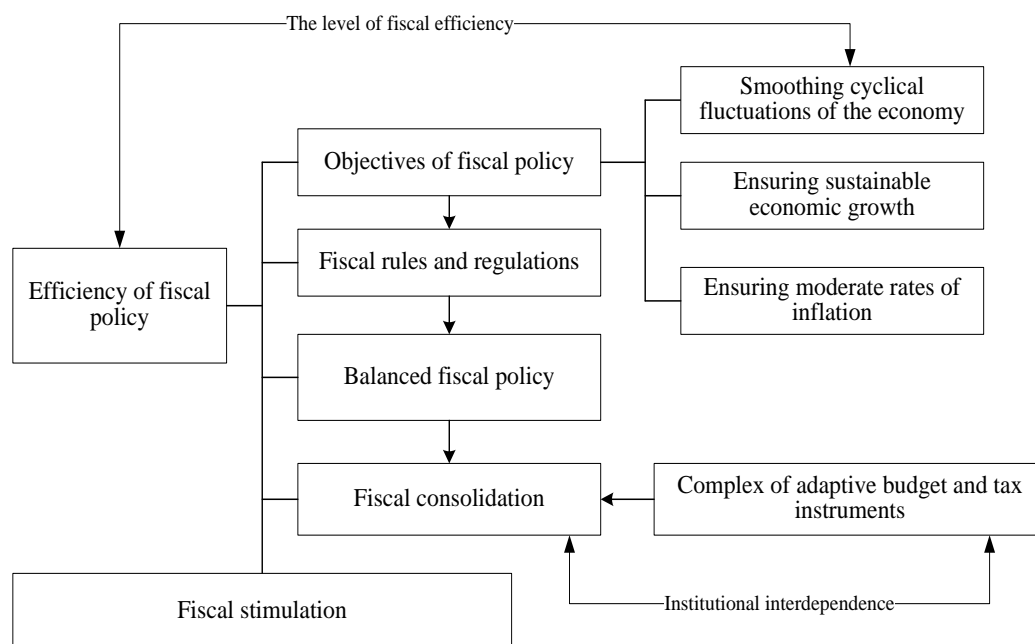


Fig. 4 – The logic of building an effective fiscal policy, taking into account the impact of cyclical fluctuations

Source: developed by the author

This plays a special role in the development of policies of developing countries, since the private sector of such countries is usually characterized as relatively weak and underdeveloped. The amount of government spending aimed at supporting the economy in this case will affect the level of productivity of all business entities and the entire economy as a whole.

Conclusions. The conducted research made it possible to obtain a comprehensive understanding of the peculiarities of the formation of the state's financial policy in the conditions of cyclical economic development. It is determined that cyclical processes affect the contour and strength of the fiscal impulse, which forces enterprises and organizations to adapt by systematizing, evaluating and analyzing the changes that occur.

An assessment of the financial policy was carried out from the point of view of cyclical and structural components can be characterized, as a result of which it was justified that the cyclical and structural components of fiscal policy determine a number of processes related to the budgeting of state revenues and expenses. The effectiveness of fiscal policy allows to ensure its key goals, in

particular: smoothing cyclical fluctuations of the economy, promotion of sustainable economic growth, moderate rates of inflation.

The key to the reproduction of a balanced fiscal policy in the medium and long term is the adoption of a complex of fiscal rules, which should be effective taking into account external factors and the macroeconomic situation in the country. Moreover, it has been proven that public finances, the stability of which functionally affects the flexibility of fiscal rules and regulations, are prone to long-term economic shocks, which as a result distorts the symmetry of reactions to structural and cyclical changes in the mechanism of fiscal consolidation.

As a result of the conducted analysis, it can be concluded that further research should be carried out in the direction of a detailed study of the nature of cyclical changes, as well as the peculiarities of the functioning of various institutions in such conditions.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Анастасія КОЛЄСНІЧЕНКО

ЦИКЛІЧНІСТЬ ФІСКАЛЬНОЇ ПОЛІТИКИ

Анотація. Діяльність підприємства формується з врахуванням екзогенних процесів, через поодинокий або мультиплікативний вплив низки чинників, що мають різну природу за характером впливу, прогнозованістю, моделлю реакції підприємства, наслідками впливу, рівнем контрольованості. Особливий вплив на функціонування підприємства здійснює фактор циклічності економічного розвитку. Циклічним впливом також можуть бути схильні окремі елементи, зокрема: товар, саме підприємство, галузь, регіон або національна економіка. Дослідження впливу циклічного розвитку економіки на діяльність сучасних підприємств є важливим науково-практичним завданням, вирішення якого в умовах сучасних економічних реалій набуває безумовної актуальності.

Мета статті – дослідити особливості формування фінансової політики держави в умовах циклічного розвитку економіки; провести аналіз компонент, які визначають характер фіскального імпульсу; визначити ключові аспекти побудови ефективної фіскальної політики з врахуванням циклічних коливань. Використано загальнонаукові та спеціальні методи: аналізу, синтезу, таблично-графічний, теоретичного узагальнення та абстрактно-логічний.

Проведені дослідження дозволили отримати комплексне уявлення щодо особливостей формування фінансової політики держави в умовах циклічного розвитку економіки. Визначено, що циклічні процеси впливають на контур та потужність фіскального імпульсу, що змушує підприємства та організації адаптуватися шляхом систематизації, оцінки та аналізу змін, які відбуваються. Було проведено оцінку фінансової політики з позиції циклічної та структурної компонент можна охарактеризувати, в результаті чого було обґрунтовано, що циклічна та структурна компоненти фіскальної політики обумовлюють ряд процесів, пов'язаних з бюджетуванням державних доходів і витрат.

Доведено, що державні фінанси, стійкість яких функціонально впливає на гнучкість фіскальних правил і норм, є схильними до тривалих економічних шоків, що в результаті викривляє симетричність реакцій на структурні та циклічні зміни у механізмі фіскальної консолідації.

Практична цінність проведеного дослідження полягає у реалізації ефективної фіскальної політики, яка дозволяє забезпечити її основні цілі, зокрема: згладжування циклічних коливань економіки, сприяння стійкому економічному зростанню, помірні темпи інфляції. Ключем у відтворенні збалансованої фіскальної політики у середньо- й довгостроковій перспективі виступає прийняття комплексу фіскальних правил, які мають бути дієвими з врахуванням зовнішніх факторів та макроекономічної ситуації в країні.

Ключові слова: *фіскальна політика, циклічні коливання, фіскальна консолідація, фіскальний імпульс, бюджетно-податкові інститути.*

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BASIC PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW CONCERNING TREATMENT OF WAR PRISONERS: THEORETICAL AND LEGAL ANALYSIS

Abstract. The author determined that the adoption of the norms of international humanitarian law (hereinafter referred to as IHL) served as a new push for the entire civilized world to humanize social legal relations, which in turn related to the rules of keeping soldiers in captivity and treating them. De jure, this model of protection seems to be used during armed conflicts, but de facto there are significant violations, in particular in terms of the declarative nature of international obligations and the leveling of the influence of international organizations on the side of the conflict that has war prisoners, which is due to the obsolescence of IHL norms in terms of the absence effective mechanisms to counteract such a phenomenon as the violation of the rights of war prisoners.

In addition, the practice of applying legal norms in the field of treatment of war prisoners was analyzed, where the question of their status became a reality due to the introduction of a state of war on the territory of Ukraine, the growing number of war prisoners on both sides, the lack of real mechanisms to guarantee proper treatment, the weakness of international organizations in this area, the promotion of false information about the conditions of their detention to the general public, globalization and changes in social life in all spheres, which became the prerequisites for the situation that arose with the legislation on ensuring the rights and freedoms of participants in military operations, adopted after the World War II, and, accordingly, which needs to be updated according to modern challenges and existing problems.

The main principles of IHL regarding the treatment of war prisoners were studied and the importance of the full implementation of these principles was emphasized for effective compliance by the parties to the conflict with certain norms and standards, since it is seen that as of the beginning of 2024, Ukraine has complied with the provisions of the Third Geneva Convention on the protection of war prisoners and demonstrated its readiness and ability fulfill their obligations. At the same time, the Russian Federation did not show readiness or initiative to take similar measures, which calls into question its commitment to international standards, which has a negative impact on international security and law and order.

Keywords: *principles of international humanitarian law, war prisoners, legal status of war prisoners, treatment of war prisoners.*

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Introduction. One of the key problems of military conflicts is the protection and observance of the rights of war prisoners, which is the most important in the field of military conflicts. According to IHL, there are norms and principles established by international legal acts aimed at ensuring humane treatment of persons deprived of their liberty as a result of armed conflict.

However, with the beginning of the full-scale invasion of the Russian army on the territory of Ukraine in 2022, numerous reports began to be received about the brutal treatment of Ukrainian war prisoners by the army of the aggressor country. Unprecedented cases of illegal detention and torture called into question not only the application of the relevant norms, which define the legal mechanisms of protection and responsibility for such acts, but also the effectiveness of the functioning of existing international bodies and procedures for considering serious violations of the rules of war (Kravtsova & Datsyuk, 2023, p. 399). It also emphasizes the need for more active involvement of state authorities and human rights organizations in monitoring, investigating and applying the norms of international humanitarian law to ensure the humane treatment of prisoners and restore justice.

One of the important aspects of humanism towards war prisoners is the prohibition of any cruel or degrading treatment. International conventions, in particular the Geneva Conventions, clearly establish standards that require the parties to the conflict to respect the dignity of war prisoners and keep them in appropriate conditions.

However, the issue of scientific intelligence, to which the writing of the article is devoted, requires revision, taking into account a number of circumstances:

- increase in the number of war prisoners from both sides of the armed conflict in connection with the state of war on the territory of Ukraine;
- the absence of effective mechanisms that would guarantee the proper treatment of war prisoners, as well as the weakness of international organizations in this area;
- in the conditions of the information society, globalization and changes in all spheres of life, there is a need to update and clarify norms and develop an effective policy in this area, since some laws were adopted after the World War II.

Analysis of recent research and publications. Analysis of recent research and publications. Many works are devoted to the issue of the rights of war prisoners, but all of them are of a purely theoretical nature, since such large-scale conflicts have not occurred since the World War II. Thus, certain issues regarding the treatment of war prisoners were analyzed in the works of such modern authors, in particular, taking into account the realities of the war in Ukraine, namely: O. Bykova, N. Bortnyk, P. Garasymova, T. Datsyuk, I. Zharovskaia, Yu. Kernyakevich-Tanasiychuk, M. Kravtsova, V. Mangora, T. Mangora, O. Minko, K. Nedrya, O. Punda, V. Sarancha, M. Syra, O. Starytska, N. Yastremska and others.

The purpose of the article is to analyze the basic principles of international humanitarian law and practice of applying legal norms in the field of treatment of war prisoners.

Formulation of the main material. After World War II, most conflicts were non-international (internal), and it was during such conflicts that the most

serious human rights violations occurred. International justice has also focused on prosecuting those responsible for crimes committed during civil wars. The scope of application of IHL in non-international armed conflicts is not the same as in international armed conflicts (for example, the legal status of combatants and, accordingly, war prisoners), which complicates enforcement. Currently, it is obvious that the armed conflict between Russia and Ukraine has an international character. Because of this, the application of the Third Geneva Convention of 1949 (Geneva Convention on the Treatment of Prisoners of War) and the First Additional Protocol (Additional Protocol to the Geneva Conventions of August 12, 1949) , as well as the customary norms of IHL should be in full, because both Ukraine and the Russian Federation have ratified the mentioned legal acts. However, the realities are somewhat different, because the question of the degree of implementation of the ratified norms and the readiness to comply with the assumed obligations does not lose its relevance.

It should be noted that the "Geneva Convention on the Treatment of Prisoners of War" or the Third Geneva Convention (Geneva Convention on the Treatment of Prisoners of War) occupies a special place in the research topic, in which the definition of "prisoner of war" is regulated. Accordingly, war prisoners are combatants (or persons equivalent to them) who find themselves under the power of the enemy as a result of war or armed conflict. The Convention also recognizes the rights of war prisoners, that is, military personnel of the armed forces, other members of militias and voluntary formations, persons who accompany the armed forces but do not actually belong to them, members of the crews of merchant ships and residents of unoccupied territories who, when the enemy approaches, take up arms and resist the invading forces.

At the same time, the Convention prohibits the following (Geneva Convention on the Treatment of Prisoners of War):

- application of physical or mental torture to war prisoners (Article 17);
- collective punishment for individual misdeeds, corporal punishment, detention in rooms without daylight and all other forms of torture or ill-treatment in general (Article 87);
- disciplinary measures must in no case be inhumane, cruel or such as may harm the prisoner's health (Article 89).

In addition, the Convention imposes the following obligations on the parties to an armed conflict (Geneva Convention on the Treatment of Prisoners of War):

- creation of information bureaus (Article 122);
- war prisoners are given the opportunity to inform their families and the information bureaus of the warring sides of the conflict about their capture and the place of internment no later than a week after arriving at the camp (Article 70);
- to provide the prisoner of war with the possibility of further communication with his family (Articles 71-72);
- to evacuate and place war prisoners as soon as possible at a sufficient distance from the combat zone to ensure their safety. (Article 19);
- provide war prisoners with drinking water and food in sufficient quantities, provide them with the necessary clothing and medical care (Articles 20, 26, 27, 29-31);
- don't to place war prisoners in prison buildings (Article 22), etc.

However, the existence of international norms does not necessarily mean that they are effective. Despite the presence of established legal standards, international practice and developed doctrine, the actual implementation of humane treatment of war prisoners depends on the level of democracy and legal policy of the warring parties, where another problem is the lack of clear legal regulation of the status of war prisoners.

Even at the stage of pre-trial detention, captured and belligerent states are expected to treat combatants humanely. However, the term "enemy combatant" covers both "lawful" and "illegal" combatants, and it is quite difficult to distinguish between them. While lawful combatants are automatically granted POW status, it is generally not advisable to classify unlawful combatants in the same way. As a result, captured combatants may be deprived of the rights granted to war prisoners (Taran, 2022, p. 682-683).

The term "enemy combatant" does not formally exist in the Geneva Conventions, but is widely used in other documents and is the subject of debate. Unfortunately, this omission makes participants in illegal armed conflicts more vulnerable to cruel and inhumane treatment while in enemy captivity. In this context, the discrimination between legal and illegal combatants is considered and the question is raised whether the refusal to grant the status of a prisoner of war and proper protection is justified only on the basis of the absence of a direct mention of it in the Geneva Conventions. However, our state assumed the obligation to fulfill all obligations regarding war prisoners, which are stipulated by the Geneva Conventions, as well as additional protocols to them, adopted on June 8, 1977, which were ratified by Ukraine on August 18, 1989 and entered into force on July 25, 1990 despite the fact that the norms of international law in the specified area have existed for a long time, it should be noted that there is insufficient proper legal regulation of the status of military personnel at the state level. The problem lies not only in the conflict, but also in the declarativeness of the norms, since the full-scale invasion of the aggressor state on our territory demonstrated the absence of a real mechanism for the protection and protection of war prisoners, a mechanism for their exchange.

It should be noted that the International Committee of the Red Cross (hereinafter – the ICRC) singles out the most important means of protection provided to war prisoners under international humanitarian law, including humane treatment, respect for the personality and honor of war prisoners, equality and non-discrimination on any grounds, the right to medical assistance, contact with the outside world, the right to visit the ICRC, the right to a fair trial, release and repatriation. Therefore, special attention should be focused on the main principles of legal regulation of the status of war prisoners, which in turn are divided into general and special.

The general principles should be understood as those provided by the norms of international humanitarian law, influencing the modern development of social realities regarding the establishment of humane views in society. These include:

1. One of the primary principles that guarantees protection from any cruel or humiliating, veto on the use of physical or psychological pressure is the principle of prohibition of cruel treatment. However, its real observance is impossible without a democratic internal political component of the state, which has prisoners of war.

2. The principle of humane treatment, according to which those holding war prisoners must treat them with dignity and safety, including providing them with adequate food, water, medical care and minimum sanitary conditions. It is important to understand that war prisoners, despite the fact that they are citizens of an enemy country, are still bearers of human rights.

3. The principle of ensuring decent treatment. Everyone has the right to have their honor and dignity respected in all circumstances. In this regard, prisoners of war belong to a special category of persons who are under the protection of international law. In other words, war prisoners are guaranteed protection by the state in whose custody they are.

4. Ensuring the safety of personal belongings and documents. War prisoners have the right to keep personal belongings, documents and other items that reflect their identity.

5. Guaranteeing proper communication with the family and bodies that should ensure their protection.

6. War prisoners must be released or returned to their homeland after the end of the military conflict. However, this principle should be considered in a broad sense, taking into account political circumstances (Lahav et al., 2015). For example, at the end of the Korean War, 76 Korean POWs and 12 Chinese POWs refused to return on both sides of the border. Instead, they sought refuge in neutral countries and risked their lives to escape their leaders.

However, we believe that the focus should also be on specific principles that should be implemented in national legislation and legal policy. Such is rehabilitation and special state assistance after the return of war prisoners. This question concerns all military personnel, but to an even greater extent – those who have been in captivity. Scientific studies show that captivity increases the risk of developing multiple disorders that worsen in old age.

The period of life as a prisoner of war is one of the most difficult traumatic events for a person, and its consequences are associated not only with long-term psychological and physiological difficulties, but also with accelerated aging. Being in captivity entails long-term complex stress and increases the risk of numerous mental and physical disorders even many years after repatriation (Dekel et al., 2014).

