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PERSPECTIVE OF CHINA IN THE CONDITIONS OF A NEW HISTORIC PERIOD: RECOMMENDATIONS FOR UKRAINE

Abstract. The article is devoted to researching the prospects of China's development in the new historical period, which was determined at the 6th Plenum of the Central Committee of the Communist Party of China. The essence of the historical plenums that took place in the history of China was studied, their influence on the country's development was analyzed, and the significance of the 6th Plenum of the Central Committee of the Communist Party of China for the achievement of historical goals in the development of China for the period until 2050 was clarified. The main conceptual conclusions and program solutions of the 6th Plenum of the Central Committee of the Communist Party of China and their place in the concept of building "socialism with Chinese characteristics" were researched.

The role of the current leader of the country is studied, the results of his activities on the example of the socio-economic development of the country during the period of his rule are summarized, and an assessment of his activities is conducted. The article analyzes the state of China's relations with the EU, the USA, and Russia, identifies weaknesses, challenges, and prospects for the development of relations.

China's position regarding the Russian-Ukrainian war was separately investigated. It has been proven that China takes a restrained position regarding the Russian-Ukrainian war, and its foreign policy is based on the fundamental principles of peaceful coexistence established by the UN. The state and development of Ukrainian-Chinese relations are analyzed. The main directions of cooperation between Ukraine and China, the state of trade and investment activity between the countries were studied. Based on the results of the study, recommendations for the development of relations between Ukraine and China as strategic partners were developed.

Keywords: *socialism with Chinese specificity, new era, historical goals, Chineseization of Marxism, cooperation.*

Introduction. From November 8 to 11, 2021, the historic 6th Plenum of the 19th CPC Central Committee was held in Beijing. In the history of the Communist Party of China, many documents have been adopted, but only a few of them refer to the so-called historical resolutions, which indicates their special significance. As a rule, these resolutions were adopted during the period of

important and sometimes fateful changes in the life of the country and the Chinese Communist Party (CCP), the so-called new eras (<https://www.washingtonpost.com>).

Chinese society also called the regular 6th Plenum of the Central Committee of the Communist Party of the Communist Party of China of the 19th convocation as historic in view of the decisions that were made there. In particular, the plenum summarized the 100-year activity of the CPC, and also discussed the status of Xi Jinping and his conceptual ideas regarding the development of the country. It is these decisions, according to the Chinese, that will determine the country's development in the coming years.

Analysis of recent research and publications. The decisions of the plenum also attracted the attention of world information sources. In particular, the Deutsche Welle in the "Viewpoint" section defined the resolution: "...as a document that strengthens the power of a person who, according to previous party rules, should have left politics next year after two terms as general secretary". Thus, the tradition of previous Chinese leaders not to remain in office for more than two terms was broken. Evaluating the activities of Xi Jinping, Deutsche Welle often notes that he rules the party with an iron fist and appoints only those he trusts to important positions (<https://www.dw.com>). In public perception, both at home and abroad, Xi Jinping is the guarantor of China's rise, growth and prosperity. After all, he was the one who launched the New Silk Road initiative, which saw China unite Asian, African and Eastern European countries around itself – and in doing so challenged the world order that had existed since World War II (<https://www.chinahighlights.com>).

In Christian Shepherd's article "China passes historic resolution to secure Xi Jinping's indefinite rule", which was published in the "Washington Post", the author, evaluating the meaning of the adopted resolution, does not present his own assessment, but is limited only to quoting from the resolution and the statements of individuals. In particular, he reports the following: "...consolidation of the status of Comrade Xi Jinping as the core of the Central Committee and the core of the entire party... is crucial to the progress towards the great rejuvenation of the Chinese nation", "Xi Jinping is the architect of the 'new era'", "Xi Jinping became the third leader of the country after Mao Zedong and Deng Xiaoping, which gives an appreciation of the past", etc. (<https://www.washingtonpost.com>).

The Japan Times also published information on the CCP's historic resolution. In evaluating the significance of the resolution and the role of Xi Jinping, the newspaper also often refers to the wording of the resolution. The article, "China's Ruling Party Leaders Pass Historic Xi Resolution", reports that the resolution will help Xi Jinping consolidate his power by cementing his vision for China's future and downplaying the role of previous leaders. Xi Jinping's ideas "are the embodiment of Chinese culture and soul", the text says, adding that his presence at the "heart" of the ruling party is "crucial...to facilitate the historic process of the great renewal of the Chinese nation".

Regarding the assessment of the performance of the leader of the PRC, the article reports that Xi Jinping's tenure in office was marked by extensive anti-corruption repression, repressive policies in regions such as Xinjiang, Tibet and Hong Kong, and an increasingly assertive approach to foreign relations. He also created a cult of leadership that stifled criticism, stifled competition and dissent,

and introduced his own political theory, dubbed “Xi Jinping Ideas”.

Determining the future of the country, the newspaper refers to an excerpt from a report by the Xinhua news agency: “... the Party Central Committee called on the entire Party, the entire army and the people of all ethnic groups to unite more closely around the Party Central Committee, the core of which is Comrade Xi Jinping, for the full realization of the new era of Xi Jinping socialism with Chinese characteristics” (<https://www.washingtonpost.com>).

Analyzing the conclusions of world news agencies, it can be concluded that the world community has a reserved attitude towards the adopted resolution, although to some extent it is critical of Xi Jinping’s establishment of the status of the core of the CPC, and expresses some concern about the future of China. This attitude towards the decisions made at the plenum is determined by the historical experience of other countries, when the concentration of power in “one hands” for a long period often led to social aggravation and tension, which ultimately had a negative impact on social development as a whole.

The purpose of the article is to analyze the decisions made at the 6th Plenum of the CPC, to clarify their historical significance and their impact on the future of the country. In addition, the article examines such issues as: the essence and historical significance of historical decisions made in China starting with Mao Zedong; China’s foreign policy in the context of decisions made at the plenum; peculiarities of China’s relations with the USA, the EU and the Russian Federation; development of recommendations for the development of cooperation between the USA and Ukraine in the context of the decisions made at the plenum.

Formulation of the main material. The first historical “Resolution on Some Questions of History” was adopted at the 8th Congress of the CPC in 1945. At the plenum, Mao Zedong delivered the famous speech “On a New Stage”, stressing that the Party should strengthen education, research theory, history and practice, including China’s rich historical and revolutionary experience from Confucius to Sun Yat-sen, and put forward the theoretical task of “Chineseization of Marxism”. This resolution recognized the ideas of Mao Zedong as an ideology that combines the theory of Marxism-Leninism with the practice of the Chinese revolution, as Chinese communism and Chinese Marxism. Mao Zedong’s ideas were presented as the development of Marxism in the national democratic revolution in colonial, semi-colonial and semi-feudal countries in the modern era, and were a model of national Marxism. An entry was made in the CPC charter: “The CPC is guided by the ideas of Mao Zedong in all its work...”. In this way, the “Chineseization of Marxism” took place at the congress, which means combining the general essence of Marxism with the specific practice of the Chinese revolution.

The second historic resolution – “Resolution on some issues of the history of the CPC since the founding of the People’s Republic of China” was adopted at the 6th plenum of the Central Committee of the CPC in 1981, in the context of the deployment of the policy of reforms and openness, the “architect” of which was one of the leading leaders of the CPC – Deng Xiaoping. This resolution turned out to be quite controversial because despite the fact that it recognized the mistakes in the activities of the CPC and its then leader Mao Zedong, which they made starting with the “Great Leap Forward” policy and the facts of the most brutal repression, the resolution recognized Mao Zedong as an outstanding

political figure, under the leadership which the CPC won in 1949. The plenum evaluated the role of Mao Zedong as follows: "... his achievements are the main thing, and his mistakes are secondary...". While maintaining verbal and ritual fidelity to the "ideas of Mao Zedong" and Marxism-Leninism, the country's new leadership followed the path of greater de-ideologization of its policy, putting forward only patriotic ideas of building a rich and powerful China. Deng Xiaoping's concept of building socialism with Chinese specifics under the conditions of recognition of Mao Zedong's ideas turned out to be a continuation of the "Chineseization of Marxism" policy.

Given the importance of the issues discussed at the 6th plenum of the 19th CPC Central Committee, held in November 2021, and the decisions that were made, this plenum is considered historic for three reasons. First, the plenary session summarized the 100-year activity of the CPC. Second, the plenum determined the status of the leader of the People's Republic of China, Xi Jinping, as the core of the CPC Central Committee and the entire party, and the resolution affirmed the leading role of Xi Jinping's ideas on socialism with Chinese characteristics in the new era (<https://zbruc.eu/node/108660>). Thirdly, at the plenum, the fundamental directions of the CPC's activities regarding the comprehensive construction of a comprehensive modernized socialist state society in the new era were determined.

At the plenum, it was noted that since the day of its creation in 1921, the Communist Party of China has traveled a hundred years. The CPC has always regarded the struggle for the happiness of the Chinese people and the revival of the Chinese nation as its original goal and mission, which has always been established in communist ideals and socialist beliefs, and has rallied and led the country's multi-ethnic people in an unceasing struggle for national independence, people's liberation, wealth and power state and people's happiness.

The CPC, leading the people in the struggle for the power of the Motherland, relying on its own strength, achieved significant success in the cause of socialist revolution and construction, carried out the widest and deepest social transformations in the history of the Chinese nation, made a great leap, thanks to which an extremely poor country in the East of the world with its large population embarked on the path of development of a socialist society. The plenum noted that thanks to the leading role of the Communist Party of China in China, independent and relatively integrated systems of industry and the national economy were created, the conditions of agricultural production improved significantly, education, science, culture, health care, sports and physical education received great development, along with the strengthening of the People's Liberation Army (PLA), its fighting capacity was also increasing, the humiliating diplomacy of ancient China was finally put an end to.

China has made a historic transition from a highly centralized system of planned economy to a viable system of a socialist market economy, from partial or complete closure to comprehensive openness; achieved a historic breakthrough, putting an end to the relative backwardness of the development of productive forces, took second place in the world in terms of the total volume of the economy; made a historic leap, overcoming the shortage of clothing and food in the people's life, reaching the generally average prosperity of the society and proceeding to the full construction of a modernized middle-income society.

The plenum gave a high assessment of Xi Jinping's activities as the

General Secretary of the CPC and the President of the People's Republic of China. At the plenum, it was noted that the country's leader continues to combine the basic tenets of Marxism with the concrete reality of China, with traditional Chinese culture, adheres to the ideas of Mao Zedong, the theory of Deng Xiaoping, the important ideas of triple representation and the scientific concept of development.

Summarizing and using the historical experience accumulated by the party since its founding, based on the new realities, Xi Jinping formulated a number of new concepts, ideas and new strategies for state management in the light of the fulfillment of important epochal tasks, in particular the following: what kind of socialism with Chinese characteristics in the new the era to be championed and developed, and how to do it; what kind of modernized socialist state should be created and how to achieve it; what kind of Marxist party should be built and how to do it. Thus, he was recognized as the main founder of his own ideas about socialism with Chinese characteristics of the new era, which represent the Marxism of modern China, the Marxism of the XXI century, as well as the quintessence of Chinese culture and the Chinese spirit in the modern era, and mark a new leap in the "Chineseization of Marxism". Thanks to Xi Jinping's achievements in the leadership of the Party and the country, the plenum determined the role of Xi Jinping as the guiding core of the CPC Central Committee and the entire Party, and confirmed the leading role of Xi Jinping's ideas on socialism with Chinese characteristics in the new era.

The participants of the plenum recognized that China, as before, is and will be in the initial stage of socialism for a long time, remains the largest developing country in the world, and the main contradiction of Chinese society is the contradiction between the ever-growing needs of the people to ensure a decent life and the unevenness and incomplete development of the country.

The plenum also confirmed the strategic goals to be achieved by the CPC in order to implement the two-stage strategic plan, which was approved at the 19th CPC Congress, to realize the goal set for the century of the PRC, namely: from 2020 to 2035 mainly carry out socialist modernization, and from 2035 to the middle of this century, transform China into a modernized socialist state.

In order to celebrate the 100th anniversary of the founding of the People's Republic of China in a dignified way, the plenum determined the basic directions for the implementation of the national goal, including the following:

- to strictly adhere to the principle of the rule of law in state management, to protect social equality and justice;
- to always implement the system of basic values of socialism;
- to get out of the conditions of a new stage of development, implement a new concept of development, form a new architecture of development, promote high-quality development;
- to consistently ensure and improve the life of the population in the course of development and to promote the improvement of the population's well-being in a coordinated manner;
- continue to support the harmonious coexistence of man and nature;
- to coordinate work in the field of development and security, to accelerate the modernization of national defense and armed forces, to contribute in a coordinated manner to the achievement of the country's power;
- protect social equality and justice, make special efforts to solve the

problem of unevenness and incompleteness of development;

- to protect and develop the fundamental interests of the broadest sections of the people, to unite the multinational people of the country;

- continuously educate and select highly qualified and professional human resources workers, especially the best young human resources workers who have high moral and business qualities.

In order to objectively assess the significance of the adopted historic resolution, it is worth taking a closer look at the traditions of public administration in China and the role of its leaders. In the history of Chinese state leadership, especially after the founding of the People's Republic of China in 1949, there is a tradition of leaving a certain historical legacy. Each of the country's leaders tried to make, first of all, a contribution to the theory of socialism and to consolidate theoretical developments with practical achievements in the development of the country.

As is already known, Mao Zedong developed conceptual ideas for building socialism with Chinese specifics and thus initiated the policy of "Chineseization of Marxism" in 1945. Deng Xiaoping became the author of the theory of socialism with Chinese specificity, adding a new meaning to the policy of "Chineseization of Marxism". The conceptual foundations of the theory were announced in 1981 (<http://by.china-embassy.gov.cn/>).

The next leader of the People's Republic of China, Jiang Zemin, went down in history as the author of the "triple representation" concept, which he announced on July 1, 2001 in a speech celebrating the 80th anniversary of the founding of the CPC. According to this concept, the CPC should represent the interests of the development of advanced productive forces, advanced Chinese culture, and the fundamental interests of the broadest sections of the Chinese population. The concept allowed representatives of both the middle and big bourgeoisie to join the Communist Party. Jiang Zemin used the term "Chineseized Marxism" to describe Mao Zedong's ideas and Deng Xiaoping's theory (<https://chineseposters.net>). The representative of the fourth generation of communists, who led the leadership of the country, Hu Jintao, in a speech at a seminar in the Politburo of the CPC Central Committee in July 2003, dedicated to the 110th anniversary of the birth of Mao Zedong, called the ideas of "triple representation", "a new fruit of the Chineseization of Marxism".

Hu Jintao entered the history of the CPC and state building as the initiator of the concept of scientific development and called on the broad masses of Party workers to master the scientific content and essence of the results of the development of Marxism theory in China, arm themselves with this knowledge, and be guided by it in practice and work (<https://zbruc.eu/node/108660>).

Thus, the desire of the current leader of the People's Republic of China, Xi Jinping, to contribute to the "Chineseization of Marxism" is a continuation of the established tradition of the country's previous leaders to leave their "mark in history". Consolidating the role of the leading core of the Central Committee of the CPC and the whole party for him, affirming the leading role of Xi Jinping's ideas on socialism with the Chinese specificity of the new era, is the embodiment of the mentioned tradition (Kiktenko, 2021). Since the 18th Congress of the CPC, which was held in 2012, socialism with Chinese characteristics has entered a new era, the main task of the party in the new era was to realize the goal set for the centennial anniversary of the CPC, to start a new campaign to realize the goal

set for century of the People's Republic of China (2049), continue to move forward to achieve the grandiose goal of the great revival of the Chinese nation. In 2021, China achieved the first centenary goal, namely, it reached the level of a middle-income society (<http://www.chinadaily.com.cn>).

From this time, a new historical period begins, during which China must win a decisive victory in the complete construction of a middle-class society and the beginning of the comprehensive construction of a modernized socialist state. This is the era of the realization of the Chinese dream of the great revival of the Chinese nation by the united efforts of the entire Chinese nation. The new era of socialism with Chinese characteristics occupies a completely new place in the history of China's development. Objectively, this is the most responsible period of the development of Chinese society. This is a period of testing the fairness and fidelity of the theory of socialism with Chinese specifics, and hence "Chinese Marxism". The importance of this period of China's development puts a special responsibility on the top leadership of the country, which leads the people to the dream goal – the great revival of the Chinese nation (Lafferty, 2022).

The country's leadership clearly understands that due to changes in the external environment, aggravation of deep-seated contradictions and problems, many new risks and challenges arise in the work on reforms, development and ensuring stability within the country. The country's leaders see a way out of this situation in a closer grouping around the CPC and its leader, who today is Xi Jinping. The Central Committee of the Communist Party of China, the core of which is determined to be Xi Jinping, believes that he possesses great historical initiative, enormous political courage and a strong sense of responsibility to comprehensively take into account both the domestic and international situation. Therefore, by following the basic algorithm of work, the leader of the party and the country is able to implement the basic theory, basic line and basic strategy of the party, implement a great program, accomplish a great deed and achieve a great dream. In order to predict what policy Xi Jinping will pursue and how it will affect the world as a whole, it is advisable to study the results of his work as the president of the PRC.

After the election of Xi Jinping to the post of President of the People's Republic of China in 2012, the priorities of his domestic policy became the following: scientific and innovative development, the fight against corruption in the ranks of the party and state authorities, the fight against poverty, the development of social protection of the population, strengthening the fairness of income distribution and reducing the income gap. He identified expanding China's role in world processes and strengthening China's participation in global governance as a foreign policy priority (Matusova, 2012).

Since 2012, China has been undergoing a transformation of the economic development model from extensive to more qualitative, which is characterized by a change in the main levers of development from investment and trade to consumption and innovation (Fulin, 2012). At the 19th Congress of the Communist Party of China, held in 2017, it was confirmed that development is the basis and key to solving all problems in China. Development should be carried out on a scientific basis. In the conditions of the new era, the country's leadership is steadily implementing the concept of innovative, coordinated, green, open and accessible development (Zhang Hui, 2017). In 2018, the World Intellectual Property Organization released a ranking of 126 countries on the

Global Innovation Index, in which China rose five points in just one year, from 22nd to 17th, ahead of Japan (16th) and Canada (17th place) (<https://www.wipo.int>).

In 2019, China ranked first in the world for the number of authorized patents and inventions and ranked second in the number of internationally cited scientific papers. The volume of financial infusions into research and development reached 2,17 trillion yuan and was 2,19 % of GDP, which is equal to the average level of European countries. The contribution of China's scientific and technological progress to economic development reached 59,5 %. There are more than 24,000 industrial parks in the country. National independent innovation parks and zones for the development of new high technologies have become the main incubators of high-tech industries. The total volume of production of 169 zones of development of new high technologies in the country reached 12 trillion yuan China has 225,000 high-tech enterprises developing the latest technologies and 151,000 ordinary small and medium-sized scientific and technical enterprises (<https://www.wipo.int>).

During Xi Jinping's tenure as the country's leader, the country's power and market competitiveness have increased significantly. China took first place in the world in terms of trade in goods, and second in terms of trade in services. During the period from 2012 to 2020, China's GDP grew by 72,9 %, while the USA's grew by only 28,9 %, the income per person exceeded 10,000 US dollars, accordingly, grew by 65,6 %, while in the USA it grew by only 8,4 %. The level of the gap between the GDP of China and the US decreased by 42,2 % over the corresponding period, from 90,6 % to 48,6 %. If the current pace of economic development is maintained, China has a chance to become the largest economy in the world (<https://www.macrotrends.net/charts/stock-indexes>).

China's competitive advantage is that, compared to any other innovative country, the PRC has a significantly larger scientific and technical workforce, a wider range of university disciplines and a significant number of scientific schools, a wide coverage of industrial groups and a rich cultural heritage. During the 14th five-year period and the next 10 years, the government will make maximum efforts to form an innovative state in the following directions: creation of a new type of innovative systems of industrialization, digital informatization, a network of smart cities, and modern ecological agriculture.

Gains in the economic development of the country are accompanied by an active fight against manifestations of corruption. In launching his anti-corruption campaign, Xi Jinping vowed to "slay both tigers and flies", that is, to fight abuses by officials at all levels regardless of rank. After the 18th CPC Congress (November, 2012), 240 party leaders were under investigation. Over the period from 2012 to 2018, audit and disciplinary bodies of all levels initiated more than 1.1 million cases of corruption violations. According to the results of 2017, 71,600 people were punished in disciplinary and administrative procedures for violating the "Eight Rules for Improving the Work Style and Strengthening Relations with the People's Masses", which were adopted in December 2012 and called improve the work of the state apparatus and reduce the waste of civil servants. Offenders were exposed in the illegal issuance of subsidies and aid, receiving or giving gifts and money, organizing feasts at public expense, abuse in the use of official transport, organizing luxurious events, tours around the country and abroad at public expense, etc (<https://www.chinadailyhk.com/>). In

recent years, China's law enforcement agencies have been fighting for the return of corrupt officials who have disappeared abroad. In 2017, about 1,300 people involved in corruption cases were returned to the PRC, including 347 members of the CPC and officials of the state apparatus. The result of these efforts was the return to the treasury of about 980 million yuan (151 million US dollars). At the same time, the total amount of budget funds stolen and taken out of the country is estimated at 126 billion dollars USA.

During the years of reform, China has built the largest social security system covering the largest population in the world, raising the global level of social security coverage by 11 %. As of June, 2018, 925 million Chinese citizens were covered by basic pension insurance, 191 million by unemployment insurance, and 230 million by occupational injury insurance. China's health insurance system, which provides basic health insurance for urban residents as well as a new type of rural health insurance, covers more than 1,3 billion people. A total of 1,15 billion people have social insurance cards, which is 82,81 % of the country's population. China is comprehensively improving its social security system based on economic and social development. Since 2005, pensions for retirees have been increased annually. Per capita subsidies for basic health insurance for urban and rural residents increased from 240 yuan in 2012 to 490 yuan in 2018. In China, the system of providing social services through Internet technologies is developing. In 2016, a system was officially launched, which provides for the use of a social insurance card to pay real-time medical expenses for treatment outside the province where the patient is registered (Gordon, 2020).

Successes in economic development and social protection of the country's population made it possible to reduce the level of poverty by more than 800 million people. Today, the poverty level in China is 0,6 % of the country's population and it is constantly decreasing. The Chinese leadership is convinced that poverty will be eradicated in China during the 14th five-year plan (2021–2025) (<https://chinapower.csis.org>). During Xi Jinping's tenure as the President of the People's Republic of China, he became an active leader in the policy of strengthening China's international presence. He put forward a number of ideas for reforming global governance and initiated several global projects. In particular, Xi Jinping proposed the concept of China's participation in global governance based on three principles "joint discussion, joint construction and joint use". These three principles create an organic system of the Chinese concept of global governance. Joint discussion means that the basic principles, key areas, rules and mechanisms, development plans for global governance are discussed and agreed upon by all participants. Joint construction means the benefits and potential of all parties to jointly contribute to the reform and innovative renewal of the global governance system. Sharing means that participants fairly share the results and benefits of global governance.

The concept of "joint discussion, joint construction and joint use" encourages the joint search for solutions, the identification of the advantages of each side and their use, the joint use of the achieved results, which fully reflects the openness and inclusiveness of China's participation in global governance and corresponds to the development trend of democratization of international relations. The implementation of this concept is to fully reveal the existing potential, first of all, the activity and energy of developing countries, to reflect

the concerns and demands of all parties, to better protect the legitimate rights and interests of all parties, so that all participants feel the improvement of global governance.

China implements the concept of “joint discussion, joint construction and joint use” in global initiatives, in particular, “One Belt, One Road”. The content of the initiative “One Belt, One Road” consists in the coordination of political attitudes, the establishment of road and transport connections, unhindered trade, free circulation of capital and common aspirations of people.

The initiative is not only aimed at comprehensive pragmatic cooperation, but also at creating a community of political mutual trust, economic and cultural integration, a community of common destiny and responsibility. As part of the “One Belt, One Road” initiative, 138 countries and 30 international organizations signed 200 documents on cooperation with China. In order to provide financial support for the One Belt One Road initiative, the Asian Infrastructure Investment Bank, the New BRICS Development Bank and the Silk Road Fund were created at the initiative of China (Oliynyk, 2019).

China’s leadership believes that in the current global governance system, developed countries are the leaders in establishing various rules and mechanisms, and are the main beneficiaries of the current global governance system, while a large number of emerging market and developing countries find it difficult to benefit a fair regime. These countries, according to their own strengths, also have difficulties in influencing global governance. Adhering to the correct concept of justice and benefit, and gradually increasing China’s voice and decision-making rights in global governance is not only a basic requirement for China to take on more responsibility, but also the only way to promote global governance in a more just and rational direction.

Thus, China is entering a new historical period with a clear plan for the country’s development and a strategy for reforming the global governance system. The Chinese leadership has a clear idea of the direction in which to develop and how to direct world development to the path of justice and mutual benefit.

The Chinese leadership believes that the urgent need of the Chinese economy and society at this historical stage is the continuation of the policy of multi-level external openness. China, in their opinion, should not only maintain the openness of its economy, but also actively participate in globalization, and such participation lays a strong foundation for the formation of a community with a common destiny for mankind. In continuation of this concept of joint development, a strategy of “double circulation” was developed based on the traditional strategy of external openness. The essence of this strategy is to create a new structure of development, within the framework of which a larger economic “inner cycle” is formed in the domestic market, which is connected with an “outer cycle” that effectively interact and complement each other (<https://www.cfr.org>).

It is expected that as a result of the proposed ideas of joint development, China will double its GDP in 2035 and thus reach the level of 20,000 US dollars per capita income, which will mean that China will finally cross the line between a society of middle and high affluence. This will be an epoch-making achievement for China, which will have serious consequences for all mankind.

The Chinese leadership is convinced that by 2049 China will implement

the plan of the “Chinese dream”, and all mankind will also be convinced that socialism, taking into account national specificities, is the best way of development (<https://odi.org>). In the 21st century China has become an active player on the world stage. China’s achievements in the modernization of the country were recognized by the world community. After China joined the World Trade Organization in 2001, the country began to actively integrate into the world economy. Before joining the WTO, the main sales markets for Chinese goods were developing countries. The WTO membership mandate gave China access to the markets of developed countries, and primarily the European Union (EU) and the USA. Today, China is the largest trading partner for the EU and the USA. The volume of trade in goods between China and the EU (excluding Great Britain) in 2020 amounted to 586 billion US dollars, and the volume of trade in services is 85,3 billion US dollars. As of the end of 2019, the total volume of mutual investments between the countries amounted to 268 billion US dollars (<https://www.bbc.com/>).

In 2020, trade between China and the United States amounted to 659,5 billion US dollars, from which China’s exports amounted to 539,2 billion US dollars, and accordingly, imports – 120,3 billion US dollars.

The volume of American investments in the property rights of Chinese companies amounted to 1,1 trillion US dollars, and 100 billion dollars in government securities USA. In turn, Chinese investors owned property rights of American companies in the amount of 720 billion US dollars, and 1.4 trillion US dollars. US government securities, of which \$1,05 trillion US accounts for US Treasury securities. Despite the trade war that the US started against China in 2019, the volume of trade between the two countries increased in 2020 by 15,2 % compared to 2019 (\$ 559,5 billion).

The fact that Chinese exports to these countries are mainly represented by finished products is noteworthy, which is a fact of recognition of the quality of Chinese goods and the competitiveness of Chinese manufacturers. In turn, the lion’s share of American and European imports to China is represented by machines, equipment and technologies, including the most modern ones. For both the EU and the USA, China has remained a net exporter for a long time.

Despite all the contradictions that arise in relations between the EU and the USA, the leadership of China adheres to international law and tries to resolve existing problems exclusively in the international legal field. This behavior of China in the settlement of disputed issues is adequately perceived by both the EU and the USA, which is a sign of the efforts of all parties to reach a compromise and act exclusively in the international legal field. This is an example for the rest of the countries of the world how to resolve controversial issues while maintaining a high level of relations and avoiding confrontation.

It is worth considering separately the relations between China and the Russian Federation (RF). The countries are neighbors and have a long history of bilateral relations, which is characterized by periods of close cooperation and hostile confrontation, and even wars. In 2021, the countries celebrated the 20th anniversary of the signing of the Treaty on Good Neighborliness, Friendship and Cooperation. The main principle that was laid down in the basis of the agreement was defined as follows – “Forever friends and never – enemies” (<https://www.heritage.org>). During this period of cooperation, as of 2019, the turnover between the countries increased more than 10 times, from 10,7 billion

US dollars up to 110,79 billion US dollars.

However, starting from 2020, there is a certain slowdown in trade between the countries. According to the intentions of the leaders of both countries, the parties plan to increase the volume of trade between the countries to 200 billion US dollars. Since 2010, China has remained Russia's largest trading partner. Like most developing countries, most of the exports of the Russian Federation are raw materials. China is an important partner of the Russian Federation in oil and gas transportation. Against the background of the aggravation of relations between the Russian Federation and Western countries, this sales channel for Russian energy carriers is gaining particular relevance.

If in 2009 the Russian Federation exported 15,3 million tons of oil to China, then in 2019 this indicator increased to 75,9 million tons of oil. China is solving the problem of the Russian Federation on the diversification of raw materials that are strategic for the country. Currently, the Sino-Russian gas pipeline has been laid between the countries, crossing 9 provinces, districts and cities of China. In December 2020, the eastern branch of the gas pipeline was put into operation, which made it possible to transport about 4 billion cubic meters of Russian gas. At the same time, the maximum capacity of the branch is 38 billion cubic meters of gas per year. In recent years, the Russian Federation has significantly increased the volume of exports of agricultural products to China. By 2024, the Russian Federation plans to increase the volume of exports of agricultural products by 18,8 % as in 2021 it accounted for 37,1 billion US dollars (<https://meatcommerce.com>).

Russia plays an important role in trade and economic cooperation between China and the EU under the "One Belt, One Road" initiative. Of the 6 economic corridors that operate within the framework of the initiative, 2 pass through the Russian Federation (Ukrainian-Chinese alliance of universities: KhPI concluded a new agreement). Countries are taking active measures to intensify scientific and technical cooperation, primarily in science-intensive industries – aviation and cosmonautics. The parties are developing work on the production of large wide-body aircraft and heavy rotorcraft. Currently, Chinese commercial banks have already established agency agreements with about 200 Russian banks, which stimulates an increase in settlements in national currencies, listing on stock exchanges, development of the insurance business and securities trading.

The Russian Federation is actively involving China in regional cooperation. The parties signed the "Program for the Development of Chinese-Russian Cooperation in the Far East for 2018–2024" and "Joint Plan for the Development of Agriculture in the Far East, the Baikal Region of Russia, and the Northeast of China". The China–Russia Regional Cooperation Investment Fund was created to provide financial support for bilateral cooperation projects.

Against the background of worsening relations with the West due to the military conflict between the Russian Federation and Ukraine, the leadership of the Russian Federation is actively developing relations with China, thus trying to reduce the consequences of the sanctions that were applied by the West as a response to the Russian Federation's violation of the norms of international law during the occupation of Crimea and part of the eastern territory of Ukraine.

Despite the close cooperation between China and the Russian Federation, China shows increased interest in Ukraine as well. Relations between Ukraine and China have acquired the status of a comprehensive strategic partnership,

which is a confirmation of the importance of relations for both countries. China is one of the first countries in the world to recognize the independence of Ukraine. Since the establishment of diplomatic relations between the countries in 1992, the countries have actively cooperated in various spheres: economic, scientific, cultural, tourism, etc (Oliynyk, 2019).

In recent years, China has become Ukraine's largest trading partner, taking first place among exporting countries and first among importing countries. In general, over 30 years, the volume of bilateral trade has grown almost 65 times – from 230 million US dollars at the time of establishment of diplomatic relations up to 15,4 billion US dollars in 2020 (<https://ukrstat.gov.ua/>).

The parties have held days of each other's culture more than once. In the field of science and technology, the Commission for Cooperation between the Government of Ukraine and the Government of the People's Republic of China has been operating since 2011, as well as a number of specialized Subcommittees. In 2021, the Alliance of Ukrainian and Chinese Universities was founded, uniting 49 Ukrainian and 92 Chinese educational institutions (Ukrainian-Chinese alliance of universities: KhPI concluded a new agreement).

It is important that there are no political claims, demands and contradictions between the parties. The leadership of Ukraine supported China's global initiative "One Belt, One Road" and the parties jointly developed a road map for Ukraine's participation in this global project. Despite the fact that China is one of the largest foreign investors in the world today, the level of investment cooperation between Ukraine and China is too low. The volume of Chinese investments in the economy of Ukraine is one of the lowest among the countries of Eastern Europe and amounts to about 260 million US dollars. The USA, while the volume of Ukrainian investments in the Chinese economy is about 20-30 million US dollars (<https://www.promoteukraine.org>).

This is due to the fact that during the period of relations between the two countries, there were cases when the Ukrainian side did not comply with the terms of contractual relations in the sphere of commerce, which led to losses on the Chinese side. When resolving disputed issues, the Ukrainian side behaved inconsistently, which negatively affected the trust of Chinese partners.

The position of the Chinese leadership on the issue of Ukraine's security is important. The PRC voluntarily provided security guarantees not to use nuclear weapons against Ukraine after its voluntary renunciation of nuclear weapons (<https://news.obozrevatel.com>). The country's leadership did not support the aggression of the Russian Federation against Ukraine in Crimea and the east of the country and proposed a plan for a peaceful settlement of the conflict. Unfortunately, this plan was not properly evaluated by state institutions.

The political and economic context of relations between China, the USA, the EU and the Russian Federation affects the foreign political and economic situation of Ukraine. This is due to the low number of factors that Ukraine should take into account in its foreign policy activities with China. First of all, having chosen the irreversibility of European and Euro-Atlantic integration, Ukraine has determined its strategic course to obtain full membership in the EU and the North Atlantic Treaty Organization, which is not unequivocally perceived in the world, and primarily by the Russian Federation (<https://gordonua.com>). If the countries of the West (the EU and the USA) supported Ukraine in its desire to join the community of European countries and its desire to build a common future

together with European countries, the Russian Federation, on the contrary, perceived it as a threat to its national interests and security.

Historically, Russia considered Ukraine to be its patrimony, therefore any attempts by Ukraine to break free from Russian suzerainty are met with resistance and cause aggression from the political circles of the Russian Federation. The leadership of the Russian Federation does not accept the arguments of Ukraine, which is trying to prove that the European integration of Ukraine in no way poses a threat to the national interests and security of the Russian Federation, but on the contrary only strengthens security and stability on the European continent. Therefore, the main vector of the foreign policy of the Russian Federation today is directed at any cost to deter Ukraine from its European integration intentions and to establish its control over the territory of Ukraine. The Russian Federation also uses the Chinese factor to achieve its foreign policy goals.

Secondly, the Russian Federation does not adequately perceive the development of Ukraine's relations with China. The rapprochement of Ukraine and China, the intensification of cooperation between the two countries, the leadership of the Russian Federation perceives this as a weakening of the Chinese factor in the foreign policy of the Russian Federation in order to realize the main goal of the foreign policy of the Russian Federation, namely, the removal of Ukraine from the political arena as an independent player and the preservation of control over political processes in Ukraine. The leadership of the Russian Federation is resorting to any measures to push Ukraine out of the Chinese market and exacerbate relations between Ukraine and China. Part of this has already happened. This is how the Russian Federation provides the main land routes that connect China with Europe within the framework of the "One Belt, One Road" initiative (<https://odi.org>).

On the part of the Russian Federation, measures are being taken to push Ukraine out of the markets in which Ukraine has traditionally held a strong position, in particular such as: military, aviation, metallurgical, mining, machine-building products, etc. Considering that the Russian Federation and China have signed a number of agreements on the joint development of the agricultural market in the Far East, the Baikal region of Russia and the Northeast of China, it can be expected that over time the demand for Ukrainian agricultural products from China will decrease. Ukraine's loss of China's market for agricultural products will have tragic consequences for Ukraine.

Thirdly, despite the fact that the Russian Federation is trying to get a comprehensive ally in China, the Chinese leadership does not support these intentions (Fulin, 2012). China's foreign policy is based on two fundamental principles, namely, to adhere to the principles of peaceful coexistence in relations with other countries and to avoid creating alliances. Attempts by the Russian Federation to create a military alliance with China in confrontation with the USA and its allies are not supported by the Chinese leadership. China adheres to the principle of multilateralism in its relations with other countries, therefore it prefers participation in joint associations and international organizations. Therefore, at the regional level, China cooperates with the Russian Federation within the framework of the SCO, BRICS and the CSTO (Collective Security Treaty Organization) (<https://en.odkb-csto.org/>). The joint use of forces is possible only in limited cases, which is provided for by the statutes of these associations, in particular: countering traditional external military threats (drug

proliferation, international terrorism, illegal migration) and combating new challenges and threats (cybercrime, instigation of information wars). Beijing did not recognize Russia's annexation of Crimea, South Ossetia, and Abkhazia, as the actions of the Russian Federation do not fall under any of these threats.

Fourth, the state institutions of Ukraine that are involved in the foreign policy activities of Ukraine should consider any measures taken by the Russian Federation to expand relations with China as an attempt to also weaken the relationship between Ukraine and China, and thus strengthen the Chinese factor in defending the Russian Federation's own foreign policy interests in conflict situations of the Russian Federation with the West.

Fifth, China and the United States are the largest superpowers in the world.

The parties compete with each other for the right to maintain leadership in the world, which leads to open confrontation in both the political and economic spheres. Since 2018, a trade war has been going on between the parties. The parties accuse each other of violating trade rules, protectionist actions in support of the national producer, cyber-espionage, etc. As a result, they introduce both punitive and restrictive sanctions against each other in order to defend their own interests in bilateral relations. However, this does not mean that the US and China refuse to cooperate.

Despite all the difficulties in relations, the parties are trying to resolve disputed issues in the legal field by applying to international courts, as well as by revising existing or signing new agreements. The trade confrontation did not lead to a decrease in trade between the countries, on the contrary, the volume of trade is increasing, although there is a certain change in the structure of trade (<https://fortunly.com/statistics/us-china-trade-war/>).

It is important that both countries do not perceive the leadership of the Russian Federation in the way it demonstrates it. If Russia violates the norms of international law, they react decisively. This is confirmed by the conflict in Kazakhstan that began at the beginning of this year. At the beginning of January, mass protests broke out in Kazakhstan due to a sharp jump in the price of liquefied gas, after which the government resigned, and a state of emergency was imposed throughout the country. States of the Collective Security Treaty Organization (CSTO). The CSTO Council decided to send peacekeepers to Kazakhstan. Russian soldiers arrived in Kazakhstan as peacekeepers (<https://www.tellerreport.com/kazakhstan.Byg1tYz4hK.html>).

However, Western countries, and primarily the United States, condemned the actions of the Russian leadership and demanded the withdrawal of the Russian contingent from the country. The leadership of China also spoke against the long stay of the Russian military on the territory of Kazakhstan. If the leadership of the Russian Federation did not respond to the statements of the Western leaders, however, after the statements of the Chinese leader, the withdrawal of the Russian military began. The events in Kazakhstan show that the leadership of China is not an undisputed supporter of the policy of the leadership of the Russian Federation. This is also a confirmation factor that China is ready to defend its own interests internationally despite the current state of relations between the countries.

Conclusions. Taking into account the presented facts and the strategic importance of Ukraine's partnership with China, it is advisable to review the state of relations between the two countries and fill them with the real content of a comprehensive strategic partnership. In this context, we suggest taking into

account the following recommendations.

First, to conduct an analysis of the contractual framework between the two countries, identify weak points, facts of violations and develop a set of measures to eliminate them.

Secondly, to introduce a new format of interaction between the governments of countries based on the experience of the EU.

Thirdly, taking into account the European integration interests of Ukraine, it is expedient to join the EU policy towards China for the sake of joint participation of the country together with European and Chinese partners in the development of relations between Europe and China. Today, the EU is actively developing relations with China, and China is the EU's largest partner. The parties have relations of strategic partnership. Since 1998, the EU and China have held an annual EU–China Summit, at which the parties discuss a wide range of bilateral cooperation issues, including strategic partnership, trade, climate change, sustainable urbanization partnership, high-level people-to-people dialogue, enhanced energy cooperation and others. In 2021, the EU and the People's Republic of China concluded a Comprehensive Agreement on Investment (<https://www.globenewswire.com>), which provides the following opportunities: guarantees an unprecedented level of access to the EU for investors from China; allows EU companies to buy or create new companies in key sectors of the Chinese economy; providing assistance to level the playing field for EU companies in China; China's commitment to state-owned enterprise regulations and subsidy transparency.

Ukraine should join all EU–China cooperation mechanisms, in particular the annual EU–China Summit and jointly and participate in all programs and initiatives implemented within this format.

Fourth, the relevant institutions of Ukraine should take a more active and pragmatic position in relations with China, in particular, this concerns Ukraine's participation in the global initiative "One Belt, One Road", the attraction of Chinese investments in the country's economy, the creation of joint science-intensive enterprises, scientific and industrial parks, etc. In the existing conditions, it is necessary to take preventive and anticipatory measures in order to oppose the Russian Federation in its intentions to "quarrel" Ukraine with China. The initiator of the global idea "One Belt, One Road", Chinese leader Xi Jinping has repeatedly stated that China is open to any initiatives from any country to participate in the global project. Considering the current state of Ukrainian–Russian relations, Ukraine should propose the "New Eurasia" project for the construction of alternative corridors within the framework of the "One Belt, One Road" initiative, which bypass the territory of the Russian Federation and Kazakhstan (taking into account the political situation in this country).

In particular, such corridors can pass through South Asia, the Middle East and Eastern Europe. A potential corridor could be the construction of a railway track in the direction: China – India – Pakistan – Iran – Turkey – Bulgaria – Romania – Ukraine. Given the presence of territorial disputes between India and Pakistan, as well as India and China, it is possible to use an alternative corridor bypassing India, in particular in the following form: China – Pakistan (via Gwadar port) – Iran – Turkey – Bulgaria – Romania – Ukraine. Potentially, this railway branch can be extended through the territory of Poland to the countries of Northern Europe. During the times of the Great Silk Road, Ukraine was the

connecting link between the countries of Northern Europe and the Great Silk Road.

In addition, branching branches from other countries of the South, Middle and Middle East, Eastern Europe and even African countries can potentially be attached to this track. Considering the fact that the region of the South, Near and Middle East has the most powerful reserves of energy carriers (oil and gas), the construction of such a corridor will also allow solving the energy needs of Ukraine and the EU, and thus ensure the energy and political security of Ukraine. The need for such a corridor has been ripe for a long time, but the presence of Russia in Central Asia and its influence on the countries of the Middle and South East, as well as the absence of a strong player in the region, have held back its construction.

Today, such a player is China, which is capable of conducting a foreign policy independent of the Russian Federation, possesses the necessary technologies and financial resources. Moreover, the construction of such a corridor is in China's interests. For the construction of this corridor, it is advisable to create an international consortium with the participation of potential user countries, as well as to create a system of joint management, security and control. The implementation of the project will activate business activity on the Eurasian continent in a new format and increase its importance in the world.

It will also reduce the role of the Russian Federation on the Eurasian continent, which considers itself the center of the continent. The construction of the "New Eurasia" transport corridor will make it possible to use the unique geographical position of Ukraine and turn it into a world transport center that will connect all the continents of the world, which in turn will facilitate the movement of goods, people, capital and investments. The involvement of a significant number of countries in the project will also strengthen Ukraine's security.

Fifth, taking into account Ukraine's need for external investments and financial resources, the country's government should review the package of financial proposals from the Chinese government in the amount of 20 billion US dollars, which was proposed by the Chinese side during the visit of the President of the People's Republic of China Hu Jintao to Ukraine in 2012 and to fill this package with real projects.

Sixth, Ukraine should stay out of the confrontation between the US and China and pursue an independent foreign policy towards each of these countries based on national interests. Ukraine's European integration and Euro-Atlantic progress cannot be a restraining factor in the development of Ukraine's relations both with China and the countries of other continents. The relations between the USA and China should not affect the relations between Ukraine and the People's Republic of China either.

Seventh, Ukraine should initiate cooperation with China in the field of security in order to acquire the last reliable partner and guarantor of national security. China views Ukraine as an important player on the world stage, since Ukraine occupies an advantageous geographical position and possesses unique natural and developed human resources, cooperation with which allows solving two of the most important tasks for China: first, to avoid dependence on the Russian Federation as the only transport land corridor in Europe; secondly, to solve the problem of providing the population with food products, the demand for which is growing every year.

In addition, an important factor is that the level of education and technical training of the labor force in Ukraine is sufficiently high, which allows for high-tech and high-tech investments, as well as the location of science-intensive production of any industry and direction. China faced the problem of underdeveloped labor force in developing countries when it started investing in countries in Africa, Latin America and Asia. This is a restraining factor for placing modern productions in these countries. That is why Chinese investors spend a lot of money on education and training of personnel to work on the objects in which they invest. The problem turned out to be quite acute, but it is gradually being solved.

The country's government must demonstrate readiness to actively develop cooperation with China, as well as a responsible attitude to the agreements already reached between the parties. During a speech at the Bruges College in 2014, the Chinese leader said: "...we want to create a bridge of friendship and cooperation in Eurasia. We need to make joint efforts to build the four bridges of peace, growth, reform and civilizational progress, so as to make the comprehensive strategic partnership relationship between China and Europe even more meaningful and influential" (Xi Jinping, 2014). Ukraine has every chance to become the business center of Eurasia and the main bridge connecting Asia and Europe.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

- An Baijie (2017). *No letup in fulfillment of reform*. Baijie An. China Daily. URL: http://www.chinadaily.com.cn/china/2017-08/30/content_31301776.htm
- Beloglazov, G. Social problems of the modern Chinese village (2012). *Bulletin of the Russian Academy of Sciences of the Russian Academy of Sciences*, 4, pp.128–135.
- China Monetary Policy Report Quarter Four, 2009 (March 16, 2010). URL : [file:///C:/Users/HP/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/ChinaMonetaryPolicyReportQuarterFour2009%20\(1\).pdf](file:///C:/Users/HP/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/ChinaMonetaryPolicyReportQuarterFour2009%20(1).pdf)
- Coping with High Debt and Sluggish Growth*. World economic outlook : a survey by the staff of the International Monetary Fund (2012). Washington, DC. URL : [file:///C:/Users/HP/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/_textpdf%20\(4\).pdf](file:///C:/Users/HP/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/_textpdf%20(4).pdf)
- Denisov, A. (1989). *Reform of the economic system in the People's Republic of China*. Trans. with whale ; science ed. A. Denisov. Ekonomika. 351 p.
- García-Herrero, A., Santabábara, S. & Gavilá, D. (2005). *China's banking reform: an assessment of its evolution and possible impact*. Madrid: Banco de España, Documentos ocasionales. P. 54. DOI: 10.1093/cesifo/ifl006
- Garnaut, R., Song, L. & Fang, C. (2018). China's 40 years of reform and development: 1978–2018. China Update, Book Series ANU Press, The Australian National University, Acton ACT 2601, Australia. 709 p.
- Glinkina, S. (2018). Post-socialist world: results of transformation. Ed. S. Glinkina. Volume 3: *Asian models of reform. Opportunities and challenges for Russia* / Ed. G. Tolorai. Aletea, 184 p.
- Global Manufacturing Downturn, Rising Trade Barriers* (2019). World economic outlook : a survey by the staff of the International Monetary Fund. Washington, DC : International Monetary Fund, October, 2019. URL : [file:///C:/Users/HP/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/text%20\(1\).pdf](file:///C:/Users/HP/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/text%20(1).pdf).
- Fan, H. (1995). Incremental reforms and "two-track transition": understanding the experience of China. *Problems of the Far East*, 3, pp. 59–73.
- Koval, O. (2009). *The XVII National Congress of the Communist Party of China: a*

new course of Chinese reforms. Chinese civilization: traditions and modernity: Collection. Art. K, pp. 34–44.

Li, L. (2010). *Breakthrough: How the country's gates were opened: the 30th anniversary of the beginning of reforms in China is dedicated*. Trans. Li Yinnan. MSU Publishing House, 472 p.

Li, Th. (2010). *Reforms and openness*. Veche, 210, 752 p.

Lo, T. (2015). A key step for AIIB. *China*, 8 (118), pp. 24–25.

Matusova, O. (2012). *Peculiarities of China's anti-crisis policy in the conditions of the global financial crisis*. Problems of international relations: coll. of science works. Sci. ed. B. Kancelaryuk and others. KyMU, vol. 5, pp. 222–234.

Myheev, V. (2005). *China: threats, risks, challenges to development*. Moscow: Carnegie Center, 647 p.

Sednev, V. (2008). *Civilization model of modern China*. Civilization structure of the modern world. T. 3: Civilization of the East in the conditions of globalization. Book 2:

Wang, L., Pei, Zh. & Lu, Sh. (2001). Foreign investments in China: structure, dynamics and development trends. *Problems of the Far East*, 1, pp. 85–99.

The Chinese-Far Eastern civilization world and the African civilization community. Global transformations and lessons for Ukraine / Ed. Yu. Pakhomova and Yu. Pavlenko. K.: "Scientific Thought" publishing house, 638 p.

Xi calls for officials to boldly push reform. *China Daily*, March 25, 2017. URL : http://www.china.org.cn/china/2017-03/25/content_40499433.htm

Xi Jinping (2017). *About the state governance*. 习近平谈治国理政: 俄文 / 习近平著; 俄文翻译组译. – 北京: 外文出版社, 802 p.

Xi Jinping (2014). *About the state governance*. 习近平谈治国理政: 俄文 / 习近平著; 俄文翻译组译. – 北京: 外文出版社, 642 p.

Xiujie, C. (1989). A new strategy of openness (1989). *Problems of the Far East*, pp. 3–12.

Zong, H. (2016). Renminbi is included in the SDR currency basket. *China*, 1(123), pp. 39–41.

Олег ОЛІЙНИК

ПЕРСПЕКТИВИ КИТАЮ В УМОВАХ НОВОГО ІСТОРИЧНОГО ПЕРІОДУ: РЕКОМЕНДАЦІЇ ДЛЯ УКРАЇНИ

Анотація. Стаття присвячена дослідженню перспектив розвитку Китаю в новий історичний період, визначений на 6-му Пленумі ЦК Комуністичної партії Китаю. Досліджено сутність історичних пленумів, що відбулися в історії Китаю, проаналізовано їх вплив на розвиток країни, а також значення 6-го Пленуму ЦК Комуністичної партії Китаю для досягнення історичних цілей у Китаї. З'ясовано розвиток Китаю на період до 2050 року. Досліджено основні концептуальні висновки та програмні рішення 6-го Пленуму ЦК Компартії Китаю та їх місце в концепції побудови "соціалізму з китайською специфікою".

Встановлено роль нинішнього лідера країни, підсумовано результати його діяльності на прикладі соціально-економічного розвитку країни за період його правління, надано оцінку його діяльності. У статті проаналізовано стан відносин Китаю з ЄС, США та Росією, визначено слабкі сторони, виклики та перспективи розвитку відносин. Окремо досліджено позицію Китаю щодо російсько-української війни. Доведено, що Китай займає стриману позицію щодо російсько-української війни, а його зовнішня політика базується на фундаментальних принципах мирного співіснування, встановлених ООН.

Проаналізовано стан та розвиток українсько-китайських відносин. Вивчено основні напрямки співробітництва між Україною та Китаєм, стан торгівлі та інвестиційної діяльності між країнами. За результатами дослідження розроблено рекомендації щодо розвитку відносин між Україною та Китаєм як стратегічними партнерами.

Ключові слова: соціалізм з китайською специфікою, нова епоха, історичні цілі, китаїзація марксизму, кооперація.

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WAR CRIMES: INTERNATIONAL LEGAL NORMS AND CRIMINAL LEGISLATION OF THE REPUBLIC OF AZERBAIJAN

Abstract. In the article, the issues of combating war crimes were considered on the basis of mutual analysis of international legal norms and the criminal legislation of the Republic of Azerbaijan. First of all, it was noted that international legal norms play a priority role in the legal system of every civilized state. States usually include in their constitutions and laws the provision that international legal norms take precedence over national legal norms. In the legal system of the Republic of Azerbaijan, international legal norms have an effective influence and played an important role in the formation and development of various legal fields.

However, along with the positive aspects, the occurrence of negative situations is also inevitable, mainly in the practice of law enforcement, such problems are inevitable. It should also be noted that the problems in the relevant sphere are not unique to the Republic of Azerbaijan, various collisions and problems arise in the application of international legal norms in other civilized states as well.

At the end of the article, it is concluded that the main international norms related to war crimes are mainly concentrated in the Geneva Conventions of 1949, Additional Protocols of 1977 and 2005, and the Rome Statute of 1998. However, the Republic of Azerbaijan ratified only the Geneva conventions from these documents. However, almost all of the war crimes found in those documents have found a place in the Criminal Code of the Republic of Azerbaijan. Compared to some states whose legal system is close to the Republic of Azerbaijan, the level of implementation of international legal norms on war crimes in the Criminal Code of the Republic of Azerbaijan can be highly evaluated. Thus, in the Criminal Code of the Republic of Azerbaijan, separate chapters and articles are devoted to this category of crimes, and the requirements of international legal norms are taken into account during the normative determination of each war crime. Ultimately, significant changes in the Criminal Code of the Republic of Azerbaijan would be expected and significant even after the Republic of Azerbaijan became a member of the International Criminal Court.

Keywords: war crimes, international legal norms, national-legal implementation, legal system, human rights, international criminal law, international humanitarian law.

Introduction. International legal norms play a priority role in the legal system of every civilized state. States usually include in their constitutions and laws the provision that international legal norms take precedence over national legal norms. In the legal system of the Republic of Azerbaijan, international legal norms have an effective influence and played an important role in the formation and development of various legal fields.

However, along with the positive aspects, the occurrence of negative

situations is also inevitable, mainly in the practice of law enforcement, such problems are inevitable. It should also be noted that the problems in the relevant sphere are not unique to the Republic of Azerbaijan, various collisions and problems arise in the application of international legal norms in other civilized states as well. Taking into account the above, we consider it appropriate to clarify the issue of the place of international criminal law norms in the legal system of the Republic of Azerbaijan. This study is important for the development of national criminal legislation, the disclosure of its contradictions, and the future activity of the courts.

Analysis of recent research and publications. International law creates fertile conditions for the normal functioning of national legal systems and their development. Addressing the issue of the relationship between international and domestic law, Malcolm Evans notes that international law has a positive effect on the diversification of national law, the emergence of new spheres, and the enrichment of additional norms (Evans, 2014). These words can also be mentioned in relation to the Republic of Azerbaijan. Thus, the fact that the Republic of Azerbaijan honestly fulfills its obligations under international law and, most importantly, gives priority to international law norms in the regulation of relations between national law and international law is also reflected in the comments to the Constitution of the Republic of Azerbaijan (Guseynov, 1998; www.e-qanun.az). It is noted in the legal literature that states, as participants in international agreements in the field of human rights, must fulfill their obligations in accordance with the principle of *pacta sunt servanda* and implement relevant domestic measures. The state must establish its legal system in such a way that it fulfills its international obligations. Thus, referring to national legislation does not exempt it from international obligations (Aliyev, 2019; Dinniss, 2012).

The Constitution of the Republic of Azerbaijan has established various norms on the relationship between international and domestic law. First of all,

Article 148.2 of the Constitution of the Republic of Azerbaijan should be mentioned. In that article, it is noted that the international agreements to which the Republic of Azerbaijan is a party are an integral part of the legislative system of the Republic of Azerbaijan. The interpretation of this article gives reason to note that the Republic of Azerbaijan uses the mechanism of incorporation regarding the domestic implementation of international agreements.

One of the issues that require separate study in the issue of the interaction of international and domestic law is related to the application of international law norms. The true potential of both international and national legal norms is revealed during their implementation. Law manifests itself directly with the norms that show its dynamics in the process of realization. From a procedural point of view, the implementation of international legal norms in the national legal system usually takes place in the form of an application. Let's note one important issue: the effectiveness of international legal norms depends on the quality and level of implementation. If any rule of law, if it is not implemented, then there is no efficiency. However, the attempt to consider the law in the process of implementation should not create conditions for reducing or denying the role of the norm, which is the main element of the law.

The application of international legal norms in national legislation is of great importance in terms of the development and improvement of national legislation. I. Lukashuk notes that international law could not fulfill its functions

without the help of domestic legal mechanisms. Among these mechanisms, courts take the main place (Lukashuk, 1993; Dinniss, 2012). Regarding the application of international agreements, it should never be forgotten that the fact that the international agreements of the Republic of Azerbaijan are considered an integral part of its legislative system does not mean that those agreements will have a direct effect on the territory of the country and will be applied by the courts as domestic laws. In other words, the expression “international law is part of the law of the country” is not equivalent to the expression “international law is directly applicable”.

The state of application of international legal norms in the Republic of Azerbaijan is still not at the desired level, although the decisions of the Constitutional Court of the Republic of Azerbaijan often refer to the European Convention of 1950 and the decisions of the European Court of Human Rights, the application of international legal norms in the decisions of other judicial bodies can be said to be at a weak level. In the courts of the first instance, the situation in this sphere is still not good, judges prefer to refer only to national legislation.

Formulation of the main material. Regarding the impact of international legal norms on the sphere of the criminal law of the Republic of Azerbaijan, it should be noted that the changes stipulated in the international treaties of the Republic of Azerbaijan in terms of criminal responsibility for one or another action should be directly included in the text of the Criminal Code of the Republic of Azerbaijan. Thus, the legislation of the Republic of Azerbaijan determines the procedure for changing the norms of the Criminal Code of the Republic of Azerbaijan during the entry into force of international agreements regulating issues of criminal responsibility. An exception to the rule of including issues related to criminal responsibility in the Criminal Code of the Republic of Azerbaijan is allowed.

Thus, Article 11.5, which we mentioned in the previous paragraphs, stipulates that the Criminal Code of the Republic of Azerbaijan should directly refer to the provisions of international criminal law when solving the issue of criminal liability of persons with diplomatic or other immunity. In any case, the norms of international criminal law become the source of the criminal law of the Republic of Azerbaijan, in essence, their joint application takes place. Officially, only the Criminal Code of the Republic of Azerbaijan is in force in the territory of the Republic of Azerbaijan, but international criminal law norms are also applied with the help of its provisions.

International criminal law significantly affects the definition and definition of criminal acts that are considered war crimes under international law. Therefore, it is considered necessary to study the issue of implementing the norms of war crimes established in international criminal law into national criminal legislation. The priority of international legal norms is expressed in the fact that two legal systems should be taken into account at the source of the law of each state: the domestic legal system and the international legal system. In case of conflict between them, international law prevails. Thus, the norms of domestic law not only do not contradict the norms of international law but must also specify and ensure the realization of the requirements of international legal norms. In the doctrine of the criminal law of the Republic of Azerbaijan, various opinions have been expressed regarding war crimes, especially regarding the

implementation of international legal norms in this sphere into national criminal legislation. F. Samandarov notes that the main object of war crimes is the method and means of waging war established by the international legal norms, and the life and health of people act as an additional object. According to the author, the violation of international legal norms during an armed conflict, which is a type of war crime, is objectively characterized by actions (actions or inactions) expressed in the violation of international humanitarian law norms during an armed conflict. The most important norms of international humanitarian law regarding armed conflicts are reflected in the 1949 Geneva Conventions on the Protection of War Victims and Additional Protocols to those conventions (Samandarov, 2013). Analyzing the relations in this field, Sh. Samadova notes that the direct objects of war crimes are social relations aimed at ensuring the specific laws and customs of war, the rules of treatment of the civilian population, and prisoners of war (Samedova, 2020).

V. Ibayev believes that Chapter XVII of the Criminal Code of the Republic of Azerbaijan entitled “War Crimes” considers the existence of armed conflicts as the decisive criterion for war crimes. Regardless of whether it was committed during an interstate war or a civil war, certain acts will be described as war crimes and will lead to the corresponding punishments defined in the Criminal Code of the Republic of Azerbaijan (Ibayev, 2001).

The consideration of the norms of international law in national criminal legislation creates the connection between the norms of international criminal law and the Criminal Code of the Republic of Azerbaijan. In any case, to ensure the effectiveness of criminal legislation, international legal norms that meet the requirements of the time should be taken into account. A. Naumov, one of the well-known scientists in the field of criminal law, notes that modern criminal legislation can claim its scientificity and modernity if it can take into account the changes occurring in society in time (Naumov, 1996).

Now, let's pay attention to the issue of the degree to which international legal norms of war crimes are taken into account in the criminal legislation of the Republic of Azerbaijan. First, let's start with Article 114 of the Criminal Code of the Republic of Azerbaijan, which establishes the crime of mercenary. This article is included in the criminal law related to the obligations arising from the provisions of the International Convention on Combating the Recruitment, Use, Financing, and Training of Mercenaries, to which the Republic of Azerbaijan is a party. It should be noted that the Republic of Azerbaijan ratified this Convention on September 30, 1997.

The crime of violating the laws and customs of war is reflected in Article 115 of the Criminal Code of the Republic of Azerbaijan. This article has benefited from the norms of the following international legal documents: the 1907 Convention on the Laws and Customs of War on Land, the 1949 Geneva Conventions on the Treatment of Prisoners of War and the Protection of Civilian Population in Time of War, and the 1977 Geneva Conventions for the Protection of Victims of International Armed Conflicts. Additional protocol of year I.

The social danger of this crime is expressed in the fact that the violation of the laws of waging war defined by the norms of international law leads to the mass destruction of the civilian population and civilian objects, industrial, economic, cultural, historical, architectural, and artistic works. This crime is objectively characterized by the commission of the listed actions: forcing prisoners, other

persons protected by international humanitarian law, to serve in the armed forces of the party that took them prisoner; do not force citizens of an enemy state to participate in military operations directed against their country.

When talking about the crime of violating the laws and customs of war, the terms “prisoner of war” and “other protected persons” must be clarified. The III Geneva Convention on the Treatment of Prisoners of War defines a “prisoner of war” as a person who falls under the power of the enemy and belongs to one of the following categories: personnel of the armed forces of the party to the conflict, as well as members of those armed forces personnel of self-defense and volunteer units; personnel of other self-defense and volunteer units, including personnel of organized resistance movements belonging to the conflict party located in those territories, even if their own territory and the territory beyond it are occupied, if they meet the following conditions: a) if they have leaders who are responsible for their subordinates; b) has certain distinguishing signs that are clearly visible from a distance; c) when carrying a weapon openly; d) when they follow the laws and customs of war in their actions (Horvitz, 2014).

Other persons protected by international humanitarian law include the civilian population, at the same time, those who are covered by the Convention on the Prevention and Punishment of Crimes Against Persons Benefiting from International Protection, including Diplomatic Agents, as well as participants in UN peacekeeping operations and humanitarian personnel in accordance with the 1994 Convention on the Safety of UN Personnel and Related Personnel, and the employees of non-governmental organizations providing aid. Forcing prisoners of war and other persons protected by international humanitarian law to serve in the armed forces of the detaining party means enlisting the named persons against their will to serve in any of its armed forces against the norms of international law.

According to the Fourth Geneva Convention on the Protection of Civilian Population in Times of War, the occupying power cannot recruit civilians to serve in its armed and auxiliary forces (Article 51) (Christine, 2011). This crime is objectively expressed in the commission of the following actions against prisoners and other persons protected by international humanitarian law: torturing them; not treating them cruelly or inhumanly; conducting medical, biological, and other research on them, including removing internal organs for transplantation; using them as human shields to protect their troops or facilities from military operations; holding them hostage; involving the civilian population in forced labor or forcibly transfer them from their lawful places for other purposes.

Conducting medical and biological research on protected persons means testing new drugs, treatments, and diagnostic methods, and studying their effects on the human body. When it is said to involve the civilian population in compulsory work, it is intended to involve them in doing any work that puts them in front of the obligation to participate in military operations, to the extent necessary to meet the needs of the occupying army.

According to the Fourth Geneva Convention for the Protection of Civilian Population in Time of War of 1949, an occupying power can only compel persons over the age of 18 to meet the essential needs of its army, including utilities, food, housing, clothing, transportation, and the health of the local population. can attract work. Compulsory work can be performed only in the occupied territory where those persons are (Shelton, 2005).

One of the points that stand out during the interpretation of this article is related to the forced displacement of the civilian population from the area where they live. Under this concept, the transfer of the civilian population from the occupied territory to the territory of the occupying state, or to the territory of any other state, regardless of whether it is occupied or not, is understood. The IV Geneva Convention gives the occupying power the right to complete or partial evacuation of any occupied region due to population security or special military considerations (Article 49) (Françoise, 2007).

This article of the Criminal Code of the Republic of Azerbaijan has material content and is considered to have ended from the moment of the consequences specified in the article, i.e. the death of persons or serious damage to their health. A causal relationship must be established between actions leading to death or serious injury and such consequences. If the causal relationship is not established, criminal liability does not arise under the described article.

Article 116 of the Criminal Code of the Republic of Azerbaijan, which defines a wide range of war crimes, is called the violation of international humanitarian law norms during an armed conflict. The most important norms of international humanitarian law regarding armed conflicts are reflected in the 1949 Geneva Conventions on the Protection of War Victims and Additional Protocols to those conventions. As we know, armed conflict is international and internal in nature. According to Additional Protocol II to the Geneva Conventions of 1949, an internal armed conflict is an armed conflict that occurs within the territory of a state and between the armed forces of that state and different armed forces or other organized armed groups.

This article can also be called “use of prohibited methods of warfare”. The methods of waging war determine the methods and rules of using the means of waging war. According to the Convention on the Prohibition or Restriction of Specific Types of Conventional Weapons of Indiscriminate Character or Mass Destruction and Additional Protocol I to the Geneva Conventions of 1949, the following are prohibited methods of waging war: using incendiary weapons against the civilian population, civilian objects, forests attack; killing or wounding the enemy who laid down their arms or surrendered as prisoners; attacking undefended areas or demilitarized zones; attacking buildings and installations with dangerous power, the attack of which is known to cause a lot of human casualties, etc.

Critical damage is defined as the destruction of military or civilian facilities to an extent and volume that cannot be restored. The significance of the destruction is determined by signs such as the military strategic importance, number, material value, etc. of the destroyed objects. According to Additional Protocol I to the Geneva Conventions of 1949, extensive, long-term, and serious damage to the environment is defined as the contamination of the natural, ecological environment, water, soil, and air covering a large area with toxic, radioactive substances, toxic gases, and the life of human and other living organisms and pollution with other substances that seriously endanger their health and significantly damage flora and fauna (Dinniss, 2012).

Large-scale devastation not caused by military necessity is used in the destruction of objects where the enemy's armed forces are not located, buildings and facilities that are not considered military objects, a large number of civilian objects, etc. Non-defended areas are areas where all combatants, as well as

special combat vehicles and equipment, are not used for hostile purposes, stationary military installations and buildings are not used for hostile purposes, authorities and the population do not allow hostile actions, and no actions are taken to assist military operations. The listed places also include demilitarized zones. The 1970 Convention on Cultural Resources has also been implemented into the relevant norms of the Criminal Code of the Republic of Azerbaijan. In this Convention, it is stated that the religious or secular resources considered important for archeology, ancient times, history, literature, art, and science by each state are considered cultural resources (Article 1) (Taşdelen, 2016). One of the issues of particular importance in the Criminal Code of the Republic of Azerbaijan is related to the deprivation of procedural rights of prisoners and other persons protected by international humanitarian law, that is, the deprivation of rights such as to be defended by a qualified lawyer or consultant of their own choosing, to call witnesses, to use the help of an interpreter, to advance to submit motions related to the accusation, etc.

The criminal composition provided for in Article 116 of the Criminal Code of the Republic of Azerbaijan determines criminal liability only for acts committed during the armed conflict. One of the most common types of war crimes, found in the laws of most civilized states, is the issuing of criminal orders during wars. The issue of whether the chief or the official has all the opportunities to prevent the crimes specified in Articles 115 and 116 of the Criminal Code of the Republic of Azerbaijan is determined in each specific case by the court as a result of a comprehensive analysis of the circumstances of the case. In such a case, during an armed conflict, the specific combat conditions in which a chief or an official finds himself, the place where the enemy's military forces are concentrated and his behavior, the conflict side's departure from the methods and means of waging war determined by international legal norms, etc. must be considered.

The mentioned article is taken from the relevant articles of the Hague Convention IV of October 18, 1907, on the Laws and Customs of Land Wars and the Additional Protocol I of 1977 to the Geneva Conventions. It is noted in Additional Protocol I that it is forbidden to declare or gives orders that no one will be left alive, to threaten the enemy with this, or to conduct military operations on this basis (Article 40) (Clapham, 2014). Giving a command or order to a subordinate that no one should be left alive is expressed in the fact that an authorized person demands that his subordinates kill without sparing anyone. The command or order may be written or oral. The command or order can be issued before the start of the battle, during the battle, as well as when a situation of siege arises. Thus, issuing orders and dispositions aimed at the commission of crimes specified in Articles 115 and 116 of the Criminal Code of the Republic of Azerbaijan is expressed in the submission of demands that reflect the commission of those crimes.

The next category of war crimes defined in the Criminal Code of the Republic of Azerbaijan is military robbery. The public danger of military robbery, that is, the crime of looting the property of dead or wounded persons on the battlefield, is expressed in dishonoring the honor and dignity of military personnel, degrading the combat honor of a military unit, and lowering the combat capability of military units. The object of the crime of military robbery is the customs and laws of warfare determined by international legal norms. This crime is objectively expressed in

looting the property of dead or injured persons.

Although robbery is specified as a form of robbery in Article 118 of the Criminal Code of the Republic of Azerbaijan, this crime can also be committed through theft and robbery. Both military personnel and representatives of the civilian population can act as dead or injured persons.

The last war crime reflected in the Criminal Code of the Republic of Azerbaijan is called "Misuse of protected signs" reflected in Article 119. The public danger of this crime is characterized by the commission of acts expressed in occurrence of more serious consequences in armed conflict by using protected signs, i.e. the death of people, serious damage to their health, destruction of civilian objects, etc. The object of the crime established in Article 119, which we have analyzed, is the rules of use of the protected signs determined by international law norms.

A separate legislative act was also adopted in the Republic of Azerbaijan on the regulation of relevant issues: the Law of the Republic of Azerbaijan on the use and protection of the Red Cross and Red Crescent emblems dated May 2, 2001. The signs protected under the mentioned Law include Red Cross and Red Crescent emblems; the name of the Red Cross and Red Crescent; distinguishing signals used for the recognition of medical compounds and sanitary vehicles (www.e-qanun.az).

In accordance with Additional Protocol I to the Geneva Conventions of 1949, medical and religious personnel, medical units, and medical vehicles have the right to use distinguishing marks and distinguishing signals during an armed conflict. In accordance with the 1949 Geneva Conventions for the Protection of Victims of War, sanitary medical personnel, chaplains in the armed forces, personnel of the local Red Cross Society, as well as members of the respective societies of a neutral state with the prior agreement of their government with a party to the conflict must have an armband with a distinctive insignia on the left arm, a distinctive insignia and special cards furnished with the seal of the military authority. Also, International Red Cross bodies and their staff are permitted to use the Red Cross emblem on a white background at all times. The Red Cross and Red Crescent emblems are used as defensive insignia during military conflict and are the visible symbols are given to medical personnel, medical units, religious personnel, and medical vehicles in accordance with the Geneva Conventions of 1949 and their Additional Protocols.

In accordance with Additional Protocol I to the Geneva Conventions of 1949, improper use of the Red Cross, Red Crescent, Red Lion, and sun emblems, as well as preemption of internationally recognized emblems, signs, or signals (white flag, etc.) during an armed conflict intentional misuse is prohibited. It is forbidden to use the distinctive emblems of the UN without its permission (Article 38) (Barker, 2011).

Conclusions. Thus, from what was mentioned in this paragraph regarding the implementation of international legal norms on war crimes in the criminal legislation of the Republic of Azerbaijan, it can be concluded that the legal basis for the implementation of international legal norms in the legal system of the Republic of Azerbaijan is defined in the Constitution of the Republic of Azerbaijan. The superior position of international legal norms compared to national law has found its place in many articles of the Constitution of the Republic of Azerbaijan.

The main international norms related to war crimes are mainly concentrated in the Geneva Conventions of 1949, the Additional Protocols of 1977 and 2005, and the Rome Statute of 1998. However, the Republic of Azerbaijan ratified only the Geneva conventions from these documents. However, almost all of the war crimes found in those documents have found a place in the Criminal Code of the Republic of Azerbaijan. Compared to some states whose legal system is close to the Republic of Azerbaijan, the level of implementation of international legal norms on war crimes in the Criminal Code of the Republic of Azerbaijan can be highly evaluated.

Thus, in the Criminal Code of the Republic of Azerbaijan, separate chapters and articles are devoted to this category of crimes, and the requirements of international law norms are taken into account during the normative determination of each war crime. Ultimately, significant changes in the Criminal Code of the Republic of Azerbaijan would be expected and significant even after the Republic of Azerbaijan became a member of the International Criminal Court.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

- Aliyev, A. (2019). *Human rights*. Textbook. Baku, Nurlar, 352 p.
- Barker, C. (2011). *International Criminal Law Deskbook*. Abingdon, Routledge, 566 p.
- Christine, W. (2011). *International Criminal Law: A Collection of International and Regional Instruments*. Fourth Revised Edition. Leiden, Martinus Nijhoff Publishers, 2197 p.
- Clapham, A. (2014). *The Oxford Handbook of International Law in Armed Conflict*. Oxford, Oxford University Press, 909 p.
- Dinniss, H. (2012). *Cyber Warfare and the Laws of War*. Cambridge, Cambridge University Press, 331 p.
- Evans, M. (2014). *International Law*. Oxford, Oxford University Press, 873 p.
- Françoise, B. (2007). *The Practical Guide to Humanitarian Law*. Rowman & Littlefield, 555 p.
- Guseynov, L. (1998). The Constitution of the Republic of Azerbaijan, human rights and international law. Baku, *Journal of International Law*, 1, pp. 15-17.
- Horvitz, L. (2014). *Encyclopedia of War Crimes and Genocide*. Infobase Publishing, 582 p.
- Ibayev, V. (2001). *International humanitarian law*. Baku, 540 p. [in Azerb.].
- Lukashuk, I. (1993). *International law in the courts of states*. 302 p.
- Naumov, A. (1996). *Criminal law*. A common part. Lecture course. 560 p.
- Samandarov, F. (2013). *Commentary on the Criminal Code of the Republic of Azerbaijan*. Baku, Law Publishing House, 1120 p. [in Azerb.].
- Samedova, Sh. (2020). *Criminal law of the Republic of Azerbaijan. Special part: in two volumes*. Textbook. Baku, Adiloglu, I, 824 p.
- Shelton, D. (2005). *Encyclopedia of genocide and crimes against humanity*, 3, Macmillan Reference, 1458 p.
- Taşdelen, A. (2016). *The Return of Cultural Artefacts: Hard and Soft Law Approaches*. Springer, 227 p. URL : www.e-qanun.az.