Experts have also proven that in later life former prisoners of war may suffer from depression and accelerated aging (Lahav, 2020). We believe that this issue is complex and should be considered more broadly, rather than focusing exclusively on war prisoners. After release from captivity, these people find themselves in the family circle, where their families also suffer from the psychological trauma of their absence. State policy on family protection should include rehabilitation and state guarantees of protection and support for families of war prisoners.

Conclusions. Thus, international humanitarian law plays an important role in ensuring the protection and humane treatment of war prisoners. The Geneva Conventions and their Additional Protocols are the basis for the protection of persons who do not participate in hostilities or who have ceased to participate in hostilities.

Despite the unified standards, the practice of armed conflicts and related phenomena differs, which leads to cruel treatment and inhumane conditions of detention of war prisoners. The Russian-Ukrainian war contributed to the creation

of new dimensions and challenges in the field of international humanitarian law, covering the protection of war prisoners. Formally, there are models for protecting such participants in armed conflict and ensuring their humane treatment. However, there are serious, even enormous problems associated with the declarative nature of international obligations, the ineffectiveness of international organizations, and the lack of significant influence on the party that holds prisoners of war, making their application impossible. In this context, it is necessary to talk about the implementation of international norms of international humanitarian law in general and norms concerning prisoners of war in particular.

Within the framework of this scientific study, the basic principles (basic principles) of the legal policy of democratic states in the field of treatment of war prisoners have been determined. These principles are divided into general (prohibition of cruel treatment, humane treatment, right to dignity, preservation of property and documents, right to contact with family and security agencies, right to return home) and special (rehabilitation of war prisoners after return and special assistance from state, support for families of war prisoners).

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Олександр ЮНІН

**ОСНОВНІ ПРИНЦИПИ МІЖНАРОДНОГО ГУМАНІТАРНОГО ПРАВА
В ЧАСТИНІ ПОВОДЖЕННЯ З ВІЙСЬКОПОЛОНЕНИМИ:
ТЕОРЕТИКО-ПРАВОВИЙ АНАЛІЗ**

Анотація. Автором визначено, що прийняття норм міжнародного гуманітарного права (далі – МГП) слугувало новим поштовхом всього цивілізованого світу до гуманізації суспільних правовідносин, які стосувалися своєю чергою й правил тримання військових у полоні та поводження з ними. Де-юре така модель захисту начебто

застосовується під час збройних конфліктів, проте де-факто наявні значні порушення, зокрема в частині декларативності міжнародних зобов'язань та нівелюванні впливу міжнародних організацій на сторону конфлікту, яка має військовополонених, що обумовлено застарілістю норм МГП в частині відсутності дієвих механізмів протидії такому явищу, як порушення прав військовополонених.

Крім цього було проаналізовано практику застосування правових норм у сфері поводження з військовополоненими, де питання про їх статус стало реальністю через запровадження стану війни на території України, зростаючу кількість військовополонених з обох сторін, відсутність реальних механізмів гарантування належного поводження, слабкість міжнародних організацій у цій сфері, пропагуванні неправдивих відомостей про умови їх тримання на широкий загал, глобалізації та змінам в суспільному житті в усіх сферах, що стало передумовами ситуації, яка склалася із законодавством щодо забезпечення прав та свобод учасників воєнних дій, прийнятим після Другої світової війни, і, відповідно, яке потребує оновлення згідно з сучасними викликами та наявними проблемами.

Досліджено основні принципи МГП щодо поводження з військовополоненими та наголошено на важливості повної імплементації цих принципів для ефективного дотримання сторонами конфлікту певних норм і стандартів, оскільки вбачається, що станом на початок 2024 року Україною дотримано положення Третьої Женевської конвенції, щодо захисту військовополонених та продемонстровано готовність і спроможність виконувати свої зобов'язання. Водночас РФ не виявила готовності або ініціативи вжити аналогічних заходів, що ставить під сумнів її прихильність до міжнародних стандартів, що несе негативний вплив на міжнародну безпеку і правопорядок.

Ключові слова: *принципи міжнародного гуманітарного права, військовополонені, правовий статус військовополонених, поводження з військовополоненими.*

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JUVENILE POLICE MEDIATOR AS A WAY TO PREVENT BULLYING IN SCHOOL EDUCATIONAL INSTITUTIONS

Abstract. The article is devoted to solving the problem of bullying prevention in schools through the use of juvenile police mediation. It has been found that in the conditions of war, children are subjected to psychological pressure and stress, psychological stress as a result of direct experience or observation of war events, shooting, bombing, destruction of their homes, change of residence, etc. All this complicates the standard mechanisms of prevention and

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regulation of bullying in schools and contributes to the increase of cases of bullying.

It is also determined that bullying in an educational institution leads to significant social and psychological consequences for all parties to this process: the offender (bully), the victim (victim), observers. Problems were identified, according to which there is currently no mechanism for overcoming the negative consequences that the participants (offender and victim) receive as a result of bullying.

It has been established that the victim, as well as the perpetrator, witnessing bullying can have a negative impact on mental and emotional health, causing stress, anxiety and even leading to serious consequences such as depression or suicidal thoughts. The consequences of bullying can go far beyond the boundaries of the educational institution and affect the immediate environment of the child, his future life.

The implementation of such a tool as mediation in the activities of juvenile police officers is proposed, the main idea of which is to give the participants of the conflict an opportunity to meet and try to find a compromise, resolve the situation and settle the conflict through dialogue and cooperation, after solving the offense in the legal field.

It was determined that the police mediator can also be an active link in creating a system of encouraging compliance with the rules and creating positive mechanisms for controlling the situation at school, aimed at preventing conflicts.

Keywords: *mediation, juvenile prevention, police mediator, bullying, prevention.*

Introduction. Since the beginning of the full-scale invasion, the life of Ukrainian society has changed dramatically forever. These changes were caused by the consequences of the war: the occupation of territories, the commission of atrocities against children and women, shelling of civilians, forced deportation of children, filtration measures, recruitment of minors to participate in the armed conflict, and forced displacement of the population. The state and legal institutions are faced with the urgent issue of ensuring the safety of citizens, as well as vulnerable and unprotected groups. At the same time, it would seem that issues that are not directly related to the basic needs of society and the state are "out of time". However, over time, any activity resumes and requires regulation, control, and development.

Today, one of these pressing issues is the issue of bullying in the educational environment, as well as ways to overcome and prevent it.

Today, bullying in the educational environment is an extremely complex problem. According to statistics from a UNICEF study, 67 % of children in Ukraine aged 11 to 17 have experienced bullying, of whom 24 % are victims of harassment (<https://www.unicef.org/>).

In the context of war, children experience psychological pressure and stress as a result of direct experience or observation of military events, shooting, bombing, destruction of their homes, change of residence, etc. All of this complicates standard mechanisms for preventing and addressing bullying in schools and contributes to the increase in bullying. Children who have experienced stressful situations and are forced to be in new groups during their studies may choose negative methods of interaction with others, including bullying.

Experts note that preventing and combating bullying is both a legal and psychological "problem". Stopping bullying and preventing other cases of it requires the involvement of all experts and specialists: police officers, teachers, psychologists, and mediators. After all, the main task in the case of bullying is, first of all, to stop it and prevent it from happening again. Police mediation is one of the possible ways to prevent juvenile delinquency. This approach involves the use of mediation methods to resolve conflicts and violations that arise in the children's environment, contributing to the improvement of relations between

law enforcement agencies and children, as well as helping to reduce the risk of children becoming involved in future offenses.

A constructive solution to addressing bullying is possible with the help of such a tool as mediation, which will be the subject of this study.

Analysis of recent research and publications. The following scholars have devoted their works to the issues of administrative liability for committing bullying, prevention and counteraction to bullying: O. Dzhafarova, O. Bezpalo, I. Drok, Y. Levchenko, T. Lezhneva, B. Logvinenko, O. Melnychuk, R. Opatskyi, N. Opolska, S. Chernopyatov, K. Pisotska, R. Karpenko, O. Kolomoyets, R. Myroniuk, T. Minka, V. Kononets, and others.

They have made a significant contribution to the study and research of the theoretical foundations of administrative liability for bullying, legal regulation, interpretation, etc. At the same time, the issue of juvenile police officers implementing such measures as mediation to prevent bullying in school is not currently the subject of research by scholars.

The purpose of the article is to clarify the issues of bullying prevention in school educational institutions and to determine the advantages and disadvantages of juvenile police officers' use of mediation with participants of bullying.

Formulation of the main material. The concept of bullying is defined by the legislator in the Law of Ukraine "On Education" and Article 173-4 of the Code of Ukraine on Administrative Offenses. Thus, bullying (harassment) is an act (action or inaction) of participants in the educational process that consists of psychological, physical, economic, sexual violence, including the use of electronic communications, committed against a minor or underage person and (or) by such a person against other participants in the educational process, as a result of which harm could be or has been caused to the mental or physical health of the victim.

Today, one of the basic legal documents on the prevention and counteraction to bullying is the Order of the Ministry of Education and Science of Ukraine of 28.12.2019 No. 1646 "Some issues of responding to cases of bullying (harassment) and the application of educational measures in educational institutions", which defines the mechanism for responding to cases of bullying (harassment) and the procedure for applying educational measures in educational institutions.

This order also defines the range of responders in case of bullying (harassment) in educational institutions: the educational ombudsman service; children's services; centers of social services for families, children and youth; local governments; heads and other employees of educational institutions; the founder(s) of educational institutions or their authorized body; territorial bodies (units) of the National Police of Ukraine. However, despite the existence of so many actors, the issue of bullying and its prevention remains a frequent problem in school society today (Opatsky et al., 2023).

The characteristic features of bullying (bullying, not conflict) are that it never stops on its own – it requires the intervention of outsiders, protection and assistance to the victim, offender and witnesses. It should be remembered that bullying differs from a quarrel or conflict between children in several ways:

- systematic (repetitive) nature of the act (action or inaction)
- intentional actions (malice);

- power imbalance between the offender and the victim;
- lack of remorse on the part of the offender (Denysiuk & Sukhareva, 2022).

According to scholars and experts in this area, if bullying has been committed, then, firstly, we must stop it and prevent its recurrence, and secondly, we must overcome the negative consequences that the participant in the process (the offender and the victim) received as a result of the bullying. For example, it can have a negative impact on mental and emotional health, causing stress, anxiety, and even lead to serious consequences such as depression or suicidal thoughts.

Bullying (harassment) in an educational institution leads to significant social and psychological consequences for all parties to this process: the offender (bully), the victim (victim), and observers. The consequences of bullying can go far beyond the educational institution and affect the child's immediate environment and future life.

The problem in this situation is that the issues of stopping bullying and preventing it are defined in the legal field (for example, drawing up a protocol under Article 173-4 of the Code of Administrative Offenses, registration for preventive monitoring, etc.) At the same time, the consequences that children face after the offense has been committed (by both parties) are «borne» by children and their parents. After all, the offender and the victim continue to study in the same class, school, and possibly even live nearby, and of course experience psychological discomfort (<https://zakon.rada.gov.ua/laws/show/2657-19#Text>, <https://zakon.rada.gov.ua/laws/show/z0112-20#n4>). That is why it is necessary to introduce mediation into the work of juvenile police officers.

According to the Law of Ukraine "On Mediation", mediation is an out-of-court voluntary, confidential, structured procedure in which the parties, with the help of a mediator (mediators), try to prevent or resolve a conflict (dispute) through negotiations (<https://zakon.rada.gov.ua/laws/show/1875-20#Text>).

The main idea of police mediation is to enable the parties to the conflict – which can be both children and law enforcement agencies – to meet and try to find a compromise, resolve the situation and analyze the conflict situation so that the parties concerned can independently choose a solution that would satisfy the interests and needs of all parties to the conflict.

Police participation in such events can greatly facilitate addressing the consequences of bullying, improve the psychological climate in the school or classroom, and help build trust in law enforcement in the eyes of the participants in the educational process.

International legislation and standards regulate mediation. For example, Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States on restorative justice, adopted by the Committee of Ministers of the Council of Europe on October 3, 2018, defines "restorative justice" as any process that allows persons who have suffered harm from a crime and persons responsible for that harm, if they voluntarily agree, to actively participate in resolving issues arising from the offense with the help of an impartial third party with special training (<https://zakon.rada.gov.ua/laws/show/80732-10#Text>, <http://ipc.org.ua/upload/>).

Conclusions. Thus, a police mediator in schools can play an important role in preventing and addressing bullying. A police mediator, acting as a mediator

and facilitator, can help in the following ways:

– prevention of bullying (a police mediator can conduct awareness-raising activities among students and teachers, telling them about the harmful effects of bullying and ways to prevent conflict situations);

– conflict resolution (as an intermediary, a police mediator can help resolve conflicts between students through interviews and finding compromise solutions);

– promoting a safe environment (a police mediator can help create an atmosphere of trust and mutual respect at school, where children feel safe and can seek help in case of bullying);

– interaction with law enforcement agencies (a police mediator has the opportunity to build school-to-school communication with the police, which helps to increase trust and facilitates better cooperation in addressing serious cases of bullying and harassment);

– development of emotional skills (a police mediator can provide children with tools for conflict resolution, teaching them emotional literacy, the ability to control their own emotions and respond to situations constructively);

– prevention of delinquency, as mediation allows for early resolution of conflict situations, providing an opportunity to change behavior and avoid further offenses. It helps prevent conflicts and teaches children to resolve disputes peacefully;

– development of cooperation and dialogue skills, as mediation promotes the development of cooperation and dialogue skills among participants, which are important for both children and law enforcement agencies. It teaches important skills of constructive communication and conflict resolution, which can be useful even in later life.

Thus, police mediation is an important tool in the prevention of juvenile crime and delinquency, as it promotes peaceful conflict resolution, fosters mutual understanding between participants, increases children's education and skills, and helps build trust between law enforcement and children. This study gives grounds to assert the need to develop the institution of mediation in the National Police at the level of juvenile prevention in our country.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Роман ОПАЦЬКИЙ

ЮВЕНАЛЬНИЙ ПОЛІЦЕЙСЬКИЙ-МЕДІАТОР ЯК СПОСІБ ПРОФІЛАКТИКИ БУЛІНГУ В ШКІЛЬНИХ ЗАКЛАДАХ ОСВІТИ

Анотація. Статтю присвячено вирішенню проблематики профілактики булінгу в шкільних закладах освіти шляхом застосування ювенальними поліцейськими медіації. З'ясовано, що в умовах війни діти зазнають психологічний тиск та стрес, психологічне напруження внаслідок безпосереднього досвіду чи спостереження воєнних подій, стрільби, бомбардувань, руйнування своїх домівок чи зміни місця проживання. Все це ускладнює стандартні механізми профілактики та врегулювання булінгу в школах та сприяє посиленню його випадків. Також визначено, що булінг (цькування) в закладі освіти призводить до значних соціальних і психологічних наслідків для всіх сторін цього процесу: кривдника (булера), потерпілого (жертви), спостерігачів.

Виявлено проблеми, згідно з якими на сьогодні відсутній механізм подолання негативних наслідків, які отримують учасники (кривдник та потерпіла особа) внаслідок вчинення булінгу. Установлено, що потерпіла особа, а також кривдник, свідки вже вчиненого булінгу можуть в подальшому отримувати негативний вплив на психічне та емоційне здоров'я – стрес, тривогу, депресія чи суїцидальні думки. Наслідки булінгу можуть виходити далеко за межі закладу освіти та впливати на найближче оточення дитини та на її майбутнє життя.

Запропоновано впровадження в діяльність ювенальних поліцейських такого інструменту як медіації, основна ідея якої полягає в тому, щоб дати можливість учасникам конфлікту зустрітися та спробувати знайти компроміс, вирішити ситуацію та врегулювати конфлікт шляхом діалогу та співпраці, проте після вирішення правопорушення в правовому полі. Визначено, що поліцейський-медіатор також може бути активною ланкою у створенні системи заохочення дотримання правил та створення позитивних механізмів контролю за ситуацією в школі, спрямованих на попередження конфліктів

Ключові слова: медіація, ювенальна превенція, поліцейський-медіатор, булінг, профілактика.

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SELECTED ASPECTS OF THE LEGAL REGULATION OF PERSONAL NON-PROPERTY AND PROPERTY RELATIONS BETWEEN SPOUSES: COMPARATIVE CHARACTERISTICS OF THE LEGISLATION OF UKRAINE AND POLAND

Abstract. The article is devoted to the analysis of the nature and types of personal non-property rights of spouses. The authors also consider, from a comparative perspective, certain issues related to the implementation of property rights by spouses. In a comparative aspect, the provisions of the Family Code of Ukraine and the Code on Family and Guardianship of Poland are considered regarding the specifics of the legal regulation of personal non-property spouses, such as: the obligation of spouses to live together, fidelity in marriage, mutual material support and others, as well as property relations, including common relations property of the spouses. The authors of the article analyze the content of the personal non-property and property rights of spouses, explore the obligation, financial, property and corporate relations between spouses. The article examines the judicial practice of Ukraine and Poland on current issues related to the exercise by spouses of their property and corporate rights. Of particular interest is the issue when one of the spouses, becoming a founder (participant) of a corporation, transfers to it property belonging to the spouses under the right of common joint ownership.

Keywords: *personal non-property rights of spouses, property, mutual material support, corporate relations, agreement of donation of a share in the authorized capital.*

Introduction. In the doctrine of family law of Ukraine, personal non-property legal relations are understood as relations regulated by the norms of family law regarding personal non-property benefits and interests of married persons. The features of personal non-property rights include the following: belonging to each of the spouses in accordance with the law; lack of economic content; inseparability from their carriers; impossibility of being the subject of any transactions (Dyakovych, 2022, p. 126).

The category of "personal non-property rights of spouses" includes a list of rights that have different contents and purposes. These include: the right to motherhood; right to paternity; the right of the wife and husband to respect for their individuality; the right of the wife and husband to change their surname; the right of the wife and husband to distribute responsibilities and jointly resolve

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issues of family life; the right of the wife and husband to freedom and personal security; the right to choose a place of residence; right to protection, etc.

O. Kokhanovskaya notes, that personal non-property rights constitute the spiritual basis of society, which is a prerequisite for other rights and freedoms, and in modern doctrine they are considered as absolute, inalienable and a manifestation of freedom and inviolability of the individual (Kokhanovska, 2010, p. 8). S. Slipchenko substantiates, that as a general rule, personal non-property rights are inalienable, at the same time, some of them can be separate, for example, the name of a person, information from his personal life, etc. (Slipchenko, 2012, p. 132).

R. Stefanchuk denies a number of personal non-property rights as being family rights of spouses. Thus, the scientist notes that certain rights defined in Art. 51 (Right to respect for one's individuality), Art. 56 (Right to freedom and personal integrity, to freely choose one's place of residence) are essentially civil rights, belonging to a person regardless of marriage, essentially for life; marriage registration does not significantly affect these rights; they continue to belong to each of the spouses as an individual (Stefanchuk, 2006, p. 50). Family legislation provides spouses with the opportunity to exercise natural rights (the right to marriage, the right to motherhood, the right to family, etc.), and also guarantees spouses the exercise and protection of property rights.

Analysis of recent research and publications. The issue of personal non-property rights has been studied by a number of scientists, such as I. Apopy, M. Bairachnaya, V. Vatrás, A. Dutko, I. Zhilinkova, L. Krasitskaya, O. Posikalyuk, Z. Romovskaya, M. Stefanchuk, R. Stefanchuk, I. Serdechnaya and others. At the same time, the issues of the concept and legal nature of personal non-property rights of spouses in the legal doctrine are considered fragmentarily (Parfentiev, 2022), which confirms the relevance of further scientific research in this area.

Considerable attention is paid to the study of issues of corporate legal relations in scientific and legal doctrine; the works of such civil scientists as V. Vasilyeva, O. Vinnik, O. Zozulyak, V. Kravchuk, V. Luts, I. Spasybo-Fateeva, and others. The relations that arise between spouses regarding the contribution of common property to the authorized capital were also touched upon in their works by V. Vasilyeva, I. Spasybo-Fateeva and I. Zhilinkova (Spasybo-Fateeva, 2012; Vintonyak, 2018). However, some aspects of such legal relations are not fully understood and are subject to more detailed study.

The purpose of the article is to study comparative characteristics of some aspects of the legal regulation of personal non-property and property relations between spouses in Ukraine and Poland.

Formulation of the main material. General principles for regulating family relations, the right to privacy, the right to personal freedom and the inadmissibility of arbitrary interference in family life. According to Part 6 of Art. 7 of the Family Code of Ukraine, women and men have equal rights and responsibilities in family relationships, marriage and family (<https://zakon.rada.gov.ua/laws/show/2947-14#Text>). In the legal literature, equality is considered the equality of participants in family legal relations (Chernega, 2017, p. 22).

S. Cheshkova notes, that we can only talk about absolute equality when it comes to the rights and responsibilities of spouses. There is no equality between

other family members. The difference in the age of the subjects, the infancy of some or the old age of other family members, the natural subordination that exists between people of different generations, entail the formation of a specific set of rights and obligations, regardless of their legal equality. A. Dutko believes, that the inherent features of personal non-property rights of spouses are also their inalienability, perpetuity, gratuitousness, the exercise of rights in accordance with the moral principles of society, saturation with moral norms (Yurkevich, Dutko et al., 2021, p. 295).

In Poland, the Family and Guardianship Code (<http://prawo.sejm.gov.pl/isap.nsf/>), adopted on February 25, 1964 (with the latest amendments made in 2018), does not contain a separate article systematizing the principles of family law. At the same time, in Polish literature the principles of family law include:

1) Principle of special protection of the family and the child – Art. 18 of the Constitution of the Republic of Poland;

2) Principle of the welfare of the child, guaranteed by Art. 72 of the Constitution of the Republic of Poland, permeates the Code of Family and Guardianship and provides for state protection of children deprived of parental care, protection from any form of violence, priority of the interests of the child in the exercise of parental rights, fulfillment of child support obligations, etc.;

3) Principle of family welfare – spouses are obliged to jointly satisfy the needs of their family in its interests;

4) Principles of monogamy – Art. 13 § 1 of the Family and Guardianship Code of Poland, and stability of marriage, which provides for the need to prove the occurrence of circumstances justifying the need for divorce or invalidation of marriage; in addition, at the level of law it is established that divorce cannot be contrary to the interests of young children – Art. 56 §1-3 (Mendzhul, 2018, p. 110).

5) Principle of equality between spouses – Articles 23 and 24 of the Polish Family and Guardianship Code (<https://notatek.pl/zasady-prawa-rodzinnego>).

The principle of equality of participants in family relations is based on the provisions of Art. 21 of the Constitution of Ukraine, according to which a participant in family relations cannot have privileges or restrictions on the grounds of race, skin color, gender, political, religious and other beliefs, ethnic and social origin, financial status, place of residence, language and other grounds. This principle is traditional for domestic family legislation, which has always been based on the legal equality of participants in family relations (<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>).

In Art. 23 of the Family and Guardianship Code of Poland, a similar rule is established: in marriage, spouses have equal rights and responsibilities. Spouses are obliged to live together for mutual assistance and fidelity, and to work together for the good of the family they have founded. The science of Polish family law indicates that the individual rights and obligations of spouses regulated by Art. 23 *Kodeks rodzinny i opiekuńczy* (Code on Family and Guardianship) are fundamentally different in content from classical rights and obligations arising from civil legal relations, since the nature of these rights and obligations is mainly moral in nature (<https://isap.sejm.gov.pl/isap.nsf/>).

Therefore, the rights and obligations arising between spouses are mutual, but not equal. For example, in the case of severe disability, one of the spouses is obliged to provide assistance only to the other, but at the same time cannot count

on equivalent assistance for himself. This indicates that the provision of the Code on Family and Guardianship is a deviation from the civil law principle of legal equality, in particular, in sales transactions, when exchanging goods for money. The following example: spouses are obliged to remain faithful to each other, but the betrayal of one of them does not relieve the other from the obligation of fidelity, that is, the obligation of fidelity is unequal, since it exists independently of the actions of the other spouse.

A feature of the legal regulation of personal non-property relations between spouses is the absence of forced execution or the absence of direct sanction. For example, there are no civil, criminal or financial penalties for adultery by one of the spouses. In Polish legislation, just like in Ukrainian, there are indirect family sanctions, for example, divorce can be the basis for adultery and, as a result, alimony can be paid. A sanction, according to O. Yavor, as a measure of state coercion, deprivation or restriction of the guilty person's subjective personal or property rights is applied with the aim of convincing the need to fulfill a certain set of moral and legal obligations for the family (Yavor, 2018, p. 142).

In family law in Poland, as in family law in Ukraine, personal non-property rights are closely related to property relations. Thus, according to the Family and Guardianship Code, in Poland the rights and responsibilities of spouses include the following: duty of cohabitation: spouses have equal rights and responsibilities in marriage (Art. 23 *Kodeks rodzinny i opiekuńczy*). Spouses are obliged to live together, to mutual assistance, fidelity and cooperation for the benefit of the family that they founded thanks to their relationship. As for the obligation to live together, the doctrine of Polish law reveals the content as follows: The main non-property obligation of the spouses is the obligation to live together.

According to established jurisprudence in Poland, spouses must maintain close spiritual, physical and economic ties. It is assumed that spiritual community consists of mutual positive emotional relationships between spouses, respect, trust, honesty, fidelity, understanding, respect for the personal qualities of the spouses, consideration of his personal needs and willingness to make concessions and compromises" (decision of the Supreme Court of Poland, No. V (CKN 741/00).

The essence of physical communication is to maintain sexual intercourse, depending on the age, physical and mental health of each spouse. An economic community is spouses who run a common household, live together, satisfy each other's economic needs and own common property. Regarding the duty of mutual assistance, one of the main duties of spouses is the duty to help each other, which boils down to supporting spouses in achieving the goals of the marital relationship, including both moral and purely physical support, for example, in the performance of duties or in the event of illness. It should be emphasized that in marriage, spouses have equal rights and responsibilities; they decide important family matters together. If it is impossible to reach agreement on this matter, each of them has the right to demand that the court make an appropriate decision. Then it is absolutely necessary.

Regarding the duty of fidelity, the scope of the obligation of fidelity includes refraining from pursuing any personal or intimate relationship with a third party. There is also the concept of "emotional infidelity", which occurs

when one of the spouses commits other actions that violate generally accepted moral standards and create the appearance of infidelity. The emotional connection of the spouses with another person, in which, although there is no love relationship, but such a connection is accompanied by a declaration of love and kisses, may be perceived by the other spouse as an undermining or even severing of the emotional connection that united the spouses and may, depending on the circumstances, be considered an important reason dissolution of marital life (Supreme Court decision, case No. C 813/51).

It is important that the decision to divorce does not relieve one from the obligation to remain faithful. In Polish judicial practice, the prevailing opinion is that divorced spouses are obliged to remain faithful to each other. This is mainly due to the fact that the purpose of divorce is to reconcile the spouses. The beginning of a new relationship by one of the divorced spouses may, in certain situations, result in those spouses being held solely responsible for the breakdown of the marriage.

Unlike the Family Code of Ukraine, the Family and Caregiver Code of Poland establishes the obligation of spouses to worry about the financial support of the family. So, according to Art. 27 *Kodeks rodzinny i opiekuńczy*: both spouses are obliged, each in accordance with their strengths, wages and property abilities, to contribute to meeting the needs of the family they created by their union. The fulfillment of this responsibility may also consist in whole or in part of personal efforts to raise children and work in a joint household. duties belonging to that spouse, in whole or in part, to the other spouse. This order remains in force even if the spouses terminate their cohabitation after its issuance. However, at the request of each spouse, the court may change or cancel this order. Interesting in content is Article 28 of *Kodeks rodzinny i opiekuńczy*, which states that if one of the spouses living together does not fulfill his duty to help meet the needs of the family, the court may order that remuneration for work or other obligations belonging to this spouse be paid in whole or in part to the other from spouses (§ 1 Art. 28 KRO). The procedure mentioned in the previous paragraph remains in force in the event of termination of the cohabitation of the spouses after its issuance. However, the court can do this at the request of each spouse and can change or cancel this order (§ 2 Art. 28 KRO). According to Art. 28 *Kodeks rodzinny i opiekuńczy*: if one of the spouses has ownership rights to an apartment, then the other spouse can receive the right to use this housing.

According to paragraph 4 of Art. 57 of the Family Code of Ukraine, housing acquired by her or him during the marriage as a result of its privatization in accordance with the Law of Ukraine "On the Privatization of State Housing Fund" refers to the personal private property of the wife or husband. Changes to Art. 57 of the Family Code of Ukraine were introduced by the Law of Ukraine "On Amendments to the Family Code of Ukraine regarding property that is the personal private property of a wife or husband", which came into force on June 13, 2012. But as indicated in the legal literature, how to resolve the situation with the division of housing or land that was acquired during the marriage but was privatized before June 13, 2012 (Haydarzhyy, n.d.) According to Art. 5 of the Civil Code of Ukraine, an act of civil legislation does not have retroactive effect in time, except in cases where it mitigates or cancels the civil liability of persons. That is, housing or land that was acquired by one of the spouses during the

marriage, but through privatization before June 13, 2012, are subject to division on a general basis.

According to Art. 30 § 1 *Kodeks rodzinny i opiekuńczy* both spouses are jointly and severally liable for obligations incurred by one of them in cases arising from the fulfillment of ordinary obligations of family needs; Art. 30 § 2 *Kodeks rodzinny i opiekuńczy*: for important reasons, the court may, at the request of one of the spouses, decide that only one of the spouses will be liable for the above obligations. This provision may be waived if circumstances change. Art. 41 §1 *Kodeks rodzinny i opiekuńczy*: if the spouses entered into obligations with the consent of the other spouses, the creditor may also demand satisfaction from the common property of the spouses. Regarding the financial obligations of spouses in Polish law, they are jointly and severally liable for the obligations of one of them in matters related to meeting the ordinary needs of the family. However, each of them, if there are good reasons, may demand that only the one who incurred them be liable for such obligations. Such a case is decided by the court by a ruling, which can be canceled if the circumstances of the case change.

In the Family Code of Ukraine, Part 4, Art. 65 establishes a similar provision that an agreement concluded by one of the spouses in the interests of the family creates obligations for the second spouse if the property received under the agreement is used in the interests of the family. Analyzing judicial practice (Resolution of the Supreme Court of Ukraine dated July 10, 2020 in case No. 752/7501/18, Resolution of the KCC of the Supreme Court dated 05/24/2022 in case No. 333/911/20) on the interpretation of Part 4 of Art.65 of the Family Code of Ukraine, it can be stated that the spouse who did not directly participate in the conclusion of the agreement becomes an obligated party (debtor) under the agreement, subject to two conditions: 1) agreement was concluded by the second spouse in the interests of the family; 2) property received under an agreement, used in the interests of the family. Only a combination of these conditions allows the second spouse to be qualified as an obligated person (debtor).

According to Art. 31 *Kodeks rodzinny i opiekuńczy* defines the concept of common property of spouses and, as in Art. 61 of the Family Code of Ukraine, specific objects of the right of joint ownership of spouses. Thus, the common property of spouses in Poland covers property acquired during the marriage by both spouses or one of the spouses. Joint property includes: 1) remuneration received for work and income from other profitable activities of each spouse; 2) income from common property, as well as from the personal property of each spouse; 3) funds accumulated in the employee's open account, including the pension of each spouse; 4) amount of contributions recorded in the subaccount (social benefits); 5) funds accumulated in a personal account (for example, a pension accrued for work in Europe).

If we compare the content of these articles of Polish and Ukrainian family legislation, we can point out that Art. 61 of the Family Code of Ukraine regulates common property objects in more detail. So, for example, according to Part 2 of Art. 61 of the Family Code of Ukraine, the object of the right of joint ownership is wages, pensions, scholarships, and other income received by one of the spouses and contributed to the family budget or deposited into his personal account at a banking (credit) institution. Analyzing judicial practice, for

example, Resolution of the KCC of the Supreme Court of July 20, 2022 No. 703/2284/19, the Supreme Court in this decision indicated that the common joint property of the spouses includes not only the fact of acquisition of such property during marriage, but also the common participation of the spouses or labor in acquiring property (<http://iplex.com.ua/doc.php?regnum>).

According to § 2 Art. 41 *Kodeks rodzinny i opiekuńczy*, the provision is established that if the spouses have entered into an obligation without the consent of the other spouse or the obligation of one of the spouses does not arise from a legal act, the creditor may demand satisfaction from the debtor's personal property, from remuneration for work or from income received by the debtor from other profitable activities, as well as from benefits received from his rights, as well as receivables arising in connection with the conduct of business from property owned by the enterprise.

Neither the Family Code of Ukraine nor the Code of Family and Guardianship of Poland defines the legal regime of certain objects that have recently acquired importance and occupy a special place in the property of spouses. For example, securities, shares, bonds, contributions to the authorized capital, shares in business activities. The most controversial in practice is contribution to the authorized capital, as a type of corporate law.

The emergence of corporate relations was led to the complication of property relations at the present stage of economic turnover, and corporate legal relations are recognized in Ukraine as a type of social relations, which in their subject matter are relations in the management of campaigns (capitals). It is they who claim to be considered corporate in the most general form (Vasylieva et al., 2017, p. 43). V. Vasylieva defines a corporate legal relationship as a type of civil legal relationship, which is based on the participation of subjects in organizational and legal entities that have the characteristics of legal entities, the content of which is the so-called corporate rights and arising on the basis of certain legal facts, namely participation in the constituent agreement, incorporation of a legal entity, joining a corporate party, acquiring ownership of a share, shares, etc. (Vasylieva et al., 2017, p. 53).

I. Spasybo-Fateeva, considering the legal regime of the spouses' property transferred to the authorized capital of a business company, notes that corporate rights are conditioned by shares in the authorized capital or shares. The right to a share exists in corporate relations and property relations between spouses. Being in corporate relations, their participant acquires corporate rights in accordance with the right to a share in the authorized capital of a business company. At the same time, this right to a share remains in the same legal regime of common joint property of the spouses, since this legal regime cannot automatically change with one of the spouses making a part of their property in the form of a contribution (Spasybo-Fateeva (ed.) et al., 2013, pp. 93-94). By transferring to a corporate-type legal entity the property belonging to the spouses under the right of common joint ownership, corporate rights in full, both property and non-property, are acquired by only one of the spouses - the one who becomes the founder (participant) of corporate relations (Vintonyak, 2018, p. 13).