Мехрібан ЕЙЮБОВА

**ВІЙСЬКОВІ ЗЛОЧИНИ: МІЖНАРОДНО-ПРАВОВІ
НОРМИ ТА КРИМІНАЛЬНО-ПРАВОВЕ ЗАКОНОДАВСТВО
АЗЕРБАЙДЖАНСЬКОЇ РЕСПУБЛІКИ**

Анотація. У статті на основі взаємного аналізу міжнародно-правових норм і кримінального законодавства Азербайджанської Республіки розглянуто питання боротьби з військовими злочинами. Перш за все, було зазначено, що міжнародно-правові норми відіграють пріоритетну роль у правовій системі кожної цивілізованої держави. Держави зазвичай включають у свої конституції та до законів положення про перевагу міжнародно-правових норм над національними правовими нормами.

У правовій системі Азербайджанської Республіки міжнародно-правові норми

мають дієвий вплив і відіграли важливу роль у становленні та розвитку різних галузей права. Проте, поряд із позитивними моментами, неминуче виникнення і негативних ситуацій, в основному, в практиці правоохоронних органів такі проблеми неминучі. Слід також зазначити, що проблеми у відповідній сфері характерні не тільки для Азербайджанської Республіки, різноманітні колізії та проблеми виникають при застосуванні міжнародно-правових норм і в інших цивілізованих державах.

Наприкінці статті зроблено висновок, що основні міжнародні норми, пов'язані з військовими злочинами, в основному, зосереджені в Женевських конвенціях 1949 року, Додаткових протоколах 1977 та 2005 років та Римському статуті 1998 року. Проте Азербайджанська Республіка ратифікувала лише Женевські конвенції з цих документів. Однак майже всі військові злочини, що містяться в цих документах, знайшли своє відображення в Кримінальному кодексі Азербайджанської Республіки.

У порівнянні з деякими державами, чия правова система близька до Азербайджанської Республіки, можна високо оцінити рівень імплементації міжнародно-правових норм щодо військових злочинів у Кримінальному кодексі Азербайджанської Республіки. Так, у Кримінальному кодексі Азербайджанської Республіки цій категорії злочинів присвячені окремі глави та статті, а при нормативному визначенні кожного військового злочину враховуються вимоги міжнародно-правових норм. Нарешті, значні зміни в Кримінальному кодексі Азербайджанської Республіки очікуються після того, як Азербайджанська Республіка стане членом Міжнародного кримінального суду.

Ключові слова: військові злочини, міжнародно-правові норми, національно-правова імплементація, правова система, права людини, міжнародне кримінальне право, міжнародне гуманітарне право.

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THE ROLE OF PROCEDURAL LEGAL CAPACITY OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE PRACTICAL ACTIVITY OF INTERNATIONAL JUDICIAL INSTITUTIONS

Abstract. The article was prepared on the basis of scientific-theoretical provisions, judicial practice, international-legal documents and decisions of international organizations, focusing on the issues of procedural legal capacity of international non-governmental organizations and its manifestation in participation in international judicial institutions. In addition, the relevant provisions of the Constitution of the Republic of Azerbaijan were reviewed. Also, the specific differences of the international judicial institutions, the specificity of the participation of international non-governmental organizations in the considered cases, as

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THE PHENOMENON OF FALUN GONG IN THE CONTEXT OF DEVELOPMENT OF ANTI-TOTALITARIAN TENDENCIES IN RELIGIOUS CULTURE OF UKRAINIANS

Abstract. The study of Falun Dafa phenomenon in the context of the essential opposition of the religious culture of Ukrainians to the aggressive religious rhetoric of racist totalitarianism in the conditions of Russia's war against Ukraine and the related transformations of the Ukrainian community is relevant. During the analysis, it was found that acquaintance with Chinese culture through the study of the non-traditional religious movement Falun Gong encourages Ukrainian scientists and young students to recognize the existence of strong totalitarian tendencies in the activities of the Chinese authorities and the Chinese Communist Party.

Aggressive policy of the totalitarian government is reprehensible and encourages condemnation of practices of persecution for religious beliefs. The necessity of opposition from the side of neo-religious organizations to manifestations of state totalitarianism is concluded. In the conditions of military resistance to racism, this is a confirmation of the need to confront the totalitarian aggressor.

Keywords: religious culture, aggressor, war, racism, totalitarianism, Falun Gong, Falun Dafa.

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Introduction. The relevance of the study is determined by the need for the Ukrainian community to realize the fact that it faces a difficult task in establishing a new world order, building a future where there will be no place for aggressive actions against sovereign states and their citizens. And the crimes against humanity will be condemned so harshly that their implementation will become unprofitable and unthinkable. In the context of understanding the important influence of Ukraine on the formation of a new world order, it is necessary to take a close look at religious systems that are unconventional for our community. These systems have been actively spreading on Ukrainian territory and influenced the development of the religious culture of Ukrainians and the consciousness of our fellow citizens since the 70s-90s of the last century. This is also important because the process of development of religious culture is directly related to the emergence of new symbolic systems that not only reflect changes in the sphere of religiosity, but also influence the formation of new meanings of social existence.

Historically, none of the traditional religions have succeeded in bringing humanity to peace. Now it has become obvious that neither Hinduism, nor Christianity, nor Islam, nor any other traditional religious system is capable of creating conditions for global solidarity of democratic forces and appeasement of aggressors. The significant increase in the number of fundamentalist religious movements around the world, their attempts to revive fundamental religious values with the help of terror, shows that the era of post-secularism, which Western communities and Ukraine are now entering, will not ensure a peaceful future for humanity and a conflict-free coexistence of peoples by the revival and spread of traditional religions.

Moreover, certain directions of traditional religiosity, such as Russian Orthodoxy, which actively supports the aggressive policy of the racist dictator, testify to the propensity of many followers of Orthodoxy to a totalitarian way of thinking and the forced imposition of their beliefs on fellow citizens. This situation is a reflection of the crisis of traditional religiosity and evidence of the inevitability of changes in the process of its adaptation to new conditions of existence. Currently, all over the world, we are witnessing active transformational processes in the sphere of established religious culture, which have given rise to a huge number of neo-religious movements. Among them, Falun Gong draws special attention due to the need to understand how a democratic country should build its relations with neo-religious entities, what it can afford in the process of establishing communication with believers, and what it should abandon.

If we consider the problem from the point of view of its influence on the development of domestic religious scientific discourse, it becomes obvious that there is a need for the formation of new methodological approaches and principles for the adequacy of analytical studies dedicated to neo-religious movements and the development of productive ways of their communication with state institutions.

The development of scientific religious studies and theology in the world and in Ukraine convincingly proves that the prospects for the formation of a new religious culture are significantly influenced by neo-religious teachings, in particular, and the theoretical work of the founder of Falun Dafa, Li Hongzhi. In the conditions of Russia's aggressive war against Ukraine, the formation of

ability to think critically is of particular importance for our students. This also applies to the sphere of interreligious relations.

Proving the necessity of the existence of an objective scientific view on the essence of neo-religious movements as one of the principles of cultural opposition to totalitarianism can be vividly demonstrated on the example of the study of the essence of Li Hongzhi's teachings on Falun Dafa and the opposition of Falun Gong followers to unjustifiably cruel persecution by the Chinese authorities.

The degree of elaboration of the problem allows us to state that the peculiarities of the influence of the neo-religious Falun Gong movement on the religious culture of Ukrainians during the confrontation with the racist aggressor were not studied.

Our analysis is directly based on the works of Li Hongzhi, in particular the fundamental for every Falun Dafa follower text called "Zhuan Falun" (translated into Ukrainian in 2021, Li Hongzhi, https://uk.falundafa.org/books/ZhuanFalun/zfl_03.htm). The study also analyzes the ideas presented in numerous sermons by Li Hongzhi (2006) and in his work "The essence of conscientious improvement" (Li Hongzhi, 2014).

A study within the framework of the "Great Era" international project entitled "Nine Commentaries on the Communist Party" deserves special attention, in particular the fifth commentary entitled "The Collusion of Jiang Zemin with the Chinese Communist Party to Persecute Falun Gong", which reveals an insidious policy of the brutal persecution of followers of Li Hongzhi (Nine Commentaries on the Communist Party, 2007).

Let's pay attention to another work entitled "How the Specter of Communism Is Ruling Our World" (Ukrainian-language version dated April 5, 2020) within the scope of the above-mentioned project. The text claims that "the evil ghost of the Communist Party did not disappear after the collapse of the Communist Party in Eastern Europe", "the evil spirit of communism and the devil together create chaos in the world of people" and "the devil is the cause of cross-border war" (<https://radiosvoboda.org>). We note that quite valid ideas are hidden behind non-scientific terminology. Among the deep Western analysts regarding Falun Dafa, the works of Penny Benjamin "The Religion of Falun Gong" (Hardcover, 2012; Penny, 2012) should be singled out. Religious scholar and historian David Ownby notes in his work that the Chinese authorities mistakenly consider Falun Gong a "dangerous heretical sect", equating it with the "Branch of David", "Order of the Sun Temple" and "Aum Shinriki" (Ownby, 2010). American writer and human rights defender, author of the book "Silent Genocide", Ethan Gutman, in this work and his other analysts, condemns the unjustified repression and persecution of Falun Gong practitioners and supporters (Gutmann, 2010, 2014).

The vast majority of Ukrainian analysts negatively assess non-religious teachings, emphasizing precisely their non-traditional for Ukrainian mentality. Based on this conclusion, researchers claim that new religions have a harmful effect on the religious culture of Ukrainians. Falun Dafa also falls into the cohort of negatively perceived neo-religious movements. Although the logic of reflections on the essence of the doctrine is sometimes based on quite strange arguments. For example, Valentyn Kowalskyi bases his warnings about Falun Gong mainly on a pragmatic approach. He believes that we are dealing with a

dangerous sect that threatens its followers with death and emphasizes that the activities of this sect can lead to deterioration of relations between Ukraine and China. Kovalsky calls on the Ukrainian authorities to realize the harmful influence of Falun Gong on the development of relations between our countries and to ban the activities of the sect (Kovalsky, 2022).

There are many questions for the author. There is nothing about scientific objectivity when assessing the activities of the “sect” from the very beginning of research. Such “accusations” based on a pragmatic interest in economic cooperation with China cause indignation. Guided by such logic, Europeans would not help Ukrainians in their fight against racism, because they would give priority to economically beneficial cooperation with Russia.

The article by I. Grabovska, T. Talko, Sv. Kahamlyk and others “Political ideas of the leaders of the charismatic movement “New Generation” in the context of the formation of post-secular trends in Ukraine” is methodologically significant in terms of identifying extremist and fundamentalist tendencies in neo-religious teachings that are developing in Ukraine (Grabovska et al., 2021). Also worthy of attention is the article by T. Vlasova, I. Grabovska, T. Talko, devoted to the identification of post-secular trends in Ukrainian culture in relation to neo-religious movements (Grabovska et al., 2020). The scientific investigation of domestic scientists regarding the perception of fundamentalist religious ideas by Ukrainian students serves as the basis for highlighting the problem (Grabovska & Talko, 2022).

The analytical intelligence of D. Granov (Granov, 2007), D. Krasnokutskyi (Krasnokutsky, 2012), E. Morozova (Morozova, 2002), K. Tyshchenko (Tyshenko, 2006), V. Petuhova (Petukhov, 2007), O. Petruni (Petrunya, 2012) deserve attention. In general, it is obvious that the Ukrainian segment of Falun Gong research is insufficient and significantly outdated. Among current analysts on this topic, current journalistic intelligence has an advantage.

The purpose of the article is to identify the peculiarities of the influence of Falun Gong on the development of anti-totalitarian tendencies in the religious culture of Ukrainians.

To achieve the goal, the following tasks were identified:

- on the basis of an experiment (testing), to analyze how the ideas of Ukrainian youth about the essence of the neo-religious movement Falun Gong are formed and whether the students are able to single out the semantic field of teaching of Li Hongzhi and critically consider it;
- to investigate what threats to the further development of the Ukrainian community in general are represented by our youth’s assessment of the essence of teachings of Li Hongzhi and the significance of the neo-religious Falun Gong movement for the development of the religious culture of Ukrainians;
- to broaden scientific and purely utilitarian approaches to the neo-religious movement Falun Dafa in modern Ukrainian researches;
- to reveal the influence of the Falun Dafa phenomenon on the development of anti-totalitarian tendencies in the religious culture of Ukrainians and the formation of adequate methods of interaction between neo-religious movements and state institutions.

The subject of the study is the peculiarities of the influence of the neo-religious movement Falun Gong on the development of anti-totalitarian

tendencies in the religious culture of Ukrainians.

Analysis of recent research and publications. Researches in the field of development of the methodology of religious peacemaking in Ukraine have methodological and conceptual significance for our analysis.

Such methodology stems from the experience of reconciling warring parties belonging to different religious traditions. Thanks to this methodology, military chaplains learn to build a dialogue with people who have different religious beliefs and views. In this regard, the remarks of the domestic scientist Yu. Chornomorets seem to be quite valid regarding the fact that today there is a lack of theoretical religious works that would analyze the modern development and achievements of theology from a philosophical standpoint, and develop new methodological strategies (<https://www.religion.in.ua/main/>).

The articles by T. Talko entitled “Neo-religions in Ukraine and the problems of interfaith communication in the context of the educational process” and “The problem of the transformation of religious consciousness of Ukrainians in the context of post-colonial studies” (Talko, 2016, 2017), as well as a monograph by a group of authors entitled “National memory in the conditions of social transformations” (National memory in the conditions of social transformations, 2022) are considered methodologically significant. As a worldview and methodological basis in the analytics, we relied on the article by I. Grabovska and T. Talko “Putinism and its ideological foundations as a problem of modern theoretical discourse in socio-humanitarian studies” (Grabovska & Talko, 2019). The idea formed by the authors of this article about the totalitarian essence of Putinism was deepened thanks to new research by Serhii Grabovskyi about “putinism before putin” (Grabovskyi, 2022).

In addition, the use of scientific methods and, in particular, the method of historicism and comparative method, as well as the methodology of postclassical philosophy and postmodernism provided an opportunity to deepen the analytics and solve the tasks.

A test survey of 198 students of various faculties of Oles Honchar Dnipro National University, in particular the faculty of social sciences and international relations, history, biology and economics, became the experimental basis for processing the problem. The authors of the article report that such testing is not absolutely representative for comprehensive conclusions regarding the stated problem within the borders of Ukraine. However, we believe that the opinions of the students presented below reflect essential approaches and trends in the perception of the neo-religious Falun Gong movement in the youth environment of modern Ukrainian society.

Below are the most revealing works in terms of interpretation of the essence of the Falun Dafa phenomenon by the student audience. For example, Katia B., a student of the philosophy department of the Faculty of Social Sciences and International Relations, writes that neo-religious movements in general and Falun Gong, in particular, are attractive especially to young people, because they arouse curiosity with their exoticism and rejection of tradition. It is a kind of rebellion against ossified religious systems, which are difficult to adapt to the realities of the modern world. Of course, not all non-traditional religions are harmless – there are also totalitarian sects among them. However, it should not be assumed that absolutely all new religious movements are affected by this disease. To be sure, so much of what is usually stubbornly called a sect turns out

to be an extremely peaceful religious current, sometimes even tangibly useful for its followers (from the archive of T. Talko). Political scientist Oleksandr D. believes that non-traditional religions are quite attractive for a person of the 21st century, because they are focused on specific tasks, and usually help an individual to develop not only spiritually, but also physically. The student includes Falun Dafa, yoga, and guruism as such systems. He emphasizes that these neo-religions have very strong social and educational programs. We conclude that people focused on self-development and material goods will make a choice in favor of new religions that are able to satisfy both of these requests (From the archive of T. Talko).

Diana P., a student of the religious studies department, describes her ambivalent attitude towards Falun Gong. The student writes, it turns out, that the founder of the doctrine did not want to talk about his life, and the state, where he lived (the People's Republic of China), found it beneficial to show and tell people what discouraged them from joining his teachings. The student perceived the fact that the supporters of Falun did not mass encourage people to join the movement with the help of speeches, sermons, etc. On the contrary, the founder of the school, Li Hongzhi, avoided people and did not seek public attention. As a positive, the student also noted that the main principle of the movement was accessibility for the community and moral content (from the archive of T. Talko).

With the beginning of the aggressive invasion of racist troops in Ukraine, students associate neo-religious movements with opposition to totalitarian tendencies in the activities of traditional churches.

For example, student Anton V. is interested in new religions, because they can be applied practically and they encourage self-improvement. He believes that going to a traditional church and praying is not as interesting as drawing pentagrams, practicing the occult, doing certain physical exercises, postures, following a certain diet, meditating, and thus exploring and testing your body and spirit. The student concludes that the mysticism and romance of neo-religions is much more attractive than the everyday routine of traditional religiosity for modern youth (from the archive of T. Talko).

Student Taras T. notes that he cannot remain indifferent to the fate of Falun Dafa practitioners after watching documentary "Hard to Believe" (2015) by K. Stone in digital format. The film tells about the forcible removal of organs from living Falun Gong followers. This film caused a shock and became the basis for thinking about the need to protect human rights, and not only in terms of the possibility of freely choosing one's faith, but also preserving life in the face of totalitarianism (from the archive of T. Talko).

Student Hanna P., tracing the reasons why people belong to traditional churches, connected the growth of neo-religious aspirations with Russian aggression and the immoral behaviour of the Orthodox clergy of the Moscow Patriarchate. At the same time, she insisted on the fundamental inability of the Orthodox clergy to make democratic changes in the church itself. And although the newest religions are not rooted at the mental level, and some of them are aggressive and intrusive, such movements seem exotic and attractive to young people. The aggression presented in these practices indicates serious mental problems of the adepts of these movements, who have personal grudges and a thirst for worldwide revenge. Such people look for an innocent victim, and then

shift the blame onto him or her, as supporters of putinism do regard to Ukraine. Propaganda and manipulation are the tools to achieve the goal for them.

The aggressor appears as an idol, so all his actions have an “excuse”. The ideology of the aggressor is the main weapon that produces irreparable and terrible results, both for the one who uses it and for the one against whom it is directed.

Distorted and rewritten history, covering up imperial ambitions and aggressiveness towards neighbours with religion and good goals, controlled information space and lack of freedom allows brainwashed individuals in Russia to be controlled. Terrorists also use aggression as a way of communication. Ignoring social attitudes, they blindly demand their way through murder and destruction. They do not understand and do not accept that other than their views exist and have the right to exist. Trying to build a society on their own terms, aggressors destroy life in general. Madness is the end point of an aggressor (from the archive of T. Talko).

Formulation of the main material. Ukrainian researchers note that non-traditional religiosity originated in the 1950^s and reached its peak in the 1990^s. The rapid development of the popularity of neo-religious cults is associated with globalization, which contributes to the creation of a world economic and cultural-religious unity.

When considering the history of the emergence and existence of Falun Dafa, we should focus on some important points that will make it possible to understand the essence of this movement and the fact that we, the authors, will insist on, namely: Falun Dafa cannot be unequivocally defined as a destructive sectarian entity. Regarding the latter, it should be clarified that in the course of its religious development, mankind has always dealt with sects – groups of fanatics led by a charismatic leader. Sects have developed special methods of attracting followers to their ranks and means of keeping them. Establishing control over a person’s psyche and manipulating their thoughts and behavior, brainwashing and propagandistic imposition of certain religious attitudes, rejection of a critical attitude and the absence of critical analytical thinking brings sectarianism closer to the phenomenon of racism, the ideological basis of which is Putinism and the ideology of the “Russian world”. Sectarianism is based on total control over the life activities of its followers. In contrast to sectarian ideology, free and conscious choice of one’s religion, tolerance of religious beliefs of fellow citizens is the basis of Ukrainian religious culture.

Falun Gong is a new religious movement that emerged in China in the 1990^s. The founder of the teaching is Li Hongzhi, who tried to combine the traditional Chinese gymnastics of Qigong with elements of Taoism, Confucianism and Buddhism. Based on teachings of Li Hongzhi, the “Falun Gong Study Society” arose, which was declared heretical, obscurantist and banned in China on July 22, 1999. Researchers of the Falun Dafa phenomenon emphasize that until 1999, the Chinese authorities were sympathetic to this teaching and practice, perceiving it as a medical system. In 1993, Li Hongzhi (real name Li Lai) received the main award of the Oriental Health Fair in Beijing. By the way, more than 50 qigong schools presented their achievements there. Kateryna Tyshchenko notes that the Chinese State Bureau of Physical Education conducted physical and psychological examinations of 12,553 Falun Gong students in various cities of the country from 1992 to 1999. It was found that in

the period from 2-3 months to 2-3 years of classes, 77,5 % of practitioners were completely cured of their illnesses and another 20,4 % significantly improved their condition (Tyshenko, 2006).

Active criticism of the teachings began in 1997. As a result of accusations of the negative social impact of his teachings and the beginning of persecution, Li Hongzhi left for the United States. Gradually, the movement acquires a political-oppositional character.

In Taiwan and Hong Kong, the ban did not apply and does not apply now, so a large number of Falun Dafa followers emigrated to these regions. The recent aggressive statements of the Chinese authorities regarding Taiwan have greatly alarmed Falun Gong practitioners who have emigrated to this territory.

Since 1994, Li Hongzhi has carried out missionary missions to the USA, Canada, Australia, Europe and other countries in order to spread the teachings outside of China. Currently in New Ark, he continues active preaching and educational activities. It bears fruit. We are not referring to the rate of growth of the number of followers of the Falun Gong movement in the world, they are not high. It is the regional spread and the ever-growing protest sentiments associated with the condemnation of inadequately cruel methods of persecuting practitioners, violations of their civil rights and freedoms by the Chinese authorities. Scientists note that atrocities against Falun Gong practitioners in China are constantly confirmed and condemned by numerous international organizations. In particular, they are in UN reports, numerous resolutions of the US Congress and reports of the US State Department on human rights violations, the human rights report of the European Parliament, the International Federation for the Protection of Human Rights and the World Organization Against Torture, the International Association of Human Rights Organizations, etc. (Tyshenko, 2006).

Currently, the Chinese authorities are trying to create a positive image of the country, which is necessary for carrying out a liberal policy of openness and economic reforms. However, the unjustified large-scale repression of Falun Gong allowed the international community to make sure once again that the totalitarian principles of the Communist Party's interaction with religious communities remained unchanged. In revealing studies about the Communist Party, it is emphasized that the brutal systematic repression of Falun Gong, which covers all layers of Chinese society, has completely dispelled the delusion about the improvement of human rights. Currently, many people are beginning to wonder why such a bloody and insane persecution could have happened in China. Why, after public order restoration after the chaos of the Great Cultural Revolution 20 years ago, the country plunged into this nightmare again? Why is Falun Gong practiced in more than 60 countries of the world, which supports the principle of "Truthfulness-Compassion-Forbearance", subjected to repression only in China and nowhere else in the world? What is the relationship between Jiang Zemin and Chinese Communist Party during these repressions?" (Nine Commentaries on the Communist Party, 2007).

The fact that totalitarianism in many countries of the world continues its attack on the democratic rights of citizens and its largely unjustified struggle against the rights and freedoms of various neo-religious entities is evidenced by the following fact. In a report on freedom of religion presented by US Secretary of State Anthony Blinkin on June 2, 2022, it was said that in relation to the

believers of such religious organizations as Jehovah's Witnesses, the Majlis of the Crimean Tatars, Hizb ut-Tahrir, followers of the Muslim theologian Said Nursi, the Church of Scientology, Falun Gong and numerous evangelical Protestant groups that were recognized as "extremist", the Russian authorities resorted to persecution, detention, imprisonment, torture, physical violence and confiscation of property (radiosvoboda.org). We note that Putin's regime, showing its totalitarian character, harshly persecutes Falun Gong adherents, labeling them "extremists".

Instead, we consider it absolutely necessary to introduce a fundamentally scientific approach to the analysis of the phenomenon and provide recommendations to the authorities only on the basis of the obtained results.

Statement of Li Hongzhi that he is based on responsibility to society and those who learn from him in the whole process of law instruction and teaching Qigong practice (https://uk.falundafa.org/books/ZhuanFalun/zfl_03.htm) testify to a responsible attitude to the moral basis of those ideas and practices that he offers to his followers. Kateryna Tyshchenko emphasizes that despite constant comparisons with the White Brotherhood and other totalitarian sects, it is quite difficult to find their signs in Falun Gong. Practitioners do not leave home, do not make any donations, do not impose their righteousness on others and do not have objects of worship (Tyshenko, 2006).

However, this does not relieve Falun Gong of its shortcomings and certain features that prompt us to treat it with some caution. In particular, sectarian claims, which are inherent in the teachings of Li Hongzhi, can include his messianic claims, which are related to the statements that the author of the teachings came to us to reproduce the fundamental principles of the existence of the universe: truth, goodness, patience, can be attributed to the features of the sectarianism inherent in the teachings of Li Hongzhi. A significant drawback is the fact that millions of Falun Gong followers believe it is right to refuse medical care and be treated with breathing practices.

There are also tragic facts. Individual practitioners committed suicide in an attempt to "start the dharma wheel". They stuck a knife in their stomach and twisted it. Li Hongzhi is also actively accused of opposing the divine to scientific teachings about nature and society, but at the same time he insists on the scientific nature of his teachings. Note that similar accusations can be made against any traditional religion, especially in our time, when many works of Christian theologians have been created about the rationality of faith and the scientific nature of the biblical narrative about the origin of the world, which, however, does not lead to their prohibition. What is certain is that the Christian Church remains an important tool for preserving the national identity of Ukrainians and cultural memory in the conditions of aggression.

However, it is also important that religious affiliation does not determine the completeness and depth of the religious culture of Ukrainians. Sensory perception in combination with an emotional and perception of the world leads to the perception of the fundamental principles of being in combination with the idea of divine omnipresence. An accompanying element of everyday religious consciousness of the average Ukrainian is a mystical attitude that leads to occultism, belief in sorcery and witchcraft.

In periods of crisis, the archaic basis of religious faith comes to life and provokes a significant reformatting of the entire picture of the religious

worldview. Sociology has proven that during periods of crisis, belief in: various prophecies and omens increases significantly (up to 32 %); corruption, evil eye, witchcraft (28 %); extrasensory perception (2 %); astrology (15 %); levitation (4 %); poltergeist and spiritualism (5 %). Falun Gong in Ukraine was registered as a public organization in 2014. Regarding the status of a public organization, researchers of the Falun Dafa phenomenon have questions. Problems arise in connection with whether to perceive this phenomenon only as a health practice or as a religious system. Recognition of the teaching as a neo-religious phenomenon will require another registration and examination. As of August 24, 2022, Falun Gong was active in our country (Public Organization “Falun Gong in Ukraine” – youcontrol.com.ua). The Falun Dafa Information Center in Ukraine constantly reports current news about the activities of followers and points of practice. Before the beginning of the racist aggression, Falun Gong was organizationally represented in the following cities: Kyiv, Kharkiv, Odesa, Dnipro, Kramatorsk, Vinnitsa, Donetsk, Konstantynivka, Lysychansk, Lviv, Lutsk, Rivne, Chervonograd, Poltava, Chernihiv, Cherkasy, Pereiaslav, Bakhmach, Konotop (<https://uk.falundafa.org/>). Mariinsky Park in Kyiv was one of the permanent places where practitioners gathered before the hot phase of the war with Russia.

Ukrainian human rights organizations take care of the fate of Falun Gong followers. Thus, the representatives of Kharkiv human rights group emphasize that the persecution of Falun Gong serves as the CCP's testing laboratory for its tyranny, and the longer it continues, the stronger the threat becomes for all of us. The crimes of Nazism taught humanity a harsh lesson. At that time, Nazism was condemned, the whole world publicly repented that it would no longer allow such a manifestation of evil. Therefore, even now, people of conscience are waking up and uniting in their movement against the inhumane criminals of the Chinese Communist Party (Krasnokutsky, 2012). Opposing aggressive practices and manipulative propaganda attacks used by totalitarian power structures in totalitarian countries is a necessary condition for achieving peace.

Conclusions. As a result of the study, we state:

- to date, the scientific religious community of Ukraine has not achieved yet a satisfactory understanding of the specifics of new religious movements, and, therefore, it is necessary to deepen scientific research both in the entire field of neo-religious teachings and movements in general, and in particular, Falun Gong;

- on the basis of the results of scientific research, develop the correct forms of interaction between society and the state with new religious formations, sects and cults.

Also, summarizing the results of solving the problems posed in our article, we believe that Ukrainian students connect the significance of the neo-religious movement Falun Gong with the process of democratization of our social life and religious culture of Ukrainians.

In general, young people condemn aggressive totalitarian state policies, primarily racist ones, not caring much about researching the theoretical work of the founder of the Falun Gong movement, Li Hongzhi, focusing mainly on the social manifestations of the followers of the teachings. The vast majority of respondents believe that the state should be tolerant towards new movements, and finally create a political strategy based on a well-thought-out legislative and

regulatory framework. During the registration of new religious groups and various organizations, qualified legal and religious expertise must be conducted.

The general conclusion from our intelligence is the statement that anti-totalitarian tendencies in Ukrainian religious culture are fully formed. Evidence of this is the character of the perception of the oriental neo-religious teaching of Li Hongzhi by the community and the peculiarities of the functioning of the Falun Gong movement in Ukraine.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

- Granov, D. (2007) *Falun Gong in Ukraine. Who are they?* Kyiv: Legko Inc., 35 p.
- Gutmann, E. (2010) *The China Conundrum*. The Jewish Policy Center. URL : <https://www.jewishpolicycenter.org/2010/11/30/china-conundrum/>
- Gutmann, E. (2011) *How many harvested?* URL : <https://eastofethan.com>.
- Gutmann, E. (2012) Bitter Harvest: China's 'Organ Donation' Nightmare, *World Affairs Journal*, Vol. 175, No. 2. URL : <https://www.jstor.org/stable/41639005>
- Gutmann, E. (2014) *The Slaughter: Mass Killings, Organ Harvesting and China's Secret Solution to Its Dissident Problem*. URL: <https://www.amazon.com/Slaughter-Killings-Harvesting-Solution-Dissident/dp/161614940X> F. Dafa Information Center in Ukraine. URL : <https://uk.falundafa.org/> [in Ukr.].
- Grabovska, I. & Talko, T. (2022) The influence of religious fundamentalism on the formation of the image of the aggressor in the minds of modern Ukrainian students. In *The Russian-Ukrainian war (2014–2022): historical, political, cultural-educational, religious, economic, and legal aspects*. Riga, Latvia: “Baltija Publishing”, pp. 1350-1357. [in Ukr.].
- Grabovska, I. & Talko, T. (2019) Putinism and its ideological foundations as a problem of modern theoretical discourse in socio-humanitarian studies. *Almanac of the Ukrainian Studies*. Issue 25, pp. 49-54. [in Ukr.].
- Grabovska, I., Talko, T. & Vlasova, T. (2020) “New religions as the postsecular epiphenomenon of globalization in the contemporary Ukrainian society”. *HTS Teologiese Studies*, (2020): 430-435. URL : <https://hts.org.za/index.php/hts/article/view/6455/17337>.
- Grabovska, I., Talko, T., Kahamlyk, S., Honcharenko, M. & Sierova, J. (2021) Political Ideas Presented by Leaders of the “New Generation” Charismatic Movement Regarding the Formation of Postsecular Trends in Ukraine. *Wisdom*, Vol. 17, 1 (2021), pp. 96-110. URL : <https://www.wisdomperiodical.com/index.php/wisdom/issue/current>.
- Grabovskiy, S. (2020) *Putin, Solzhenitsyn and war. The construction of "real Russia" according to the prescriptions of the "Orthodox Ayatollah"*. Nizhyn: PP Lysenko, 36 p. [in Ukr.].
- Hongzhi, L. (2006) *A collection of Sermons on the Law in various places*. Vol. 1-6. URL : <https://uk.falundafa.org/falun-dafa-books.html>.
- Hongzhi, L. (2014) *Falun Dafa. The essence of conscientious improvement*. URL : https://rus.falundafa.org/books/SytYserdnogoSovOne_20141129/SytYserdnogoSovOne.pdf
- Hongzhi, L. *Zhuan Falun. Falun rotation*. URL : https://uk.falundafa.org/books/ZhuanFalun/zfl_03.htm *National memory in the conditions of social transformations*. Kyiv: H.Skovoroda Institute of Philosophy of the National Academy of Sciences of Ukraine, 2022, 296 p. [in Ukr.].
- Kovalsky, V. (2022) *A Chinese sect that brings death operates in Ukraine*. Zhytomyr, Info. URL: https://www.zhitomir.info/news_37688.html.
- Krasnokutsky, D. (2012) *The Persecution of Falun Gong in China*. Kharkiv human rights group, information portal "Human rights in Ukraine". URL : <https://khp.org/1340024781>.
- Morozova, Ye. (2002) *Wellness gymnastics is a remedy for the end of the world*. URL : www.google.com.ua,zn.ua.
- Nine Commentaries on the Communist Party*. Publishing house “The Great Era”, 2007, 254 p.
- Ownby, D. (2010) *Falun Gong and the Future of China*. Oxford University Press, 1st ed., 312 p.
- Penny, B. (2012) *The religion of Falun Gong*. Chicago: University of Chicago Press. URL : <https://www.amazon.com/Religion-Falun-Gong-Benjamin-Penny/dp/0226655016>.

Petukhov, V. (2007) Socio-psychological assessment of the activities of Falun Gong in Ukraine. In *Dmitry Granov. Falun Gong in Ukraine. Who are they?* Kyiv: Legko Inc., pp. 11-17. [in Ukr.].

Petrunya, O. (2012) Prospects for cooperation between China and the EU in the context of a clash of interests in the Eurasian space. In *Actual problems of Europe 1*, Moscow: INION RAN, pp. 115-143. [in russ.]. *Our world is ruled by the specter of communism*. Radio Svoboda, 02.06.2022. URL : <https://www.radiosvoboda.org> [in Ukr.].

Talko, T. (2017) The problem of transformation of the religious consciousness of Ukrainians in the context of post-colonial studies. *Almanac of the Ukrainian Studies*. Issue 20, pp. 55-62. [in Ukr.].

Talko, T. (2016) Neoreligions in Ukraine and problems of interfaith communication in the context of the educational process. *Versus: scientific and theoretical journal*, 1 (8), pp. 72-77. [in Ukr.].

Tyshenko, K. (2006) Falun Dafa or worldview treatment. *Ukrainian truth*. URL : www.google.com.ua, pravda.com.ua.

What does modern theology do? Current conversation about the development of theology in Ukraine and the world. URL: <https://www.religion.in.ua/main/interview/45070-chim-zajmayetsya-novitnya-teologiya-aktualna-rozmova-pro-rozvitok-bogoslovya-v-ukrayini-ta-sviti.html> [in Ukr.].

Ірина ГРАБОВСЬКА, Світлана КАГАМЛИК, Тетяна ТАЛЬКО
ФЕНОМЕН ФАЛУНЬГУН У КОНТЕКСТІ РОЗВИТКУ
АНТИТОТАЛІТАРНИХ ТЕНДЕНЦІЙ У РЕЛІГІЙНІЙ
КУЛЬТУРІ УКРАЇНЦІВ

Анотація. Дослідження феномена Фалунь Дафа у контексті сутнісного протистояння релігійної культури українців агресивній релігійній риторикі рашистського тоталітаризму в умовах війни росії проти України і пов'язаних з нею трансформацій української спільноти є актуальним. У контексті розуміння важливого впливу України на формування нового світового порядку слід уважно приглянутися до нетрадиційних для нашої спільноти релігійних систем, які від 70-х–90-х рр. минулого століття активно поширюються на українських теренах і впливають на розвиток релігійної культури українців та свідомість наших співгромадян. Це набуває важливого значення і з огляду на те, що процес розвитку релігійної культури безпосередньо пов'язаний з виникненням нових символічних систем, які не лише відображають зміни у сфері релігійності, але й впливають на формування нових сенсів суспільного буття.

У ході аналізу було виявлено, що знайомство з китайською культурою через дослідження нетрадиційної релігійної течії Фалуньгун спонукає українських науковців і студентську молодь до визнання існування сильних тоталітарних тенденцій у діяльності китайської влади і Комуністичної партії Китаю. Агресивна політика тоталітарної влади викликає осуд і спонукає до засудження практик переслідування за релігійні переконання. Висновується необхідність протистояння з боку неорелігійних організацій виявам державного тоталітаризму. В умовах воєнного опору рашизму це є підтвердженням необхідності протистояння тоталітарному агресорові.

Акцентується увага на тому, що держава повинна відноситися до нових рухів толерантно, створити політичну стратегію, яка базуватиметься на продуманій законодавчій і нормативно-правовій базі. Під час реєстрації нових релігійних груп та різних утворень повинна проводитися кваліфікована правова і релігієзнавча експертиза.

Можна стверджувати, що антитоталітарні тенденції в українській релігійній культурі є цілком сформованими. Свідченням цього є зокрема і характер сприйняття орієнтального неорелігійного вчення Лі Хунчжі спільнотою і особливості функціонування руху Фалуньгун в Україні.

Ключові слова: релігійна культура, агресор, війна, рашизм, тоталітаризм, фалуньгун, Фалунь Дафа.

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HISTORIOSOPHICAL VIEWS OF I. GIESEL IN THE PUBLICATIONS OF CONTEMPORARY RESEARCHERS

Abstract. *The aim of the research is to analyze the degree of research of the historiosophical ideas of I. Giesel in modern historiography, to define the role and place of these ideas in the sociopolitical thought of the eighteenth century, to determine the relevance of the conceptual provisions of this person in the context of Ukrainian-russian relations.*

The research methodology is based on the principles of historicism, scientific objectivity, a specific historical systematicity, and also the use of general scientific (analysis, synthesis, generalization) methods. While making this study there were applied general historical methods of making a historiographical and terminological analyses, and also the comparativistics method.

The scientific novelty. The author for the first time carried out a comprehensive analysis of modern scientific literature on the study of the views of I. Giesel on the relationship between God and human, on the one hand, and also the state and human, on the other hand. It has been established that modern researchers have not fully covered the role and influence of Giesel's work on Ukrainian-russian relations and the collective memory of both nations.

Conclusions. Modern scholars agree that the historiosophical works of I. Giesel aimed at transforming society on the basis of Christian morality and faith in God. An important role in the implementation of this task should have been played by both sovereigns in state-political area and clergy in the areas of church and morality. At the same time, contemporary authors do not have a single opinion regarding the political views of I. Giesel, his vision of the future of Ukrainian lands and the Giesel's place in the formation of russian historiography and in the formation of russian historical myth.

On the example of I. Giesel, it becomes obvious that the pro-moscow orientation of a significant part of Ukrainians and the phenomenon of "Little russianism", cannot be explained only by russification or mercantile interests. The reasons for the popularity of these ideas lie much deeper and often go beyond the rational. Without an impartial study of these phenomena, it is impossible to find ways of consensus and consolidation of the Ukrainian nation.

Keywords: *historiosophy, historiography, Synopsis, Kyiv-Mohyla Academy, Ukraine, russia.*

Introduction. The turbulent social processes, worldview discussions, and search of a common basis for collective memory in contemporary Ukraine inspire historians to historiosophical rethinking of the past of Ukraine. In recent years, problems of national-religious nature, such as the difficulty of Orthodox-Catholic dialogue and inter-Orthodox conflict over the autocephaly of the

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national church, have become particularly prominent. In this context, work and heritage of a church leader, theologian, and philosopher I. Giesel, whose anthropological and historiographical views have had a significant influence on socio-political, historical and philosophical thought in Ukraine and Russia, are relevant.

The purpose of the article is to find out the exploration degree of the historiosophical ideas of I. Giesel in contemporary historiography (since 1992), as well as to express the author's view on the role and place of works of this thinker in the Ukrainian and Russian socio-political thought of the second half of the 17th century.

Analysis of recent research and publications. Many researchers have turned to the study of the theological, philosophical and historical works of I. Giesel. The problem of his worldview's formation and influence of other people, environment, and socio-political sentiment was of great interest.

First of all, one cannot ignore the personal influence Inokentii's patron and teacher, who also was the peer of Kyiv Metropolitan P. Mohyla. This manifested itself in four aspects: protection of Orthodoxy; openness to Western European influences; a firm belief that the spiritual and moral revival of the Orthodox Church is impossible without the development of modern education; efforts to streamline religious practices and systematize doctrines. Like P. Mohyla, I. Giesel was educated not only in Orthodox but also in Catholic schools. Being acquainted with the Catholic doctrine and Western European culture enabled him to acquire the necessary breadth of worldview, but at the same time maintain his devotion to Orthodoxy.

The high level of I. Giesel's education led to his understanding the need to continue P. Mohyla's policy of the development of Orthodox education in Ukraine. In particular, his efforts were aimed at supporting the Kyiv-Mohyla Academy. Metropolitan of Kyiv P. Mohyla was a consistent defender of the "Russian faith" and a staunch opponent of Catholicism and the Union. However, it did not prevent him from lifting the Orthodox education out of self-isolation from the best achievements of the world science, in which it was, wanting nothing to do with the Catholic world. The new approach made it possible to create according to the Western European model a fundamentally different educational institution, the Kyiv-Mohyla Academy, which has become a model for the science and education of all Eastern Slavs and the entire Orthodox world.

However, Western borrowing was not limited to education. P. Mohyla attempted to introduce parish registers. He, under the influence of the dominant Latin in Europe, first used the civil type in the printing, which was borrowed by Russia in 1724. The desire to regularize and systematize religious practices and doctrines was manifested in the convocation of the Kyiv Orthodox Assembly in 1640. It was supposed to resolve differences and unify church dogmas and canons. The assembly resulted in the adoption of a catechism, dubbed the Orthodox Confession of Faith and translated into several European languages.

Petro Mohyla's Trebnyk (1646) was published for the same purpose. It was intended to purify and protect church ordinances from errors and inconsistencies. The book became the first of its kind in the Eastern Slavic countries. It also contained borrowings from Catholic rites. I. Giesel continued the publishing activity of P. Mohyla, continuing the work of systematizing and conceptualizing the Orthodox doctrine. In particular, under his leadership in

1661 and 1678 Kyiv Patericon was published – a popular collection of stories about the monks of the Kyiv Pechersk Monastery. Undoubtedly, the worldview of the future Archimandrite of the Kyiv Pechersk Lavra and the Rector of the Kyiv-Mohyla Academy, born about 1600, was influenced by the ideas of the Baroque, the Enlightenment and the Reformation. V. Pavlov tried to reveal the influence of the Baroque on the I. Giesel's philosophy (Pavlov, 2007). However, he did this absolutely unconvincingly. He relied only on his own feelings, without confirmation of his discussion theses with specific examples and almost without reference to either sources or other researchers.

The turbulent military and political events of that time also could not but affect the formation of the thinker. Giesel's views were formed against the background of the Thirty Years' War (1618-1648) and the Counter-Reformation (mid-16th – mid-17th centuries). These two events of a pan-European scale were accompanied by an intense feud between the Protestants and the "Papists", as the followers of the Reformation called the Pope's followers. The Protestant origin of the Giesel family influenced the firm anti-Catholic stance of Inokentii, since at that time the confrontation between Protestants and Catholics was no less tense, and the difference in religion was greater than political and theological conflicts between Catholics and Orthodox. Protestants were deeply convinced that the Pope is the epitome of the Antichrist. In the fight against Catholics, Orthodox readily used this thesis.

The fact that young Inokentii converted from Protestantism to Orthodoxy probably also heightened his anti-Catholic sentiment. After all, neophytes are usually more committed to their ideas than those who have been in the Orthodox environment since birth. In addition, the pan-European confrontation between Catholics and Protestants during the Thirty Years' War was immediately changed by another continent-wide event, the Ukrainian National Revolution of 1648 – 1676. B. Khmelnytskyi's uprising grew not only into a national liberation war and the bourgeois revolution, but also became an irreconcilable 28-year religious war between Catholics and Orthodox. Thus, for the Orthodox priesthood (and for Giesel as well), the anti-Catholic position became an existential issue. Therefore, his "spiritual eyes" turned to the Orthodox East.

N. Yakovenko argued that the Moscow tsar seemed to the Kyiv church intellectuals to be the guarantor of stability as opposed to the "elite of Cossack officers enraged by passions", as well as a defender from the Islamic threat. It was these motives that formed the basis for the historical views of I. Giesel and his associates. In addition, the author made the right observation that most "people in the church" sympathized with a strong monarchical power (Yakovenko, 1997).

The article by Z. Kohut is devoted to a comprehensive analysis of the political situation of the 1660^s and 1670^s, on the background of which the text of Synopsis was created. The author has consistently considered the geopolitical situation in the region, the interests of the Ukrainian Orthodox clergy, the mediating role of I. Giesel himself between his own church corporation and Moscow. Finally, Z. Kogut came to the conclusion that the publication of Synopsis was a reaction to the political challenges of the 1660^s and 1670^s (Kogut, 2011).

Formulation of the main material. It is worth noting that a significant part of Orthodox clergy in Ukraine at the time of the Polish-Lithuanian Commonwealth had pro-Moscow sentiments. Their hopes for Moscow

protection were prompted by the fierce pressure of the Polish authorities on the Orthodox Church, which, after the Union of Brest, was outlawed.

Attempts by clerics and Cossacks to achieve the legalization of Orthodoxy have failed for a long time. S. Plokhii noted in this connection: "The Seim's refusal in 1623 to positively address the issue of legalization of the new Orthodox hierarchy ... contributed to the spread of hopelessness concerning the prospects of the Orthodox cause in Kyiv circles" (Plokhyy, 2001). So the question of the very existence of the Orthodox Church in Ukraine was on the agenda.

Harvard University Professor S. Plokhii also noted that in the year of Synopsis publication, Cossack-moscow forces urgently strengthened Kyiv, awaiting a Turkish offensive. At the same time, Poland demanded from moscow to turn the city over, as the Andrus armistice implied. It is with these events that the historian relates the publication of at least six books and pamphlets of the pro-moscow direction in 1674. Therefore, being threatened to fall under the authority of a Catholic king or a Muslim sultan, the Kyiv clergy sought to persuade a coreligionist Orthodox king not to surrender them. It was Synopsis that was called upon to show that "Kyiv is the cradle of the russian dynasty, state, nation and religion", which in no way can be given to foreigners (Plokhyy, 2006).

At the same time, despite political loyalty to the russian tsar, the Ukrainian clergy for a long time fought against the subordination of the Kyiv metropolis to the moscow Patriarch. Ukrainian priests and Orthodox fraternities sympathized with coreligious moscow and pointed to the unity of the origin of the two peoples. Many church hierarchs of the "Greek faith" sought moscow patronage. At the same time, such aspirations were combined with the firm position of the Kyiv metropolitans for the continued subordination of their metropolis to the Patriarchate of Constantinople. Almost all leaders of the Ukrainian church of the 17th century were convinced of this: Job Boretsky (Metropolitan in 1620-1631), Isaiah Kopynsky (1631-1633), Petro Mohyla (1633-1647), Sylvester Kosiv (1647-1657), Dionisii Balaban (1657-1663), Joseph Nelyubovich-Tukalsky (1663-1676), Anthony Vinnytsky (1676-1679), and archbishop Lazar Baranovych, deputy Patriarch. I. Giesel held the same opinion. The situation changed only in 1685 and Metropolitan Hedeon Svyatopolk-Chetvertynskyi recognized the superiority of the moscow Patriarch over his church.

The situation in the Cossack environment was similar. From Hetman D. Baida-Vyshnevetskyi through P. Sahaidachnyi to B. Khmelnytskyi, the Cossacks periodically sent embassies to moscow with assurances of their desire to serve the sovereign there. Although the political orientation of Cossack leaders often changed to diametrical, it still reflected and created appropriate social sentiments that could not but affect individual members of this society. Sympathies with russia were also widespread among Ukrainian burghers.

It may seem a strange contradiction to the political loyalty of the Ukrainian clergy to the russian tsar and active resistance to the moscow Patriarch. However, in fact, there is no dissonance in this position. The transition to the rule of the autocrat was understood as an instrument of preserving the ancient rights and privileges of the Ukrainian people (first of all, the Cossacks) violated by the Polish authorities. Thus, Ukraine's accession to russia was not as an unconditional and complete absorption of the smaller into the larger, but as an incorporation of a territory endowed with special rights and freedoms. It must be admitted that within the russian federation, the Cossack Nation received the

autonomy that in the Polish-Lithuanian Commonwealth Ukrainians could not even dream of, neither before nor after the Liberation War.

The Ukrainian clergy also held similar expectations. The absorption of the Kyiv metropolis by the moscow Patriarchate would mean complete merger and assimilation with it, which eventually happened. The Ukrainian church could only preserve its “rights and freedoms” by remaining a part of the Patriarchate of Constantinople. Therefore, the struggle of the hierarchs of Kyiv for maintaining their autonomy cannot be considered by the hidden anti-moscow “fronde”.

After the accession of the Left Bank and Kyiv to russia, the Ukrainian priesthood maintained its pro-moscow orientation, but some nuances of its outlook and political position became apparent. In particular, Yale University Professor T. Snyder noted that “after Andrusov, Ukrainian clergymen sought to enlist the support of their new sovereign, rewriting the history of Muscovy so as to unite the Church and the state and give dignity to their own position. Their collaboration with the moscow dynasty was linked to the invention of russian history” (Snyder, 2003).

Not all researchers considered the Kyiv-Mohyla Academy to be an independent intellectual unit that could “invent history”, influence peoples, or great powers. In particular, H. Antoniuk argued that in the 19th and first half of the 20th century the research environment was dominated by the view that the Kyiv-Mohyla Academy’s heritage is scholastic, blindly copied from Western samples, detached from the culture of its people and social demands. In support of this thesis, the author quoted I. Franko, who wrote in one of his articles: “Having said the truth, there was nothing to be glorified by that Mohyla college... Neither Mohyla himself... neither Trofymovych and Kosov, nor Giesel and Baranovych were so enlightened people that they could put a new school on new grounds, combine modern requirements with the needs of the Ukrainian people... They were content by mechanical copying an old Jesuit-Polish school template with its scholastic formalism, by filling a memory with empty forms, by complete disregard for life ... by contempt for boyhood and simplicity, by pride for their own scholarship and with claims for income, titles and positions for that seemed like scholarship. Only a few such as the skeptic Feofan Prokopovych were able to... reach a real worldview and influential work – though not to the benefit of Ukraine; most of the students of the Mohyla Academy were stuck ... in dead scholasticism, in complete inactivity of mind and heart, in complete uncritical thought; the Academy was not a source of education and development for Ukraine, but a musty swamp that spread spiritual demoralization, passivity and prostration instead of maintaining the spirit of initiative and criticism ... All heavy books written by members and students of that college in the second half of the 18th century have no literature cost” (Antoniuk, 2013).

In our opinion, I. Franko’s strict assessment of passivity and scholasticism was largely correct. It is significant that the idea of creating one’s own patriarchate was born and realized in moscow. The plans for a united patriarchate for Orthodox and Greek Catholics have been cherished for some time by the Catholic elite of the Polish-Lithuanian Commonwealth. But none of the “mohylians” dared even express the idea of the Kyiv Orthodox patriarchy, which testified to the limited intellectual horizons of the Ukrainian elite. On the other hand, I. Franko’s poor assessment of the intellectual level of the Academy is too categorical and is explained by his anti-clerical and socialist views. After all,

during the 17th– first half of the 18th century Kyiv-Mohyla was the center of cultural life of Ukraine and Russia.

It is difficult to deny the influence of the Academy on the formation of such bright personalities as O. Bezborodko, I. Hryhorovych-Barskyi, A. Vedel, M. Lomonosov, I. Mazepa, P. Orlyk and H. Skovoroda, and the publication of Grammar by M. Smotrytskyi and Synopsis was evidenced by the ability of “mohylians” to create a high-quality intellectual product.

In the context of the chosen problem, the historiosophical views of I. Giesel concentrated in Synopsis (Kyiv Synopsis) first published in 1674 are of interest. Some researchers have questioned Giesel’s authorship of this work. O. Syrtsova denied the opponents’ arguments and insisted that it was I. Giesel who authored Synopsis. To confirm this, she draws attention to the identity of Giesel’s argument with the argument of his another work, the theological-philosophical treatise Prawdziwa Wiara Stara (Syrtsova, 2011).

Without getting into discussion on this issue, we should note that whether he was the author of this work or only its editor, it is doubtless that I. Giesel’s influence as a Rector of the Kyiv-Mohyla Academy (where the work on the book took place) on the ideology of Synopsis became decisive. And more broadly, the history of I. Giesel largely reflected the historical and political views of the Ukrainian Orthodox clergy. On this basis, we have every reason to explore the historiosophy of the thinker through the analysis of the designated historical work.

There are three main evidences of the high intellectual quality of Synopsis. First, it is popular in the Eastern Slavic region, as well as in Bulgaria and Serbia. The book withstood about 30 reprints during the 17th-19th centuries, became the first and main textbook on Russian history until the appearance in 1760 of the Short Russian Chronicle by M. Lomonosov. The book is also mentioned in all contemporary Russian and Ukrainian courses in historiography and source studies. Second, none of the Ukrainian intellectuals could write another fundamental historical work that would represent an alternative concept of Ukrainian or Russian history. Third, historiosophical ideas embedded in the work remain relevant today.

According to P. Magocsi, Synopsis became the most important and influential historical work of its time, being the first attempt “to completely trace the course of history of the Eastern Slavs from ancient times to the 17th century, which, moreover, justified the claims of Muscovy to Kyiv’s heritage”. The historical concept of Synopsis implied that the power of the Moscow rulers originated from the Grand Dukes of Kyiv. Thus, Moscow, as the capital of all Russia, is the natural and legal heir to the “mother of Russian cities”.

It follows that the unification of Cossack Ukraine with Muscovy is a logical process of restoring the unity of Russian lands and unification of the “Slavic-Russian” people in one state. I. Giesel decided to support these theses by the toponymic myth of Mosokh, the sixth son of Japheth, who allegedly founded Moscow. This gave reason to legitimize Mosokh, and through him Moscow as the ancestor and ancestral homeland of Russia, from a biblical and religious point of view. It is also possible to agree with P. Magocsi’s thesis that, through Synopsis, the Orthodox cultural environment of Kyiv “formulated the first comprehensive historical scheme, which subsequently evolved into a Russian imperial vision of Eastern European history – that is, a consistent transfer of the power centers from Kyiv to Vladimir-on-Klyazma then to Moscow and finally to St. Petersburg” (Magocsi, 2007). In Synopsis, a completely new

historical concept was formulated, the quintessence of which, according to N. Yakovenko, is laid out in its very name: “Synopsis or short collection of different chroniclers about the beginning of the slavic-russian people and the original dukes of the prospering city of Kyiv, about the life of the Holy Blessed Grand Duke of Kyiv and All russia, the first autocrat Volodymyr and the heirs of his pious russian state to our noble russian Duke Oleksii Mykhailovych, of all Great and Little, and White Rus autocrat”. The researcher claimed that the authors of the work only briefly mentioned the history of the Kingdom of Galicia–Volhynia and completely ignored the thesis Halych is the second Kyiv traditional for Ukrainian historiography of the 17th century. Right after that, Synopsis details the events in Muscovy and defends moscow’s status as Third Rome. The wars of the second half of the 17th century are interpreted in the context of the return of Kyiv invaded by foreigners to the legitimate authority of the moscow tsar as the heir of the ancient Dukes of Kyiv. N. Yakovenko noted that “looking at the history of Great, Little and White russia as an indivisible dynastic-territorial heritage of the moscow scepter allows the author to assert the existence of a single political body – the russian people with a common historical root and common modernity” (Yakovenko, 1997).

From the point of view of V. Hotsuliak, at the end of 16th – the first half of 17th century in the context of religious and administrative pressure on Orthodoxy by Poland, Ukrainian intellectuals and church leaders (H. Balaban, L. Baranovych, Yu. Boretskyi, M. Kozachynskiy, I. Kopynskiy, S. Yavorskyi, V. Yasynskiy and others) are reviving the myth of a common spiritual heritage, of Little russia as an integral part of Great one, “seeking support in moscow and reminding the moscow tsar of the commonality of faith and spiritual affinity” (Gotsuliak, 2019).

Ukrainian intellectuals, religious and political figures at the end of 17th–18th centuries did not pursue the goals of forming Ukrainian identity. Due to the orientation towards a coreligious moscow, a significant number of Ukrainians were not aware of their national identity at that time. As in previous times, Orthodoxy remained the main factor in ethnic unity. As a result, the national development of Ukraine, its culture, and the state idea was significantly slowed down, and even stopped. Moreover, it is the Ukrainian T. Prokopovych who formulated the principles of russian statehood and russian absolutism in the 18th century. He substantiated the concept of russian absolutism, the realization of which ended with the denial of the very fact of the existence of the Ukrainian state and Ukrainians as a separate ethnos (Gotsuliak, 2019).

Actually, I. Giesel advocated the moscow protectorate over Ukraine, did not recognize the Treaty of Hadiach in 1658, did not approve the activities of Hetman P. Doroshenko. At the same time, he firmly defended the rights and privileges of the Kyiv metropolis, which were justified by the idea of continuity of russian history and the supremacy of kyiv as the political, spiritual and church center of russia (Gotsuliak, 2019). That is, the author or authors of Synopsis have developed a view on the history of the Eastern Slavs as the development of a unified (triune) people centered in Kyiv, whose historical heritage rightfully belongs to moscow and the genealogical right to the Ukrainian and Belarusian lands to the russian tsar. Thus, in the mass consciousness, the myth of Kyiv origin of the russian people was established. In addition, according to S. Plokhii, the concept of “slavic-russian nation used in Synopsis implied much closer affinity of Ruthenians and Muscovites than previously assumed”. This position was “reinforced by an ethnogenological legend which said that all Slavs and

Slavic russians, in particular, descended from the biblical Meshech (“Mosokh” in the East Slavic tradition), the son of Japheth, and the “forefather” of the moscow nation (“moscow-people”) and all “Slavic russians” (Plokhyy, 2006). K. Kysliuk distinguished two branches in the Cossack officers’ historiosophy: “Great russian” (Synopsis – Chronicles of Eyewitness – Chronicle Narrative about Little russia and its People by O. Rigelman – History of Little russia by D. Bantysh-Kamenskyi) and “Ukrainian-russian” (Chronicle of S. Velychko – Chronicle of H. Hrabianka – History of russians – History of Little russia by M. Markevych). There was a significant gap between these two branches, which was formed by the difference in views regarding the degree of detachment of Ukrainian history – from the idea about russia’s “restitution” of its “coreligious” part to the claim about “Ukrainian autocracy”, the voluntary reunification with Moscow and the equality of partnership with it (Kysliuk, 2008).

According to the author, the “Great russian” branch was started by Synopsis of I. Giesel and substantially resonated with the then official moscow historiography, especially in the part of the inheritance of the concepts “Mosoch-moscow” and “royal City of moscow”, as well as the legend of receiving royalties from Constantinople (Kysliuk, 2008). However, Z. Kohut insisted that the work was not created as “all-russian” grand narrative, written for the tsar or at his request. Synopsis merely provided the historical and ideological bases of the political program of the Kyiv Pechersk Lavra, which was actively implemented by its archimandrite I. Giesel (Kogut, 2011).

O. Syrtsova also denied the thesis about the pro-moscow nature of Synopsis “because of the emphasized alternative to the efforts of moscow Patriarchs to take over the hierarchy over the Metropolitanate of Kyiv and Lavra”. Another manifestation that there as no pro-moscow orientation of the Ukrainian clergy, O. Syrtsova, considers the initial refusal of the Kyiv hierarchs, led by Metropolitan S. Kosov, to swear allegiance to the russian tsar on January, 18, 1654, after the Treaty of Pereyaslav. Although the swear took place the following day, a mission to Moscow in July of the same year by an embassy headed by I. Giesel to confirm the liberty of the Metropolis of Kyiv testified to the desire of the clergy to preserve church self-government. According to O. Syrtsova the idea of Volodymyr’s autocracy as an ideal form for the prosperity of Orthodoxy is equally essential to understanding the general orientation of Synopsis. The text refers to “glorious Kyiv autocracy”, “autocratic kingdom”, “Orthodox tsars”, “highly state reign of Orthodox autocrat” of “all Great and Little and White russia’s autocrat”, but never to “moscow autocracy”.

According to such ideology, “Synopsis” could not also be “pro-Hetman”, since the elective Hetman’s rule did not meet the monarchical ideals of the author. This is why O. Syrtsova explains the neglect or insignificant attention to the Cossacks, Khmelnytskyi and Hetman in Synopsis of 1674. In her view, such a double suspension from Moscow and Chyhyryn could not be acceptable for either the moscow or the Cossack officers (Syrtsova, 2011). Not only historiosophical works but also publications of anthropological nature came from the pen of I. Giesel. His theological and philosophical works developed Christian ideas about the interconnection of man and God, interpersonal relations, the inner world of man. The views of the thinker are concentrated in the writings On True Faith, Old Faith, Peace with God to Man. N. Priadko devoted her thesis to the reconstruction of Giesel’s worldview in context of God-

world-man paradigm, the study of the moral and ethical aspect of the religious-philosophical doctrine of I. Giesel, the analysis of the basic criteria for the formation of the ontological status of man in the religious and philosophical reflection of clergyman. According to her fair conviction, the anthropological doctrine of Giesel was formed on the basis of a synthesis of the Ukrainian spiritual tradition and Western European humanist philosophy. At the same time, one cannot disagree with the thesis of the researcher that “in the philosophy of Giesel, pantheistic and deistic elements, which were inherent in the interpretation of the relation between God and nature, man and the universe, become dominant”. After all, for a Christian, and even more, church minister, pantheism and deism are absolutely unacceptable in terms of church teachings. Their violations in the field of doctrine would inevitably lead to dismissal and excommunication (Priadko, 2005).

V. Hotsuliak carried out a detailed analysis of the clergyman’s work in his thesis. The author emphasized that for Giesel, the knowledge of man by himself was more important than the knowledge of the world around him. This self-knowledge is a way to approach to God, a way of finding God in one’s soul. According to Giesel, the contradictory place of man in the world is determined by the fact that his existence is connected with different kinds of values – simple, generated by the body (“earthly bread”) and higher – spiritual, which are determined by Scripture or Holy Tradition. Man must constantly decide what values are of priority. In accordance with Christian doctrine, a man is endowed with the ability to judge good and evil, interpret God’s commandments and church ordinances at his own discretion, and has the will to implement them in his life.

One of the main anthropological works of Giesel was the treatise *Peace with God to Man*. Its purpose was to develop such moral principles on the basis of which the society of that time could function and develop. Explaining the basic Christian principles, I. Giesel called for common sense. For example, when it comes to observance of strict fasting for hard-working people, punishing those who have committed a crime of fear of starvation, and the like. Similarly, murder to defense one’s life cannot be considered a sin. The author sought to draw the attention of the authorities to the need to combat evil. The main criterion of good and evil is the conscience of man, and the main basis of human activity I. Giesel considered the principle of common good. It is on his achievements that the rulers should direct their efforts on. He criticized the powerful for their abuse: deceiving ordinary people, lawmaking not for the common good, but for their own enrichment. He saw the role of the clergy in the care of the education of people and the eradication of moral defects. At the same time, clergymen should not interfere in secular affairs, strive for power or for secular benefits. After writing the treatise *Peace with God to Man* was sent to moscow’s Tsar Oleksii Mykhailovych, but soon the book was forbidden and condemned as heretical. Finally, V. Hotsuliak concluded that “the theory of I. Giesel is imbued with the ideas of Christian humanism and morality. The clergyman focused his efforts on improving a man, on making him better, instilling in him self-belief, and through him improve the state of Ukrainian society as a whole” (Gotsuliak, 2019).

Conclusions. Summarizing the analysis of the historiosophical view of I. Giesel in the works of modern researchers, we note that the written heritage of the thinker has aroused the interest of many scholars. The analysis of his ideas is devoted to scientific articles, sections of monographs, PhD and doctoral theses. In

general, the life and work of I. Giesel have been researched at the proper level. However, a generalized view of his role and place in the socio-political thought of Ukraine and Russia in the second half of the 17th century, as well as the influence of his ideas on contemporary Ukrainian-Russian relations, are still not fully enlightened. In our opinion, the publications of I. Giesel of anthropological and historiosophical nature were intended to improve the Ukrainian society contemporary to the thinker on the basis of Christian morality and belief in God. At the same time, both secular rulers in the state-political sphere and clergymen in the spheres of church and morality had an important role in the realization of this task. Turning to the analysis of the main historical work of Giesel, it should be noted that it is not possible to establish the true motives for the creation and publication of Synopsis. Due to the lack of sources, we cannot determine exactly what the creative and political idea of the book was. In view of this, it is not important whether Synopsis was created as a Russian historical myth or became just a political manifesto of the Kyiv Pechersk Lavra. The main thing is what Synopsis actually was. The work became the first textbook on the history of Russia and retained this status for almost the whole 18th century. And the most important: the historiosophical views of I. Giesel were the basis of Russian historiosophy. In addition to the idea of a triune Russian people, Synopsis has become a source of popularization and other historiosophic concepts: Moscow is the third Rome; Kyiv is the second Jerusalem; ancient Russian nationality; “Little Russian” identity. Synopsis not only promoted these ideas, it also confirmed their already existing popularity. The relevance of the work is not lost. It is evidenced by the fact that today millions of people and influential elite groups in different countries of the world are under the influence of these ideologemes.

Undoubtedly, the views of I. Giesel and a large part of the Ukrainian Orthodox clergy were pro-Moscow. It is obvious that Synopsis and the ideas contained therein encourage a thorough scientific study and explanation of such related phenomena as “pro-Moscow orientation of Ukrainians”, “Little Russianism”, “the influence of the Russian language, history and culture on Ukraine”. In our view, the spread of ideas of unity with other East Slavic peoples in the 17th century was not only related to the pressure of difficult external circumstances. The pro-Moscow orientation of part of Ukrainian society is recorded by sources from the times of the Grand Duchy of Lithuania to the present. It cannot be explained only by Russification, lack of information or mercantile interests. The reasons for the popularity of these ideas lie much deeper and often go beyond the rational. Without realizing this long-lasting and complex phenomenon, it is impossible to find ways of sustainable national consensus and consolidation of the Ukrainian nation.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

- Antoniuk, G. (2013). “Osvitnia praktyka Kyievo-Mogylianskoï akademii v konteksti zakhidnoievropeiskogo skholastychnogo dyskursu” [Educational practice of the Kyiv-Mohyla Academy in the context of Western European scholastic discourse]. *Pedagogika i psikhologiya profesynnoi osvity* [Pedagogics and Psychology in Higher Education], 2, 189–199. [in Ukr.].
- Gotsuliak, V. (2019). “Teoretyko-metodologichne osmyslennia suspilno-politychnoi dumky ranniomodernoi Ukrainy” [Theoretical and methodological understanding of socio-political thought of early modern Ukraine] (*Doctor’s thesis*). Kyiv. [in Ukr.].
- Kysliuk, K. (2008). *Istoriiosofiia v ukrainskii kulturi: vid kontseptu do kontseptsii*

- [Historiosophy in Ukrainian culture: from concept to concept]. Kharkiv: KhDAK, 288 p. [in Ukr.].
- Kogut, Z. (2011). Vplyv polityky na Inokentiiia Gizelia ta vydannia kyivskogo Synopsysu: nove osmyslennia [The Influence of Politics on Inokentiy Giesel and the Publication of the Kyiv Synopsis: A New Understanding]. In *Inokentiy Gisel. Vybrani tvory v 3-kh tomakh. T. 3: Doslidzhennia ta materialy* (pp. 9–30). Kyiv–Lviv: Svichado. [in Ukr.].
- Magocsi, P. (2007). *Istoriia Ukrainy* [History of Ukraine]. Kyiv: Krytyka, 639 p. [in Ukr.].
- Pavlov, V. (2007). Barochnye motivy v filosofii Innokentiiia Gizelya [Baroque motifs in the philosophy of Inokentiy Giesel]. In *Chelovek v kulture russkogo barokko: sbornik statey po materialam mezhdunarodnoy konferentsii*, IF RAN, pp. 216–224.
- Plokhyy, S. (2001). *The Cossacks and Religion in Early Modern Ukraine*. Oxford: Oxford University Press, 401 p. [in English] doi: 10.1093/acprof:oso/9780199247394.001.0001.
- Plokhyy, S. (2006). *The Origins of the Slavic Nations Premodern Identities in Russia, Ukraine and Belarus*. Cambridge: Cambridge University Press, 379 p. doi: 10.1017/CBO9780511496837.
- Priadko, N. (2005). “Liudyna u konteksti religiyno-filosofskoi refleksii I. Gizelia” [Human in the context of religious and philosophical reflection of I. Giesel] (Extended abstract of Candidate’s thesis). Kyiv. [in Ukr.].
- Snyder, T. (2003). *The Reconstruction of Nations. Poland, Ukraine, Lithuania, Belarus, 1569–1999*. New Haven: Yale University Press, 367 p.
- Syrtsova, O. (2011) “Tekstologiiia ta istoriosofiiia Synopsysu Inokentiiia Gizelia v argumentatsii avtorskoi identychnosti tvorcu” [Textology and historiosophy of Synopsis by Inokentii Giesel in the argumentation of the author's identity of the work]. *Kyivska Akademiia [Kyiv Academy]*, 9, 78–86. [in Ukr.].
- Yakovenko, N. (1997). *Narys istorii Ukrainy z naydavnishykh chasiv do kintsia XVIII stolittia* [Essay on the history of Ukraine from ancient times to the end of the 18th century]. Kyiv: Geneza, 312 p. [in Ukr.].

Микола СЛОБОДЯНЮК

ІСТОРИОСОФСЬКІ ПОГЛЯДИ І. ГІЗЕЛЯ У ПРАЦЯХ СУЧАСНИХ ДОСЛІДНИКІВ

Анотація. Мета дослідження – проаналізувати ступінь дослідженості історіософських ідей І. Гізеля в сучасній історіографії, встановити роль і місце цих ідей в суспільно-політичній думці XVII ст., визначити актуальність концептуальних положень цього мислителя в контексті україно-російських відносин. *Методологія дослідження* ґрунтується на принципах історизму, системності, науковості, об’єктивності, а також на використанні загальнонаукових (аналіз, синтез, узагальнення) методів. При проведенні цього дослідження були застосовані загальноісторичні методи історіографічного, порівняльного, термінологічного аналізів. *Наукова новизна.* Автором вперше проведено комплексний аналіз сучасної наукової літератури, присвяченої дослідженню поглядів І. Гізеля на взаємини Бога і людини, з одного боку, а також держави і людини, з іншого боку. Встановлено, що сучасними дослідниками не повною мірою висвітлені роль і вплив творчості І. Гізеля на україно-російські відносини і колективну пам’ять обох народів.

Висновки. Сучасні дослідники сходяться на думці, що історіософські праці І. Гізеля мали на меті перетворення суспільства на основі християнської моралі та віри в Бога. Важливу роль в реалізації цього завдання повинні були грати як світські володарі в сфері державно-політичній, так і священнослужителі в сферах церковній і моральній. У той же час, у сучасних авторів немає єдиної думки щодо політичних поглядів І. Гізеля, його бачення майбутнього українських земель і місця мислителя у становленні російської історіографії і в формуванні російського історичного міфу. На прикладі І. Гізеля стає очевидним, що промосковську орієнтацію значної частини українців і феномен малоросійства не можна пояснити виключно русифікацією або меркантильними інтересами. Причини популярності цих ідей лежать значно глибше і часто виходять за межі раціонального. Без неупередженого вивчення цих явищ неможливо знайти шляхи консенсусу та консолідації української нації.

Ключові слова: історіософія, історіографія, Синопис, Києво-Могилянська академія, Україна, росія.

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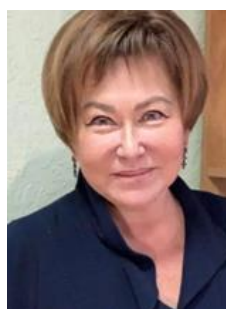
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THE HISTORY OF WAR SURVIVAL CULTURE AND THE ART OF VICTORY

Abstract. The article considers the problems of the methodology of providing psychological assistance in conditions of war from the socio-cultural point of view. The main task of the study is to analyze the culture of using psychological techniques in wartime and detailing the necessary assistance for psychological trauma.

The study highlights the achievements of the team of specialists of the Lviv regional branch of the Society of Psychologists of Ukraine together with the Department of Psychology, Psychological Service of Lviv National University named after Ivan Franko, colleagues from Kharkiv National University named after GS Frying pans and Dnipropetrovsk State University of Internal Affairs.

The article unifies and develops the advice of experts. The authors try to overcome the fear of war with a sense of faith in victory, regulation of information flows of news, filling themselves with positive, prayer, healthy lifestyle (water balance, sports, physical activity, physical labor, vitaminization, sleep normalization). The second way is to provide psychological

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support, help others, develop a sense of humor, playing techniques, peace slogans, planning for the future. The article argues that spirituality, as an integrative quality, is one of the most fundamental characteristics of the individual as an open system.

It is a complex mental phenomenon, a manifestation of the inner world of man, the energy information structure of the individual. Spirituality is a specific personality trait in meeting two fundamental needs: the ideal need for knowledge and the social need to live and function for others. Under the spiritual formation of the individual means the acquisition of spiritual values, religious consciousness and self-consciousness of the individual; development of her spiritual priorities; substantiation of the system of values that should form the basis of life in order to come to the forefront of the whole process of life. The sources of spirituality are science, culture, religion and art. The experience of spiritual education is summarized, its growing importance in Ukrainian society within the framework of a holistic system of spiritual formation of human personality on the example of students.

Keywords: war, peace, victory, faith, willpower, method of neurolinguistic programming, psychological trauma, psychological help.

Introduction. During these difficult times, the work of psychologists and psychotherapists is needed more than ever and will be needed even more in future. Our colleagues experienced in dealing with various traumatic and crisis situations from all over the world are now coming to help us.

The team of the Lviv Regional Branch of the Psychologists Association of Ukraine, headed by Deputy Dean for Scientific Work of the Philosophy Faculty, Doctor of Psychology, Professor of Theory and History of Political Science at Ivan Franko National University of Lviv Nataliya Zhyhaylo together with colleagues from H. S. Skovoroda Kharkiv National Pedagogical University (T. Khomulenko, B. Khomulenko) and Dnipropetrovsk State University of Internal Affairs (O. Sheviakov) with the participation of famous psychotherapists from the USA, Europe, New Zealand (R. Dilts, J. Delosier, R. Bolsteda, M. Rouge, K. Progaska, Teresa Sianciolo, Steven Gilligan, Susy Smith) developed useful psychological techniques during wartime and detailed the necessary assistance for psychological traumas.