In the doctrine of law, corporate rights are a complex legal phenomenon, which is complicated not only by the inconsistency of their legal regulation, but also by the essence of their legal nature. Thus, corporate rights are regulated by

both the Civil Code of Ukraine and the Economic Code of Ukraine. In particular, in Art. 167 of the Economic Code of Ukraine provides a definition of corporate rights, which are understood as the rights of a person whose share is determined in the authorized capital of a business organization, including the rights to participate in the management of the business organization, to receive a certain share of the profit of this organization and assets in the event of liquidation, as well as others powers are provided for by law or statutory documents (<https://zakon.rada.gov.ua/laws/show/436-15#Text>).

Corporate rights consist of two components: property rights, expressed in the right to receive part of the profit from the activities of the company and assets upon liquidation of the company, and other and organizational rights, this is the right to participate in the management of a business company, information about its activities. Members of the company have the right to a share and the right to a share similar to the right of shareholders to a share and the right to a share. In addition, the doctrine of law raises the question of whether corporate rights are the object of civil rights or whether they represent only subjective rights of participants in legal relations (Spasybo-Fateeva, 2012).

Yes, a participant in a business company has corporate rights; these rights are determined by his share in the authorized capital or shares; corporate rights are the subjective rights of participants in business companies. Does the right of joint joint ownership arise in particular for the contribution of one of the spouses in the authorized capital of a business company? Analyzing judicial practice on these issues (Supreme Court Resolution dated October, 16, 2019 in case No. 906/936/18, Supreme Court Resolution in case No. 909/52/19, Supreme Court Resolution dated March 13, 2019 in case No. 756/10797, dated June 29, 2021 in case No. 916/2813/18, Supreme Court Resolution dated November 10, 2021 in case No. 496/1249/13-ts) it can be stated that the property of the spouses, which was a contribution to the authorized capital of a legal entity, becomes the property of the legal entity. From the moment of depositing funds or other property as a contribution to the authorized capital of a legal entity, the legal regime of the property changes. Thus, in case No. 9162813/18 dated June 29, 2021, the plaintiff filed a claim with the Economic Court to invalidate the donation agreement for a share in the authorized capital of a Private Enterprise (<https://verdictum.ligazakon.net/document/98531899>).

In support of the claims, the plaintiff indicated that he did not authorize the defendant to dispose of the common joint property, namely the authorized capital of the Private Enterprise created during his marriage. From the case materials, the spouses owned 80 % of the authorized capital, however, the defendant, without the consent of the plaintiff, donated 40 % of the authorized capital to a third party. The economic court closed the proceedings on the case, on the basis of § 4 of Part 1 of Art. 20 of the Code of Civil Procedure of Ukraine, since this case cannot be considered according to the rules of economic proceedings, since a transaction in family relations is disputed. By the decision of the court of appeal, the ruling of the Economic Court was canceled; the court of appeal, considering the case, indicated that at the time of the conclusion of the said agreement, the defendants were participants in a Private Enterprise, and this transaction was concluded not between spouses, but between the defendants,

who are participants in a Private Enterprise. Therefore, this case is subject to consideration in the economic court. Having considered this case, the court of appeal indicated that the transaction of donating a share in the authorized capital does not contradict the requirements of Art. Art. 61 and 65 of the Family Code of Ukraine, grounds for declaring it invalid in accordance with Part 1 of Art. 203 of the Civil Code of Ukraine, Part 1, Art. 215 of the Civil Code of Ukraine, Part 4 of Art. 369 of the Civil Code of Ukraine is also missing.

The plaintiff appealed to the Economic Court of Cassation with a cassation appeal against the decision of the Economic Court of the first instance and the Court of Appeal. In the reasoning part of the decision, the Grand Chamber of the Supreme Court indicated that the case in the dispute about invalidating an agreement concluded by one of the spouses without the consent of the other spouse on the disposal of shares in the authorized capital of a legal entity should be considered by an economic court in accordance with clause 4 of Part 1 of Art. 20 Code of Civil Procedure of Ukraine.

Taking into account the norms of Art. 115 of the Civil Code of Ukraine, Art. 85 of the Economic Code of Ukraine, Art. 12 of the Law "On Business Companies", according to which the owner of the property transferred to the business company by its participants as a contribution to the authorized capital is the company itself, the alienation by a company participant of a share in the authorized capital in favor of another person does not terminate the company's right of ownership to the property belonging to it, including contributions made by participants. From the moment of making money or other property as a contribution, such property belongs by right of ownership to the company itself and it loses the characteristics of an object of joint ownership of the spouses. The Grand Chamber of the Supreme Court refused to satisfy the cassation appeal to invalidate the agreement of donation of a share in the authorized capital of a private enterprise.

Conclusions. Analyzing the provisions of the Family Code and the Family and Guardianship Code of Poland, it can be pointed out that most of the norms of family law have similar content in regulating personal non-property and property relations between spouses. We believe that the scope of personal non-property rights of spouses may be influenced by certain legal facts, such as being married, living separately after divorce, and establishing a separation regime. At the same time, there are rules, in particular, on the obligation of spouses to financially care for and provide for the family, which could be proposed to be included in the provisions of the Family Code of Ukraine. Also, to date, the issue has not been resolved either in the Family Code of Ukraine or in the Code of Family and Guardianship of Poland regarding the legal regulation of the contribution of one of the spouses to the authorized capital of a business company.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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**ОКРЕМІ АСПЕКТИ ПРАВОВОГО РЕГУЛЮВАННЯ ОСОБИСТИХ
НЕМАЙНОВИХ І МАЙНОВИХ ВІДНОСИНИ МІЖ ПОДРУЖЖЯМ:
ПОРІВНЯЛЬНА ХАРАКТЕРИСТИКА ЗАКОНОДАВСТВА УКРАЇНИ І ПОЛЬЩІ**

Анотація. Статтю присвячено аналізу природи та видів особистих немайнових прав подружжя. Авторами також розглядаються, в порівняльному аспекті, окремі питання пов’язані з реалізацією майнових прав подружжям. В порівняльному аспекті розглядаються положення Сімейного Кодексу України і Кодексу про сім’ю і опіку Польщі щодо специфіки правового регулювання особистих немайнових прав подружжя, таких як: обов’язок спільного проживання подружжя, вірності в шлюбі, взаємного матеріального забезпечення і інші, а також майнових відносин, зокрема відносин спільної власності подружжя. Авторами в статті аналізується зміст особистих немайнових та майнових прав подружжя, досліджуються зобов’язальні, фінансові, майнові та корпоративні відносини між подружжям. В статті досліджується судова практика України і Польщі з актуальних питань, пов’язаних з реалізацією подружжям своїх майнових та корпоративних прав. Особивий інтерес представляє питання, коли один із подружжя, стаючи засновником (учасником) корпорації, передає їй майно, що належить подружжю на праві спільної сумісної власності.

Ключові слова: особисті немайнові права подружжя, майно, матеріальна взаємодопомога, корпоративні відносини, договір дарування частки у статутному капіталі.

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MECHANISMS TO ENSURE CRIMINAL LIABILITY FOR THE CRIME OF AGGRESSION OF THE RUSSIAN FEDERATION ON THE TERRITORY OF UKRAINE

Abstract. The authors put attention to the key features of the mechanism of ensuring criminal liability for the crime of aggression committed by the Russian Federation on the territory of Ukraine, because despite the rather extensive system of legal acts regulating this issue, there are many obstacles to bringing perpetrators to international criminal liability.

This study focuses on the judicial practice that demonstrates the absence of a proper effective mechanism at the legislative level to regulate the issue of bringing the Russian Federation to legal responsibility at the international legal level for acts of aggression and other international crimes, taking into account the compensation for the damage caused by them.

In particular, among the important achievements of the study is the creation of a Special Tribunal with the possible conclusion of a separate International Code of War Crimes, which will detail the disposition of articles in view of modern realities, as well as the grounds and principles of international criminal liability, possible sanctions and grounds for exemption from liability and punishment. At the same time, the author studied the national legal framework in terms of amendments and additions to the Criminal Procedure Code of Ukraine of 2022 to Section IX-2, which pose new challenges to the doctrine of criminal procedure law related to theoretical and applied rethinking of ideology, allowing for a fresh look at the issues of procedural science which have already been studied.

Keywords: *crime of aggression, international crimes, individual criminal liability, Special Tribunal, ratification of the Rome Statute, international justice, country-aggressor.*

Introduction. Today, the military aggression of the Russian Federation, which began in 2014 and gained momentum with a full-scale invasion in 2022, has influenced the international recognition of Russia as a terrorist state at both the doctrinal and normative levels, which has contributed to the widespread international community's concern about holding individuals, including military and political commanders, individually liable for the crime of aggression and internationally recognized war crimes (Smyrnov, 2022).

The subject of war crimes in terms of crimes of aggression has attracted and will continue to attract the attention of a significant number of scholars and

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practitioners as long as wars continue to rage in the world. Unfortunately, scholars have not yet been able to agree on the issue of characterizing the phenomenon of aggression. However, it is one of the most dangerous threats to international peace and security and is the most serious international crime. Therefore, it is important to define aggression in international law and to regulate the nature of the international crime of aggression in accordance with existing legal norms.

Analysis of recent research and publications. Among the most thorough studies of certain aspects in this area, the names of the following authors can be distinguished: A. Babenko, I. Basysta, M. Vivchar, A. Vozniuk, M. Zhmur, A. Ivanitskyi, M. Miroshnichenko, O. Skrylnyk, O. Pchelina, T. Pavlenko, V. Pylypenko, O. Kyrychenko, Ye. Romenko, N. Morozyuk, S. Nesterenko, M. Smyrnov, Y. Nazar, R. Topolevskyi, L. Filyanina, S. Luchkin, V. Shepitko, T. Fomina, V. Fedorenko and others.

The works we have reviewed illustrate the multidimensionality of this concept. It should be noted that the main source of the most complete coverage of such definitions on the topic is explanatory dictionaries that explain the concept in a broad sense and form a general idea. In a narrower sense, the crime of aggression is defined in international legal acts and in some criminal codes of foreign countries.

The purpose of the article is to highlight the peculiarities of the mechanism of ensuring criminal liability for the crime of aggression.

Formulation of the main material. It is worth noting that today there are two dimensions in the field of maintaining international security and peace, which are manifested in the prohibition of crimes of aggression, which should be understood as the planning, preparation, initiation or commission by a person in a position to actually direct or control the political or military actions of a state of an act of aggression which, by its nature, gravity and scale, constitutes a gross violation of the UN Charter (Simma (ed.), 1995), as provided for by international legal instruments, customary law and the practice of international tribunals.

Please note that according to the Resolution "Definition of Aggression" (hereinafter – the Resolution), adopted at the 29th session of the UN General Assembly in 1974 (Filyanina, 2023, p. 278), and amendments to Part 2 of Art. 8 of the Rome Statute of the International Criminal Court in 1998 (<https://treaties.un.org/Pages/ViewDetails.aspx?src>), russia's actions constitute a crime of aggression, namely, waging an aggressive war of aggression, which is confirmed by the commission of almost all actions that fall under such qualification. This implies that the essence of aggression lies in the aggressive tactics of warfare, which is a crime against peace, the motive of which is a directly intentional act involving the use of weapons. It is worth noting that under international law, war or hostilities can be recognised as an act of aggression only by the UN Security Council, and the definition of aggression in the Resolution refers only to state responsibility, not individual responsibility (Filyanina, 2023, p. 275).

In this context, individualisation of criminal liability and punishment of the perpetrator of the offence requires proof of the ability to control and effectively direct the political or military actions of the state, in accordance with Art. 25 (3bis) of the Rome Statute. It follows that:

– Individual criminal liability for the crime of aggression is imposed on

the military and political leadership of the Russian Federation – therefore, 627 individuals are involved (<https://warcrimes.gov.ua/all-crimes.html>);

– Acts of military aggression should be provided for in Art. 1 of UNGA Resolution 3314/XXIX and Art. 8bis of the Rome Statute;

– Such actions should be qualified as waging an aggressive war of aggression, not as a "special military operation" (<https://treaties.un.org/Pages/>);

At the same time, let us not forget that one of the most pressing problems of the institution of international legal responsibility is the prosecution of states for acts of aggression in the absence of a decision of the UN Security Council (hereinafter – the UNSC). In this case, the permanent members of the UN Security Council have the opportunity to block decisions concerning themselves or issues related to their interests, but the UN Security Council's decisions on non-procedural issues are adopted when nine out of fifteen members of the UN Security Council, including the votes of all permanent members of the UN Security Council, vote for it (Simma (ed.), 1995).

Thus, international lawyers rightly believe that the UN Security Council should have been reformed long ago, depriving the permanent members of the Security Council of the right to block decisions directed against their countries and their interests, since the veto threatens the maintenance of international peace and security, which is the main task and purpose of the UN, and has negative consequences (Pylypenko, 2021). At the same time, the Resolution is a recommendatory act by its legal status, i.e. it is not binding. Therefore, the above definition of aggression is not a dogma, and each country may offer its own interpretation of what aggression is and what types of aggression exist. It should be noted that no country has yet officially ratified, accepted or acceded to the Resolution, as it has no legal force. Therefore, it would be incorrect to use this resolution for the legal recognition of state actions as aggression (Bazov, 2018, pp. 124-125).

However, state officials who commit acts of aggression are prosecuted by the International Criminal Court (hereinafter – the ICC) and the judicial authorities of the state in accordance with national criminal law. The initiation of criminal proceedings in respect of international crimes is possible, after the entry into force of the Rome Statute (hereinafter – the Statute), in respect of the States Parties to the Statute, recognising the jurisdiction of the Court in accordance with Art. 11 and Art. 12 of the Statute (Filyanina, 2023). In this regard, the jurisdiction of the ICC is rather limited by certain conditions: the date of the act of aggression must be after July 17, 2018; the states that submit the case for consideration or whose citizens have committed crimes of aggression must have ratified or accepted the Kampala Amendments adopted by the Kampala Resolution at the 2010 Review Conference of the Rome Statute. In addition, jurisdiction may be exercised upon the submission of the UN Security Council, which decides on the definition of an act of aggression – Art. 6, 7 of the Charter (Filyanina, 2023, p. 277). In other words, the relevant jurisdiction over the crime of aggression is based on the consent of states. However, it may take the form of refraining from withdrawing from the Court's jurisdiction – passive consent. However, after the Kampala Conference, some states took the position that active consent is required and that the ICC should only have jurisdiction over states that have ratified the Kampala Resolution (https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/).

Considering the main provisions of the Rome Statute, it can be concluded that it covers only the limits of the ICC's jurisdiction and does not outline the issues of cooperation with other states whose citizens are perpetrators of crimes. It is doubtful that all states parties have defined the scope of cooperation with the ICC in their national legislation, as the issues of arrest, extradition and trial of perpetrators of crimes under the jurisdiction of the ICC require more extensive and thorough regulation, even though the status of the ICC is defined as complementary to national justice. However, as it is of international importance, the Statute should contain a provision that discloses the algorithm of interaction between the ICC and law enforcement and judicial authorities of any state, including the state parties.

Pursuant to Art. 121 and 123, the Court did not actually exercise jurisdiction over the crime of aggression until a provision was adopted defining the crime of aggression and establishing the conditions under which the Court would exercise jurisdiction over this crime. Such provisions were consistent with the relevant provisions of the Charter of the United Nations (Lazareva & Melnychenko, 2022). As already mentioned, the Kampala Resolution provides for a set of features by which dangerous acts are qualified as "crimes of aggression". It is a legally significant document that allows the Court to determine the composition, essence and impose a sanction for such an act. It is believed that the Statute should contain a single definition of the crime of aggression, with its features, peculiarities of punishment and subjects of commission.

As A. Korinevych rightly notes: "The history of international relations does not know a single case when a permanent member of the UN Security Council was known to be an aggressor" (Pylypenko, 2021). However, there has been only one case in UN practice when a permanent seat on the UN Security Council was changed. It was in relation to China. Namely, the Republic of China (Taiwan), hereinafter – the ROC.

Art. 23 of the UN Charter and other articles of this most important modern international legal treaty refer to the Republic of China (Simma (ed.), 1995). Despite its transfer to the island of Taiwan in 1949 and the establishment of the People's Republic of China on the Chinese mainland, until 1971, the Republic of China was a permanent member of the UN, all its bodies and the UN Security Council, but did not participate in the UN activities. Already on October 25, 1971, the UN General Assembly adopted Resolution 2758 "Restoration of the legitimate rights of the People's Republic of China in the United Nations", which was voted for by 76 UN member states, 17 abstained, 35 were against and 3 did not vote. As a result of the adoption of the Resolution by the majority of UN Member States, the PRC was expelled from the UN and the UN Security Council, and its place was taken by the People's Republic of China. Within a year, the People's Republic of China was expelled from all UN bodies, and by the end of the 1970s, it was no longer recognised by almost all countries of the world (Pylypenko, 2021). Thus, based on the above, permanent membership in the UN Security Council can be changed by adopting a resolution of the UN General Assembly.

It should be noted that since the end of the World War II, there has been only one case when a state was held legally liable for the crime of aggression under international law. When the UN Compensation Commission was

established to determine the amount of compensation to Iraq for the damage caused to Kuwait by the military invasion, which was established by UN Security Council Resolution 687 of 3 April 1991 and UN Security Council Resolution 692 dated May 20, 1991 (<https://uncc.ch/sites/default/files/attachments/documents/res0687.pdf>).

However, in the context of the situation between Ukraine and Russia, the creation of such a compensation commission is almost impossible, firstly, because Russia, as a permanent member of the UN Security Council, will block the adoption of such a resolution, and secondly, the creation of such a commission will require mutual agreement between the states.

As is well known, modern customary international law provides that victims of internationally wrongful acts may demand from another state that has committed such acts, first, to stop them (Art. 43 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts of 2001), and second, to compensate for damages in the form of restitution, compensation or satisfaction – Art. 34 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts of 2001 (<https://undocs.org/en/A/RES/56/83>).

At the same time, international law should provide for a comprehensive consideration of the claims of victims of aggression. Accordingly, a special international judicial body has been established to address the issue of making decisions on compensation for damage caused to the victim state by aggression and prosecution of those responsible for the crime of aggression, war crimes and crimes against humanity. It should be borne in mind that the mechanisms of compensation for material and non-material damage caused by the Russian Federation should be not only domestic, but also, above all, international (bilateral negotiations, appeals of the affected state, its individuals and legal entities to international judicial and arbitration bodies, establishment of international compensation commissions, etc).

However, just as neither Ukraine nor Russia is currently a party to the Rome Statute of the ICC, the possibility of resolving disputes over compensation for damages caused to the Russian Federation through bilateral negotiations or by applying to the International Court of Justice (with the consent of both states) or the ICC seems illusory. In our opinion, the international legal nature of Russia's actions against Ukraine should be defined at the legislative (and lower regulatory) level, and it should include, first of all, the launch and conduct of an aggressive war, which is the most serious crime against peace and security.

It should be noted that Part 6 of Art. 124 of the Constitution of Ukraine provides: "Ukraine may recognize the jurisdiction of the International Criminal Court under the conditions set out in the Rome Statute of the International Criminal Court" (<https://ips.ligazakon.net/document/DH47R00I>), the relevant amendments were made by the Law of Ukraine "On Amendments to the Constitution of Ukraine (regarding justice)", which, according to the Constitutional Court of Ukraine, makes it possible to recognize the jurisdiction of the International Criminal Court. We can state that Ukraine is in the process of preparing for the ratification of the Statute (Filyanina, 2023, p. 276), as Art. 9 of the Constitution of Ukraine prohibits the conclusion of international treaties that contradict the Constitution, but this is possible only after the relevant amendments have been made ([https://zakon.rada.gov.ua/laws/show/4651-17#Text 8](https://zakon.rada.gov.ua/laws/show/4651-17#Text%208)).

Currently, we are at the stage of proving in international courts, in particular in the International Court of Justice, the existence of both effective and generalized standards of control by the Russian Federation, and in this context, it is important that Ukraine already has legislation that partially regulates relations in connection with the lack of control over the temporarily occupied territories of Ukraine. For example, Art. 2 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" regulates the status of the territories of Ukraine that are temporarily occupied as a result of the armed aggression of the Russian Federation, the specifics of the functioning of state bodies, local governments, enterprises, institutions and organizations under this regime, the observance and protection of human and civil rights and freedoms, as well as the rights and legitimate interests of legal entities (<https://zakon.rada.gov.ua/laws/show/1207-18>).

Also, the Resolution of the Verkhovna Rada of Ukraine "On a set of urgent measures for the practical implementation of the international legal responsibility of the Russian Federation for armed aggression against Ukraine" of 20.08.2018 No. 2356-VIII provided for the establishment of an interagency coordination body, the functioning of which is intended to summarize the legal position of the state on repulsing and deterring Russian armed aggression and to prepare consolidated requirements of Ukraine to Russia to fulfil its international legal responsibility for armed aggression (<https://ips.ligazakon.net/document/DH47R00I>).

It should be noted that legislation on the temporarily occupied territories of Ukraine is currently one of the main challenges for national legal systems. We consider it urgent to develop appropriate scientifically based proposals in this context, taking into account relevant international experience and European standards. It should be borne in mind that the issue of the temporarily occupied territories, as well as their de-occupation and reintegration, is a complex political, socio-economic, environmental, ideological, moral and psychological problem. In this regard, before adopting any legislative act, strategy or concept on the de-occupation and reintegration of Ukraine, the national and international expert community, including the European Commission for Democracy through Law (Venice Commission), the OSCE, the Council of Europe, representatives of the expert community and NGOs, should hold a broad professional discussion and obtain assessments and recommendations for further improvement of the provisions of the current legislation of Ukraine in this area (www.venice.coe.int).

Changes have also been made to criminal procedure legislation in terms of amendments made to Section IX-2 "Peculiarities of Cooperation with the International Criminal Court" in accordance with Law No. 2236-IX dated May 03, 2022 (<https://www.ukrinform.ua/rubric-ato/36370109>). Thus, after February 24, 2022, after the illegal invasion of Ukraine by the Russian Federation, which led to a full-scale war, on March 2, 2022, at the request of the States Parties to the Rome Statute, the Office of the Prosecutor of the International Criminal Court announced the launch of an investigation into the situation in Ukraine regarding the commission of war crimes, crimes against humanity and genocide on the territory of Ukraine due to the fact that in 2015 our country officially recognized the jurisdiction of the ICC, and § 3 of Art. 12 of the Statute

states that "a State which accepts jurisdiction shall cooperate with the Court without delay or exception in accordance with Part 9" (Filyanina, 2023). Therefore, such amendments to the Criminal Procedure Code at the national level indicate the creation of an appropriate legal framework for the prosecution of war criminals in the Russian Federation, taking into account Art. 5 of the Rome Statute.

As already mentioned, the Rome Statute has not yet been ratified by the Verkhovna Rada of Ukraine. In the context of Russian aggression, it is obvious that in most cases, Ukraine's domestic legal mechanisms of prosecution are not able to prevent such crimes or provide adequate protection against them for objective reasons. Therefore, it is quite natural to ensure the use of procedures and mechanisms established at the regional and universal levels.

However, if Ukraine ratifies the Rome Statute, it will have certain legal consequences. By becoming a member of the Assembly of States Parties, it will have the right to put issues on the agenda, as well as to have its own judges and participate in the work of the court. These actions are fully in line with the principle of "positive complementarity" and ensure the fulfilment of Ukraine's international obligations.

However, after the occupation of Crimea and the outbreak of hostilities in Donbas, Russia withdrew its signature to the Rome Statute in 2016 to avoid international legal responsibility in the ICC, and full ratification will not help bring Russia to international responsibility under the conditions provided for in the Statute. Although Ukraine's early ratification of the Statute and the intensification of the activities of the competent institutions to investigate all crimes from 2014 to 2022 may bring results in terms of gathering evidence, the mechanisms of the Statute system need to be improved. However, there is currently no consensus on the need to ratify this document. To a certain extent, this state of affairs does not contribute to a clear understanding that national legislation needs to be brought into line with the provisions of international humanitarian law. At the same time, such changes should take place regardless of the decision to ratify the Statute, and the ratification process should certainly be comprehensive.

Fortunately, the rejection of a signature does not exempt it from future punishment before international criminal justice bodies, as was the case with the murderers at the Nuremberg and Tokyo trials. The Nuremberg trials considered crimes against peace – planning, preparation, unleashing and waging of an aggressive war in violation of international agreements and treaties; war crimes – violation of the laws and customs of war, murder, torture, abduction, torture of both civilians and prisoners of war, looting of private and public property, destruction of settlements; crimes against humanity – murder, enslavement, exile, persecution on racial, religious or political grounds (Tsevukh et al., 2023).

Unfortunately, the Russian Federation remains a permanent member of the UN Security Council, blocking any opposition from other member states to its illegal activities. Due to such restrictions, the jurisdiction of the ICC over the crime of aggression of the Russian Federation against Ukraine has led to the formation of the concepts of international criminal justice bodies:

1) Establishment of a Special Tribunal, the establishment of which is provided for in the Declaration, which was developed by a working group on behalf of and approved by the Minister of Foreign Affairs of Ukraine;

2) Establishment of a "hybrid" court, which is the result of an agreement between the UN and Ukraine based on the recommendations of the UN General Assembly prepared by the Global Accountability Network working group;

3) Ukraine and the Council of Europe, or in other words, an "internationalized" court, the powers and establishment of which are determined by an international treaty concluded between the European Union and Ukraine, the Council of Europe and Ukraine, and the Council of Europe has decided to become interested in it;

4) In accordance with the national legislation of Ukraine under Art. 437 of the Criminal Code of Ukraine and criminal procedures of various foreign countries, in this case, the management enjoys the immunity of the highest official under international law.

In our opinion, the best way to ensure individual criminal liability is to create a special international court, the effectiveness of which should be based on international support through voting in the UN General Assembly and signing a relevant multilateral treaty approved by the UN General Assembly, which will unite like-minded states and be supported by the Council of Europe, the EU and other international organisations. Of course, Russia can veto the creation of the tribunal in the UN Security Council, but it cannot prevent the creation of the court, as it does not have a veto in the General Assembly. The creation of such a tribunal would make it impossible for Putin's representatives to refute the accusations and would allow for a verdict in a matter of weeks, not years, as in other war crimes trials.

According to the resolution, the proposed tribunal should be empowered to investigate and prosecute crimes of aggression committed by the political and military leadership of the Russian Federation. The tribunal should also have the power to issue international arrest warrants, without limiting the immunity of states, heads of state, governments and other public officials. The experience of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are examples of this, despite their longevity. In view of this, we believe that not only Ukraine, but also other countries can provide evidence, which is linked to the military actions that led to mass migration processes that began in 2014 (Bereznyak, 2022).

Conclusions. The crime of aggression is provided for in the main international instruments through which the international community expresses its agreement to reject aggressive war, but the current practice is to the contrary. Although the provisions on the crime of aggression are quite broad, practice has shown that there are many obstacles to international criminal liability of perpetrators. Even the development of the individual criminal liability regime has no impact on the process of the massive invasion of the aggressor state, the Russian Federation, whose political and military forces have committed dozens of crimes on the territory of Ukraine. Also, there are currently no legal decisions at the international legal level regarding the already committed acts of aggression of the Russian Federation, which does not exclude bringing it to international legal responsibility for such acts and other international crimes, including compensation for the damage caused by them, which may provoke such situations:

1) Possible legal liability of the Russian Federation will not be comprehensive, but will be fragmentary: our country may raise the issue of

international legal liability of the Russian Federation for internationally wrongful acts related to or caused by the aggression (but not directly related to the aggression itself) and provided for by multilateral and bilateral international treaties applicable to both countries, and create institutional mechanisms of liability for their violation, such as the European Convention on Human Rights;

2) This complicates the preparation of Ukraine's consolidated claims for compensation for damages caused by Russian aggression. Ultimately, our country will only be able to claim damages related to the violation of certain (aforementioned) international treaties by the Russian Federation separately within the framework of these international treaties, taking into account the content of each international treaty.

As for the issue of ratification of the Rome Statute, it undoubtedly has its advantages, as mentioned above, but we are convinced that, given the experience and effectiveness of bringing to international criminal liability, the establishment of a Special Tribunal is an effective way. In addition, the ICC, as noted above, can accept cases not only at the request of a state party, but also on its own initiative. Therefore, our country should make more active use of the legal mechanisms provided for by the Rome Statute. We would also like to point out that the Rome Statute establishes the scope, jurisdiction and structure of the court. However, we believe that a separate International Code of War Crimes should be adopted, which would detail the disposition of the articles in the light of current realities, as well as the grounds and principles of international criminal liability, possible sanctions and grounds for exemption from liability and punishment.

This allows us to state that Ukraine, together with other international organizations and foreign partners, should make every effort to ensure that the ICC finally decides to launch a full investigation into crimes of international law committed by Ukraine in the temporarily occupied territories, including genocide, war crimes and crimes against humanity, which should result in the opening of criminal cases in the ICC. The key point is that their crimes are enshrined in the UN Charter and some other international instruments. In such circumstances, it is necessary to initiate the relevant procedures, and then announce the arrest, to start the international procedure for bringing criminals to justice.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Василь БЕРЕЗНЯК, Валентин ЛЮДВІК
МЕХАНІЗМИ ЗАБЕЗПЕЧЕННЯ КРИМІНАЛЬНОЇ
ВІДПОВІДАЛЬНОСТІ ЗА ЗЛОЧИН АГРЕСІЇ
РОСІЙСЬКОЇ ФЕДЕРАЦІЇ НА ТЕРИТОРІЇ УКРАЇНИ

Анотація. У науковій статті автори звертають увагу на ключові особливості механізму забезпечення кримінальної відповідальності за злочин агресії рф вчиненого на території України, адже не дивлячись на досить розгалужену систему нормативно правових актів, які регулюють це питання, багато перешкод для притягнення винних до міжнародної кримінальної відповідальності.

В межах цього дослідження звернуто увагу на судову практику що свідчать про відсутність на законодавчому рівні належного дієвого механізму врегулювання питання притягнення рф до юридичної відповідальності на міжнародно-правовому рівні щодо актів агресії та інших міжнародних злочинів, з урахуванням відшкодування завданої ними шкоди. Зокрема, серед важливих здобутків дослідження слід назвати створення Спецтрибуналу з можливим укладенням окремого Міжнародного кодексу воєнних злочинів, в якому буде деталізована диспозиція статей з урахуванням сучасних реалій, а також підстави і принципи міжнародної кримінальної відповідальності, можливі санкції та підстави звільнення від відповідальності і покарання.

Ключові слова: злочин агресії, міжнародні злочини, індивідуальна кримінальна відповідальність, Спецтрибунал, ратифікація Римського статуту, міжнародне судочинство, країна-агресор.

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LATVIAN POLICY TOWARDS UKRAINIAN REFUGEES IN 2022
AS THE EXAMPLE OF EU TEMPORARY PROTECTION

Abstract. Latvian policy towards Ukrainian refugees and their social conditions in 2022 passed through the period of wide financial support in the end of the winter and spring as well as attempts to decrease financial aid in the summer and autumn. Being the part of EU policy of temporary protection, however, Latvian experience of support for Ukrainian citizens presented how such a little state could be one of those that provided the most aid to Ukraine having spent 1 % of the GDP in 2022. Offering almost the same rights for Ukrainian citizens staying in the country as for its residents, Latvia covered all the necessary costs of refugees' living.

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Having compared the experience of Latvian policy towards refugees with other EU states, particularly with Poland, the article is the attempt to define all advantages and disadvantages of temporary protection for Ukrainian refugees. Due to the terms of Russo-Ukrainian war the policy became the attempt to integrate refugees into society and to decrease the state outcomes making refugees to be responsible for their social conditions.

Keywords: *Ukrainian refugees, temporary protection in the EU, Latvian government.*

Introduction. The problem of Ukrainian refugees since the aggression of Russia in February, 2022 effected Europe. Thousands of Ukrainians, who had to leave their home and to move to EU countries trying to find safety, showed Europe a new fact – whether European countries are ready to meet new refugees. Latvia became one of those countries that immediately started to give protection for Ukrainians and provide simplified border crossing for the refugees in spite of European bureaucracy.

The aim of the research is to analyse social issues met by Ukrainians in Latvia and the policy of state towards refugees in comparison with experience in other EU members. As a novelty the study will present the problem of Ukrainian refugees in Latvia at the scientific level, taking into account social challenges, public attitudes and the state's position towards refugees. The social conditions of Ukrainian refugees in Latvia are compared with other EU members to give the analysis of Latvian experience in synthesis of European policy towards Ukrainian refugees in 2022.

Analysis of recent research and publications. Such scientists as Ya.Gurbyk, A. Zaviryuha, Ya. Nechiporuk, V. Nikyforak, O. Olenych and others devoted their works to the clarification of the theoretical and legal foundations of the legal status of refugees. The problematic aspects of the legal nature of the status of Ukrainian refugees were investigated in their works by N. Grobar, K. Kuryakovska, K. Levandovsky, S. Lozinska, O. Panova, A. Svyaschuk, I. Soroka, V. Chuyenko and others.

The purpose of the article. The main objectives of this research are to define the amount of Ukrainian refugees in Latvia since the full-scale invasion of Russia, with a distinction of the regions of resettlement and social conditions, and to determine Latvian legislation regarding the status of refugees, their social and economic support. Therefore, the research presents the problem of refugees – state, and state – refugees.

Formulation of the main material. The problem of Ukrainian refugees in Latvia is not yet sufficiently represented in the scientific field. Modern scientific works studying the issue of Ukrainian refugees focus on several EU states, while only passingly mentioning the Baltic States. Unlike Poland, which is often mentioned by scientists, Latvia is practically ignored. The position of Ukrainian citizens who have found themselves in Latvia with the definition of a refugee is the most interesting to study, taking into account the position of the local population. In 2022, there was some information about pro-Russian sentiments, language conflicts and negative attitudes towards refugees in Latvia. Such sentiments are characteristic of Russians who do not have citizenship according to the laws of Latvia, but are part of the population of the state. Therefore, Ukrainian refugees in Latvia could obviously face the problem of discrimination from the pro-Russian part of the population. Across society, the

attitudes of citizens and non-citizens of Latvia contrast, from support to intolerance towards refugees.