Analysis of recent research and publications. Expert advice has been unified and supplemented by us, said the University professor N. Zhyhaylo. “We believe that replacing fear with faith in victory will help to overcome this feeling. It is significant to take informational breaks from reading the news, and instead fill yourself with happiness, prayer and remember to drink plenty of water. It is also important to keep your body in shape: exercise, do any kind of physical activity, spend 70 minutes walking every day, and doctors recommend taking vitamin C”.

Make efforts to sleep balanced because only sleeping restores emotions. In addition, we provide informational support, help others with humour and play, hug – it adds confidence, smile – it heals, make plans for the future and say many peace slogans: “God”, “Love”, “Victory”, “Peace”, “Thank you”, “Glory to Ukraine! Glory to the heroes!” (Ryzhak, 2009).

There are also clear, specific, step-by-step guidelines for recovering (according to S. Jacobson). The following basic questions need to be answered: “What happened?”, “What do you need?”, “What are you planning?”. The main filters are removal, distortion, generalization. During dangerous times, you should be able to like a coach-focused and mobilized. Try to return to the “learning state of mind” – the state in which you were resourceful – to inspire. You can shift to this state with the help of verbal code, for example, “everything will be fine”, “everything is fine” and so on (Murray, 2010).

Another block of advice (from Michel Rouge) concerns how to cope with trauma, how to help yourself and others. The basis of the explanation is the “hero's path” on the example of John McCain, a famous politician and public figure who at one time was a prisoner of war. Three things helped him to survive: faith in God; self-belief; faith in your country. The operational meaning of faith is to believe in something outside you, in what supports you, to trust the result of which there is no result yet. Ways out: take an oath to yourself; take intentions; take concrete steps. It is necessary to learn how to move from the state of crash (stress) to the state of the coach (concentration) with the help of visual exercises, contact with what is around, concentration on the object. It is important to find the center in itself – grounding (Khomulenko, Kuznetsov, 2019).

The resources for this are higher forces, the memory of our ancestors, Ukrainian culture, society, internal dialogue (“I”, something unique in me). After that, according to experts, there comes an internal state of rest. Experts also highlighted practical recommendations for reassurance. The sympathetic nervous system helps to survive, escape from danger, and parasympathetic helps to relax. You need to do breathing exercises, yawn, laugh, move; do qigong and tai-chi exercises, engage in body-oriented psychotherapy, normalize sleep.

The set of practical exercises formed by Kimberly Progaska explains what interesting educational cases can be distinguished to improve your psychological state. For example, “the war of all” cured “of Covid”. Experts also point out that adolescents and children are most difficult to deal with trauma, but each of us is characterized by cognitive errors, including the idea that nothing will recover. But we must remember: there is always hope and faith that everything will be fine. “Using the experience of successful strategies of the past will be useful for us to build future strategies, and the most healing force – the strength of human relationships”, – explained experts.

Methods of neuro-linguistic programming, some practices of working with oneself, key mistakes in conditions of war, ways of transition from a state of fall to a state of elevation were formulated by psychologist B. Khomulenko (Kuznetsov, Khomulenko & Fomenko, 2018). “In extreme conditions, we abandon the usual way of life, as a result of which the mind emerges from a state of basic balance. Therefore, it is important to return to our usual daily routine. Humor in war is very important, and equally important – to help what we can help. All this creates a background emotional balance. To carry out information support (even if it is for self-aspiration), to find their key actions, to build plans for the future – all these steps contribute to the production of the hormone of happiness (dopamine)”, B. Khomulenko explains. Also, the specialist adds that in difficult conditions, those people who have existing meanings survive (Cooke, Melchert & Connor, 2016), energy is given to the meaning. “It is also important to overcome the inner evil in ourselves. And there is also an interesting fact – in the state of war, people rarely get sick”, Boryslav Khomulenko stressed.

PhD specialist in neuropsychology, behaviorist, author of methodological developments on innovative approaches to working with people with RAS, Down syndrome, intellectual development disorders and behavior Teresa Sianciolo shared her experience working with children with special needs in conditions of war. “During the war, we continue to worry about our children, to do routine work. Children with special needs need special attention. They need visual stimuli and signals. They are sensitive to the emotional state of their

parents – mirror it. A safe place for such a child on the floor in the corner. It is important to hug, cover with kotsyk, take hands, train a sense of security. Analyze what actions the child performs on the repeat (for example, playing the gadget). The gadget performs a calming function, although protection as it is not, but the child has a switch of attention”, the expert explains (Fomenko, 2020).

According to her, it is also important to repeat the phrase that will fulfill the role of the mantra: “we are a family”, “we are safe”. Repeat it every time equally so that it circulates in the child's brain. “The child must have his duty, for example, to bring water, to make sure that the grandmother drinks the medicine. This will protect her from chaotic actions. It is also important to apply any form of activity, take into account the individual characteristics of the child”, – said Teresa Sianciolo and emphasized that the experience of working with children with special needs can be useful for all children.

The purpose of the article is to analyze the sources, to characterize the modern interpretation of the theory of survival and victory during the war, not only in the psychological and pedagogical, but also in the cultural and philosophical aspect. Realizing the purpose of the study, it is necessary to solve the following tasks: to update the essential features of the history of the culture of survival in the psychological sense; consider the art of victory from the standpoint of the theory of methods of pedagogy and psychology.

Formulation of the main material. Basic research methods include historical and comparative methods, methods of generalization and interpretation of the findings of different authors, retrospective and comparative analysis.

Practical recommendations of experts to help. The great American psychologist and psychotherapist – a follower of M. Erickson – Stephen Gilligan believes that if we want to help someone with trauma, we need to start with ourselves, with our own state.

Five steps that help healing: gather your attention in one point in yourself; remember your values, your goal, your positive intentions; tune in, connect with your breath, meditate, pray; think about what I can do.

The scholar gives examples of people who survived the war: a priest who in due course endured the wounded – for him it was an experience of spiritual transition; the doctor who worked on the front, developed the idea of a placebo (there was not enough painkiller, so the wounded gave water with salt and said it was morphine, and it acted as an anesthetic). All these are mechanisms for connecting with life (Sizov, Slavskaya & Alforov, 2022).

With strong tension of the victim, it is possible to unlock it through communication with someone else; a loved one; ancestors; with someone she sympathizes with. Try to feel grounded and connected to positive memories, perhaps from childhood. This is an example of a simple and strong resource that will help to heal.

We are looking for a connection with the positive in the past, present and future. Trauma destroys all positive states, however, you need to draw from the references to the pleasant moments of life (Shevchenko et. al., 2020). Olena Blynova recommends: “Never look the enemy in the eye”. Never cling to the problem, because this is the right way to become a problem yourself. It is important to believe: “I will win”, “I can” (Blynova, Holovkova & Sheviakov, 2018).

An interesting case: the former Prime Minister of Israel Golda Meier was asked who she consulted in a problematic situation. She replied: with grandmother (who is no longer) and granddaughter (who is not yet). That is, the connection with the past present and the future will help us to pass through all the complexities of life. The main message of N. Yevdokymova: “There is power inside a man who is bigger and deeper than pain! Dear Speaker, he expressed admiration for the unity of our people and the example of heroism!” (Yevdokymova, 2019).

The experience of psychologists and psychotherapists in conditions of war was shared by Susie Smith, who told how to use the brain in stressful situations; shared the most working and simple tools. To reduce the level of stress is possible by: breathing squared for a minute; move your toes; name 5 things that surround; 4 things we hear; 3 things that can be felt to the touch; 2 things that can be sniffed; 1 thing we taste.

Technique 6 seconds: smile and thereby break the bond with stress inside. Claim to myself: “my mind is watchful, but the body is relaxed”. Breathe deep. This technique can be used for children – their attention and educational process are improved; while driving the car; when the heart rate is accelerated, etc.

“There is almost no good news on TV, so most of us are stressed by watching the news”, the Speaker rightly noted. Therefore, “watching TV, immediately use this technique”. There is stress on a certain tone of voice. A simple way to get rid of insomnia (when thinking in your head) you need to say in a command voice: “stop!” (add a “stop” sign in your imagination), breathe deeply, and say to yourself, “I will cope with everything”. Guiding your eyes around the circle is one of the techniques of getting rid of obsessive thoughts. The rule of eight, splitting injury and other important techniques was presented by dear Susie Smith. Each technique should be repeated 12, 24, 36 times (Shevchenko, 2020).

Psychologist and psychotherapist A. Geezer believes that when you are surrounded by people full of pessimism and fear, you quickly become the same. Conversely, it is necessary to activate positive emotions to get out of fear. The specialist taught to work with energy; clean your energy field; manage your inner spirit; strengthen your immune system; direct your energy to family, friends, those you love. In particular, a magnet technique was presented, which can be used to cleanse negative energy and attract positive energy. As part of the report, the specialist provided valuable recommendations and techniques for restoring the inner state of man, in particular, an interesting technique “lake”.

Richard Bolsted from New Zealand continued to share his experience as a psychotherapist in dealing with the trauma of war. He presented the process of healing an injury using the technique of rapid eye movement (it has been scientifically proven that this technique works at the DNA level). Expectant children are born with a protective response to stress, and this technique can be used for air alarms and bombings as first aid. According to the expert, resilience (stress resistance) is an important value.

The way our brain perceives an event is more complex than the event itself. Richard Bolstead gave an interesting example of a mouse that a girl presented to a boy during a meeting. On this basis, he developed a phobia. And although the mouse never harmed him, the same processes took place in the cerebral cortex as during the threat to life. The importance of “cinema” technique is emphasized.

Havening technique (safety zone) is very effective for post-traumatic stress disorder and allows us to consolidate our own stress and emotional sphere, helps our intelligent brain to make decisions again, to relax. In this process we use stroking movements (face, shoulders, palms) and mental exercises (counting, chanting, others). In conclusion, we repeat the phrases: “I am safe”, “Inner peace”, “Peace”. At the same time serotonin, oxytocin is released, which reduces tension and increases the feeling of security. Hugs, by the way, perform the same function. This technique works quickly, easily and efficiently.

Another experience with psychotrauma came from psychologist B. Khomulenko (Kharkiv). The scientist suggested Erickson’s hypnosis in working with PTSD. Post-traumatic stress disorder is a complex mental condition that occurs as a result of trauma. The experience of hypnotherapy is the same – artificial false therapy for a positive result. Erickson’s Hypnotherapy is a psychotherapeutic approach that uses hypnotic trance to help the patient use their own mental associations, memories and life potential to achieve their therapeutic goals. Hypnosis is an altered state of consciousness, similar to sleep. This is a fixation of attention on comfortable associations.

There are many types of trance. There are countries where this method is used even during surgery. It can be used during hostilities; it can relieve pain shock from injuries, shelling, etc. There are clear, step-by-step guidelines for entering a trance. It is important to find out what the patient likes to do when he is well (cycling, playing the guitar). Ability to refocus from a state of pain and suffering to a state of positivity; the ability to avoid sharp corners to achieve balance – the art of hypnotherapy.

American psychotherapist Brian van der Horst shared his experience of working with trauma during the war. The speaker stressed the values that help to survive in difficult conditions. “The secret of my peace of mind is that I could control all the dangerous moments I was in (for example, deep jumps)”, says the expert. The war is a bit different: you need to develop a security strategy, fill the space with employment, you can even write articles. It feels like we’re in control. It is also important to discuss values with others. “Worse is behind us” – the first reassurance. It is not right to say, “You will not die”, to say, “You will live; you will feel good and calm”, said the expert. And we need to make plans for the future: for a few days, weeks, years – these are the factors that bring victory closer. Also during the discussion interesting cases, typical examples, ways out were discussed. According to scientific research, highly spiritual individuals more easily overcome stress, fear, feelings of danger.

That is why we have proposed a holistic program of spiritual development of the individual. Spiritual development of the person was important to mankind in all times and ages. In our time, the spirituality of the individual gains special values. Indeed, without a spiritual rebirth and renewal, the return of spirituality in the souls of men, it is impossible to speak about the revival our society, its conformity with the norms of civilized existence, the legal and real guarantees of rights and freedoms, which are priority throughout the civilized world.

Spiritual development is a long and difficult way to improvement. It awakens abilities, raises consciousness to a new level, strongly transformerait orientation of the personality, which begins to function in new dimensions.

Youth as subject and object of spiritual culture, to their advantage, values, orientations, needs, actions reflects the level of spiritual culture the society in

which she lives. At the same time adaptation to the spiritual culture develops spiritual needs, forms of intellectual and aesthetic interests the person reflects the inner wealth, the measure of spiritual maturity, that is, level personal qualities, which is called spirituality. The issue of spirituality the subject of many studies, in particular foreign scientists and modern domestic authors (Makselon, 1998; Maksymenko, 2006; Ball, 2005; Moskalets, 2004; Savchyn, 2001, 2009; Zhyhaylo, 2008; Pomytkin, 2005).

At all times gave large value of spirituality; researchers considered that a concept “spirituality” is to the derivatives from a word “spirit”, that means movable air breathing of breathing, transmitter of life. According to the teachings of many experts, spirituality is general cultural phenomenon that encompasses not only the abstract theoretical values and ideals, but also acts according to conscience, truth, and beauty. In modern Ukrainian psychology the study of spirituality is in the following key directions: philosophical and religious, the subject of which is spirituality as perfection of faith in supernatural forces (Shevchenko, 2020) culturological, in the context of which spirituality appears as a way of self-construction of the person within the cultural world through self-determination and self-direction person involves not only knowledge but also feelings, interpretation of reality, the ability to empathy (Moskalets, 2004); socio-psychological, in which spirituality is regarded as a multidimensional socio-historical phenomenon, specificity manifestations which are due to the uniqueness of world history as a polycentric education (Maksymenko, 2007).

Determination of psychological patterns and mechanisms of spiritual formation and implementation of the individual student youth involved solving the following tasks:

1. To carry out a theoretical and methodological analysis of the problem of spiritual formation and realization of personality.
2. To develop a model of spirituality of the individual.
3. To offer a system of psychological and pedagogical exercises aimed at promoting the spiritual development of student youth.
4. To develop and test the program of spiritual formation and realization of the personality of youth.

Trying to achieve the specified purpose and to fulfill the objectives of the study, we proceeded from the fact that spirituality as an integrative quality of personality, is one of the most fundamental personality characteristics as an open system. In our opinion, spirituality is a compound mental phenomenon; the manifestation of inner world of a person; energy-informational structure of the individual rich on the attributes it possesses. Spirituality is specific features of the personality of the two fundamental needs: the ideal need for knowledge and the social need to live and function for others.

Under the *spiritual formation of personality*, we mean the acquisition of spiritual values, religious consciousness and self-consciousness of the individual; the development of his spiritual priorities; substantiation (reasoning) of the system of values that should form the basis of life, to to come to the forefront of the whole process of activity. The sources of spirituality are science, culture, religion, art and etc. Taking into account the centuries-old experience of spiritual education, its growing importance in Ukrainian society, Lviv regional branch of the nationwide public organization “The Society of Psychologists of

Ukraine” has designed and developed a holistic system of spirituality formation of the individuality of the students.

With the purpose of spirituality formation of the personality of young people we have proposed:

- 1) Concept of “spiritual personality”;
- 2) Author’s psychological structure of spiritual personality;
- 3) Author's model of spiritual identity formation of youth;
- 4) Training programme of development of spirituality of the individual;
- 5) Thematic plan of the special discipline “Psychology of the formation of spirituality of the personality”;
- 6) Criteria for the development of spirituality of the individual;
- 7) Sources of the personal spirituality.

By the phenomenon of “*spiritual personality*” we understand such a personality, in which a spark of Divinity burns; who in his/her thoughts and actions relies on the Law Of God; who in his/her life is guided by the postulate: “*I work for eternity, not just work forever*”. Man does not need feathers to fly, but power of spirit! Every nation, every state, every industry needs strong-spirited, nationally conscious, intellectually developed, scientifically savvy young people. Therefore, an integral part of a young person’s personality should be spirituality – the leading line of his activity.

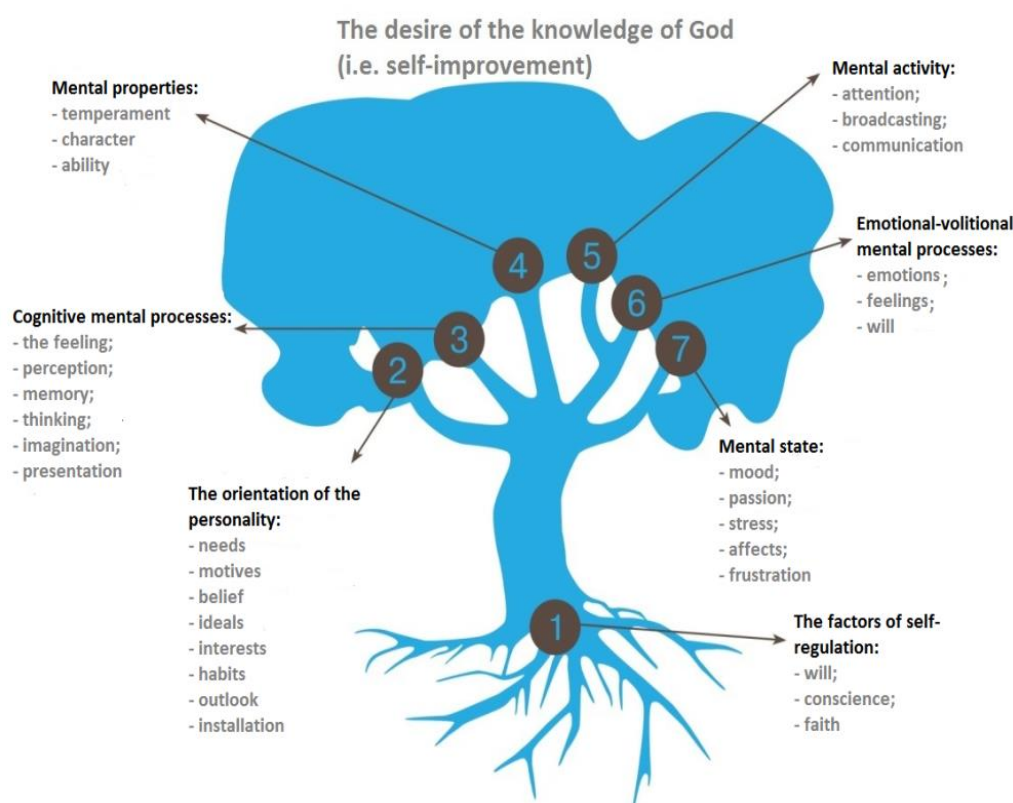


Figure 1 – Psychological structure of personality
(by S. Maksymenko, N. Zhyhaylo)

The author's psychological structure of spiritual identity (Fig. 1) is presented in the form of a tree, the base (roots) of which is based on the factors of self-regulation, which are the will, conscience, and faith; the branches of this tree is our cognitive and emotional-volitional mental processes, mental states, mental properties, mental activity, orientation and the like, and the top of this tree strives for the knowledge of God, that is, for self-improvement.

The author's model of spiritual formation of the personality includes instrumental, needing-motivation and integration components (Fig. 2).

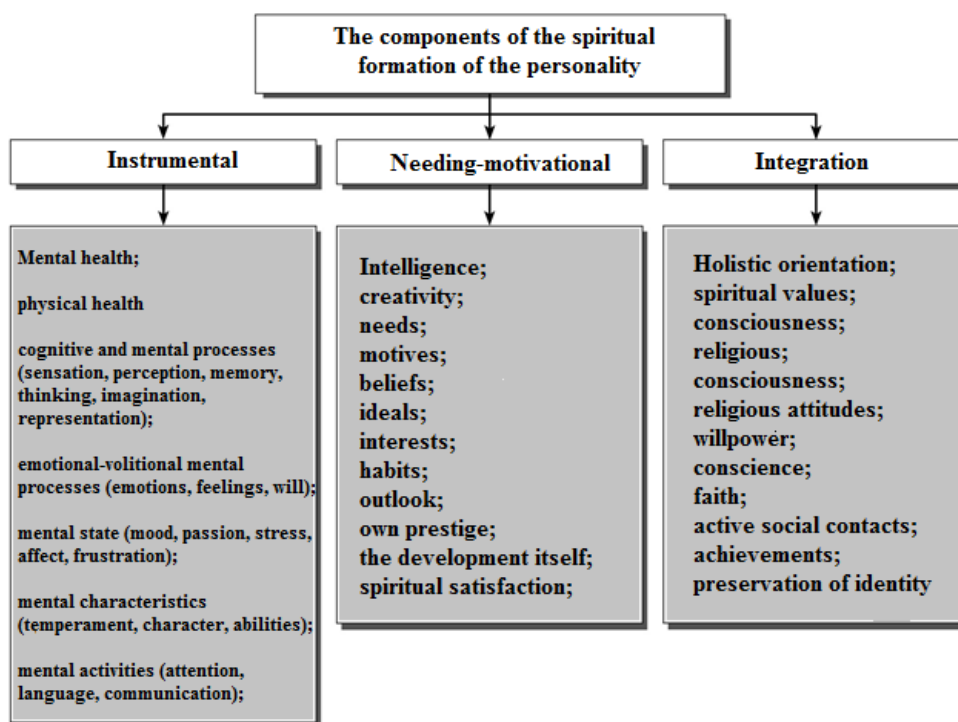


Figure 2 – The author's model of spiritual identity formation

We also offer psychological training for the formation of the spirituality of the personality of student youth. Structurally, the "Training program for the development of Personal Spirituality" can be divided into seven topics-blocks (Table 1). Original exercises were developed for each block and those training exercises (of other researchers) that could be used in accordance with the set purpose were modified. There were used: role-playing and business games, mini-discussions, training exercises for personal growth, body-oriented training exercises, lectures, scientific seminars, round tables, conferences, pilgrimages, recollections, etc.

Based on the results of psychological training, the point of view was formed that a young person is at the stage of spiritual development when he/she: first of all, sees the meaning of what corresponds to spiritual ideals and to what at the same time he/she has the opportunities; secondly, a young person has developed appropriate character traits, knowledge and skills that allow her to achieve the goal, to realize himself in his spiritual formation.

Table 1**The training program of the spiritual development of the personality**

№	Training blocks	Main psychologic-educational and training facilities
1	Introduction to the work	1. Getting acquainted with the rules of work in the T-group. 2. Formation of an atmosphere of psychological security. 3. Psychogymnastics.
2	The value orientation of the manager	1. Projective drawing "Me and my place in the human world". 2. Role play "Bad people – good people. What's the difference?" 3. Business game "Preparing a code of conduct for the 21st century." 4. Exercises to remove "clamps" in the muscles and increase the level of atmosphere security in the T-group.
3	Spiritual formation of the manager	1. Role-playing game "Me in the past, present and future. What's the difference?" 2. Psychological workshop "What am I most proud of in my past? What was it that would be worth living differently?" 3. Exercise "Empty chair - my friends and enemies in the past." 4. Brainstorming "Determination of directions of state social support of the manager as its future creator." 5. Exercises to remove the "clamps" in the muscles, the display of expression through movement.
4	Religious values of the manager	1. Socially-perceptual oriented training of personal growth "Me through the eyes of others. Can I be trusted?" 2. Group discussion "A person who actively believes in God - who is she? Past, present, future?" 3. Business game "If I wrote the Holy Book?" 4. Exercises to remove the "clamps" in the muscles, the display of expression through movement.
5	Religious consciousness of the manager	1. Discussion "Religiously conscious person – "for" and "against". 2. Brainstorming "Who am I - a grain of sand, a drop of water, a gust of wind - am I responsible for the future?" 3. Business game "Conscience. Is it needed in the 21st century?" 4. Exercises to remove the "clamps" in the muscles, the display of expression through movement.
6	Discussion of the results of the training	1. Discussion "Me before working in the T-group. Me after finishing working in the T-group. What has changed inside of me?" 2. Exercises to remove the "clamps" in the muscles, the display of expression through movement.
7	The final lesson "My Future"	1. Formation of the existential "Me". 2. Placement of the feeling of "We" in the training participants. 3. Exercises to remove the "clamps" in the muscles, the display of expression through movement.

Based on the results of psychological training, the point of view was formed that a young person is at the stage of spiritual development when he/she: first of all, sees the meaning of what corresponds to spiritual ideals and to what at the same time he/she has the opportunities; secondly, a young person has developed appropriate character traits, knowledge and skills that allow her to achieve the goal, to realize himself in his spiritual formation.

At a later stage of the study we have proposed a comprehensive “Program of spiritual formation and implementation of personality”, which provides diagnostic and remedial work that gives the opportunity to assess the level of spirituality of the individual and contribute to its enhancement.

Table 2

Thematic plan of the special course
“Psychology of spiritual formation and realization of personality”

№	Topic	Number of hours			
		Total	Lec- tures	Pract.	Indiv. work
	<i>Section I. Theoretical and methodological foundations of spiritual formation and realization of personality</i>				
1	Socio-psychological nature of the spiritual formation of the individual	20	6	6	8
2	Fundamentals of spiritual formation of student youth				
3	The main sources of the formation of the spirituality of the individual				
	<i>Section II. Psychological modeling of the process of spiritual formation of personality</i>				
1	Value orientations as a structural component of spiritual formation and realization of personality	22	8	6	8
2	Psychological factors of formation of value orientations of student's youth				
3	Model of spiritual formation of personality				
	<i>Section III. The system of values as the basis of spiritual formation and realization of personality</i>				
1	Formation of a system of values as the basis of the spiritual formation of the individual	20	6	6	8
2	Religious values as an important factor in the spiritual development of the individual				
3	Training as an effective method of forming the spiritual values of the individual				
	<i>Section IV. The program of spiritual formation and implementation of the manager's personality</i>				
1	Religious consciousness as a necessary component of the spirituality of the individual	22	8	6	8
2	Diagnosis of types of religiosity and religious attitudes of the individual				
3	Determining the levels of spirituality according to the relevant criteria				
	<i>Total:</i>	84	28	24	32

The program included the formation of a system of values as the basis of spiritual formation and realization of an individual; the identification of religious values as an important factor of spiritual development of personality; training as an effective method of forming of spiritual values of the individual; the allocation of the religious consciousness as the essential component of spirituality of the individual; lectures on the special course “Psychology of spiritual formation and implementation of the personality” (Table 2).

By having grouped the main characteristics, we obtained data on the levels of spirituality of the individual (Table 3).

Table 3**Characteristics of levels of spirituality**

The level of spirituality	Level characteristics
Low	❖ the individual does not always affirm the spiritual values of existence in words and deeds; ❖ the individual strives to avoid the introduction of spiritual values in life; ❖ the individual accumulates his knowledge about the spiritual, cultural and religious life of the country by accident; ❖ the individual dedicates his work to a spiritual idea only sometimes; ❖ correlating personally significant values with spiritual ones, the leader takes into account the latter only under favorable conditions.
Medium	❖ the individual always in words and not always in deeds affirms the spiritual values of existence; ❖ the individual accepts spiritual values without due desire; ❖ the individual replenishes his knowledge about the spiritual, cultural and religious life of the country under the guidance of a mentor or under favorable conditions; ❖ the individual dedicates his work to a spiritual idea under favorable conditions; ❖ the individual has difficulty correlating personally significant values with spiritual ones.
High	❖ the individual in words and deeds affirms the spiritual values of existence; ❖ the individual willingly accepts spiritual values and embodies them in his own life; ❖ on its own initiative the individual receives information about the spiritual, cultural and religious life of the country; ❖ work for the sake of a spiritual idea becomes the meaning of a person's life (selfless service); ❖ the individual reconciles personally significant values with spiritual ones, prefers spiritual values.

In order to study the assessment of the level of spirituality development in students, we have conducted an experiment. The respondents of the study consisted of young people who are studying in higher educational institutions of Lviv region: 305 people of different years of study at the university were interviewed. Young people with a high level of spirituality and an appropriate level of self-regulation do not pose special troubles or inconvenience for mentors, they are independent and disciplined, law-abiding and try to meet the requirements of education. The ambitions to develop in the individuals the desire to expand their own capabilities in accordance with the focus on the model – “the best I can be” – contributes to the spiritual formation, personal growth of the person.

The peculiarity of students with an average level of spirituality is that they prefer personal life experience over the beliefs of others. Therefore, it is important for the mentors to actualize the connection between their own life experiences and spiritual values. Young people with an average level of spirituality need general measures that will allow the young person to experience the action, which can then become the subject of discussions, round tables during the conversation, and so on. The way from one's own experience through its

comprehension and generalization in the balance of positive and negative, awareness of details for further realization – a constructive way of interaction with the individual in the direction of development of his spirituality. The characteristic of people with a low level of spirituality is the advantage of wealth over spiritual.

Consequently, such individuals is important to help see life alternatives, encourage them to choosing ideals emphasize the spiritual aspects of life. An instructor is advisable to update aspects of moral behavior, citing the experience familiar to the young person or the immediate environment, and illustrate promising action that might confirm this idea.

The characteristic of people with a low level of spirituality is the predominance of material values over spiritual ones. Consequently, it is important to help such people to see life alternatives, to encourage them to choose ideals, to emphasize the importance of the spiritual aspects of life. It is advisable for the mentors to actualize the moral aspects of behavior, referring to the experience of a familiar to everyone young person or the immediate environment, and to illustrate a perspective action that can confirm this idea.

Comparison of the distribution of students' spirituality levels "before" and "after" the implementation of the program of spiritual formation of personality (Fig. 3) illustrated the effectiveness of the applied program. In particular, the share of high levels of spirituality in young people has increased by 20 % (due to the introduction of the above-mentioned program).

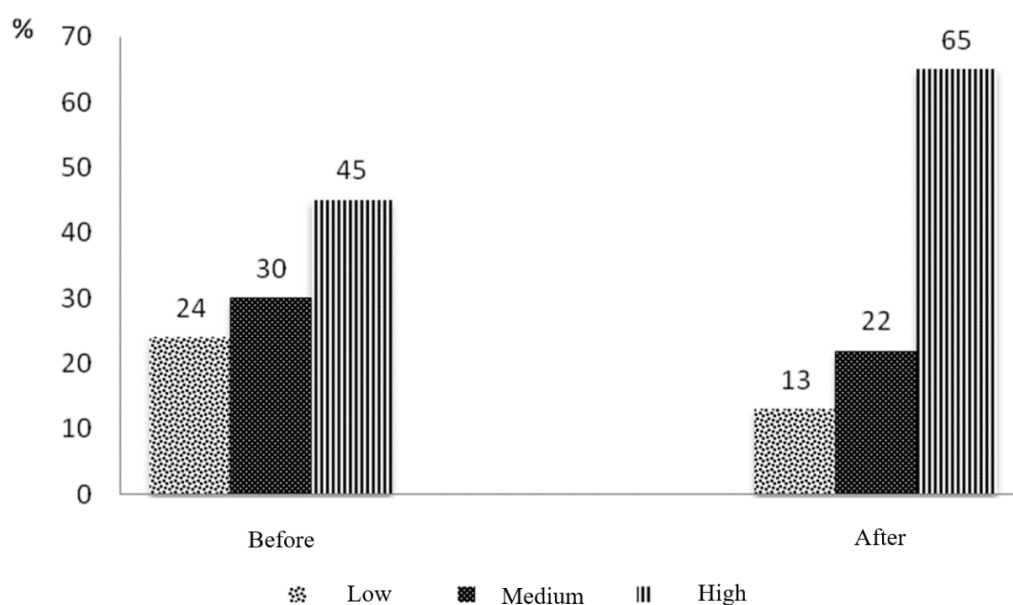


Figure 3 – The level of development of spirituality of students ("before" and "after" implementing programs of spiritual formation and realization of the personality)

We performed a correlation analysis of the results, in particular the dependence and mutual influence between: level of spirituality and intelligence; level of spirituality and empathy; level of spirituality and level of reactive anxiety; level of spirituality and level of personal anxiety; level of spirituality and religiosity level; level of spirituality and religious attitudes level; level of spiritual and material values, etc. (Table 4).

Table 4

Meaningful indicators studied characteristics
(based on correlation analysis)

	PA	SA	LS	CV	LE	LR	MV	RA	LI
PA	1,000	0,757	-0,710	0,537	-0,637	-0,564	0,642	-0,708	-0,384
SA	0,757	1,000	-0,705	0,525	-0,582	-0,498	0,580	-0,712	-0,355
LS	-0,712	-0,705	1,000	-0,615	0,589	0,745	-0,657	0,626	0,473
CV	0,537	0,525	-0,615	1,000	-0,613	-0,461	0,611	-0,619	-0,514
LE	-0,637	-0,582	0,589	-0,613	1,000	0,557	-0,574	0,499	0,583
LR	-0,563	-0,498	0,744	-0,460	0,557	1,000	-0,623	0,591	0,586
MV	0,641	0,580	-0,657	0,611	-0,574	-0,623	1,000	-0,677	-0,498
RA	-0,707	-0,711	0,626	-0,619	0,499	0,591	-0,677	1,000	0,522
LI	-0,384	-0,355	0,473	-0,514	0,583	0,586	-0,498	0,522	1,000

Legend: PA – personal anxiety; SA – situational anxiety; LS – the level of spirituality; CV – chaos values; LE – the level of empathy; LR – the level of religiosity; MV – material values; RA – religious attitudes; LI – level of intelligence.

We also present the criteria that a spiritual person should meet: *moral*: the spiritual person has to be a religious person and also has to practice the chosen religion; to have objective and subjective authority; to have a passion to work and respect to it; to be fair; have ethical and business delicacy and joy of communication; *intellectual*: high level of professional training; accuracy of memory, flexibility of thinking, creativity of imagination; temperament, stable nervous system (congenital factors); willpower and faith (acquired factors); speech culture, rhetoric; intuition; observation skills; *physical and canonical*: clothing, posture, behavior; nobility, spiritualization.

Sources of spiritual personality are: the book of books – the Sacred Scripture, Theology (as the science of God); Holy Liturgy – teacher of life (A. Sheptytsky); Prayer – the development of the soul; church art; Christian philosophy (knowledge of God); nature, culture, art, sports, etc.

Conclusions. The rise and prosperity of our state is possible only under the condition of professional and spiritual formation and realization of every citizen, professional, specialist, who should become a decisive force that will ensure the irreversibility of Ukraine's progress to its will, glory, economic and social welfare, healthy nation, a strong state of the European level.

In summary, it should be noted: "Panic, fear – the faithful companions of the enemy and defeat; belief in victory is a strong and motivating factor of victory itself, and the most powerful resource of victory is three things: faith in God; self-belief; faith in your country. It is important to fulfill your immediate responsibilities, to help others, to return to a "learning state of mind", a state in which you are resourceful. After all, after the darkness of the night, the light of a new day always comes"! We express our heartfelt gratitude to the leadership of the state, servicemen of the Armed Forces of Ukraine, volunteers, journalists, people of good will for the heroic defense of our Motherland.

Conflict of Interest and other Ethics Statements.

The authors declare no conflict of interest.

References

- Ball, G. (2005). Psychology and Spirituality. Compilation. *Humanistic Psychology*, pp. 279-280.
- Blynova, O., Holovkova, L., & Sheviakov O. (2018). Philosophical and sociocultural dimensions of personality psychological security. *Anthropological Measurements of Philosophical Research*, 14, pp. 73-83. Doi : <https://doi.org/10.15802/ampr.v0i14.150750>.
- Boryshevskyi, M. (2000) . National self-consciousness in the civic formation of the individual. Kyiv: Berkut, pp. 76-77.
- Cooke, P., Melchert, T. & Connor, K. (2016). Measuring Well- Being : A Review of Instruments. *Published*. SAGE Publications.
- Fomenko, K. (2020). Self-regulation of labor activity: the means of psychodiagnostics and the role in motivation. *Science and education*, 11, pp. 98-104. Doi : <https://doi.org/10.7752/jpes.2020.03219>.
- Khomulenko, T. & Kuznetsov, O. (2019). Psycholinguistic Meaning of the Concept of "Faith". Issue 1, pp. 338-362. URL : <https://doaj.org/article/78187162bf2c47e1b9a1ffe66e28aa30>.
- Khomulenko, T., Fomenko, K., Rochniak, A., Kuznetsov, O., Kostikova, I. & Diomidova N. (2019). *Psychological And Biological Issues In Physical Activity: Sport Self-Regulation As A Motivational Source*, 10(2), pp. 291-300.
- Kuznetsov, O., Khomulenko, T. & Fomenko, K. (2018). Prayer as a subject of speech activity and its communicative intention. *Psycholinguistics*. 23(1), pp. 309-326. Doi : <http://doi.org/10.5281/zenodo.1211565>.
- Makselon, F. (1998). Psychology. With a statement of the basics of the psychology of religion. Lviv: Svichado, 320 p.
- Maksymenko, S. (2006). Genesis of implementation of personality: scientific monograph. Kyiv: KMM, pp. 255-256.
- Maksymenko, S. (2007). Personality Psychology: textbook. Kyiv: KMM, pp. 296-297.
- Moskalets, V. (2004). Psychology of Religion: A Handbook. Kyiv: Akademvydav, pp. 240-241.
- Murray, M. (2010). Introduction to the philosophy of religion. URL : https://platona.net/load/knigi_po_filosofii/filosofija_religii/mjurrej_m_rej_m_vvedenie_v_filosofiju_religii_2010/31-1-0-1877.
- Pomytkin, E. (2005). Psychology of spiritual development of personality: monograph Kyiv: Nowadays, pp. 278-280.
- Ryzhak, L. (2009). Philosophy as a reflection of the spirit. URL : <https://filos.lnu.edu.ua/wp-content/uploads/2020/05/Ryzhak-L.-Filosofia-iak-refleksia-dukhu-navchal-nyy-posibnyk.pdf>.
- Savchyn, M. (2001). Spiritual potential of man: monograph. Ivano-Frankivsk, 202-203.
- Savchyn, M. (2009). Faith in God as the spiritual condition of man. *Psychology and society*, 2(36), pp. 54-59.
- Shevchenko, H., Antonenko, T., Bezuhla, M., & Safonova, I. (2020). Students' Spiritual Security Education. *Journal of History Culture and Art Research*, 9(4), 98-110. URL : <http://193.140.9.50/index.php/ilk/article/view/2799>.
- Shevchenko, O., Burlakova, I., Sheviakov O., Agarkov O., & Shramko I. (2020). Psychological foundations of occupational health of specialists of economic sphere. *Medical perspectives*, 25(2), pp. 163-167.
- Sizov, V., Slavska, Y., & Alforov, O. (2022). Professional Worldview as a Determinant of the Slavic Cultural Archetype and its Transformation into Pedagogical Forms. *Journal of History Culture and Art Research*, 11(1), pp. 13-26. Doi : <http://dx.doi.org/10.7596/taksad.v11i1.3131>.
- Yevdokymova, N., Sheviakov, O., Koval, I., Lunov, V., Kocharian, A., Barinova, N., & Onufrieva, L. (2019). Psychological Provision of Processes Modernization of Metallurgical Production Management. *International Journal of Recent Technology and Engineering (IJRTE)*, 8(4S), pp. 115-121. Doi : 10.35940/ijrte.D1004.1184S19.
- Zhyhaylo, N. (2008). Psychology of spiritual formation of the future specialist's personality: Monograph. Lviv: Ivan Franko Lviv National University Publishing Center. 336 p.
- Zhyhaylo, N. (2021). Psychology: teaching method. Lviv: SPOLOM, 264 p.