The research outcomes. When considering the policy of Latvia and other EU countries, it should be noted that the governments generally made decisions about the status of Ukrainian refugees, their social security and rights within the framework of the policy of the European Union. Hence on March 4, 2022, the EU introduced a directive on the temporary protection of Ukrainian refugees. The directive was originally adopted in 2001, when Europe was faced with a wave of refugees from the Balkans. Therefore, the policy of the EU states quite consistently follows the principles of pan-European legislative acts. It means the policies of the states of the region, as a rule, concern displaced persons with the aim of providing immediate and collective protection. Since February 24, 2022, Ukrainian citizens, residents of Ukraine who could not return to their own countries and refugees who were within the borders of the state received the right to enter the EU states.

It is worth noting that the last two categories allowed foreigners who were in the territory of Ukraine and persons who were forced to leave their previous places of residence and received protection under Ukrainian legislation to cross the border. The same principles were applied to such persons as to citizens of Ukraine, therefore, such categories of refugees received the right of asylum in the way of the inability to return to the states of their previous residence. All these categories receive the status of displaced persons and the right to residence, access to jobs, accommodation, social security, and access to education. Such protection was granted for at least one year, but not more than three years, taking into account the war events. Temporary protection was granted automatically to all immigrants, but the principle of submitting an application for residence to any state of temporary residence became a mandatory condition. In addition, unlike displaced persons after the World War II, all displaced persons have the right for free movement without obtaining the necessary visas and can independently choose their host country (EU temporary protection for displaced persons).

The normalizing of the social security problem of hundreds of thousands of Ukrainians required certain norms regarding the move and the period of stay in the territory of the countries. As a result, such norms were adopted in EU members. The countries that border on Ukraine or have met more of the refugees, however, agreed the aid in middle March, 2022. On March 12, 2022, the Polish Parliament adopted a decision according to which Ukrainians who were forced to leave the territory of Ukraine due to the Russian invasion, after a special application, received the right to stay in Poland for 18 months. Moreover, Ukrainians received the right to obtain residence and apply for a tax identification number from March 16, 2022. On March 26, the President of Poland signed an act on assistance to Ukrainian immigrants. In addition, the issue of accommodation and food for refugees, which was divided between the central and local administrations, was resolved. This practice, by the way, was introduced in other countries of Central and Eastern Europe.

In part, local administrations were supposed to provide food for Ukrainian refugees (Poland: parliament adopts law on assistance to Ukrainian refugees).

For example, in the Czech Republic, such norms were determined by a special law adopted on March 17, 2022. According to this law, Ukrainian refugees received the right to employment, social welfare and unemployment payments (Czech Republic: "Lex Ukraine" law package enters into force). In comparison with other EU members, Latvia was among the first countries to offer state support for Ukrainian DPs. On March 3, 2022 Latvian government adopted the Law on Assistance to Ukrainian Civilians, a day before the temporary protection was agreed in the EU. Due to the Law all the Ukrainians got the same rights mentioned above. DPs were guaranteed to get social welfare, housing and accommodation, financial support, medical care, access to education etc. (Latvia: New law on assistance for people from Ukraine).

The fact Latvia had adopted the Law one of the first in the EU showed the country officially were ready to meet refugees from Ukraine and emphasised its support for Ukrainians. This statement also can be proved that Latvia was one of the first countries that granted permission for simplified entry and stay on the territory of states without proper documents, such as foreign passports and visas. However, it should be emphasised that more of those in the first waves of Ukrainian refugees moving to European states went to countries of Eastern part of the EU, such as Poland, Hungary, Slovakia and Romania. Latvia does not border on Ukraine and the route to this country as well as quantity of DPs coming to was not the priority for Ukrainian refugees. The choice of Poland, Slovakia, Hungary and Romania is explained by the closest borders and the fastest possibility to leave the country.

However, Baltic states together with the neighboring countries started a simplified border crossing system, which led to a flow of refugees to European cities and towns. In case of Latvia Ukrainian citizens could also cross the border without all the necessary documents, i.e. passports or visas. Those Ukrainians who did not have either a valid biometrical passport or any other document confirming the person and giving the right to enter the EU borders could be issued a visa and in the case of holding an expired travel documents issued by Ukraine got the consideration of such documents valid till February 28, 2023 (Latvia 2020: 5). Moreover, the state officially condemned russia's aggression, established responsibility for discrimination against refugees, and banned the entry of foreigners who did not condemn russia's aggression and express a negative attitude towards Latvia (The entry of the russian federation citizens into the Republic of Latvia to be restricted).

Due to July report of IOM that surveyed 265 representatives of DPs in three Latvian regions of Riga, Latgale and Vidzeme, the most Ukrainian DPs came to Latvia through the russian federation. In details, 56 % of DPs arrived to Latvia from it, 32 % came from Lithuania, 8 %, from Estonia and 4 from Belarus or other states by air. Most of those Ukrainians moved from Eastern Ukraine or Kherson region in the Southern part of the state: 32 % from Kharkiv oblast, 17 % from Donetsk, 15 % from Luhansk and 8 % from Kherson (Survey on displacement patterns, needs and intentions, 2022:1). Explaining the route from Ukraine to Latvia could be found in the closest borders for refugees from those oblasts. On February 24, 2022 russian military troops moved in Eastern, Southern and Northern directions.

Such conditions made Ukrainian citizens of temporary occupied regions leave their places of living immediately not to be imprisoned or killed by russians. From three Eastern oblasts Ukrainian could only move through the russian federation. In case of Kherson oblast, the route was chosen taking into consideration the closest connection with occupied Crimea and from the Ukrainian peninsula occupied by russia Ukrainians could move through russian cities to European or Asian countries. Leave Ukrainian cities occupied by russians and reach EU could those who had enough possibilities to move, incl. vehicles, financial resources and documents that allowed to cross the border with foreign countries.

Two months later, in April 2022, about 22 thousands of Ukrainian refugees were already officially registered in Latvia, 16,5 thousands of whom received the right to employment, and about 10 thousands needed state assistance with settlement. The number of Ukrainians who arrived in Latvia grew and till summer 2022 was approximately 35 thousands, mostly middle-aged and older women (Latvia. EMN country factsheet 2022:4). The number of refugees from Ukraine in Latvia was one of the lowest and contrasted with Poland, Germany, the Czech Republic and other EU states.

However, the aid Ukrainians got in Latvia is one of the biggest. The government at the state level established guarantees for Ukrainian refugees and allocated funds from the budget for support. Therefore, Ukrainian refugees in Latvia received 270 euro per adult and 190 euro per minor as a one-time benefit, 109 euro per adult and 76 euro per family member were given per month. Ukrainian refugees received food and accommodation for 120 days, if the refugees arrived in Latvia after May 25, then food provision was reduced to 30 days. Citizens who provided housing for Ukrainians received compensation from the budget. A household received 100 euro of compensation per month per person and 50 for each member of family, but not more than 300 euro per month. In general, the policy in this humanitarian field did not differ from other EU states. For instance, in April 2022 in Poland, the government made a decision that for 120 days, citizens who provided accommodation to refugees from Ukraine could receive compensation in the amount of 8 euro per day. Another step of the local government was the decision on compensation for businesses that helped refugees (Ukraine to Latvia).

The problem of housing and accommodation was the main for Ukrainian DPs in Latvia in 2022. Probably the country was not ready to meet thousands of refugees due to the limit of its availability. July survey of Ukrainian DPs of 2022 showed housing and financial issues to be the most problems for Ukrainians in Latvia – 42 % and 40 % (Survey on displacement patterns, needs and intention 2022:6). Due to the statics of summer 2022 approximately 120 Ukrainians came to the country every day (Latvian cities announce halt on accepting Ukrainian refugees). The main issue for Latvian government was that Ukrainian DPs were not able to find working position. It meant that just the government should have found sources to cover accommodation of such groups of Ukrainians. On the one hand, there were a lot of mothers with children and infants as well as seniors and people with disabilities, on the other hand, out of three tens of thousands of Ukrainian refugees faced a lack of jobs in Latvia. The language barrier did not

allow Ukrainians, who received the official right to employment, to find a proper job. In addition, the labor market in Latvia was not ready for such a large number of people needing the job.

The access of Ukrainian refugees to the medical system has become another issue of the policy of EU members. The EU states should have covered those medical services they had provided. Having equalized the rights of Ukrainians with citizens, some of the states provided almost the same support in the medical sphere as to their own citizens. Free access to all the Ukrainian DPs was provided in Romania and the Czech Republic, later limited to 150 days, while Hungary limited access to free medicine only to certain categories of officially registered with temporary protection and Slovakia followed a similar example, guaranteeing the right to medical care for Ukrainian refugees who had received the right to stay in the country (EU cities and regions welcoming Ukrainian refugees 2022).

All the Ukrainian civilians received the state covered and free of charge medical service in Latvia. In case of chronic diseases Ukrainians got the opportunity for treatment having a handwritten or typed prescription issued in Ukraine. Recognition of such documents was one of the steps of Latvian support given to Ukrainians. Among other benefits, DPs from Ukraine could also get exemption from patient co-payments during the time of being not socially insured. Moreover, due to the regularities Ukrainians got some veterinary services free of charge. For instance, all the necessary vaccinations and even chips were provided for animals of DPs in Latvia (Latvia 2022: 12-15).

However, for Latvia, 35 thousands of refugees were quite a large number, considering the state budget. Therefore, in July 2022, Latvian cities announced the plan to refuse to accept refugees, due to the lack of funds in the budget. Riga, the capital of Latvia, announced to stop accepting Ukrainian refugees on July 1, 2022. The state program for support Ukrainian refugees could not cover the costs for Ukrainians, although it had been officially announced that the program would be extended until the end of the year. For example, in August, 2022 in Latvia, 3.5 euro were funded for food per person (Latvian cities announce halt on accepting Ukrainian refugees). If to count the expenses only for food for Ukrainian refugees, then in a month such an amount will reach more than 3 million euro per month. Consequently, state support for Ukrainian refugees was decreasing, which might lead to a worsening of the social situation of Ukrainians.

Such appeals to decrease funding needs of refugees from Ukraine were not exception for the EU. Many other EU states began to consider the same possibility of reducing financial support for Ukrainian refugees. At the end of November, the office of the Prime Minister of Poland published a decision on the establishment of fees for accommodation and meals for Ukrainians who, starting in January 2023, should continue to receive state assistance. This decision was explained by budget expenditures for more than 1,5 million Ukrainian refugees. For Poland, which had the largest number of displaced persons since the full-scale invasion of Moscow troops, such a number of refugees had become quite expensive.

Therefore, the decision to limit budget funds for the needs of Ukrainian

refugees had to be made by the country's parliament. Taking into account the data of the Polish Economic Institute, such a decision became fully justified, because Poland spent more than other EU states on the needs of Ukrainians. At the same time, the economic costs became tangible for the Poles themselves, which could mean dissatisfaction with the government's policy. Considering the rise in prices and the need to save budget funds, the Polish parliament decided to establish a partial payment for accommodation after four months of stay. Therefore, Ukrainians in general accommodation centers were planned to pay half of the cost of accommodation, which was 8 euro per day per person. After 180 days of stay, the cost was 12 euro. But elderly people who could not work or pregnant women were exempted from payment (Poland says it will ask Ukrainian refugees to pay some housing and food costs next year).

The comparison of Latvian and Polish experience differed a lot. First of all, Poland had to give the support for 1,5 million of refugees while Latvia had just 35 thousands. The area of Latvia is 65,5 thousand square kilometers that is the fifth part of Poland's territory. Population of Poland is 38 million while in Latvia live 1,9 million people. Till October 3, 2022 Latvia had donated 0,9 % of its GDP to Ukraine in amount of 314 million euro, Estonia spent 0,8 % and Poland had given 0,5 % (Latvian minister: we're Nr. 1 when it comes to military aid for Ukraine). In general Latvian aid for Ukraine including military support exceeded 1 % of GDP in 2022 while Poland had spent 2 % of its GDP (Poland spent 2 pct of GDP on Ukraine aid says FinMin). Polish authorities have informed about 10 billions euro given for Ukraine. Such statics showed Latvia was among the main supporter for Ukraine even the fact in 2022 Latvia had a government budget deficit of 4,4 % of its GDP while Poland had the deficit of 3,7 % of GDP (Latvia Government Budget, Poland Government Budget).

A change in approaches to financing the needs of refugees could also be found in the attitude of the population of EU countries towards Ukrainian refugees. It should be noted that the population of neighboring countries partly positively perceived state aid to Ukrainian refugees. The exception was the attitude towards refugees from Ukraine in Slovakia that was completely opposite to other countries. Based on the data of the Slovak Academy of Sciences regarding public opinion about Ukrainian refugees, it can be concluded that almost half of Slovaks did not support state aid to Ukrainians in 2022. In total, as of April 11, 2022, there were 324,133 refugees from Ukraine in the country. According to the study conducted in the spring of 2022, only 40 % of respondents agreed with the opinion about the possibility of accepting Ukrainians with the right to stay on the territory of the country for a longer time than established by the law. More than 50 % of respondents agreed that Ukrainians should have had equal rights with Slovak citizens. In total, only 42 % of Slovaks support the authorities' decision to provide assistance to Ukrainians (Where is the public opinion on the perception of Ukrainian refugees. Slovak Academy of Science, 2022).

This indicator was significantly lower than in neighboring Poland, the Czech Republic and even Hungary. For example, in Poland, 85 % of the population agreed with the local government's position on helping Ukrainians, 82 % supported Ukrainian refugees in Hungary, and 73 % in the Czech Republic

(Perception of Ukrainian refugees in the V4 2022). It is worth noting that the mentioned countries were the centers where the labor migration of Ukrainians was concentrated, besides, the local population of these states was not too loyal to the russians, remembering the events with the suppression of local political opposition sentiments in the last century.

If to speak about Latvia, the statics is given in two groups of Latvian speaking and russian speaking representatives of the society. People preferring to speak Latvian are considered to support Ukrainians as well as Ukraine in russo-Ukrainian war, while those who speak russian are supposed to support russian policy. 78 % of Latvian speaking and 27 % of russian speaking persons in Latvia support Ukraine (Survey: 27 % of Latvian russians support Ukraine). This result is higher then in Slovakia but lower then in Poland and Hungary. However, the phenomenon of Latvia is that this is the country where majority of russian speaking belong to non citizens of the state. Hence, this fact also should be taken into account and defining just citizens for survey could have another result of support for Ukraine as well as refugees.

The problem of Ukrainian refugees also dealt with their children in the educational sphere. In 2022 those children who attended schools in Ukraine and had to leave for EU members were in a very unsuitable situation. The Ukrainian government and the Ministry of education and science agreed online study process both for secondary and higher education. After two weeks of holidays given to all the students in Ukraine since the invasion, all the students should have returned to lessons online. This norm did not depend on the living place of students. They could join study process from Ukrainian territory and from abroad as a result those who moved to EU members did not begin to attend schools. In 2022, Ukrainian students were most successfully involved in the educational process in schools in Poland, Slovakia, the Czech Republic and Latvia. In May 2022, 194 thousand of over 528 thousand students were enrolled in Polish schools, which was 37 % of the total number. Out of more than 70 thousand Ukrainian students in the Czech Republic, more than 26 thousand attended school, which was 38 %. In Slovakia, this indicator was slightly more than 9 thousand out of more than 31 thousand Ukrainian students, which was 31 % of the student youth. In Balkan states there were almost the same 30 % of those who attended schools but due to the total number of students they did not play the leading role in regularities in EU.

Taking into account the fact that Ukrainian youth were not integrated into the educational life of European states in 2022, government adopted recommendations regarding the educational process of schoolchildren. It should be noted that in some European countries there is simply no state approach to the educational process of refugees. Estonia became an exception and essentially was the only state that comprehensively took into account the needs of refugees.

There, an individual approach became a condition for enrolling students. In most states, after enrolling students, the educational process takes place in two ways. In the first, students learn the language of the country of residence, in the second, they are fully involved with other students. In the second case, the state does not take into account either the psychological or moral state of the student, limiting itself to the approach of determining the level of knowledge and basic

knowledge of the language. Among all the states of the region, except Estonia, only Romania takes into account the psychological state of refugee children involved in the educational process in schools. At least we are talking about the norms provided by the legislation of the country. But considering the small percentage of students who moved to Romania from Ukraine, the example of this country is not taken into consideration (supporting refugee learners from Ukraine in schools in Europe).

Latvia, Lithuania, Estonia, the Czech Republic, Slovakia and Romania have introduced the practice of involving Ukrainian students in regular classes. This involves studying national languages at the same level as other students according to educational programs. In Latvia all the students of school should have been involved in the study process as well. Children of Ukrainian DPs were offered to have study process in Latvian or minority languages. Ukrainian as the language of study process was agreed in Riga Ukrainian Upper-secondary School. The problem of Latvian society and policy towards refugees is the Russian language in education. This language in study process was already the subject of conversation between politicians and even blaming in populism that some political parties provided.

Another policy was adopted in Poland, where was the practice of separate classes, taking into account the use of the Ukrainian language, which is combined with education in regular classes with the Polish language. However, in some states, on the other hand, the question of the involvement of Ukrainian students has not become a subject of national policy, i.e. in Bulgaria, decisions regarding the educational process are made at the local level. Such situation shows not equal policy towards education for DPs. However, the countries, as a rule, offer free courses for learning the national language. In Estonia, for example, every refugee must attend free Estonian language classes at A1 level. At the same time, remote and face-to-face formats are offered throughout the country (Temporary protection for Ukrainians in Estonia).