**Наталія ЖИГАЙЛО, Олексій ШЕВЯКОВ,
Щу ГАО ХАН, Тамара ХОМУЛЕНКО**

ІСТОРІЯ ВОЄННОЇ КУЛЬТУРИ ТА МИСТЕЦТВА ПЕРЕМОГИ

Анотація. У статті розглядаються проблеми методики надання психологічної допомоги в умовах війни з соціокультурної точки зору. Основним завданням дослідження є аналіз культури використання психологічних прийомів у воєнний час та деталізація необхідної допомоги при отриманні психологічної травми. У дослідженні висвітлено досягнення колективу фахівців Львівського обласного осередку Товариства психологів України спільно з кафедрою психології, психологічної служби ЛНУ імені Івана Франка, колегами з Харківського національного університету та Дніпропетровського державного університету внутрішніх справ.

У статті уніфіковано та розвинуто поради експертів. Автори намагаються подолати страх війни почуттям віри в перемогу, регулюванням інформаційних потоків новин, наповненням позитивом, молитвою, здоровим способом життя (водний баланс, спорт, рухова активність, фізична праця, вітамінізація, нормалізація сну). Другий спосіб – психологічна підтримка, допомога іншим, розвиток почуття гумору, техніки гри, гасла миру, планування майбутнього.

У статті доводиться, що духовність, як інтегративна якість, є однією з найфундаментальніших характеристик особистості як відкритої системи. Духовність – це складне психічне явище, прояв внутрішнього світу людини, енергоінформаційної структури особистості. Духовність – це специфічна риса особистості, яка відповідає двом фундаментальним потребам: ідеальній потребі в знаннях і соціальній потребі жити й діяти для інших. Під духовним становленням особистості розуміється набуття духовних цінностей, релігійної свідомості та самосвідомості особистості; розвиток її духовних пріоритетів; обґрунтування системи цінностей, які повинні лягти в основу життя, щоб вийти на перший план усього процесу життєдіяльності. Джерелами духовності є наука, культура, релігія та мистецтво.

Узагальнено досвід духовного виховання, зростання його значення в українському суспільстві в рамках цілісної системи духовного становлення людської особистості на прикладі студентства.

Ключові слова: війна, мир, перемога, віра, сила волі, метод нейролінгвістичного програмування, психологічна травма, психологічна допомога.

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ACTUAL ISSUES OF LEADERSHIP AND VISION FOR LONG-TERM SUCCESS

Abstract. The article is devoted to actual problem of forming the clear vision as basic component for long-term success of the organization. Being an experienced manager or head of a company is not enough to be a true leader. Transition to a new paradigm of leadership and understanding of the world as dynamic, changeable, risky and complex stimulates the emergence of new concepts of leadership. Leadership vision is not only the ability to focus on the most important aspects of oneself or the business, but the ability to look much further ahead, beyond the horizons of strategic planning. Clear vision, mission and values form the basis for building the organization's strategic foundation and allow to get the competitive advantages. Without a clearly defined vision and mission it's impossible to specify the goals and strategy and to develop the effective action plan.

The concepts of "leader" and "leadership" are considered. Relationship with vision, mission, strategy, goals and action plan are discussed. Data of successful companies and borders for higher results achievements are analyzed. Concept of successful vision is formulated, features of successful vision are discussed.

Keywords: *vision, leadership, goals' achievement, strategy, management, business development, success.*

Introduction. The concepts of "leader" and "leadership" have been formed and developed throughout the history of human civilization. At each stage of the socio-economic formation and level of organizational development, society asked the questions: "What kind of leaders are needed now", "What styles and forms of leadership are the most effective"? Until a few decades ago, American management was characterized by the saying: "If the boss says to jump, you can only ask how high". Authoritarian management and tight control have been replaced by leaders who can inspire. And today they are already talking about "leadership of the servants", i.e. about socially-oriented management, which is close to the "soft" Scandinavian management model. Management and leadership styles are heavily influenced by mental and cultural differences and traditions in different countries. And although large successful companies are concentrated in some regions, among their founders we can find representatives of different countries and cultures. So what is the key to effective leadership and management?

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There are about 57,000 public companies in the world, and only 4 % of them have more than \$ 1 billion in revenue. There are many companies that fail to meet their revenue targets, but hang just below the threshold, unable to cross it.

Those who have reached the desired level are forced to fight to keep it. Every week, one company drops out of the S&P 500 list (Konovalov, 2021).

What is the reason? Many leaders believe that they effectively manage the business, which is confirmed by quite decent financial results. But in fact, current processes are in their field of vision, but they do not look to the future, in which the factors of success are laid down. They believe that they are effectively in control of all processes, when in fact the future of their business, small or large, depends on their own thinking as leaders. And this thinking should include three essential elements – vision, strategy and people.

The purpose of the article is to investigate factors, which are forming effective leadership, and allow to achieve the long-term success.

Analysis of recent research and publications. The most significant contribution to the theory of leadership was made by American researchers. Among foreign researchers, the problem of leadership was dealt with by: R. Dilts, E. Dearing, A. Meneghetti, G. Minsberg, J. Russell, R. Stogdill et al.

In the works of scientists who study leadership, one can single out a focus on five main categories: personality, interpersonal relationships, social behavior, social situation, social group. These categories form five conceptual approaches, within the framework of each of which separate theories are developed that explain the essence and nature of leadership.

The situational theory of leadership was developed by T. Heilin, C. Jib et al. Interaction theory – by K. Gib, K. Clifford et al. The most important model of leadership efficiency – by F. Fidler, motivational theory – by M. Evans. Humanistic approach – by R. Blake, R. Likert and others. Attributive Theory of Leadership – by R. Lord, J. Fotis et al. The theory of normative decisions – by V. Vroom and F. Yetton. Transformational leadership – by B. Avolio, B. Basta et al., P. Blonsky, A. Zaluzhny, A. Makarenko, B. Parygin, V. Mikhailichenko, O. Romanovsky, A. Rudska, L. Pashko and others are also investigated leadership (Hryshenko, 2015; Yakushko, 2016). But despite significant advances in the study of leadership, both in terms of psychology and business management, the question of what is decisive in effective leadership and management remains open.

Formulation of the main material. Vision, mission and values are key components of strategic management, they form the basis for building the organization's strategic foundation. Without a clearly defined vision, mission and values, it is impossible to specify the goals, principles and values of the organization.

Business leaders' understanding of how values, mission, and vision interact with each other allows for well-thought-out and successful strategic plans that give businesses a competitive advantage. However, practice shows that business leaders talk about goals, missions, goals and visions, but in many cases do not understand the difference between them. Whereas a clear vision is critical to the

future of the company. Also in the literature you can find 2 types of pyramids (Fig. 1), illustrating the relationship between the vision, mission, strategy, goals and action plan (<https://www.productplan.com>, 2022; Rachitsky, 2022; Painless, 2014).

There is still open question, what is the 1st component – mission or vision. Mission describes how important for us and society is what we are trying to achieve. Vision describes, how our future would look like. On our opinion, without clear understanding to which future are we going, it's difficult to clear, what war we trying to achieve.

In other words, relationship between vision, mission and goals could be described on example of house building. If the idea is to build a family house, the vision will determine where it will be built, what kind of house it will be, what it will include and how to look like. The goals are about what we need to do to build this house. The mission reflects how this house will be useful to the local community – as a landmark, as a hostel, or simply as a house to live in (Konovalov, 2021).

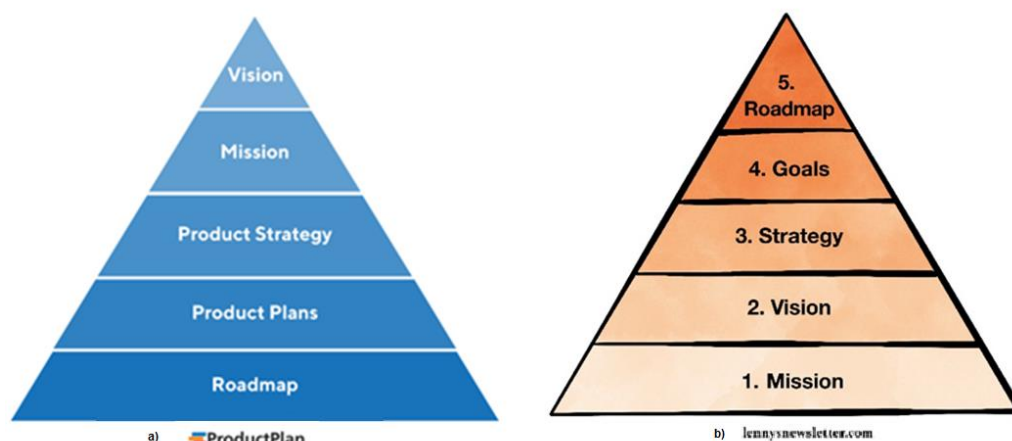


Figure 1 – Relationship with vision, mission, strategy, goals and action plan (<https://www.productplan.com>, 2022; Rachitsky, 2022)

Observations show that quite a few businesses, social or political leaders actually have a vision. Today's leaders often fail to explain what their vision is and how it can be made a reality. They replace vision with KPIs and don't consider that without vision no amount of time, money or resources can help. As Sun Tzu noted in *The Art of War*: "Strategy without tactics is the slowest path to victory. Tactics without strategy is just hustle before defeat". Why then in the modern world leaders are more focused on tactics than on strategy and often forget about clear vision?

Vision is the aspiration for the future that we strive to make today a reality. It is a collective agreement and a tough decision about where we want to be in the future and what our future will be. Vision is a pragmatic, multi-dimensional space of the future that we seek to explore and benefit from. A goal is a task to be completed that helps achieve the vision. The goal is always finite and remains

relevant to a specific vision. The difference between a vision and a goal is simple: a vision can be passed on to the next generation, while goals remain relevant only for a certain phase of development.

A mission statement is a promise to those who may be affected by the business or the potential impact of the company's activities on society. The mission statement simply reflects this. The vision is inspiring and draws people to it; we never see anyone inspired by a mission statement. People are interested in what will make their life better. However, the mission is important because it reflects the promise to the society that supports and provides various resources. Neither missions nor goals determine the future. They are just steps along the way (Konovalov, 2021).

Vision is a collective understanding of where we want to be in the future and how it will look, strategy is a team agreement and purposeful implementation of how to get into the future in the most effective way. Successful vision relies on effective communication and, importantly, the ability to encourage others to own the vision. The vision must be clear and simple enough for people to believe in and act on, and strong enough to resonate and inspire. Answer six simple questions to find out how strong your vision is:

- Who will benefit from your vision?
- How much can you expand your vision?
- Who takes full responsibility, you or others?
- How does your vision correspond to the present?
- Can you explain your vision in two minutes?
- Does your vision excite people?

Organizations that are not prepared to think about their vision for the future will not survive in the long run. Investing in a clear vision is a bet on the future (Konovalov, 2021).

Companies with a strong and compelling vision have 20 to 30 times higher market value than companies with just a great product. Tesla, for example, reached \$ 1.25 trillion, more than all other major automakers combined. Such capitalization is beneficial for banks through Tesla's vision to create a new standard for mobility and service.

The vision is pragmatic and functional, otherwise it is just a dream or an illusion. In this way, the result of the vision can be calculated, reflected in the balance sheet, presented to investors or financial institutions and therefore accepted by banks. Vision reflects the value created for customers over their lifetime, which is supported by a quick response when people recognize and appreciate this value. In other words, the vision determines the size of the market niche that the company will control for a long time. Amazon controls over 40 % market share, making it the most famous retailer in the world.

If a vision is a collective understanding of where we want to be in the future and how it will look, then a strategy is a team agreement and purposeful execution of how to get into the future in the most effective way.

Expanded strategic advantages allow you to explore new opportunities big enough to make huge changes and change the rules of the game. Microsoft has

evolved from a business model based primarily on selling products, licenses, and devices to a cloud platform as a service. Siemens made a strategic transition from energy and manufacturing to digitalization and won.

The world, changed since COVID-19 pandemic, requires new leaders with anti-crises abilities, expanded vision and big heart to support people around. At the end of 2020, Boston Consulting Group conducted a survey among 4 thousand people from four countries (France, Germany, Spain, Great Britain) and a series of interviews with experts, and made interesting conclusions. In particular, a successful leader today must combine three dimensions: “head” (it's about forming a vision of the future and determining priorities), “heart” (what concerns communication with people) and “hands” (the ability to perform certain actions and ensure results). In usual times, managers pay the most attention to the “head” (69 %), “hands” (44 %), but not enough to the “heart” (only 25 %). BCG specialists are convinced that although “head” and “hands” are necessary skills for every manager, they are not enough to be a successful leader in today's world.

The weight of the “heart” is now increasing, the pandemic and even more war have only emphasized this trend (<https://kmbs.ua>, 2021; Galushko, 2004). Among the “heart” qualities of a leader, respondents consider attentiveness (37 %), empathy (33 %), the ability to listen (31 %), team development (29 %), self-reflection (26 %) to be the most important (<https://kmbs.ua>, 2021).

Conclusions. Thus, an effective strategy associated with a bright vision is aimed at winning the market and provides an ultimate competitive advantage that can be estimated at an additional 40 % of the market value.

The purposefulness that a vision brings helps improve operational efficiency and efficient use of resources. Focus is a great tool in the skillful hands of visionary leaders to achieve extraordinary results. There is no room for illusions or empty promises in a clear, bright and well-articulated vision and growth strategy based on a culture of disciplined performance and accountability. Excellent work efficiency accumulates an additional 20 %.

Vision allows you to make deep and effective decisions that help move uncertainty to your desired destination. When people are free to know where to go and what they are aiming for, they generate incredibly valuable ideas and make informed decisions. They recognize that their solution should generate solutions and meanings, not new problems, and direct their thoughts and actions accordingly.

Conflict of Interest and other Ethics Statements.

The author declares no conflict of interest.

References

Galushko, O. (2004). Vyznachennya ponyattya “kryza” ta parametriv, shcho opysuyut kryzu na pidpryemstvi [Definition of the concept of “crisis” and parameters describing the crisis at the enterprise]. *Magisterium*, 14, pp. 52-55. URL : http://ekmair.ukma.edu.ua/bitstream/handle/123456789/14074/Halushko_Vyznachennia_poniattia_kryza_ta_parametriv.pdf?sequence=1&isAllowed=y. [in Ukr.].

Hryshenko, I. (2015). Leadership as a phenomenon of group management. *Derzhavne upravlinnya [State Governance]*, 10, pp. 116-119. URL : <http://www.investplan.com.ua/>

pdf/10_2015/26.pdf.

Kononov, O. (2021). Why real leadership offers a vision for long-term success. URL : <https://www.investmentmonitor.ai/comment/vision-leadership-purpose-mission-goal/>.

Product Mission. *ProductPlan*, 2022. URL : <https://www.productplan.com/glossary/product-mission/>.

Rachitsky, L. (2022). How do strategy, vision, mission, goals, and roadmap all work together? Where should I start? URL : <https://www.lennysnewsletter.com/p/mission-vision-strategy-goals-roadmap>.

The evolution of leadership: from sacred to distributed. *KMBS*, 2021. URL : <https://kmbs.ua/ua/article/leadership-evolution>

Vision, Mission, Values, Strategy, Actions. *Painless*, 2014. URL : <https://painless.software/vision-mission-values-strategy-actions>

Yakushko, N. (2016). Leadership theories: genesis and contemporary interpretations. *Pravo i derzhavne upravlinnya [Law and State Governance]*, 4(25), pp. 130-135. URL : http://pdu-journal.kpu.zp.ua/archive/4_2016/24.pdf.

Олег КОНОВАЛОВ

**АКТУАЛЬНІ ПИТАННЯ ЛІДЕРСТВА ТА БАЧЕННЯ
ДЛЯ ДОВГОТРОКОВОГО УСПІХУ**

Анотація. Стаття присвячена актуальній проблемі формування чіткого бачення як базової складової довгострокового успіху організації. Бути досвідченим менеджером або керівником компанії недостатньо, щоб бути справжнім лідером.

Перехід до нової парадигми лідерства та розуміння світу як динамічного, мінливого, ризикованого та складного стимулює появу нових концепцій лідерства. Лідерське бачення — це не тільки здатність зосереджуватися на найважливіших аспектах себе чи бізнесу, але й здатність дивитися набагато далі, за межі стратегічного планування. Чітке бачення, місія та цінності є основою для побудови стратегічного фундаменту організації та дозволяють отримати конкурентні переваги. Без чітко визначеного бачення та місії неможливо визначити цілі та стратегію та розробити ефективний план дій.

Розглянуто поняття “лідер” і “лідерство”. Обговорюються зв’язки з баченням, місією, стратегією, цілями та планом дій. Проаналізовано дані успішних компаній і межі досягнення вищих результатів. Сформульовано поняття успішного бачення, обговорено особливості успішного бачення.

Ключові слова: бачення, лідерство, досягнення цілей, стратегія, менеджмент, розвиток бізнесу, успіх.

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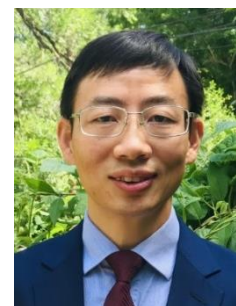
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ATTITUDE TOWARD TAX EVASION IN BRAZIL, RUSSIA, INDIA AND CHINA (BRIC)

Abstract. This study used World Values Survey data to learn the attitude toward tax evasion of sample populations in the four BRIC countries – Brazil, Russia, India and China. The study found that more than 75 percent of the Chinese and Indian samples believed that tax evasion was never justifiable, compared to only 34 percent of the Russian sample. Overall, the Chinese were most opposed to tax evasion, followed by the Indians, the Brazilians and the Russians. Gender was not a significant demographic variable. Older groups tended to be more averse to tax evasion than younger groups. Education was not a significant demographic variable in 75 percent of the cases, and when it was a significant demographic variable, no clear trend could be identified. Religion was not a significant variable for the Brazilian and Chinese samples.

The Indian sample found that Muslims were sometimes significantly less opposed to tax evasion than were other religions. In Russia, those with no religion were significantly less opposed to tax evasion than were the Orthodox Christians. A trend analysis found that Brazilians, Russians and Indians had become significantly less opposed to tax evasion over time. Although the Chinese views in 1991 and 2018 were about the same, in the interim period, they had become less averse to tax evasion.

Keywords: BRIC, tax evasion, tax morale, ethics, demographic variables.

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Introduction. The topics of tax and tax evasion have been around for thousands of years (Adams, 1982, 1993). One of the most comprehensive theoretical studies on tax evasion was conducted by Martin Crowe (1944), a Catholic priest, who examined 500 years of scholarly religious and philosophical literature, much of which was in the Latin language. His study was a major contribution to the ethical, philosophical and religious literature on this topic, since it introduced readers to a body of work that had previously been unavailable to most scholars. His finding was that tax evasion was strongly opposed, in general, but that many scholars found some exceptions.

Analysis of recent research and publications. There were three main positions expressed by the scholars in those studies. Tax evasion was either never justifiable, always justifiable or sometimes justifiable. McGee (2006) examined these three views in some depth, and later expanded the options to include a fourth possibility, that there might be a moral duty to evade taxes, such as in cases where taxes were being paid to an evil tyrant, or where the country was involved in an unjust war (McGee, 2012a). McGee developed a survey that included the most frequent reasons Crowe had found to justify tax evasion, and added three items dealing with various human rights abuses, and distributed the survey to various groups, the goal of which was to determine which arguments justifying tax evasion were the strongest (McGee, 2012b). Other scholars replicated these McGee studies, sometimes adding or deleting some reasons. Most of the surveys consisted of 18 statements, beginning with the phrase, "Tax evasion is ethical if ..."

Kandri and Mamuti (2019) distributed a similar survey to Albanian business and law students and found that men were more flexible on the issue of tax evasion than were women. The strongest arguments used to justify tax evasion were in cases where tax rates were high, where much of the tax funds were wasted, where there was an inability to pay, or where the government discriminates against the individual.

The Collymore (2020) study of university students in the United Kingdom found that the strongest reasons to justify tax evasion were:

- 1) if I were a Jew living in Nazi Germany;
- 2) if the tax system is unfair;
- 3) if the government discriminates against me;
- 4) if the government imprisons people for their political opinions;
- 5) if a significant amount of money goes to corrupt politicians or their friends and family.

Tarekegn (2015) sampled self-employed individuals in Ethiopia using the 18-statement survey. Their strongest reasons for justifying tax evasion were:

- 1) if a significant portion of the money collected winds up in the pockets of corrupt politicians or their families and friends;
- 2) if the tax system is unfair;
- 3) if the government imprisons people for their political opinions/religious affiliations;
- 4) if there is an inability to pay;
- 5) if a large portion of the money collected is wasted;
- 6) if some of the proceeds go to support a war that is considered unjust.

Grogalas et al. (2018) used a similar survey instrument in Greece and found that the main reasons why taxpayers justified tax evasion was:

- 1) if a significant portion of the money collected winds up in the pockets of corrupt politicians or their families and friends;
- 2) inability to pay;
- 3) if a large portion of the money collected is wasted;
- 4) if tax rates are too high, or:
- 5) if the tax system is unfair.

The purpose of the article is to investigate features of tax evasion in BRIC countries.

Formulation of the main material. The World Values Survey (WVS) is an internationally organized research effort by many social scientists in many countries, the goal of which is to gather data on a wide range of economic, social, political, religious and cultural values. The first survey was conducted in 1981. New surveys are conducted about every five years. The current survey data (Wave 7) were collected between 2017-2021 (Haerpfer et al., 2020). The survey instrument included hundreds of questions on a wide range of issues. Data were collected in face-to-face interviews in respondents' homes, either by paper questionnaire or by CAPI (Computer Assisted Personal Interview). Telephone interviews were conducted for remote areas. The sample size for each country was generally at least 1200. In Wave 7, more than 140,000 surveys were conducted in more than 80 countries. Data were collected in a way that made it impossible to identify individual respondents. The present study used the World Values Survey data. Question Q180 asked whether cheating on taxes would always be justified, never be justified, or sometimes be justified. The responses were on a ten-point Likert Scale, where 1 = never justifiable and 10 = always justifiable. A similar methodology has been used in several other studies (McGee & Shopovski, 2023a, b; McGee & Benk, 2023a, b). P-values were computed using Welch's t-test, since this t-test does not assume equal variances, and is somewhat better at controlling Type I and Type II error rates compared to other options (Delacre, Lakens & Leys, 2017; Derrick, Toher & White, 2016; Ruxton, 2006). Data for Brazil, Russia and China were taken from Wave 7 (2017-2018). The most recent data for India were in Wave 6 (2012).

The findings are presented below. Table 1 shows the overall data. The options range from 1 (tax evasion is never justifiable) to 10 (tax evasion is always justifiable). Unfortunately, the survey instrument did not ask respondents why they chose their response, which is understandable, given the fact that the survey instrument included more than 200 questions. The countries having the highest percentage of 'never justifiable' were China (78.0 %) and India (77.6 %). Russia had the lowest percent (34.0 %). Based on the mean scores, The Chinese were most opposed to tax evasion, followed by the Indians, the Brazilians and the Russians. P-values were calculated to determine the significance of the differences in mean scores. All differences were significant at the 1 percent level. It is interesting to note that the two communist or former communist countries (China and Russia) were farthest apart in terms of mean score. Prior studies have found that communist and former communist countries had little respect for government, and that this lack of respect was reflected in the attitude of the people toward tax evasion (McGee, 2012c; Smatrakalev, 1998; Torgler, 2003; Vaguine, 1998).

Prior Latin American studies (McGee & Lingle, 2008; McGee & Rossi, 2008) found that countries in this region also had little aversion to tax evasion

compared to, say, Scandinavian countries (McGee, Shopovski & Bolek, 2023a) or countries in Western Europe (Torgler & Schneider, 2005; Torgler & Schaltegger, (2006), North America (McGee, Shopovski & Bolek, 2023b) or Oceania (Pardisi & McGee, 2023a & b).

Table 1

Attitude toward tax evasion

	Brazil %	China %	India %	russia %
1 Never justifiable	60.6	78.0	77.6	34.0
2	3.4	10.6	8.3	10.9
3	3.3	5.3	5.0	10.7
4	3.2	1.7	2.4	8.2
5	11.1	2.2	2.1	10.6
6	2.9	0.6	1.0	6.76
7	2.3	0.5	0.7	6.0
8	2.6	0.3	0.8	3.6
9	1.1	0.2	0.9	2.3
10 Always justifiable	8.4	0.7	1.21	7.1
Mean	3.01	1.50	1.67	3.76
Std. Dev.	2.98	1.30	1.68	2.86
n	1708	3026	4029	3513
P-values				
Brazil v. China	0.0001***			
Brazil v. India	0.0001***			
Brazil v. Russia	0.0001***			
China v. India	0.0001***			
China v. Russia	0.0001***			
India v. Russia	0.0001***			

Source: World Values Survey (2022)

Data were also broken down by gender. Some studies have found that women were significantly more opposed to tax evasion, while other studies have found that men and women were equally opposed to tax evasion. A few studies have found that men were significantly more opposed to tax evasion (McGee, 2012d; Pardisi & McGee, 2023c).

We decided to examine the gender variable to see whether gender was a significant demographic variable for the four BRIC countries. Table 2 shows the data for each country. Although the mean scores for males were higher than the mean scores for females in all four cases, indicating that males were less averse to tax evasion than were females, the differences in mean scores were also insignificant in all four cases, leading to the conclusion that men and women had the same views toward evading taxes in all four countries.

Table 2

Gender Data
(1 = never justifiable; 10 = always justifiable)

	Brazil	China	India	russia
MALE				
Mean	3.03	1.54	1.69	3.77
Std. Dev.	3.01	1.32	1.72	2.84
n	816	1,499	2,256	1,605
FEMALE				
Mean	3.00	1.47	1.63	3.75
Std. Dev.	2.96	1.28	1.64	2.87
n	893	1,526	1,770	1,908
P-value	0.8357	0.1389	0.2595	0.8361

Source: World Values Survey (2022)

Some prior studies have found that age was a significant demographic variable for attitude toward tax evasion, while other studies have found that age was not a significant demographic variable (McGee, 2012e; Pardisi & McGee, 2023d). In general, where age was found to be a significant demographic variable, the trend was for older groups to be more opposed to tax evasion than younger groups, although that was not always the case. One reason why age might be a significant demographic variable is because older people tend to have more respect for law and authority, and thus would be more averse to law breaking, such as evading taxes. That might be an explanation for why older individuals might have stronger aversion to tax evasion, but it does not explain why some studies found younger groups to be significantly more averse to tax evasion (McGee, 2012e).

Table 3 shows the data broken down into three age groups. In all four cases, mean scores declined with age, indicating that the older group was more averse to tax evasion than was the younger group. Comparisons of mean scores found that the differences were often significant at the one-percent, five-percent or ten-percent level.

Table 3

Age Data
(1 = never justifiable; 10 = always justifiable)

	Brazil	China	India	Russia
UP TO 29				
Mean	3.29	1.62	1.71	4.34
Std. Dev.	2.99	1.51	1.78	2.99
n	467	678	950	883
30-49				
Mean	2.96	1.50	1.69	4.05
Std. Dev.	2.91	1.29	1.70	2.91
n	647	1344	1934	1233
50+				
Mean	2.85	1.44	1.59	3.14

Continue of Table 3

Std. Dev.	3.04	1.14	1.57	2.59	
n	593	1005	1125	1397	
P-VALUES					
Up to 29 v. 30-49	0.0663	0.0771	0.7735	0.0262	
Up to 29 v. 50+	0.0184*	0.0085**	0.1066	0.0001***	
30-49 v. 50+	0.5161	0.2332	0.0996	0.0001***	

Source: World Values Survey (2022)

Some prior studies have found education level to be a significant demographic variable, while others have found it not to be a significant variable (McGee, 2012f; Pardisi & McGee, 2023e).

Table 4 shows the data broken down into three groups based on education level. Respondents self-identified as to which category was appropriate for them. Several different patterns emerged. In the case of Brazil, the mean score increased, then decreased as one moved from lower to middle to higher education, indicating that the middle group was least opposed to tax evasion, while the higher education group was most opposed.

The China pattern was just the opposite. In this sample, the mean score decreased, then increased. The group most opposed to tax evasion was the middle education group; the group least opposed to tax evasion was the higher educated group. In the Indian sample, the middle education group was least opposed to tax evasion, while the lower and higher education groups were about equally opposed to tax evasion. In the Russian sample, the mean score decreased slightly as one moved from the lower to the middle to the higher education group.

However, an analysis of the p-values found that the differences in mean scores were significant at the 5 percent level in only 3 of 12 cases. Thus, we can tentatively conclude that education level is not a significant demographic variable about 75 percent of the time, and when it is a significant variable, there is no clear pattern.

Table 4

Education Level Data
(1 = never justifiable; 10 = always justifiable)

	Brazil	China	India	Russia
LOWER				
Mean	2.95	1.51	1.61	3.82
Std. Dev.	3.09	1.27	1.57	2.99
n	698	1,945	1,863	933
MIDDLE				
Mean	3.12	1.34	1.75	3.78
Std. Dev.	2.99	1.06	1.81	2.91
n	715	542	1,626	944

Continue of Table 4

HIGHER				
Mean	2.81	1.63	1.60	3.72
Std. Dev.	2.59	1.54	1.65	2.75
n	270	504	538	1,624
P-VALUES				
Lower v. Middle	0.2936	0.0016**	0.0154*	0.7690
Lower v. Higher	0.4760	0.1072	0.9004	0.4021
Middle v. Higher	0.1093	0.0004***	0.0748	0.6073

*** This difference is considered to be extremely statistically significant;

** This difference is considered to be very statistically significant;

* This difference is considered to be statistically significant.

Source: World Values Survey (2022)

Very few prior empirical studies on attitude toward tax evasion have examined the topic from a religious perspective, although there have been a number of theoretical or philosophical studies that have discussed the ethics of tax evasion from the perspectives of Christianity (Crowe, 1944; Gronbacher, 1998; McGee, 2012g; Pennock, 1998; Schansberg, 1998), Judaism (Cohn, 1998; Tamari, 1998), Islam (Jalili, 2012; McGee, 1998, 2004, 2012f; Murtuza & Ghazanfar, 1998) and Hinduism (Bose, 2012), as well as from the Baha'i (DeMerville, 1998) and Mormon (Smith & Kimball, 1998) perspectives. The World Values Survey data were also broken down by major religious denominations, so we decided to examine this variable to determine whether attitudes were significantly different based on religion. Tables 5-8 summarize the results for the most recent Wave (Wave 6 for India, Wave 7 for the other three countries). Denominations having fewer than 25 members were excluded.

Table 5 shows the results for Brazil. Although the mean scores for the four religious groups differed somewhat, none of the differences in mean scores were significant. Thus, religion was not a significant demographic variable for the Brazilian sample.

Table 5

Religious Denomination – Brazil

	Mean	Std. Dev.	n
No Religion	3.13	3.02	297
Roman Catholic	2.93	2.96	786
Protestant	2.94	2.96	477
Other Christian	2.93	2.92	49
P-VALUES			
No religion v. Roman Catholic	0.3287		
No religion v. Protestant	0.3914		
No religion v. Other Christian	0.6599		
Roman Catholic v. Protestant	0.9536		
Roman Catholic v. Other Christian	1.0000		
Protestant v. Other Christian	0.9819		

Source: World Values Survey (2022)

Table 6 shows the results for the China sample. Again, none of the differences in mean scores were significant.

Table 6

Religious Denomination – China

	Mean	Std. Dev.	n
No Religion	1.50	1.32	2604
Protestant	1.43	1.13	65
Muslim	1.57	1.19	44
Buddhist	1.55	1.18	266
P-VALUES			
No religion v. Protestant	0.6249		
No religion v. Muslim	0.7012		
No religion v. Buddhist	0.5157		
Protestant v. Muslim	0.5402		
Protestant v. Buddhist	0.4486		
Muslim v. Buddhist	0.9180		

Source: World Values Survey (2022)

Table 7 shows the results for India. The only difference in mean score that was significant at the 5 percent level was for the comparison between Muslims and Hindus. In that comparison, Hindus were significantly more opposed to tax evasion than were the Muslims. At the 10 percent level, Other Christians were significantly more opposed to tax evasion than were the Muslims. The Muslim group had the highest mean score, indicating that this group had the least opposition to tax evasion.

Table 7

Religious Denomination – India

	Mean	Std. Dev.	n
Muslim	1.86	1.90	446
Hindu	1.64	1.65	3296
Buddhist	1.80	2.29	25
Other Christian	1.46	1.46	65
P-VALUES			
Muslim v. Hindu	0.0202		
Muslim v. Buddhist	0.8987		
Muslim v. Other Christian	0.0507		
Hindu v. Buddhist	0.7304		
Hindu v. Other Christian	0.3298		
Buddhist v. Other Christian	0.4951		

Source: World Values Survey (2022)

Table 8 shows the results for Russia. For the Russian sample, the only difference in mean score that was significant was for the comparison between the No Religion and the Orthodox Christian groups. In that comparison, the No Religion group was significantly less opposed to tax evasion than was the Orthodox Christian group.

Table 8

Religious Denomination – russia

	Mean	Std. Dev.	n
No Religion	3.88	2.91	1385
Orthodox	3.64	2.78	1733
Muslim	3.87	3.04	275
P-VALUES			
No religion v. Orthodox	0.0197*		
No religion v. Muslim	0.9600		
Orthodox v. Muslim	0.2393		

Source: World Values Survey (2022)

Each BRIC country participated in more than one of the World Values Surveys, which made it possible to conduct a longitudinal study to determine whether attitude toward tax evasion had changed over the years. In each case, p-values were computed comparing the oldest and most recent Wave data. Tables 9-12 show the results.

Table 9 shows the results for Brazil. Fig. 1 graphs the data for the five waves in which Brazil was included. The difference in mean score between the oldest and most recent Wave was significant, indicating that Brazilians had become significantly less averse to tax evasion over time.

Table 9

Longitudinal Study – Brazil

	Mean	Std. Dev.	n
W2 (1991)	2.77	2.81	1,757
W3 (1997)	3.58	3.16	1,132
W5 (2006)	3.62	3.01	1,483
W6 (2014)	2.55	2.71	1,467
W7 (2018)	3.01	2.98	1,708
P-VALUE			
W2 v. W7	0.0148*		

Source: World Values Survey (2022)

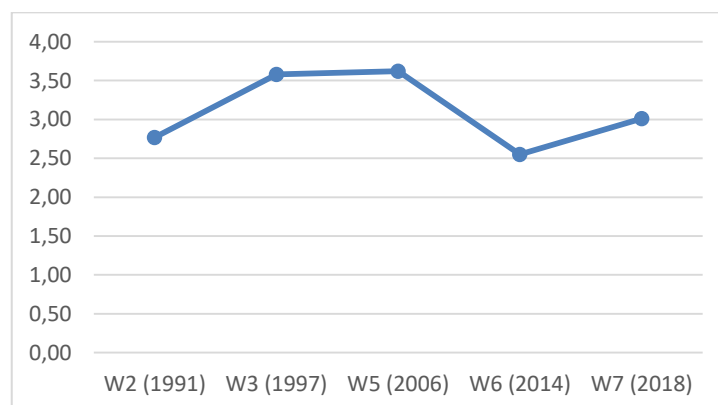
**Figure 1 – Brazil Mean**

Table 10 shows the results for China. The p-value measuring the significance of the difference between the oldest and newest Waves found that attitudes between 1991 and 2018 had not changed significantly ($p = 0.4464$). However, Fig. 2 shows that views had fluctuated over that time period.