Comparing the support measures for refugee learners before and after Russia's invasion due to the official EU report, it should be noticed that Latvian government have offered specific financial support in non-repayable grants and scholarships. Realizing perception of state language Latvian universities paid more attention to language training and support. However, the practice of such courses were given even before the Ukrainian DPs came to Latvia and depended more on the policy to involve foreigners into study process at universities. Ukrainian students of Latvian universities got the same scholarship as Latvian students, in amount 140 euro per month and researchers from Ukraine had a state funded fellowship in amount 900 euro per month. Such funding became the support for Ukrainians DPs obtaining the education or scholars providing scientific work (Supporting refugee learners from Ukraine in higher education in Europe 2022).

The mentioned steps of Latvia and other EU members in the field of education indicate an understanding of the problem of Ukrainian refugees in the coming time. The initial period of stay within the countries of the region, as a rule, was one year, and local governments did not count on a longer period of stay for refugees. However, the course of war events led to the abandonment of

a significant number of Ukrainians in neighboring countries, which affected the change of policy, the limitation of funding programs and attempts to integrate refugees. Ensuring the right to learn the national language and access to education for the children of Ukrainian refugees indicates the readiness of governments to extend the period of stay of Ukrainian displaced persons in accordance with the EU directive.

In general, the policy of Latvia towards Ukrainian refugees shows a gradual transition from budget programs to attempts at integration into society with the possibility of economic independence. The problem of Ukrainian refugees shows how European states are ready for the influx of refugees from other regions, pointing out the shortcomings of state problems and provides an opportunity to develop new approaches to providing asylum to refugees.

Conclusions. Latvian policy towards Ukrainian refugees in 2022 was a part of European temporary protection adopted on March 4, 2022. Following the policy of EU, Latvia offered social welfare, medical care, employment and education as well as all other necessary support for Ukrainians. Being not ready for such a number of refugees and meeting the problem of budget funding, Latvia met problems of social conditions of refugees that probably were the basis of perception DPs in Latvian society. However, such experience was not the exception for the EU members. The research showed the main measures Latvian government had provided to cover social needs of refugees and their children trying to involve them into society and to give financial support until they can cover their needs by themselves. The social conditions of Ukrainian refugees in Latvia were not unique.

There are some common policy steps in other EU members that in general show the perception of Ukrainian refugees among Europeans as well as all the necessary changes provided for social conditions of refugees and implemented into the laws of the states. The research results could be practically applied in the form of the presented model of studying changes in the social living conditions of refugees and changes in governmental policy to the problem of refugees. The practical component will allow the integration of refugees into society, searching ways to provide accommodation without gradual funding from the state with a right of extended stay in the state. At the same time, it is expected that the research makes it possible to note Latvia's contribution to the support of Ukrainian refugees at the state level in Ukraine.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Артем КОКОШ

ПОЛІТИКА ЛАТВІЇ ЩОДО УКРАЇНСЬКИХ БІЖЕНЦІВ У 2022 РОЦІ ЯК ПРИКЛАД ТИМЧАСОВОГО ЗАХИСТУ ЄС

Анотація. Політика Латвії щодо українських біженців і їхнього соціального забезпечення у 2022 пройшла період широкої фінансової допомоги у кінці зими і навесні і період спроб зменшити фінансову підтримку влітку і восени. Частина політики ЄС щодо тимчасового захисту, латвійський досвід підтримки українських громадян представляє як невелика держава може бути однією з тих, що надали Україні найбільше допомоги, витративши 1 % ВВП у 2022. Пропонуючи права для українських громадян, як для інших резидентів, Латвія покрила усі необхідні витрати на потреби українських біженців.

На основі порівнянь досвіду Латвії з іншими державами ЄС у межах політики щодо біженців стаття є спробою визначити переваги і недоліки тимчасового захисту українських біженців. Відповідно до тривалості російсько-української війни політика стала спробою інтегрувати українських біженців у суспільство і зменшити державні видатки для відповідальності біженців за соціальне становище.

Ключові слова: українські біженці, тимчасовий захист в ЄС, уряд Латвії.

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COMPARATIVE LEGAL ANALYSIS OF RESIDENCE CONDITIONS OF FOREIGNERS IN UKRAINE AND ABROAD

Abstract. It is shown that after February 24, 2022, the life of every Ukrainian changed radically, due to which peaceful Ukrainians were forced to seek refuge in neighboring states. In particular, Poland, Germany, Denmark, Romania, Bulgaria, Greece, Sweden. In connection with the extraordinary events, unprecedented conditions were created for the citizens of Ukraine. Currently, Ukrainians can receive refugee status or additional protection. In connection with the full-scale invasion, the EU Council, meeting in Brussels on March 4, 2022, voted to apply Directive No. 2001/55/EC of July 20, 2001 on minimum standards for the provision of temporary protection in the event of a mass influx of displaced persons and on measures that contribute to the balance of efforts between member states regarding the reception of such persons and the bearing of their consequences.

The directive bypasses the traditionally overburdened procedure for granting asylum (obtaining refugee status/subsidiary protection) and offers a quick and simplified way to access protection in EU countries. In EU countries, refugee status is an individual right that is granted after a special administrative and legal process that determines whether a person has a reasonable risk of being persecuted. Persons who can receive refugee status can be citizens of Ukraine who left the territory of Ukraine due to the war, as well as persons who lived in the territory of Ukraine on legal grounds, but have the citizenship of other countries. In accordance with the Convention on the Status of Refugees of 1951 and the Protocol on the Status of Refugees of 1967 and the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection". In Ukraine, it is also possible to obtain the status of temporary protection for foreigners and stateless persons.

It is proposed to develop a system of marketing measures to attract labor for the purpose of rebuilding Ukraine, since today in Ukraine quite little is paid to refugees and persons who have received temporary protection. Such provision of refugees and persons wishing to receive temporary protection will not motivate foreigners to go to Ukraine.

Keywords: *temporary protection, refugees, legal analysis, benefits, social security.*

Introduction. After February 24, 2022, Ukrainians were forced to seek asylum abroad, which led to the need to study the opportunities, rights, and responsibilities of our citizens abroad. Such a situation intensified the need to

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compare the conditions of stay of Ukrainians abroad and the conditions of stay of foreigners in our country in order to understand the situation in this direction. Also, the lack of labor in the market of Ukraine, its loss during the war and the need to find and attract foreigners for the purpose of restoring our country made this study relevant.

Analysis of recent research and publications. V. Pedorenko, T. Alekseenko, L. Gonchar, T. Kunytsia, D. Bybyk, A. Svyaschuk, Z. Sprynska, Yu. Maksimenko, O. Morozova-Johannessen, V. Kerdyvar studied the problem of refugees and investigated displaced persons. Among foreign researchers, E. Fiddian-Qasmiyeh, G. Loescher, K. Long, N. Sigona studied this problem. After the full-scale invasion, the issue of refugees and resettlement became the most urgent issue, and also determined the need to find a country with better living conditions for Ukrainian refugees.

The purpose of the article is to compare the living conditions of Ukrainian citizens who have received temporary protection or refugee status with similar conditions in Ukraine.

Formulation of the main material. After February 24, 2022, the lives of Ukrainians underwent radical changes, as they were forced to seek refuge in neighboring states such as Poland, Germany, Denmark, Romania, Bulgaria, Greece and Sweden. This led to the creation of extraordinary conditions for Ukrainian citizens who are in difficult circumstances. Ukrainians have the opportunity to obtain refugee status or additional protection in the countries where they seek asylum. This is an important step to ensure the safety and protection of those who find themselves in difficult situations due to hostilities. The Council of the EU adopted a decision on the application of Directive No. 2001/55/EC dated July 20, 2001 on minimum standards for providing temporary protection in the event of a mass influx of displaced persons. This directive simplifies the procedure for granting protection and ensures quick access to protection for those who need help in EU countries.

Temporary protection does not mean refugee status under the Convention Relating to the Status of Refugees dated July 28, 1951, which provides rights similar to a residence permit. However, persons who have received temporary protection in the EU can apply for refugee status at any time. By the way, persons who received temporary protection in Ukraine can also apply for refugee status. In 2002, Ukraine joined the UN Convention of 1951 and the Protocol of 1967. Consequently, Ukraine has joined international treaties and conventions related to temporary protection and obtaining refugee status (Nikitin, 2020).

In accordance with the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection" dated July 08, 2011 No. 3671-VI (hereinafter referred to as the Law), Ukraine provides protection to foreigners and stateless persons seeking it on the territory of Ukraine, through: recognition a refugee; recognition as a person in need of additional protection; recognition as a person in need of temporary protection. In EU countries, refugee status is an individual right that is granted after a special administrative and legal process that determines whether a person has a reasonable risk of being persecuted. A person loses his refugee status if he returns to his country or acquires a new citizenship.

Persons who can receive refugee status can be citizens of Ukraine who left the territory of Ukraine due to the war, as well as persons who lived in the territory of Ukraine on legal grounds, but have the citizenship of other countries. Stateless persons can also request refugee status. Obtaining refugee status makes sense if a person plans to continue living in an EU country. Restrictions for a person when receiving refugee status: impossibility to leave the host country until the moment of receiving the status; impossibility to return to Ukraine after receiving the status; impossibility to get a job before obtaining the status, as well as in case of refusal to grant it; selection of documents certifying the identity of the applicant.

In Ukraine, a refugee is a person who is not a citizen of Ukraine and, due to well-founded fears of becoming a victim of persecution based on race, religion, nationality, citizenship (citizenship), belonging to a certain social group or political beliefs, is outside the country of his/her citizenship and cannot use protection of this country or does not want to use this protection due to such fears, or, not having citizenship (nationality) and being outside the country of his previous permanent residence, cannot or does not want to return to it due to the said fears. A person in need of additional protection is a person who is not a refugee in accordance with the Convention on the Status of Refugees of 1951 and the Protocol on the Status of Refugees of 1967 and the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection", but needs protection because such a person was forced to come to Ukraine or remain in Ukraine due to a threat to his life, safety or freedom in the country of origin due to fear of the death penalty or the execution of a death sentence or torture, inhuman or degrading treatment or punishment, or of widespread violence in situations of international or internal armed conflict or systematic violation of human rights and is unable or unwilling to return to such a country due to said fears.

Ukraine also provides for the possibility of obtaining temporary protection status for foreigners and stateless persons who are forced to seek protection in Ukraine en masse as a result of external aggression, foreign occupation, civil war, clashes on an ethnic basis, natural or man-made disasters or other events that violate public order in a certain part or in the entire territory of the country of origin (Malynovska, 2021). Summarizing all of the above, at the legislative level, the process of obtaining refugee status or temporary protection is similar in EU countries and Ukraine.

The difference between Ukrainian refugees in Europe and internally displaced persons in Ukraine is that social benefits are paid regularly in a European state and learning the language of the host country is mandatory. In Ukraine, during the martial law, migrants are offered jobs, because the state provides additional financing for employers' companies for employed migrants, but due to mobilization, able-bodied men deliberately do not get a job, fearing mobilization. Due to such relations, there are fewer workers in Ukraine than in Europe. The brutal war forced millions of Ukrainians to leave their homes and seek refuge abroad. According to the latest data from the Ministry of Internal Affairs, more than 7.7 million Ukrainians left Ukraine after February, 24, 2022. Of course, no one wants to live far from the Motherland. Considering the above,

let's examine the conditions of stay of Ukrainians in EU countries (UN, 2022).

Currently, the largest number of Ukrainians reside in Poland. According to the latest data, more than 3.6 million Ukrainian citizens left the country since the beginning of the war. Some cities are already unable to receive refugees, including Krakow and Warsaw.

However, other cities continue to accept and support refugees from Ukraine, including financially. Yes, cash payments can be received in Bartoszyce, Koszalin, Olsztyn, Przemyśl and Stargard. As part of the program, the applicant will receive PLN 710 within three months. For each member of the family, the amount of assistance will be 610 zlotys. However, as of now, the acceptance of online applications is suspended, as UNHCR is processing the large number of applications that have already been submitted.

Also, our citizens are provided with housing, food and things necessary for the first time. In addition, many Ukrainians manage to get a job in Poland. Education and medicine are available, and free language courses are available.

In addition, a new law was adopted according to which the rights and opportunities of Ukrainians are equal to those of Poles. That is, our citizens can obtain a Polish Pesel identification number using a simplified procedure. With its help, you can even open a business. It is allowed to stay in the country for 18 months, but it is possible to extend the period.

Canada began accepting Ukrainian citizens in March under the CUAET program, under which, by filling out a questionnaire, Ukrainians can obtain a Canadian visa under a simplified procedure for a period of 10 years (or until the expiration of the foreign passport). The visa is issued free of charge.

The country's government also agreed to a one-time payment to all arriving Ukrainian refugees in the amount of 3,000 Canadian dollars per adult and 1,500 Canadian dollars per child. Some provinces offer additional financial benefits, such as Manitoba or Saskatchewan. In addition, upon arrival in Canada, Ukrainian refugees are accommodated in a hotel free of charge, where they can live for the first weeks while they complete all the necessary documents.

The Ukraine Sponsorship Scheme (Homes for Ukraine) program has been introduced in the country for Ukrainians who do not have relatives in the United Kingdom. It enables citizens of Ukraine and their relatives to come to Great Britain, where they are assigned a person who is ready to provide the refugees with their housing for at least 6 months. Participation in the program is free, but you will have to find a sponsor yourself (the application is submitted online). Ukrainians are allowed to live, work and study in the UK, as well as access state benefits. Ukrainians are offered to receive:

- universal credit (a payment for people of working age to help cover living costs in case of low income);
- pension credit (extra money to help with living costs for people who are over 66 years old);
- disability assistance;
- care allowance (if care for someone for at least 35 hours a week);
- child benefit.

To receive benefits, newly arrived Ukrainians should contact the nearest employment center.

There are already about 900,000 refugees from Ukraine in Germany, and it is not surprising, because the conditions there are quite comfortable for them. Ukrainians there can apply for social and financial assistance:

- 449 euros for a single adult;
- 404 euros for an adult partner;
- 360 euros for people under the age of 25;
- 376 euros for teenagers from 14 to 17 years old;
- 311 euros for children aged 7 to 14;
- 285 euros for small children under the age of 6.

Citizens of Ukraine are hired according to a simplified scheme – each refugee who has the status of temporary protected person, receives a work permit (but this does not apply to those who are in Germany without a visa for a period of 90 days). In addition, Germany has introduced free language courses, as well as help with housing. In particular, they provide places in the premises of gymnasiums or dormitories, if it is not possible to find a separate apartment or room.

There are currently more than half a million Ukrainians in Romania. You can enter there without a visa, having only one passport – foreign or Ukrainian, valid for 90 days. In the case of submitting an application for asylum, citizens of Ukraine may remain in Romania throughout the period of consideration of the application. In addition, the right to asylum is granted for an indefinite period. After submitting an application, Ukrainians have the right to employment in the country and free medical care and education. They also help with housing in Romania.

In Ukraine, to obtain refugee status or temporary protection, you need to contact the State Migration Service of Ukraine. As a refugee in Ukraine, you can receive UAH 3,000 for 1 child or 1 person with a disability. UAH 2,000 is paid per person. But there are restrictions if the above-mentioned persons have transport, except for cars bought by volunteers for the needs of the Armed Forces, or are owners of land plots, or apartments, houses worth UAH 100,000, except for housing received at the expense of the State budget. They have more than 100,000 hryvnias in their bank account, have currency or bankable metals worth more than 100,000 hryvnias. They have housing in regions of Ukraine where there are no active hostilities. If one of the above is present, payments to refugees are not made.

Any person who has received the status of a refugee or temporary protection can apply to any state medical institution in Ukraine (applies to disabled people and children). According to this, the National Health Union of Ukraine regulates the possibility of visiting a specialist (to whom this person applies) for the presence of a Ukrainian document confirming the identity. In addition, a certain amount of funds is allocated from the State budget for medicines for the above-mentioned persons (for needs).

Conclusions. Ukraine joined international treaties and the Convention on the Status of Refugees. The process of obtaining temporary protection and refugee status in Ukraine and EU countries is similar. However, the conditions of stay of refugees in Ukraine and their social security in Ukraine are inferior. We propose to develop a system of marketing activities to attract labor force for

the purpose of rebuilding Ukraine, since today in Ukraine quite little is paid to refugees and persons who have received temporary protection. Such provision of refugees and persons wishing to receive temporary protection will not motivate foreigners to go to Ukraine. Prospects for further scientific research are the development of material and non-material measures to encourage refugees and persons in need of temporary protection to go to post-war Ukraine for its development.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Анна МАКСИМОВА, Володимир ВАРАВА

**ПОРІВНЯЛЬНО-ПРАВОВИЙ АНАЛІЗ УМОВ ПРОЖИВАННЯ
ІНОЗЕМЦІВ В УКРАЇНІ ТА ЗА КОРДОНОМ**

Анотація. Показано, що Після 24 лютого 2022 року життя кожного українця кардинально змінилося у зв'язку з чим мирні українці вимушені були шукати притулку у сусідніх державах. Зокрема, Польщі, Німеччині, Данії, Румунії, Болгарії, Греції, Швеції. У зв'язку з екстраординарними подіями для громадян України були створені безпрецедентні умови. На сьогодні українці можуть отримати статус біженця чи додатковий захист. У

зв'язку з повномасштабним вторгненням Рада ЄС на засіданні в Брюсселі 4 березня 2022 року, проголосувала за застосування Директиви від 20 липня 2001 року № 2001/55/ЄС про мінімальні стандарти надання тимчасового захисту у разі масового напливу переміщених осіб та про заходи, що сприяють збалансованості зусиль між державами-членами щодо прийому таких осіб та несення їх наслідків.