Table 10

Longitudinal Study – China

	Mean	Std. Dev.	n
W2 (1991)	1.54	1.48	996
W3 (1997)	1.53	1.40	1,484
W5 (2006)	2.00	1.97	1,798
W6 (2014)	2.21	1.84	1,885
W7 (2018)	1.50	1.30	3,026
P-VALUE			
W2 v. W7	0.4464		

Source: World Values Survey (2022)

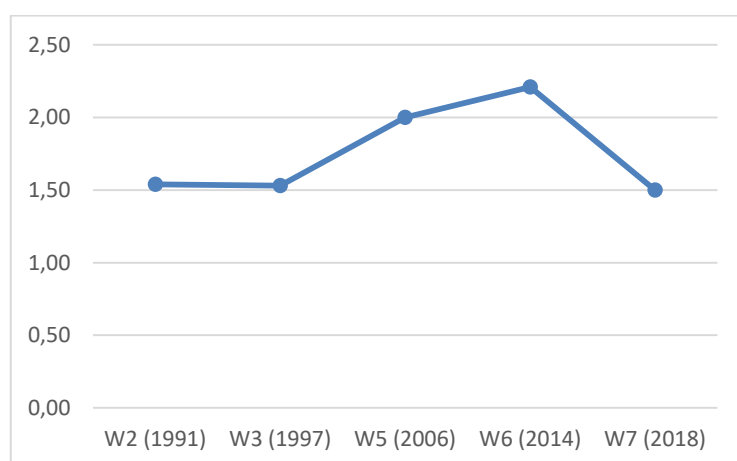
**Figure 2 – China Mean**

Table 11 shows the results for India. For this sample, the difference between the mean scores of the oldest and most recent sample was highly significant ($p = 0.0001$), and that aversion to tax evasion had declined over time. Fig. 3 shows that the fluctuation during this period was even greater.

Table 11

Longitudinal Study – India

	Mean	Std. Dev.	n
W2 (1991)	1.49	1.32	2,451
W3 (1997)	1.63	1.49	1,968
W5 (2006)	3.03	3.02	1,677
W6 (2014)	1.67	1.68	4,029
P-VALUE			
W2 v. W6	0.0001***		

Source: World Values Survey (2022)

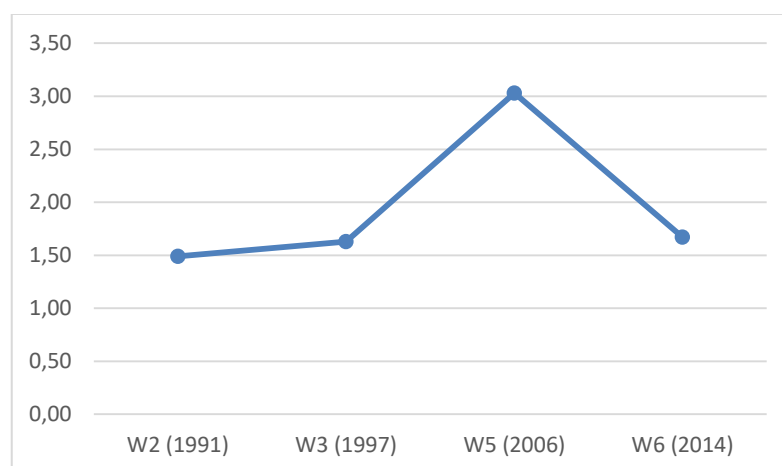
**Figure 3 – India Mean**

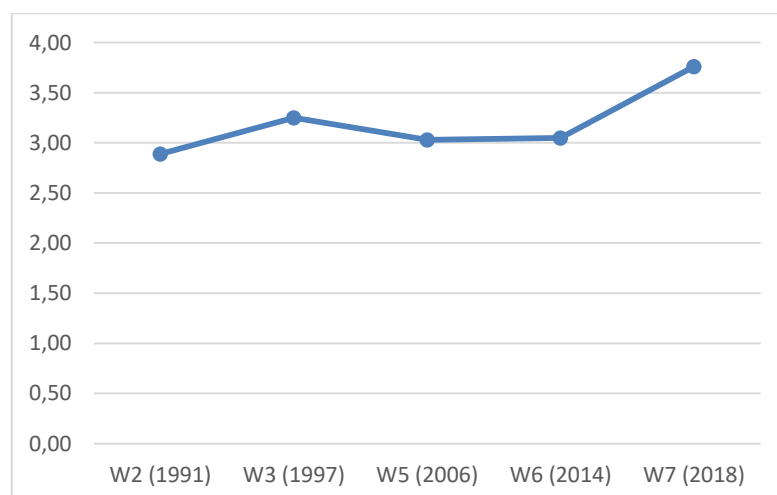
Table 12 shows the results for Russia. A comparison of mean scores for the oldest and most recent data found that attitude toward tax evasion had changed significantly ($p = 0.0001$). Over time, opposition to tax evasion had declined significantly. Fig. 4 shows the trend.

Table 12

Longitudinal Study – Russia

	Mean	Std. Dev.	n
W2 (1991)	2.89	2.66	1,770
W3 (1997)	3.25	2.81	1,872
W5 (2006)	3.03	2.70	1,901
W6 (2014)	3.05	2.45	2,382
W7 (2018)	3.76	2.86	3,513
P-VALUE			
W2 v. W7	0.0001***		

Source: World Values Survey (2022)

**Figure 5 – Russia Mean**

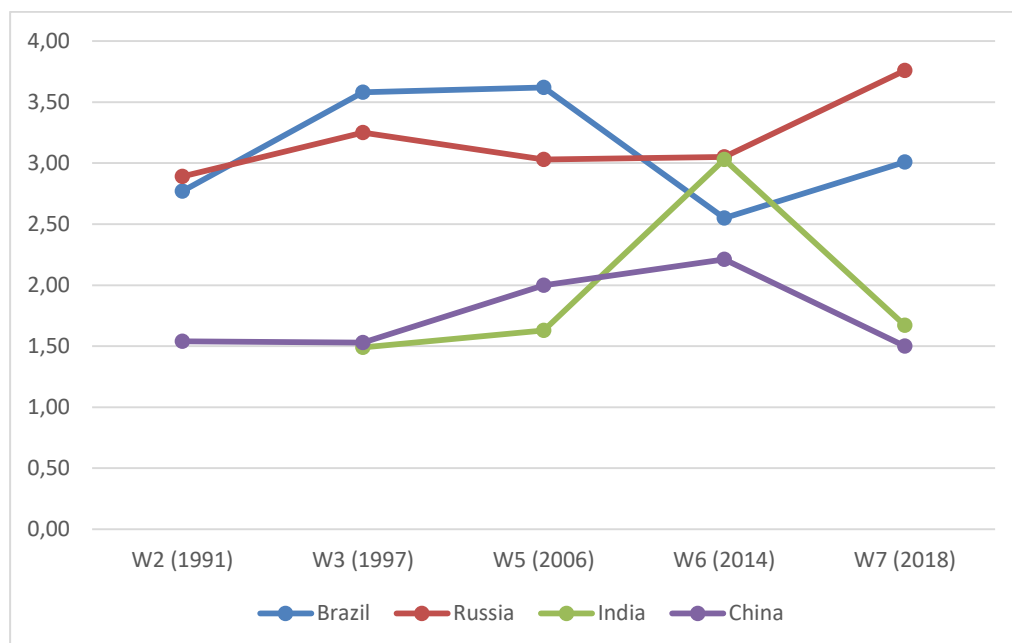


Figure 5 – Attitude toward taxation (mean)

Conclusions. This study found several interesting relationships. More than 75 percent of the Chinese and Indian samples believed that tax evasion is never justifiable, while only 34 percent of the Russian sample held this belief. Overall, the Chinese were most opposed to tax evasion, followed by the Indians, the Brazilians and the Russians. All differences in mean score were significant at the 1 percent level. The differences in male and female mean scores were insignificant in all cases, indicating that gender was not a significant demographic variable for any of the four countries included in the study. In terms of age, the older groups tended to be significantly more opposed to tax evasion than were the younger groups, although in the Indian sample, none of the mean scores differed significantly at the 5 percent level.

Education level was not a significant demographic variable in 75 percent of the comparisons, and in the cases where it was a significant variable, no clear trend could be determined. Religion was not a significant demographic variable for the Brazilian or Chinese samples. An analysis of the Indian sample found that the Muslim group was least opposed to tax evasion, but the only significant difference in mean score was the Hindu and Muslim comparison, which found that Hindus were significantly more opposed to tax evasion than were the Muslims. In the Russian sample, those with no religion were significantly less opposed to tax evasion than were the Orthodox Christians.

A trend analysis found that Brazilians, Russians and Indians had become significantly less opposed to tax evasion over time. Although the Chinese views in 1991 and 2018 were about the same, in the interim period, they had become less averse to tax evasion.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

- Adams, C. (1982). *Fight, Flight and Fraud: The Story of Taxation*. Curacao: Euro-Dutch Publishers.
- Adams, C. (1993). *For Good or Evil: The Impact of Taxes on the Course of Civilization*. New York: Madison Books.
- Bose, S. (2012). Hindu Ethical Considerations in Relation to Tax Evasion. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice* (pp. 135-147). New York: Springer.
- Cohn, G. (2012). The Traditional Jewish View of Paying Taxes. In McGee, Robert W. (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice*. (pp. 149-158). New York: Springer.
- Collymore, A. (2020). The Ethics of Tax Evasion: A Study of Opinion in the United Kingdom. *Journal of Accounting, Ethics & Public Policy*, 21(2), pp. 201-245.
- Crowe, M.T. (1944). *The Moral Obligation of Paying Just Taxes*. The Catholic University of America Studies in Sacred Theology No. 84.
- Delacre, M., Lakens, D. & Leys, C. (2017). Why Psychologists Should by Default Use Welch's *t*-test Instead of Student's *t*-test. *International Review of Social Psychology*, 30(1), pp. 92-101. Doi : <https://doi.org/10.5334/irsp.82>
- DeMerville, W. (1998). The Ethics of Tax Evasion: A Baha'i Perspective. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 230-240. Dumont, NJ: The Dumont Institute for Public Policy Research.
- Derrick, B., Toher, D. & White, P. (2016). Why Welch's test is Type I error robust. *The Quantitative Methods for Psychology*, 12(1), pp. 30-38.
- Drogalas, G., Anagnostopoulou, E., Pazarskis, M. & Petkopoulos, D. (2018). Tax Ethics and Tax Evasion, Evidence from Greece. *Theoretical Economics Letters*, 8, pp. 1018-1027.
- Gronbacher, G. (1998). Taxation: Catholic Social Thought and Classical Liberalism. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 158-167. Dumont, NJ: The Dumont Institute for Public Policy Research.
- Haerper, C., Inglehart, R., Moreno, A., Welzel, C., Kizilova, K., Diez-Medrano J., Lagos, P. Norris, E. Ponarin & B. Puranen et al. (eds.). (2020). World Values Survey: Round Seven – Country-Pooled Datafile. Madrid, Spain & Vienna, Austria: JD Systems Institute & WVSA Secretariat. URL : <http://www.worldvaluessurvey.org/WVSDocumentationWV7.jsp>.
- Jalili, A. (2012). The Ethics of Tax Evasion: An Islamic Perspective. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice*, pp. 167-199. New York: Springer.
- Kandri, E. & Mamuti, A. (2019). Ethics of Tax Evasion: The Case of Albania. In Agim Mamuti, *Tax Evasion as a Crime: A Study of Perception in Selected Countries*, pp. 12-18. Mauritius: Lambert Academic Publishing.
- McGee, R. (1998). The Ethics of Tax Evasion in Islam. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 214-219. Dumont, NJ: The Dumont Institute for Public Policy Research.
- McGee, R. (2004). Tax Evasion in Islam. In Robert W. McGee, *The Philosophy of Taxation and Public Finance*, pp. 67-71. Boston, Dordrecht & London: Kluwer Academic Publishers.
- McGee, R. (2006). Three Views on the Ethics of Tax Evasion. *Journal of Business Ethics*, 67(1), pp. 15-35.
- McGee, R. (2012a). Four Views on the Ethics of Tax Evasion. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice*, pp. 3-33. New York: Springer.
- McGee, R. (2012b). Annotated Bibliography: 18 Statement Surveys. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice*, pp. 499-598. New York: Springer.
- McGee, R. (2012c). *The Ethics of Tax Evasion: Perspectives in Theory and Practice*. New York: Springer.
- McGee, R. (2012d). Gender and the Ethics of Tax Evasion: An Empirical Study of 82 Countries. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice*, pp. 415-439. New York: Springer.
- McGee, R. (2012e). Age and the Ethics of Tax Evasion: An Empirical Study of 82 Countries.
- In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and*

Practice, pp. 441-449. New York: Springer.

McGee, R. (2012f). Education Level and the Ethics of Tax Evasion: An Empirical Study of 82 Countries. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice*, pp. 451-457. New York: Springer.

McGee, R. (2012f). The Ethics of Tax Evasion in Islam: A Comment. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice*, pp. 159-165. New York: Springer.

McGee, R. (2012g). Christian Views on the Ethics of Tax Evasion. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion: Perspectives in Theory and Practice*, pp. 201-210. New York: Springer.

McGee, R. (2023). How People Justify Tax Evasion: Summaries of 70+ Studies. *Working Paper*.

McGee, R. & Benk, S. (Eds.) (2023a). *The Ethics of Bribery: Theoretical and Empirical Studies*. Switzerland: Springer.

McGee, R. & Benk, S. (Eds.) (2023b). *The Ethics of Bribery: Country Studies*. Switzerland: Springer.

McGee, R. & Lingle, C. (2008). The Ethics of Tax Evasion: A Survey of Guatemalan Opinion, in Robert W. McGee (Ed.), *Taxation and Public Finance in Transition and Developing Economies*, pp. 481-495. New York: Springer.

McGee, R. W. & Rossi, M. (2008). A Survey of Argentina on the Ethics of Tax Evasion. In Robert W. McGee (Ed.), *Taxation and Public Finance in Transition and Developing Economies*, pp. 239-261. New York: Springer.

McGee, R. & Shopovski, J. (Eds.) (2023a). *The Ethics of Tax Evasion, Volume 2: New Perspectives in Theory and Practice*. Switzerland: Springer.

McGee, R. & Shopovski, J. (Eds.) (2023b). *The Ethics of Tax Evasion: Country Studies*. Switzerland: Springer.

McGee, R., Shopovski, J. & Bolek, M. (2023a). Attitudes toward Tax Evasion in Sweden. In Robert W. McGee & Jovan Shopovski (Eds.), *The Ethics of Tax Evasion: Country Studies*. Switzerland: Springer.

McGee, R., Shopovski, J. & Bolek, M. (2023b). Attitudes toward Tax Evasion in the United States. In Robert W. McGee & Jovan Shopovski (Eds.), *The Ethics of Tax Evasion: Country Studies*. Switzerland: Springer.

Murtuza, Athar and Ghazanfar, S. (1998). Taxation as a Form of Worship: Exploring the Nature of Zakat. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion* (pp. 190-212). Dumont, NJ: The Dumont Institute for Public Policy Research.

Pardisi, A. & McGee, R. (2023a). Attitudes toward Tax Evasion in Australia. In Robert W. McGee & Jovan Shopovski (Eds.), *The Ethics of Tax Evasion: Country Studies*. Switzerland: Springer.

Pardisi, A. & McGee, R. (2023b). Attitudes toward Tax Evasion in New Zealand. In Robert W. McGee & Jovan Shopovski (Eds.), *The Ethics of Tax Evasion: Country Studies*. Switzerland: Springer.

Pardisi, A. & McGee, R. (2023c). Gender and Attitudes toward Tax Evasion. In Robert W. McGee & Jovan Shopovski (Eds.), *The Ethics of Tax Evasion: Country Studies*. Switzerland: Springer.

Pardisi, A. & McGee, R. (2023d). Age and Attitudes toward Tax Evasion. In Robert W. McGee & Jovan Shopovski (Eds.), *The Ethics of Tax Evasion: Country Studies*. Switzerland: Springer.

Pardisi, A. & McGee, R. (2023e). Education Level and Attitudes toward Tax Evasion. In Robert W. McGee & Jovan Shopovski (Eds.), *The Ethics of Tax Evasion: Country Studies*. Switzerland: Springer.

Pennock, R. (1998). Death and Taxes: On the Justice of Conscientious War Tax Resistance. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 124-142. Dumont, NJ: The Dumont Institute for Public Policy Research.

Ruxton, G. (2006). The unequal variance *t*-test is an underused alternative to Student's *t*-test and the Mann-Whitney *U* test. *Behavioral Ecology*, 17(4), pp. 688-690. Doi: <https://doi.org/10.1093/beheco/ark016>

Schansberg, D. (1998). The Ethics of Tax Evasion Within Biblical Christianity: Are There Limits to "Rendering Unto Caesar?" In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 144-157. Dumont, NJ: The Dumont Institute for Public Policy Research.

Smatrakalev, G. (1998). Walking on the Edge: Bulgaria and the Transition to a Market Economy. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 316-329. Dumont, NJ: The Dumont Institute for Public Policy Research.

Smith, S. & Kimball, K. (1998). Tax Evasion and Ethics: A Perspective from Members of The Church of Jesus Christ of Latter-Day Saints. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 220-229. Dumont, NJ: The Dumont Institute for Public Policy Research.

Tamari, M. (1998). Ethical Issues in Tax Evasion: A Jewish Perspective. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 168-178. Dumont, NJ: The Dumont Institute for Public Policy Research.

Tarekegn, M. (2015). Ethics of Tax Evasion: Evidence from Self-employed Tax-payers' of Dessie Town Administration, Ethiopia, *Universal Journal of Accounting and Finance*, 3(5), pp. 153-170.

Torgler, B. (2003). Tax Morale in Transition Countries. *Post-Communist Economies*, 15(3), pp. 357-381.

Torgler, B. & Schaltegger, C. (2006). Tax Morale: A Survey with a Special Focus on Switzerland. *Schweizerische Zeitschrift für Volkswirtschaft und Statistik*, 142(3), pp. 395-425.

Torgler, B. & Schneider, F. (2005). Attitude toward Paying Taxes in Austria: An Empirical Analysis. *Empirica*, 32, pp. 231-250.

Vaguine, V. (1998). The "Shadow Economy" and Tax Evasion in Russia. In Robert W. McGee (Ed.), *The Ethics of Tax Evasion*, pp. 306-314. Dumont, NJ: The Dumont Institute for Public Policy Research.

World Values Survey. (2022). URL : <https://www.worldvaluessurvey.org/>.

Роберт У. МакГі, Янира ПЕТРИДЕС, Цзяхуа ЧЖОУ СТАВЛЕННЯ ДО УХИЛЕННЯ ОТ СПЛАТИ ПОДАТКІВ В КРАЇНАХ БРІК

Анотація. У цьому дослідженні використовувалися дані World Values Survey, щоб проаналізувати ставлення до ухилення від сплати податків вибірки населення чотирьох країн БРІК – Бразилії, Росії, Індії та Китаю. Дослідження показало, що понад 75 відсотків китайських та індійських респондентів вважають, що ухилення від сплати податків ніколи не було виправданим. Загалом найбільше проти ухилення від податків виступили китайці, за ними йдуть індійці, бразильці та росіяни. Розподіл результатів в залежності від статі не був суттєвою демографічною змінною. Старші групи, як правило, більш неприхильно ставляться до ухилення від податків, ніж молодші групи. Освіта не була суттєвою демографічною змінною в 75 відсотках випадків, а коли вона була важливою демографічною змінною, чіткої тенденції виявити не вдалося. Релігія не була суттєвою змінною для бразильської та китайської вибірок. Індійська вибірка виявила, що мусульмани значно менше виступають проти ухилення від сплати податків, ніж інші релігії. Аналіз тенденцій показав, що бразильці та індійці з часом стали значно менше проти ухилення від податків. Хоча погляди китайців у 1991 і 2018 роках були приблизно однаковими, у проміжний період вони стали менш неприхильними до ухилення від податків.

Ключові слова: БРІК, ухилення від сплати податків, податкова мораль, етика, демографічні змінні.

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THE EFFECT OF THE COMPETITIVENESS INDEX ON ECONOMIC GROWTH, WITH AN EMPHASIS ON INSTITUTIONAL AND STRUCTURAL VARIABLES: 10 SELECTED COUNTRIES EXPORTING OIL

Abstract. Reaching long-term sustainable economic growth is very important for every country. Almost all macro-economic policies in a country founded based on rational criteria and indicators of competitiveness of the economic, social, and cultural country can be a vital element of sustainable economic growth. This paper tries to investigate the impact of the competitiveness index on economic growth with the emphasis on institutional variables and structural changes and for this purpose, it used the combined data of 10 oil-exporting countries, during the period (2000-2017) through the generalized method (GMM). Independent variables include: Capital

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stock per capita, labor, structural change index, competitiveness index, international indicator risk of the countries, and the dependent variable for per capita growth economy is GDP.

The estimation results show that the increase in the competitiveness index leads to increasing economic growth as well as effects of structural index on economic growth is positive and significant, and increasing the international risk countries (Institutional Index) has a negative effect on economic growth which is based on theoretical principles.

Keywords: *economic growth competitiveness index, institutional variables, structural variables.*

Introduction. Economic growth is one of the most significant economic variables & obvious markers of the correct direction of an economic now identifying the determinants of the economic growth can be an effective step was to design a practical model of economic development. In addition to traditional factors determining the economic growth including capital (physical and humanitarian) and labor force, structural variables and institutional variables considered as potential factors of growth. While putting competitiveness index along with this variable has created comprehensive combination and integration of traditional and modern elements have been predicted a complete index as competitiveness index. Different theory accumulation of capital and enhanced productivity and investment in research and development is considered the determinants of economic growth. But this theory was unable in explaining the reasons for the differences between the country in economic growth although based on theoretical and experimental studies developing poor countries has a lot of potential to achieve convergence with a developed country, these countries were unable in creating positive results due to the lack of growth, and the inadequacy of the supporter institutions and structural changes (Rodrik, 2005).

Therefore, in this study, with an emphasis on institutional and structural indicators, the effect of the competitiveness index on economic growth has been taken into consideration to prevent problems such as alignment and reducing the degree of freedom in the way of making the index Institutional and structural changes is used so that can study the effects of more economic variables on economic growth at the same time.

The purpose of our article. In this study, we aimed to investigate the effect of the global competitiveness index on economic growth, of course adding two other factors also increases the accuracy of the estimating institutional index and the index structure, which each of them arises with a large number of sub-indexes. 10 selected countries exporting oil during the period (2000-2017) included population in this study, the selection criteria of these countries are simply because of the economic databases. So checking the countries with different economic conditions, for example, some of the reports for many years in the top ranks and even lower middle classes of global competitiveness index and the annual economic growth performance. In this context, issues raised is whether the global competitiveness index has an effect on economic growth with the structural and institutional variables? And are considered variables can be good criteria for measuring economic growth? The theoretical literature investigates the role of the competitiveness index as one of the most effective indicators of economic growth with an emphasis on institutional and structural variables in the economy. In the following brought conducted experimental at foreign and domestic levels and then expressed participation of researchers in this study.

Analysis of recent research and publications. Mid-20th century, many theories in growing economic literature have been formed which can be classified into 4 groups of theories.

Harrod-Domar growth model Niokinzin 1 (Harrod, 1939; Domar, 1946). Conditions to achieve the desired economic growth in this model is perfect using of both labor and capital, if we have unemployed labor force, Growth theory of full employment is rejected and if and if the capital is not used fully we face to declining investment and good demand. The condition of fully operational capital in the time of economy grow that guide us toward dynamic process which has been expressed by Harrod-Domar underlying in early 1940s.

Solow-Swan neoclassical growth model (Solo, 1956; Swan, 1956). In investigating the growth patterns can start with the Solow growth model (1956). Because the first steps of growing are expressed in defining this pattern of model, this model along with the traditional neoclassical model expressed the differences in per capita income based on differences as of factors of production accumulation. These models consider increasing investment are as the best way, and express capital as the most important factor of difference incomes in these countries. So, more and faster accumulation of capital leads to high economic growth rate. The fundamental problem of the neoclassical growth model is that it is unable of explaining the most fundamental realities of growth actual behavior as well as explaining the observed growth differences in income.

Lokas-Romer endogenous growth model (Romer, 1986; Lucas, 1988). In this models, economic growth occure based on a set of internal mechanisms such as human capital development, improved productivity, research and development and quality of government. These models were known as endogenous growth model of the economy. The analysis is based on the accumulation of physical capital; human capital accumulation and production of specified amounts of capital emphasize on different countries income and know developing technology as the revenue engine of economic growth.

New institutional and political economy growth models. In terms of institutional economics, innovation, economies of scale, education, capital accumulation are the superficial reasons of growth. These issues are not growth causes but are growth itself (North, 1990).

Infrastructure of an economy, governance types, variables structure and rules and institutions of a country are the important factors and primary determining motivation and people's desire for physical investment and who have the skills and technology that all these factors together led to the success. So effective is the economic infrastructure of a country's social institutions that carry signs of growth or disaster. One of the offered theories for economic growth in the field of institutional economics, that has worked that shows the role of institutions in economic growth as endogenous, is asthma Aghlv theory, Johnson and Robinson (2004). Acemoglu et al. (2004) distinguished between two types of institutions, economic institutions and political institutions, economic institutions are important from economic growth point of view because they give form to key players of economic incentives, Especially effects on investment in physical and human capital and technological and production structure. Of course this division caused by colonialism in the 17th and 19th, as well as factors such as ideology and social conflict, and that the institution always not selected by the whole society, but also select by certain groups that

control political power in their hands.

If neoclassical growth theory compares to institutional economy these two theories differ is clearly defined in terms of economic growth prominent institutionalisms believe that neoclassicist recommendations are more for the long term and fail to provide and explain foundation for economic growth, and their reasons are factors such as innovation, economies of scale education, capital accumulation that introduce as an important factor in the neoclassicists point of view.

Formulation of the main material. Frederick (2002), formed their research on two different categories, one with a sample size of 80 countries and the other one with a sample size of 140 countries to evaluate the effect of these three factors on the economic growth. The results show that institutions are significantly superior to all the other factors and the effects of other factors are also due to their impact on the institution

Pender (2003) has shown positive correlation between the relative shares of exports and imports of high-level skills and the industry benefit from the technology and the growth of per capita GDP for the countries of the Organization for Economic Cooperation and Development.

Afonso and for Furceri (2010), investigate the effects of policies and volatility economic growth. The basic aim of this study was to investigate the effect of government policies with the distinction between income and spending policies and volatility on economic growth of Europe and the OECD area, the government policies on the one hand is able to mitigate the impact of business cycles and on the other hand can be its factor. Also less spending shows less required to taxes from the increased investment and growth. On the other hand, in some cases accompanied by high growth has been higher public spending. The results show that the proportion of total revenue in both cases has a negative effect, but its volatility has not significant impact, Expenses level is like income level and volatility for OECD countries is meaningless in European countries has a significant negative effect. The levels of indirect taxes and social contributions in both cases have a negative effect.

Haul and Jouns (1999) in a study with designing this question that why per capita GDP among countries are different? Examined 127 countries with combination data and the result of this research shows that social infrastructure (institutions) answered a lot of difference among the nation's long-term performance. The total regulations index has not significant effects on the growth, but the commercial market regulation index has a significant positive effect and ultimately impact of financial regulation were identified indirectly through investment on economic growth. Simon Commender & Zlatco Ghazouani Dawson (2006), investigate the relationship between regulation, growth and investment in selected countries result has shown that the financial regulation index Nikolaski (2010) in the article "Structure and Economic Performance" to investigate the importance of the institution have in the economic performance of the index in three categories: political system, Trade and investment and business environment.

Studies conducted in Iran. Moshiri and Altejai (2008) investigate the relationship between structural changes and economic growth in the newly industrialized countries. To provide empirical evidence about the impact of structural change on economic growth in newly industrialized countries were

used a growth model the pooled data of eleven countries in the period 1970-2004. The key innovation of this research is using multivariate analysis techniques and principal components and dynamic action to extract a synthetic indicator of structural change of the primary structural variables.

Jafari Samimi and Azarmand (2005) investigate the impact of institutional variables on economic growth in the countries. The results of this research showed a significant correlation between economic growth and the performance of the economic, political and legal.

Isazade and Ahmed Zadeh (2009) in an article entitled "The institutional factors on economic growth, with emphasis on governance institutions", the results showed that public institutions such as the rule of law, political stability, control of corruption direct impact on production factors and other factors lead to improved economic growth. Of course that Institutions itself does not produce economic growth, but also by the impact of the direct factors and other factors lead to improved economic growth.

Nadiri and Mohammadi (2011) "examined the impact of institutions on economic growth by MMG dynamic panel data" (endogenous and institutional factors affected the development process to solve them). The results based on effectiveness institutions on economic growth at the global level and between different countries examined samples of the oil countries. Shah Abadi and Poorjavan (2010) examined rule of competitiveness and economic growth. The results showed that whatever the governance index is lower than the average of their group as well as the effectiveness and transparency of government is reduced. It also states government that provide more rapid necessary institutions for integration into the global economy, and utilize economic policies in such a way to that in addition to the use of natural comparative advantages in the production process, the use of the extensive use of the advantages of relative to be acquired, they can by improving national competitiveness and compete with industrialized countries increased their share in the global economy. As results show a significant relationship considered variables are in the governance and competitiveness has significantly effect on economic growth of a country.

The statistical population and methods of collecting statistical information. The statistical populations of the 10 oil-exporting countries are (Iran, Saudi Arabia, UAE, Algeria, Angola, Venezuela, Kazakhstan, Qatar, Nigeria, and Kuwait). The studied variables are for the period (2000-2017). The method of collecting data for the library was exploited by official databases such as the World Bank index (IDW) and the World Economic Forum (WEF) and institutional variables related to indexing the site (PRS Group).

Introducing the Template Variables.

- Economic growth (GDP): the rate of change in real inside production GDP compared to that same variable in the previous year defined as economic growth.

- The Global Competitiveness Index (GCI): The weighted average of creating many different components that which of them shows the complex aspects of competitiveness in global competitiveness the Global Competitiveness index by using 110 variables with 12 elements or components and the 3 sub-index finally change to global competitiveness index.

- The institutional index (ICRG): international Directory index risk of the countries is obtained with a rating of 22 variables in three sub-groups political

risk, financial risk, and economic risk.

– Structural index (S) as well as the simple average of the following variables:

- 1) rate of urbanization;
- 2) rate of investment growth GDP of Impure inside production;
- 3) rate of industry growth GDP;
- 4) rate of growth of total employment in the industrial sector share of employment;
- 5) rate of employment shares in industry growth part in total industrial exports;
- 6) rate of growth of import share of Impure inside production GDP;
- 7) rate of import of Impure inside production in this research is exploited.

It should be noted that for calculating the structural indicators, there are many variables, but the selection of present variables according to the conditions of the country and available data also the choice is based on the integrity of the structure of the economy.

Also, it has been used to estimate this model. Institutional factors include government stability, social and economic conditions, prospects of investment, corruption, rule of law and order, the quality of the administrative system, administrative system's response, and structural variables, including the rate of urbanization, the rate of growth of investment share in impure inside production GDP The rate of Industry growth of impure inside production GDP, the rate of employment in the industrial sector, the rate of domestic savings to impure production growth GDP, the rate of the share of exports industrial goods growth, the rate of import impure internal production growth.

Examining the Stationary of variable. In this study, before estimation of the model investigate static variables. For the static test variables, the augmented Dicky-Fuller test (ADF) is used.

Table 1

The results of stationary variables

Variables	Intercept and process status	ADF statistics	The critical value in level of 95%	Viability times
GDP	With intercept and no trend	94.409	00.00	I(1)
GCI	With intercept and no trend	174.168	00.00	I(0)
Capital	With intercept and no trend	45.3170	00.02	I(1)
ICRG	With intercept and no trend	74.3005	00.00	I(0)
STRUCTURAL	With intercept and no trend	103.71	00.00	I(0)
Labor	With intercept and no trend	120.641	00.00	I(0)

Source: research findings

Based on the test, the institutional, competitiveness, structural and workforce indicators are at the level of stationary, and the economic growth and capital are of the first degree and they can be measured with one time differentiation.

Model estimation. In this study, using composite data, the desired model was estimated by the GMM method using EVIEWS6 software.

Stipulated model Growth equation for examining the relationship between global competitiveness and economic growth in institutional and structural factors are as follows:

$$g_{y(i,t)} = \alpha_0 + \alpha_1 g_{y(i,t-1)} + \alpha_2 g_{K(i,t)} + \alpha_3 CGI + \alpha_4 ICRG_{it} + \alpha_5 S_{it} + u_{it}$$

$$U_{it} = \mu_i + v_t + \varepsilon_{it} \quad (1)$$

In equation (1):

$g_{y(i,t)}$: The growth of per capita	U_{it} : A general distribution
$g_{K(i,t)}$: Per capita capital stock growth	μ_i : Specific non-visible effects of each country
CGI: The global competitiveness index	v_t : Specific time factor
$ICRG_{it}$: The institutional index	ε_{it} : stochastic term
S_{it} : Structural index	

We start estimating the model by relying on panel models and using random-effects estimators. To estimate the equation, it is first necessary to determine the type of estimation method for the specific type of composite-cross-sectional data. Therefore, first, the F statistic was used to determine the existence (or non-existence) of latitude from the spatial origin for each of the countries. Because the calculated statistic was larger than the F statistic in the table, therefore, with a confidence level above 95 %, the null hypothesis of the test based on the use of the ordinary least squares method is rejected, and as a result, the ordinary least squares method is not valid, and it should be calculated from different sources.

The method of fixed effects or random effects was included in the model to continue the test of this model using the method of fixed effects and random effects, Hausman χ^2 test was used. This test was done using EVIEWS6 software. The χ^2 test obtained from the calculations for this regression is greater than the χ^2 value in the Table 2, the null hypothesis of using the random effects method will be rejected with a probability of more than 95 %. Therefore, the fixed effects method was confirmed to estimate the model, and the results of both methods are presented in Table 3.

Table 2

The results of Hausman test

Prob	Level of freedom	χ^2	Test Summary
0.9674	4	0.5603	Period random

Source: research findings

Table 3

The results of the effect of the competitiveness index on economic growth with an emphasis on structural and institutional indicators using fixed and random effects methods

Variables	Estimation of the model by fixed effects method		Estimation of the model by random fixed effects method	
	Coefficients	T-statistics	Coefficients	T-statistics
Fixed coefficient	-1/85	-0/625	-2/71	-1/8
GCI	-0/055	-0/06	0/51	0/305
Capital	0/7	25/32	0/69	05/26
ICRG	1/34	0/88	0/24	0/29
STRUCTURAL	-0/17	-0/70	-0/21	-0/89
Labor	0/02	1/44	0/01	0/01
R²	0/75		0/74	

Source: research findings

The results of the fermentation show that the institutional index (ICRG) statistically has significant positive effect on economic growth in selected countries, so that an increase in institutional index will lead to an increase in unit 1.34 in the average growth in selected countries.

As well as a unit increase in structural indicator (s) average economic growth will decrease to 0.17, and as well an increase of one unit in the Competitiveness Index (GCI) will have the ability to reduce the economic growth units to 0.055.

The main problem can be seen in the estimation of fixed and random-effects models. And it is the existence of lags of the dependent variable on the right-to-cross impacts of each country that leads to solidarity with the disruption of bias and conflict of the estimator. So it should be in the search of other variable selection. One method of using an instrumental variable is the generalized method of moments (GMM) that can be used in the Arellano-Bond dynamic panel that has been developed for patterns. This method to fixes the error correlation variables between the dependent variable and lagged variables as tools to be used to estimate the two-step GMM.

This study using GMM estimator (GMM) and dynamic panel model is estimated based on the use of the method (GMM) has many advantages and this factor cause macroeconomic and financial range widely used in the recent studies. For example, one of the advantages that Lvyaz and Levine (1998) have described in the use of this method is the ability of this estimator in removing the variance in the time series data.

The estimator GMM with calculating individual special unseen effects in models (which are import-dependent variables as an explanatory variable in the model) provides better control on the explanatory variables model. The results of estimating the impact of the competitiveness index on economic growth with institutional and structural measures using generalized moments (GMM) can be seen in the Table 4. All estimated variables have visible marks consistent with the theory.

Table 4

The result of the effect of the competitiveness index on economic growth with an emphasis on structural and institutional factors GMM method

Variables	Coefficients	T-statistics	Prob
GDP(-1)	0.251 (0.120)	2.07	0.03
GCI	3.02 (0.897)	0.89	0.0009
Capital(-1)	0.25 (0.100)	-2.50	0.0130
ICRG (-1)	-3.54 (0.92)	0.92	0.0002
STRUCTURAL	-0.79 (0.251)	0.251	0.0019
Labor	0.02 (0.0066)	0.0066	0.001

Source: research findings (The numbers in the first rows are the *t* coefficients and the numbers in the parentheses are the standard error)

In the Table 4 the results show estimating the model using the GMM Method, as can be seen, the results obtained from this method confirmed the described theoretical principles. The values show that variables of per capita economic growth with a one-year interval, institutional index with a one-year interval, structural index, and competitiveness index have significant effects on economic growth. As the results show, one unit change in the institutional index with a one-year interval reduces the per capita growth by 3.54 units, also one unit change in the competitiveness index increases the per capita growth by 3.02 units, and one unit change in The structural index of 0.79 units will reduce economic growth per capita.