Директива обходить традиційно перевантажену процедуру надання притулку (отримання статусу біженця/додаткового захисту) і пропонує швидкий і спрощений шлях доступу до захисту в країнах ЄС. У країнах ЄС статус біженця – індивідуальне право, яке надається після спеціального адміністративного та юридичного процесу, що визначає, чи є у особи обґрунтована небезпека бути переслідуваними. Особами, які можуть отримати статус біженця, можуть бути громадяни України, які залишили територію України через війну, а також особи, які проживали на території України на законних підставах, але мають громадянство інших країн. Відповідно до Конвенції про статус біженців 1951 року і Протоколу щодо статусу біженців 1967 року та Закону України "Про біженців та осіб, які потребують додаткового або тимчасового захисту". В Україні також передбачена можливість отримання статусу тимчасового захисту для іноземців та осіб без громадянства.

Запропоновано розробити систему маркетингових заходів для залучення робочої сили з метою відбудови України, оскільки на сьогодні в Україні сплачується досить мало біженцям та особам, що отримали тимчасовий захист. Таке забезпечення біженців та осіб, що бажатимуть отримати тимчасовий захист не буде мотивувати іноземців їхати в Україну.

Ключові слова: тимчасовий захист, біженці, правовий аналіз, виплати, соціальне забезпечення.

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CRIMINAL LIABILITY OF ATHLETES FOR SPORT INJURIES OR DEATH DURING COMPETITIONS

Abstract. This article studies the legislation of Ukraine in force and scientific papers reflecting the issue of causing harm to athletes, fans and other participants of sport events, as well as liability in case of death or injury of the participants of such events.

Sport is an important component of social life, but at the same time it is not without risks. Sports competitions are often accompanied by injuries that can have serious consequences, including the death of athletes. In this connection, the question arises about the criminal liability of athletes in case of sports injuries or deaths during competitions. This becomes a matter of concern for legislators, the judiciary and the public, as it is important to ensure a balance between the development of the sport and the protection of the rights and safety of the participants.

Legislation regarding the criminal liability of athletes for sports injuries or death during competition may vary from country to country. In some jurisdictions there are specific articles that regulate such situations, in others it may be subject to interpretations of general criminal norms. At the same time, it is important to take into account the specifics of sports activities, the participants' ability to manage risks, and the general practice of resolving similar conflict situations. In the case of sports injuries or deaths during competition, the judicial system must carefully analyze all the circumstances of the event, including the observance of safety rules, the availability of medical care and the possible need to take criminal measures. Solving the issue of the athlete's criminal responsibility for such events requires an objective and careful approach that takes into account all aspects of sports activity and legal norms.

Keywords: *sport events, athlete, harm to health, criminal liability, sport crimes.*

Introduction. Sport events are of high level of danger, since in course of such events physical injuries of different level, including traumas or lethal outcome, may be caused. Not only athletes can be harmed, but also fans, judges

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and other natural persons or legal entities taking part in holding and/or organizing sport events. Research in the field of legal responsibility of athletes becomes relevant in connection with changes in the sports environment itself, technological innovations and the emergence of new types of sports. It is important to take into account these dynamic changes in order to improve legislation and ensure adequate protection of the rights of athletes and other participants in sports events.

The issue of legal responsibility in sports also requires attention to ethical aspects. Research in this field helps to reveal ethical problems related to the resolution of conflict situations in sports and to develop mechanisms for their resolution that would take into account the interests of all parties. Ensuring fairness and ethics in the resolution of legal issues in sports is a key task that requires constant research and improvement.

In addition, the development of the international sports movement requires the harmonization of legal norms between different countries. Research in the field of legal responsibility of athletes helps to develop mechanisms of international legal cooperation, contributing to the creation of uniform standards and procedures regulating the legal status of athletes in the international sports environment.

Analysis of recent research and publications. This problem has been reflected by either national, or foreign scientists, namely, Z. Dikhtyarenko, L. Pustoliakova, V. Tatsii, O. Sybal and others (Dikhtyarenko et al., 2020; Tatsii & Borysov, 2016; Sybal, 2015).

However, the logical question arises whether a person shall be criminally liable in case of an action (or inaction) stipulated by a Special Part of the Criminal Code of Ukraine.

The purpose of the article is to determine cases of criminal liability of athletes during sport events in case of their causing harm to health, trauma and possible consequences in form of death of a victim.

Formulation of the main material. Sport helps to strengthen health, thus the state policy of Ukraine is directed to avoiding harm to health or life of a person during trainings and competitions. For this a set of regulatory legal acts stipulate rules and necessary limitations to prevent traumas, injuries and death in course of sport trainings and events, in particular, the Law of Ukraine "On Physical Culture and Sport" (<https://zakon.rada.gov.ua/laws/show/3808-125>) and the Order "On Amendments to the Procedure of Acknowledging Sports and Their Inclusion to the Register of Acknowledged Sports in Ukraine" (<https://zakon.rada.gov.ua/laws/show/z1134-16#Text>), approved by the Order of the Ministry of Youth and Sports of Ukraine dated February 28, 2019, which states that a sport cannot be acknowledged in Ukraine if relevant competitions are connected with extra danger to health and life of a person, as well as the one degrading human honor and dignity and is barbaric.

Sport competitions are sport events or a complex of events held for comparing successes of athletes and choosing a winner. Such competitions are organized in accordance with the rules of sport competitions related to a particular kind of sport, approved by a state power body and guided by the Law of Ukraine "On Physical Culture and Sport" (<https://zakon.rada.gov.ua/laws/show/3808-12>). To hold sport competitions, relevant legal and organizational conditions shall be respected, following which violators can be brought to

justice. Such conditions are as follows:

- 1) Guidance by the particular regulatory legal acts;
- 2) Control over respecting the rules by corresponding authorized bodies;
- 3) Availability of permission to hold such sport competitions;
- 4) Correspondence to sport regulations;
- 5) Inclusion of sport events to a calendar plan of physical and cultural events;
- 6) Mandatory state insurance of the participants of sport events (Sukha, 2019, p. 255).

According to Art. 5 of the Law of Ukraine "On Insurance" (<https://zakon.rada.gov.ua/laws/show/1909-20#Text>), state insurance can be performed either willfully, or in a mandatory mode. All athletes participating in competitions shall be insured in a mandatory mode. Athletes are insured against accidents either during competitions, or out of them (the way to the place of competitions, training, etc.).

Possible cases include causing injuries of various severity levels, causing traumas and possible death. In accordance with civil-and-legal legislation in case of causing harm, stipulated by the state insurance, to a person or his/her close relatives (in case of a victim's death) will be paid an one-time monetary compensation at the cost of the state budget or a private social insurance fund (<http://zakon3.rada.gov.ua/laws/show/2341-14>, <https://zakon.rada.gov.ua/laws/show/1909-20#Text>).

It should be mentioned that the issue on criminal liability of athletes and judges is not sufficiently reflected in legal science, thus, persons experiencing harm during sport events (athletes, spectators, trainers and other persons, who can be victims in such cases) are not protected. According to the Art. 54 of the Law of Ukraine "On Physical Culture and Sport", persons guilty in violation of legislation regulating relations in sport and physical culture can be made liable in terms of disciplinary, administrative, civil legal and criminal responsibility (<https://zakon.rada.gov.ua/laws/show/3808-12>).

To ground the issue of criminal liability of athletes, it is required to consider different situations, which may arise. Firstly, an athlete or a group of athletes (team) deliberately violates determined rules and restrictions for their own favor. For instance, using of metal plates in boxing gloves of an athlete is deliberate violation of sport competition rules. In such a case an athlete and persons aware of the violation, but have not prevented it, will be criminally liable for causing injuries or murder in case of death, in accordance with the Special Part of the Criminal Code of Ukraine. It is necessary to mention that in such a case a contract signed with a sport club becomes null and void, since its terms and conditions will be violated. In such a case an athlete harmed a victim deliberately and purposely violated sport competition rules (Dikhtyarenko et al., 2020, p. 43 Tatsii).

Another situation, which may arise, is causing injuries or death without violating the determined sport competition rules. In this case personality of a victim shall be considered as well. If a victim is an athlete, who has negotiated an agreement and is aware of consequences, which may arise during sport competitions, thus an athlete having caused harm will not become criminally liability. The example can be kinds of sports connected with fights, where an athlete may perform even a death punch to his/her opponent. In this case neither

an athlete, nor a trainer, or a judge will not be criminally liable, since a contract signed by every participant of sport competitions stipulates a possibility of harm, including death.

A victim may be another person, who does not sign any contracts, i.e. a fan. For instance, during a hockey game a puck flows out of the ring harming fans. In case of such accidents organizers of sport events will be mostly likely criminally liable, since the legislation in force defines necessary requirements towards premises, where sport events are held. Therefore, during hockey games special transparent barriers of a particular height shall be installed to avoid causing traumas to the spectators (Dikhtyarenko et al., 2020, p. 44).

The above mentioned consequences should be considered as non-deliberate causing harm and does not bring *нести* neither criminal, nor disciplinary liability (disqualification, deprivation of right to take part in competitions within a specific period of time) for an athlete. At taking such actions an athlete does not have an intention to cause harm and violate competition rules, therefore, such actions cannot be socially dangerous or illegal.

One more situation, when consequences in form of injuries are possible, is when an athlete violates game rules unintentionally. For one, a football player makes another athlete a trip and the latter gets injuries. In this case only sanctions stipulated by the game rules are imposed on a player, since there is no crime. Intention to cause harm is absent (Babanin, 2014, p. 192). However, some lawyers do not support this idea and put forward the version that criminal liability for athletes is necessary even in case of non-deliberate causing harm with minor offence of game rules (Tatsii & Borysov, 2016, p. 306).

One of the key features of sport competitions is voluntariness. A participant of sport competitions gives his/her voluntary consent to take part in them, as well as realizes possible risks of injuries, traumas and death.

Speaking about causing harm during sport events as about criminal violation, it shall consist of the following elements:

- 1) Object – life or health;
- 2) Victim – a participant of sport competitions, who has been harmed due to voluntary participation in an event, a fan;
- 3) Objective side – form of action; an action;
- 4) Means – an order or method of applying special techniques and movements stipulated by sport competition rules as well as sport game rules and the procedure of their holding;
- 5) Admissibility – admission to cause bodily injuries to another person (contact kinds of sport);
- 6) Subject – a participant of sport competitions authorized to perform special sport exercises and techniques; an authorized person in organization and holding sport competitions;
- 7) Consequences – causing bodily injuries of different level of severity or death;
- 8) Legality – holding sport competitions in a kind of sport allowed at the territory of Ukraine according to specially approved procedure, approved by a relevant authority (Tatsii & Borysov, 2016, p. 308).

Considering the above, it can be concluded that in case an athlete follows all game rules, one of the elements of a criminal violation, i.e. a subject, is absent. Thus, there is confusion, since an athlete could not and did not have to anticipate

socially dangerous consequences. Criminal violation is a socially dangerous culpable act (action or inaction) committed by a subject of a criminal violation and stipulated by the Criminal Code of Ukraine (<http://zakon3.rada.gov.ua/laws/show/2341-147>). In case of committing an act (usually an action), which has resulted in causing harm to a person, during sport competitions, social danger is absent, since social danger is a feature, which characterizes a crime as an action causing severe harm to the existing order in society (Chorna & Myrosenko, 2022, p. 185). In comparison, in Portugal the discussion under this particular topic is now focused on damages during dangerous/reckless actions during a particular contact game (football, rugby, handball etc).

For example, is it acceptable to present a civil claim for damages following a dangerous tackle during a game? What if the tackle results in severe consequences, such as the player becoming paralysed or permanent disabled? If the tackle was dangerous and reckless and the injury entirely foreseeable, even on the normal course of the game, what is the civil/criminal responsibility?

Here, even if the action is considered deliberate, the most frequent course of action is that the offender does not face a criminal prosecution in addition to being sued for damages. Usually the action stays in the civil responsibility. Criminal prosecutions following injuries arising from sporting events are still extremely rare. Civil and criminal liability can overlap, but criminal prosecution is still uncommon.

Sometimes, during team sport competitions mass fights arise, in course of which persons can suffer bodily injuries. In such cases all guilty persons (the ones participating in such fights) shall be made criminally liable according to the relevant article of the Criminal Code of Ukraine, since such situations slightly differ from similar cases in another place.

Some lawyers, such as V. Tatsii, consider that criminal liability can and shall come into force in case of violation of sport competition rules either deliberately, or by negligence, if a person's health or life was harmed, since rules are violated in one's own favor, i.e. to increase chances to win. This can take place only under the condition of deliberate violating laws and regulations (Tatsii & Borysov, 2016, p. 305).

It shall be mentioned that situations exist when an athlete causes harm not in terms of sport competitions, i.e. deliberately or non-deliberately harms another person's health or life. For instance, Volynskyi Appeal Court sentenced a citizen of Volyn region to 5 years of imprisonment for deliberate causing severe bodily injuries resulted in death, which is stipulated by Part 2 of Art. 121 of the Criminal Code of Ukraine. The convicted was demonstrating his friend boxing skills and kicked him on the head heavily, in the result of which the victim died. The court of the first instance recognized the victim to be guilty under Part 1 of Art. 119 of the Criminal Code of Ukraine, i.e. unintentional manslaughter (<https://reyestr.court.gov.ua/Review/12906450>).

The persons participating in and organizing trainings and sport competitions in not acknowledged in Ukraine kinds of sports shall be criminally liable, if such actions harmed a person's health or life. Criminal violations, which can be committed during doing sports, including sport competitions, in not acknowledged in Ukraine kinds of sports is considered to be a murder – Art. 115 of the Criminal Code of Ukraine (Korohod, 2020, p. 327); unintentional manslaughter – Art. 119 of the Criminal Code of Ukraine; or causing bodily

injuries – Art. Art. 121, 122, 125, 128 of the Criminal Code of Ukraine.

Furthermore, a logical question arises, whether committing of a criminal violation during competitions due to heat of passion is possible. For this, it is required to mention that heat of passion is a state of physiological affection meaning a short-term emotion dominating over a person's consciousness, due to which a person partially loses control over his/her own actions. According to Art. 116 and Art. 123 of the Criminal Code of Ukraine, liability appears in case of doing illegal kinds of sports, since disturbance, which a person feels, and physical injuries he/she may suffer are the reason for abrupt short-term losing of control over his/her consciousness (Sybal, 2015, p. 22).

Conclusions. Concerning current requirements of the legislation in force, athletes are not criminally liable for causing harm, including in case of death, if sport events have been held respecting all competition rules in a kind of sport approved in Ukraine. Athletes can be criminally liable in case of causing bodily injuries of different level of severity with grave violation of sport competition rules and using methods and techniques of a game (fight) not stipulated by legal regulatory norms.

In cases when a victim suffers physical harm not in terms of sport competitions or a training area, i.e. without a responsible organization, a violator will be convicted for his/her actions according to the relevant article of the Special Part of the Criminal Code of Ukraine.

Moreover, criminal liability may arise, if the participants take part in sport competitions in not acknowledged kinds of sports. In such cases athletes can be liable for crimes committed by negligence, since such competitions have an impact on the emotional state of a person.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Світлана КОРОГОД, Юлія ГАЛЕНКО, Хосе Мігель Коста БАРРЕТО
КРИМІНАЛЬНА ВІДПОВІДАЛЬНІСТЬ СПОРТСМЕНІВ ЗА СПОРТИВНІ
ТРАВМИ АБО СМЕРТЬ ПІД ЧАС ЗМАГАНЬ

Анотація. У статті досліджено чинне законодавство України та наукові праці, що відображають питання заподіяння шкоди спортсменам, уболівальникам та іншим учасникам спортивних заходів, а також відповідальність у разі загибелі чи каліцтва учасників таких заходів.

Спорт є важливою складовою суспільного життя, але водночас він не позбавлений ризиків. Спортивні змагання часто супроводжуються травмами, які можуть призвести до тяжких наслідків, аж до смерті спортсменів. У зв'язку з цим постає питання про кримінальну відповідальність спортсменів у разі отримання спортивних травм або смерті під час змагань. Це стає предметом занепокоєння законодавців, суддів і громадськості, оскільки важливо забезпечити баланс між розвитком спорту та захистом прав і безпеки учасників.

Законодавство щодо кримінальної відповідальності спортсменів за спортивні травми або смерть під час змагань може відрізнитися в різних країнах. У деяких юрисдикціях існують спеціальні статті, які регулюють такі ситуації, в інших вони можуть бути предметом тлумачення загальних кримінальних норм. При цьому важливо враховувати специфіку спортивної діяльності, здатність учасників управляти ризиками, загальну практику вирішення подібних конфліктних ситуацій. У разі спортивних травм або смерті під час змагань судова система повинна ретельно проаналізувати всі обставини події, включаючи дотримання правил безпеки, доступність медичної допомоги та можливу необхідність застосування кримінальних заходів. Вирішення питання про кримінальну відповідальність спортсмена за подібні події потребує об'єктивного та виваженого підходу з урахуванням усіх аспектів спортивної діяльності та правових норм.

Ключові слова: спортивні заходи, спортсмен, шкода здоров'ю, кримінальна відповідальність, спортивні злочини.

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