Sargan test. Total credit instrumental variables or used in the model, test with using predefined test limits. Statist of Sargan test is in the way those degrees of freedom is equal with the number of constraints that are too clear and used statistics in this test is χ^2 . The zero hypothesis governor of this test indicates that there is any connection between the error components and used tools.

Table 5

The result of the validity of the instrumental variables for simple GMM method

Type of test	Chance of statistic	Amount of statistic	Test of statistics
Sargan	χ^2	8.27	0.99

Source: research findings

In the Sargan test, if the probability of the statistic is greater than the significant level, the null hypothesis of non-correlation of instrumental variables with disturbance components is not rejected. As can be seen, the probability of the statistic is greater than the significant level of 5 %, so the null hypothesis cannot be rejected. Therefore, Sargan test has χ^2 distribution with a certain number of degrees of freedom. It confirms the validity of the instrumental

variables used in the model.

Conclusions. The study is an attempt to investigate the relationship between competitiveness index and economic growth by emphasizing institutional and structural variables. vast studies have been done about the affecting factors on economic growth, and in many of these studies only the interactions between institutional variables and economic growth or structural variables and economic growth are considered. But this research has innovation in the case that it investigated the relationship between the competitiveness index on economic growth, along with other factors including structural indicators and institutional variables. The results indicate that the competitiveness index considered as one of the affecting factors of economic growth and a significant share of this index on economic growth along with other institutional structure indexes can be seen as more significant, and said hypothesis indicates a positive and significant impact on the competitiveness index in the presence of institutional index and structural changes will be accepted and results show this assumption. As well as institutional indicators have a significant effect on per capita economic growth in a way that increases the international risk index will follow a decrease of per capita economic growth.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

- Acs, Z., Estrin, S., Mickiewicz, T., & Szerb, L. (2018). Entrepreneurship, Institutional Economics, and Economic Growth: an Ecosystem Perspective. *Small Business Economics*, 51(2), pp. 501-514.
- Afonso, A. & Furceri, D.. (2010). Government size, composition, volatility and economic growth. *European Journal of Political Economy*, vol 26, pp.517-533.
- Arellano, M., & Bover, O. (1995). Another look at the instrumental variable estimation of error-components models. *Journal of Econometrics*, 68, pp. 29-51.
- Arellano, M. & Bond, S. (1991). Some tests of specification for panel data: Monte Carlo evidence and an application to employment equations. *Review of Economic Studies*, 58, pp. 277–297.
- Arron, J. (2000). Growth and Institutions: A Review of the Evidence. *The World Bank Research Observer*, 15(1), pp. 99-135.
- Baltagi, H. (2008). *Econometric analysis of panel data*. Chichester: John Wiley & Sons Ltd.
- Blundell, R. & Bond, S. (1998). Initial conditions and moment restrictions in dynamic panel data models. *Journal of Econometrics*, Elsevier, vol. 87(1), pp.115-143.
- Chenery, H.B. (1979). *Structural change and development policy*. Oxford University Press, Oxford.
- Doran, J., McCarthy, N., & O'Connor, M. (2018). The Role of Entrepreneurship in Stimulating Economic Growth in Developed and Developing Countries. *Cogent Economics & Finance*, 6(1), pp. 144-209.
- Easterly, W. & Levine, R. (2003). Tropics, germs, and crops: how endowments influence economic development, *Journal of Monetary Economics*, Elsevier, 50(1).
- Ulengin, F., Ulengin, B. & Onsel, S. (2002). A power-based measurement approach to specify macroeconomic competitiveness of countries. *Socio-Economic planning sciences*, 39, pp. 203-226.
- Hirschman, A. (1958). *The Strategy of Economic Development*. New Haven: Yale University Press.
- Institutions and Growth – a Literature Survey*. Center or Economic and. Business Research (CEBR).
- Dawson, J. (2006). Regulation, Investment and Growth across Countries. *Cato Journal*, 26(3).
- Kordalska, A., & Olczyk, M. (2016). Global Competitiveness and Economic Growth: A

One-Way or Two-Way Relationship? Equilibrium. *Quarterly Journal of Economics and Economic Policy*, 11(1), 121-142.

Kuznets, S. (1954). On Comparative Study of Economic Structure and Growth of Nation. National Bureau of Economic Research, New York.

Lucas, R. (1988). On the Mechanics of Economic Development. *Journal of Monetary Economics*, 22, pp. 3-42.

Malik, A. (2002). *State of the art in governance indicators*. Background paper for HDR 2002, Occasional. Paper 2002/7, Human Development Report Office.

Mary M. Shirley (2008). In *Institutions and development*. Edward Elgar Publishing.

North D. (1990). *Institutions, Institutional Change, and Economic performance*. Cambridge University Press.

Robert, J. Barro & Jong-Wha Lee, (2013). A new data set of educational attainment in the world, 1950–2010. *Journal of Development Economics*, Elsevier, 104(C), pp. 184-198.

Rodrik, D. (2005). *Growth Strategies*. Handbook of Economic Growth.

Solow, R. (1956). A contribution to the theory of economic growth. *Quarterly*, 70, pp. 65-94.

World Economic Forum. *The global competitiveness report*. URL : www.worldbank.org.

**Хамун ДОРУДІ, Фатеме Хелма Гасемі ГОУДАРЗІ, Біджай Кумар КАНДЕЛ
ВПЛИВ ІНДЕКСУ КОНКУРЕНТОСПРОМОЖНОСТІ НА ЕКОНОМІЧНЕ
ЗРОСТАННЯ З НАГОЛОСОМ НА ІНСТИТУЦІЙНІ І СТРУКТУРНІ ЗМІННІ:
10 ОБРАНИХ КРАЇН, ЯКІ ЕКСПОРТУЮТЬ НАФТУ**

Анотація. Досягнення довгострокового сталого економічного зростання є дуже важливим для кожної країни. Майже всі макроекономічні політики в країні, засновані на раціональних критеріях і показниках конкурентоспроможності економічної, соціальної та культурної країни, можуть бути життєво важливим елементом сталого економічного зростання.

Автори цієї статті намагаються дослідити вплив індексу конкурентоспроможності на економічне зростання з наголосом на інституційних змінних і структурних змінах. Для цього використано об'єднані дані 10 країн-експортерів нафти за період (2000-2017) та ці дані застосовані до узагальненого методу. Незалежні змінні включають: запас капіталу на душу населення, робочу силу, індекс структурних змін, індекс конкурентоспроможності, міжнародний показник ризику країн, а залежною змінною економіки є зростання на душу населення ВВП.

Результати оцінки показують, що підвищення індексу конкурентоспроможності призводить до збільшення економічного зростання, а вплив структурного індексу на економічне зростання є позитивним і значним, а підвищення міжнародного ризику країн (Інституційний індекс) негативно впливає на економічне зростання, тобто засноване лише на теоретичних засадах.

Ключові слова: індекс конкурентоспроможності економічного зростання, інституційні змінні, структурні змінні.

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DIRECTIONS OF INTEGRATION OF RAILWAY TRANSPORT OF UKRAINE INTO THE EUROPEAN RAILWAY NETWORK

Abstract. The authors emphasized that railway transport plays a major role in the life support of Ukraine, especially during the war (because passengers are transported by railway transport not only in the normal mode, but also by evacuation trains; not only scheduled cargo is transported, but also those reoriented from water transport due to the seizure of Ukrainian ports by the Russian aggressors; enterprises are transported from the areas under fire to a safer place), so efforts must be made to ensure the smooth functioning of this type of transport both within the country and in interstate communication. In this context, it is highlighted that, in addition to significant technical barriers to crossing borders, Ukraine has non-compliance of the legislation in the field of railway transport with the legislation of the European Union.

At the same time, it is noted that with the signing of the Association Agreement with the European Union, the issue of integration into the single European transport space has become acute for Ukraine. This involves the transition to common principles of the operation of the rail transport market, including the presence of independent: railway infrastructure operator, who will be responsible for its quality and capacity (i.e. the number of trains that will be able to move on the tracks); the regulator of railway transport, which will approve the tariff for access to the infrastructure, will ensure equal access to it for all operators of railway transport; the railway safety authority, which will determine the requirements for carriers, check their compliance and issue licenses for transportation.

A necessary condition for adaptation to EU legislation on railway transport is the harmonization of Ukrainian legislation with the European one, elimination of differences in the

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legal framework regulation of railway transport. Harmonization regulatory and legal field of operation of railway transport to the European one, appropriate reforms are needed. The main European Directives and Regulations in the field of railway transport are outlined, according to which it is necessary to amend the Law of Ukraine “On Railway Transport”.

Keywords: railway transport, European integration, legislation in the field of railway transport, Ukrzaliznytsia.

Introduction. Transport plays a key role in the development of any country, contributing to the mobility of the population and transportation of goods, thus ensuring the functioning of the country’s economic sectors. In this process, railway transport occupies a leading position, because it is characterized by a number of factors (safety, independence from weather conditions, environmental friendliness, speed, reliability, affordability of transport services, etc.), which significantly increase its competitiveness compared to other types of transport. Railway transport undoubtedly has a leading role in the transport system of Ukraine.

In terms of the length of the railway network, Ukraine ranks third in Europe, having an extensive infrastructure network and the corresponding rolling stock. Considering that Ukraine became a candidate for membership in the European Union in June, 2022, the implementation of the existing Ukrainian realities in the field of railway transport to the requirements of the EU Directives became an extremely urgent task.

Analysis of recent research and publications. Many scientists have dealt with the problems of increasing the competitiveness of Ukrainian railway transport, including in the context of European integration. Among them: V. Dykan, Yu. Barash, T. Charkina, I. Tokmakova, L. Golovkova and others. Also, in the scientific literature, there are enough theoretical studies regarding the integration of neighboring countries in transport connections. For example, in the article (Ma, 2022), the author emphasizes that the initiative of governments in the transport sector called “One Belt, One Road” contributes to the local economic growth of the countries involved.

Regarding the reform of railway transport in Ukraine, the authors in the article (Grushevska, Notteboom & Shkliar, 2016) emphasize that European integration should take place gradually, because Ukraine is not ready for shock reforms. Scientists in the article (Gerhátová, Zitrický & Gašparik, 2021) emphasize the attractiveness of railway transport in interstate transportation of goods, in particular in the Common Economic Area of the European Union. The article (Calzada-Infante, Adenso-Díaz & García Carbajal, 2020) discusses the need to introduce high-speed traffic to increase the competitiveness of passenger rail transport in interstate traffic and on the EU railway networks.

As part of the scientific research conducted by the scientists, it was established that the economic development of the country is largely determined by the success of its transport and logistics sector. The involvement of railways in global supply chains, both domestically and internationally, is now very relevant (Lytvynenko et al., 2022).

The purpose of the article is to outline directions for the integration of railway transport of Ukraine into the European railway network, taking into account modern realities.

Formulation of the main material. Railway transport plays a decisive role in the transport sector of Ukraine, because in recent years its share in the

total volume of cargo transportation was more than 60 %. In the current year, 2022, the financial condition of Ukrzaliznytsia has significantly deteriorated. And there are objective reasons for this, as Russia's full-scale invasion of Ukraine led to a drop in the investment rating of our country and, accordingly, all leading industries, including railway transport. All the optimistic forecasts regarding the reform of the industry and the attraction of private investments, including foreign ones, primarily under the terms of a concession, have yet to be realized.

The situation is getting worse every day, because the volume of freight transportation is falling sharply (it decreased by about 65 % compared to the same period last year), and freight transportation has always been the main source of income for the railway department. At the same time, taking into account the fact that the Russians have seized Ukrainian ports and do not allow the full export of Ukrainian products, these cargoes were redirected to rail transport. It is by rail that the main volume of domestic exports is transported (the share of sea ports of the Danube region in the total volume of exports of grain, oil crops and products was 47 %, rail transport – 41 %, but the supply of the main volumes of grain cargo to port transshipment complexes is also mainly carried out by rail transport). This type of transport also provides cargo transportation for the needs of the Armed Forces, delivers humanitarian cargo (the total volume of transportation has already exceeded 100,000 tons), serves the needs of manufacturing enterprises and carries out their relocation (more than 600 enterprises have been relocated) (www.ligazakon.net).

As for the volumes of passenger transportation, they have also decreased, because we are observing the departure of a significant number of Ukrainians abroad. Here I would like to note that since the beginning of the war, since February 24, 2022, Ukrzaliznytsia organized the transportation of passengers from different parts of Ukraine free of charge by evacuation trains, the services of which were used by almost four million passengers.

Separately, Ukrzaliznytsia bears significant losses as a result of the destruction of infrastructure and rolling stock due to shelling and bombing of Ukrainian railways by the Russian army (since the beginning of the full-scale Russian invasion, control over 6 thousand kilometers of railway tracks has been damaged or lost, fifty bridges have been destroyed, dozens of railway stations and stations have ceased to function) (railexpoua.com). Despite all the difficulties, it was Ukrzaliznytsia that became the important link that reliably connected Ukraine with European countries.

But here it must be said that there are objective reasons as a result of which the speed of crossing the border of passengers and goods is still low. Forced reorientation of cargo movement by rail from the seaports of southern Ukraine to the border with the EU is currently limited by the different width of the railway track, the different dimensions of the rolling stock of Ukraine and the EU, and the inability of the railway transport system of neighboring countries to serve large volumes of cargo transportation. The transport system of the EU countries is technically not ready to transport large volumes of goods from Ukraine (www.interfax.com.ua). We have at our disposal a rather small number and limited capacity of checkpoints across the state border capable of serving rail freight transportation.

Thus, there are only 13 freight border crossings in Ukraine: 4 – with Poland, 3 – with Moldova, 2 crossings each – with Romania, Slovakia and

Hungary. Despite the declared potential throughput capacity of the western crossings in the amount of 6.6 million tons per month, in fact it is possible to use only half of this volume (www.apk-inform.com; Orel, 2022).

What is the reason? First of all, due to the difference in track width. All over the world, the gauge width on the railways of each country differs for various reasons. Today, 60 % of the total length of all railway lines in the world is 1435 mm gauge, 17 % is 1520 mm gauge (mainly in the countries of the former Soviet Union, including Ukraine, Fig. 1).

We will remind that in the middle of the 19th century in the Russian empire, a railway track width standard of 1520 mm was introduced, instead of the European standard of 1435 mm. It is interesting that after the Second World War, the track of European width was specially destroyed in the territories that went to the Soviet Union. Thus, all production aimed at the construction of railway rolling stock and infrastructure was focused on a track width of 1520 mm.

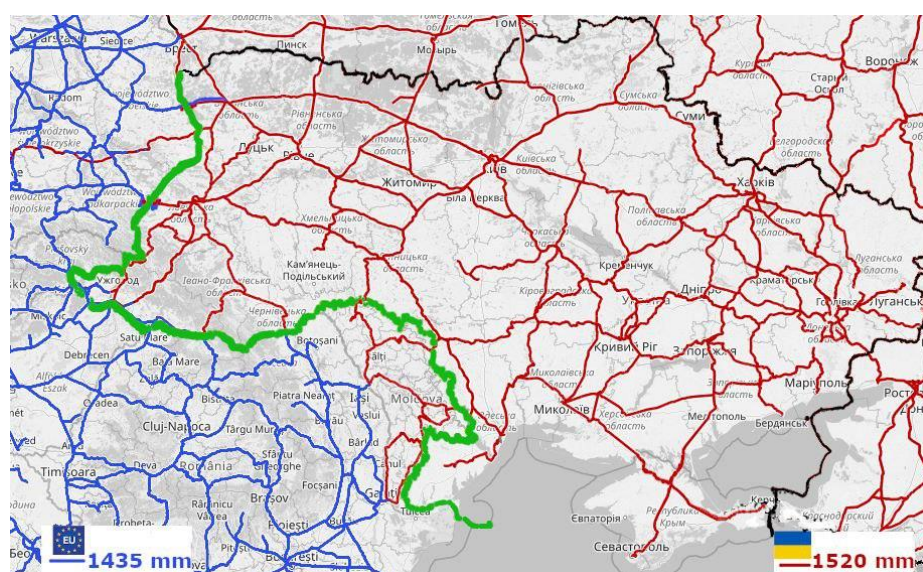


Figure 1 – Track network with a width of 1435 and 1520 mm
(www.kurier-kolejowy.pl)

With the severing of ties with Russia and reorientation to the European market, it is expedient for Ukraine to switch to the European gauge as soon as possible. 13 railway border crossing points, which will be built in the future between Ukraine and neighboring countries, have already been named the Paths of Solidarity (Samoilov, 2022). To eliminate infrastructural limitations of railway transport of Ukraine in cross-border cooperation on the western vector, there are promising projects that require investment. In particular, the Ministry of Infrastructure of Ukraine and the Ministry of Infrastructure and Regional Development of Moldova in June, 2022 signed a Memorandum of Understanding on the development of railway communication, which will allow to increase the transportation of Ukrainian export goods, including to the ports of the Danube region. In June 2022, Ukrzaliznytsia began repairing a section of the railway track on the Ukrainian-Romanian border that had not been used for 20 years.

The commissioning of this section will create new opportunities for

increasing the volume of transit transportation and improving the connectivity of the Carpathian region. In Ukraine, they plan to repair the railway line from Rakhov to the border with Romania. Also in the works is a project to restore the Eurotrack on the 20 km section Chop–Uzhhorod, which, among other things, will allow connecting the regional center of Zakarpattia Oblast with a number of European cities – Vienna, Bratislava, Belgrade, Budapest, Prague, Dresden. Oleksandr Kava: It is appropriate to start the transition to the Eurotrack from the lines from the border to Lviv, Uzhhorod and Chernivtsi (www.railinsider.com.ua).

The development of railway transport with Romania, Turkey and Bulgaria will be facilitated by the laying of the European track along the route Vadul–Siret–Chernivtsi with a length of 42 km. The extension of 1,435 mm of railway track from the city of Kovel to the city of Lutsk, as well as from the Mostyska station to the city of Lviv, has significant prospects for ensuring unhindered railway communication with Poland and the Baltic countries. In addition, there is an opportunity to restore and put into operation sections of the narrow gauge that are already in operation in Transcarpathia and sections from Poland through the city of Yagodin. This will create additional opportunities for the development of railway and logistics infrastructure in these areas. A foreign company will develop the narrow-gauge electrification project in Volyn (www.volynnews.com).

Western partners of Ukraine intend to implement a number of infrastructure projects in the near future that will contribute to increasing the volume of railway transportation of Ukrainian goods, namely:

- in Poland, the restoration of the section of the Przemyśl – Nyzhankovichi railway track has begun, which, provided that the Ukrainian side continues the European track on the Nyzhankovichi – Khyriv section, will allow the resumption of freight transportation on this route – for the first time since 1995 (tvoemisto.tv). In June, 2022, near the Polish city of Zamosc, a powerful container terminal was opened, equipped with railway tracks of the 1435 and 1520 mm standard, capable of processing up to 10 pairs of trains per day (railinsider.com.ua). In general, the capacity of the terminal is estimated at 15 thousand teu per year, which creates an opportunity to intensify the transportation of containerized cargo of Ukrainian origin, primarily grain crops. The management of the port of Kolobrzeg, which plans to increase its capacity for this purpose, announced the possibility of transshipment of Ukrainian agricultural exports from railways to ships. The Polish port of Kolobrzeg offers itself for transshipment of Ukrainian grain (sudohodstvo.org). In addition, there is a possibility of extending the broad gauge from the city of Slawków to the city of Gdańsk, where the largest seaport in Poland is located. The project of laying a broad track to the Lithuanian port of Klaipėda is also being considered (www.infoindustria.com.ua);

- Moldova has started a large-scale reconstruction of railway tracks on the Tighina-Basarabiaska – Giurgiulesti section, the total length of which is 233 km. Completion of the reconstruction will help to increase the volume of transportation of Ukrainian exports to EU countries (www.gmk.center);

- Romania is repairing the broad-gauge railway on the Giurgiulesti-Galac section. Thanks to the use of this route, Ukraine will be able to smoothly carry out cargo traffic with the Romanian port of Galati without losing time for

reloading or replacing wheeled carts (pravda.com.ua);

- Croatia offers to use its ports on the Adriatic coast to transport Ukrainian grain to North African countries (www.glavcom.ua);
- Slovakia is planning to create a railway transport corridor from Ukraine to the river port in Bratislava for the transportation of grain on the Danube River (www.urm.media).

In June, 2022, the member countries of the logistics association “Three Seas Initiative” (3SI) announced the possibility of involving Ukraine in the implementation of their infrastructure projects, which will create additional opportunities for domestic rail transport (surl.li). The plan of the European Commission “Solidarity Lanes” (Solidarity Lanes), among other things, contains points related to the transfer of certain sections of the railway track in the border territories of Moldova and Ukraine to the track of the European standard. The financing of this initiative is expected from the funds of the Connecting Europe Facility, the budget of this fund for 2021-2027 is 25.8 billion euros (www.ec.europa.eu).

Thus, we want to once again draw attention to the great role of railway transport in ensuring the functioning of the national economy, primarily due to the growing importance of cross-border cooperation on the western vector (Belashov, 2022). In addition to the difference in gauge, another important element to ensure the continuity of rail transport between the European Union and Ukraine is the traction network. In countries such as Poland, Italy, Spain, Belgium, Slovenia, part of the Czech Republic and Slovakia, a direct voltage of 3 kV is used in the overhead contact network. In Germany, Austria, Switzerland, Sweden and Norway – 15 kV/16⅔ Hz. Romania, Hungary, Bulgaria, Greece, Finland, Denmark, part of France, Great Britain and the Czech Republic – 25 kV 50 Hz; while the rest of France, the UK and the Netherlands use 1.5 kV DC. Despite the wide variety of power supply systems for the traction network of railways in the EU countries, there are no serious problems with the integration of the railway infrastructure of these countries into a single system.

As for Ukraine, more than eighty percent of rail transport in Ukraine falls on electrified rail transport. The 1520 track gauge uses different voltage systems: 3 kV DC and 25 kV 50 Hz AC. The use of different types of power supply limits the possibility of using the same locomotives throughout Ukraine. Another important problem of electrification and power supply is the increased wear of traction infrastructure elements. In addition, the use of networks with different voltages requires additional technological processes (i.e., changing the locomotive) to ensure further operation. This significantly increases travel time and increases the cost of rail services. In the European Union, this problem practically does not exist, as carriers are improving their fleet of rolling stock, acquiring modern locomotives capable of operating on various types of voltage.

The traction network in Ukraine is not adapted to power high-speed vehicles, but modern multi-system locomotives could help solve this problem. The use of multi-system locomotives will reduce the time and cost of transportation not only within Ukraine, but also on the Ukraine-EU routes. Multi-system locomotives could run from Ukraine to various EU countries, which would increase the economic viability of transportation, including the speed of cargo transportation between senders and recipients, as well as the transit of goods to ports and other transshipment terminals. And in the case of

passenger transportation, improve the quality of passenger service by reducing the number of transfers (www.kurier-kolejowy.pl).

One of the important areas of development of the Ukrainian railway network and its subsequent inclusion in the network of leading European carriers is the introduction of high-speed traffic. Considering that in the context of the sustainable development of the planet, railway transport has significant advantages over road transport, most of the leading European countries are switching from the construction of highways to the development of high-speed railway connections. We have several successful examples, in particular, the construction of the high-speed rail line Rail Baltica worth almost 20 million euros, which should connect the Baltic countries, Eastern (Poland) and Western Europe.

On July 27, 2022, the European Commission made changes to the indicative maps of the Trans-European Transport Network (TEN-T), including Ukrainian logistics routes. Undoubtedly, this decision is a strategic step in the process of Ukraine's integration into the EU and will contribute to the implementation of the "Paths of Solidarity" initiative regarding the export of Ukrainian agricultural products and the delivery of humanitarian aid to Ukraine. The inclusion of logistics routes in the TEN-T network will allow to eliminate obstacles in carrying out logistics operations; to attract European investments for the modernization of transport infrastructure; develop multimodal transportation; reduce logistics costs; to improve the quality of services during the transportation of goods. The development of TEN-T will take place in two stages: by 2030, the construction of the "key" network should be completed, and by 2050 – the "general" network. At the same time, it is planned to implement projects in Ukraine by 2030 for a total amount of 4.45 billion euros.

Resolution No. 1315/2013 of the European Parliament and the Council on the guidelines for the development of the trans-European transport network plans to build a comprehensive network by 2050, which will cover all existing and planned infrastructure facilities. It should be added that out of 10 pan-European transport corridors, 4 pass through the territory of Ukraine (No. 3 Brussels-Kyiv, No. 5 Venice-Kyiv, No. 7 Northwest-Southeast, No. 9 Helsinki-Alexandropolis), i.e. Ukraine should be a full member of TEN -T.

In this context, let us emphasize that Ukraine has a powerful scientific and practical potential (a team of USUNT specialists with experience in similar projects and railway specialists with an understanding of identifying the necessary measures for the introduction of high-speed traffic in Ukraine), which are able to provide scientific and technical support for Ukraine's entry into comprehensive European transport network. It is possible to develop a scientific and technical task for the implementation of measures to open high-speed traffic for the period up to 2030 and for the period up to 2050 (www.kurier-kolejowy.pl).

We emphasize once again that the availability of rail transportation is critically important for the industry. In addition to the technical barriers to the adaptation of Ukrainian railways to the EU, we have the inconsistency of Ukrainian legislation in the field of railway transport with the requirements of EU Directives. Therefore, among the important steps of the government and the management of the transport industry is to improve the existing regulatory framework in the field of railway transport as soon as possible.

Main directions of adaptation of transport legislation of Ukraine to EU legislation are as follows:

- Development of normative acts regulating activity of transport in Ukraine and comply with EU directives regarding transport;
- Ukraine's participation in international and European transport organizations, implementation of resolutions, recommendations adopted in within these organizations;
- Accession to the Conventions, protocols and agreements concluded under the auspices of international and European organizations.

An important aspect in the efficiency of the transport industry of Ukraine there is technical and technological compatibility with European transport system, therefore it is necessary to develop a regulatory and legal mechanism, which would contribute to the implementation of technical and technical requirements based on relevant EU regulations.

Analysis of the current state and trends of railway development of transport of Ukraine shows that despite its stability work, there are a number of significant problems that require them solution. In particular, this applies to:

- the legal status of Ukrzaliznytsia as a management body by rail transport. The central body of executive power regarding of railway transport is the Ministry of Transport and Communications of Ukraine, and the status of the State Administration of Railway Transport of Ukraine, which is intermediate between the central body of executive power and relevant enterprises, institutions, organizations, goes beyond current legislation and makes engagement difficult non-state investments;
- legal status of railways;
- separation of economic functions and state functions railway transport management;
- liquidation of passenger cross-subsidization transportation at the expense of cargo;
- imperfections of financial and economic mechanisms, which ensure reproduction of fixed assets and innovations, their lack of adaptability to specific operating conditions transport.

The urgency of solving these problems determines the necessity implementation of the railway transport reform, which is to become a decisive factor in the implementation of strategic development tasks industry.

The main tasks for the implementation of these goals are: separation of economic functions and state functions railway transport management; shareholding of railways; introduction of incentive mechanisms innovative activity; termination of cross-subsidization of passenger transportation at the expense of cargo transportation; improvement of the current tariff system; distribution in the railway transport system natural monopoly and competitive sectors; creation of a regime of free and equal access operating companies of various forms of infrastructure ownership the railway transport; ensuring social protection of employees and safe functioning of railway transport and reducing it negative impact on the natural environment (www.zakon.rada.gov.ua).

On September 1, 2017, after a long process of ratification by all member states, the Association Agreement between Ukraine and the EU entered into force in its entirety. The signing of the Association Agreement between Ukraine and the EU, which, among other things, includes provisions on transport, support

for the implementation of reforms by the European Union, Ukrainian strategic position in the region, which is favorable for Ukraine integration into the European transport space (civic-synergy.org.ua). It should be noted that in the last 5 years, only a fifth of the planned measures have been implemented in the transport sector, the reform of the transport sector has been very slow, as a result of which Ukrainian railways are significantly behind the railways of the leading countries of the world (www.railexpoua.com). The goals of implementing the transport component of the Association Agreement: Ensuring the compatibility of transport systems through the implementation of EU directives and technical regulations; Elimination of administrative, technical, border and other obstacles, modernization of infrastructure, technical equipment, transport fleets (in particular, public transport); Infrastructural integration through the adaptation of legislation in the areas of road, rail, sea, river transport, security and infrastructure.

What does the Association Agreement provide for? In the field of railway transport, Ukraine should align its legislation regarding: a) access to the market and infrastructure; b) technical conditions and safety techniques; c) standardization of accounts and statistics; d) interoperability; e) combined transportation; e) public passenger transport and the rights and obligations of passengers. In order to bring Ukrainian legislation closer to EU law in the field of transport policy and infrastructure, the Draft Law “On Multimodal Transportation” has been developed, which provides for the implementation of Directive 92/106/EEC “On establishing common rules for certain types of transportation of goods between member states”. The draft law is aimed at improving the legislative regulation of the organizational and legal foundations of multimodal cargo transportation in Ukraine, as well as state support for multimodal transportation.

Depriving the state infrastructure operator of control over private traction rolling stock poses a threat to traffic safety, life and health of passengers. Negative examples of the loss of control by the infrastructure operator over this type of activity can be found in Britain, the Baltic states, and the USA, in which this type of activity was forced to nationalize after some time due to significant threats to the security of state interests and its citizens. The opening of the rail transport market without appropriate training threatens mass dismissals of employees, destabilization of labor groups, and mass outflow of highly qualified personnel. Private carriers will create unfair competition for JSC “Ukrzaliznytsia” at the expense of low social standards for their employees, which, in turn, will have a negative impact on budget revenues at all levels and contributions to social funds.

Private carriers will not have strict requirements for the technical condition of the traction rolling stock, the safety control system 43 Position of the Trade Union of Railway Workers and Transport Builders, the system of education, training and medical examinations of locomotive crews and other measures on which the safety of railway transportation directly depends, which increases the risk of growth transport events. Private carriers will take the most profitable shares of the freight transportation market, thereby reducing the ability of JSC “Ukrzaliznytsia” to fulfill the social obligations of the state. Already in the short-term perspective, after providing free access to the railway infrastructure, as a result of a decrease in revenues, JSC “Ukrzaliznytsia” may lose the opportunity

to fulfill its obligations, primarily social ones. In addition, the forced abandonment of unprofitable types of transportation will lead to the need to reduce staff.

What are the prospects for the mutual opening of railway transportation markets between Ukraine and the EU? Together with the signing of the Association Agreement with the European Union, Ukraine faced the issue of integration into the single European transport space.

This involves the transition to common principles of railway transport market functioning, including the presence of independent (railexpoua.com):

- the operator of the railway infrastructure, who will be responsible for its quality and capacity (i.e. the number of trains that will be able to move along the tracks);

- the regulator of railway transport, which will approve the tariff for access to the infrastructure, will ensure equal access to it for all operators of railway transport;

- the railway safety authority, which will determine the requirements for carriers, check their compliance and issue licenses for transportation.

On September 16, 2014, the Association Agreement was ratified between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand (hereinafter – the Association Agreement), which provides for cooperation in the field of transport for restructuring and renewal of the transport sector of Ukraine and the gradual harmonization of current standards and policies with those existing in the EU, in particular by implementing the measures set out in Annex XXXII to this Agreement.

According to Annex XXXII to the Association Agreement, by 2022, Ukraine must implement into national legislation 7 directives and 4 regulations of the European Union in the field of railway transport, namely (ips.ligazakon.net):

- Council Directive 91/440/EEC of July 29, 1991 on the development of the railways of the Community;

- Council Directive 95/18/EC of June 19, 1995 on licensing of railway enterprises;

- Directive 2001/14/EC of the European Parliament and the Council of February 26, 2001 on the allocation of the capacity of the railway infrastructure and the collection of fees for the use of the railway infrastructure;

- Directive 2004/49/EC of the European Parliament and the Council of April 29, 2004 on railway safety in the Community;

- Directive 2007/59/EC of the European Parliament and the Council of October 23, 2007 on the certification of locomotive and train drivers in the railway system of the Community;

- Directive 2008/57/EC of the European Parliament and the Council of June 17, 2008 on the interoperability of the railway system within the Community;

- Council Directive 92/106/EEC of December 7, 1992 on establishing common rules for certain types of combined cargo transportation between member states;

- Regulation (EC) 1370/2007 of the European Parliament and the Council of October 23, 2007 on public passenger transportation by rail and road

transport;

- Council Regulation (EEC) 1371/2007 of the European Parliament and the Council of October 23, 2007 on the rights and obligations of passengers using rail transport;

- Regulation (EU) 913/2010 of the European Parliament and the Council of September 22, 2010, regarding the European railway network for the competitiveness of freight transport;

- Council Regulation (EEC) 1192/69 of June 26, 1969 on common rules for standardization of reporting of railway transport enterprises.

Each of these documents deals with important aspects of the functioning of railway transport and is aimed at creating conditions for the development of a competitive environment in the market of railway transport, which will satisfy all railway stakeholders.

The improved Law will make it possible to build a new model of the railway transportation market, similar to the European railway systems. This model provides for: a competitive market of passenger and cargo transportation; non-discriminatory access to public infrastructure; regulation of the activities of owners of driveways; creation of two new bodies that will carry out state management in the competitive transport market (regulator); implementation of the traffic safety system on railway transport; introduction of technical investigation of railway transport events; establishing the legal basis of technical regulation to ensure interoperability (www.kmu.gov.ua). Experts predict that in the post-war period Ukraine will be able to attract funds from international institutions for these purposes. In addition, Canada promises to provide substantial assistance. Thus, the Canadian Pacific Railway Company (CP) and the Canadian National Railway (CN) will provide expert support to Ukrzaliznytsia in matters of railway management, development of logistics capabilities and infrastructure reconstruction (www.railexpoua.com; Galushko, 2017).

Conclusions. Ukraine is the fourth country in the world in terms of the volume of railway transportation. Moreover, we are talking not only about import and domestic transportation, but also about export and transit transportation. Today, it is important to eliminate the problems associated with technical barriers between Ukraine and the EU countries that arose during the Soviet era as soon as possible.

A full-scale war, its conduct and consequences lead to significant losses of human, time and financial resources, slow down the pace of reforms, and some make them impossible. This is also related to the limited possibilities of assessing all the consequences of aggression in the current conditions.

The adoption of the Law of Ukraine “On Railway Transport of Ukraine” will allow to create organizational, legal and economic foundations for the functioning of the competitive market of railway transport in Ukraine and to increase the efficiency of management, to improve the organizational, legal and economic foundations of the railway transport market, to improve the quality and availability of rail transport services, creation of conditions for the development of a competitive environment in the market of rail transportation, taking into account the main requirements of the legislation of the European Union.

The implementation of the specified acts of legislation provides for:

- 1) the competitive market of passenger and cargo transportation;
- 2) non-discriminatory access to public infrastructure;
- 3) regulation of the activities of owners of driveways;
- 4) creation of two new bodies that will carry out state management in the competitive transportation market (regulator);
- 5) implementation of a modern traffic safety system;
- 6) introduction of technical investigation of railway transport events;
- 7) establishing the legal basis of technical regulation to ensure interoperability.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

A foreign company will develop the narrow-gauge electrification project in Volyn. URL: <https://www.volynnews.com/news/all/proekt-elektryfikatsiyi-vuzkoyi-koli...>

Belashov, E. Modernization of the railway infrastructure as a factor supporting the national economy in the conditions of the war of attrition. <https://niss.gov.ua/doslidzhennya/ekonomika/modernizatsiya-zaliznychnoyi-infrastruktury-yak-chynnyk-pidtrymky>

Business Relocation: The Government reported on current results. URL : https://biz.ligazakon.net/news/211536_relokatsya-bznesu-uryad-rozpovv-pro-potochn-rezultati.

Calzada-Infante, L., Adenso-Díaz, B. & García Carbajal C. Analysis of the European international railway network and passenger transfers. *Chaos, Solitons & Fractals*, 141. Doi : <https://doi.org/10.1016/j.chaos.2020.110357>.

Canada will help restore Ukraine's railway infrastructure. URL: <https://railexpoua.com/novyny/kanada-dopomozhe-vidnovyty-zaliznychnu-infrastrukturu-ukrainy/>.

Canada will help restore Ukraine's railway infrastructure. URL : <https://railexpoua.com/novyny/kanada-dopomozhe-vidnovyty-zaliznychnu-infrastrukturu-ukrainy/>

Croatia offers Ukraine its ports for transporting grain. URL : <https://glavcom.ua/country/incidents/horvatiya-proponuje-ukrajini-svoji...>

Draft Plan for the Recovery of Ukraine. Materials of the European Integration Working Group. URL : <https://www.kmu.gov.ua/storage/app/sites/1/recoveryrada/ua/european-integration.pdf>

Explanatory note to the draft Law of Ukraine "On Railway Transport of Ukraine". URL : <https://ips.ligazakon.net/document/GI00243B?an=3>

Galushko, O. (2017). Aktual'ni pytannya taryfnoho rehulyuvannya tyahy ta vartosti zhyttyevoho tsykladu lokomotyvu [Actual issues of tariff regulation of traction and cost of life cycle of the locomotive]. *Visnyk ekonomiky transportu i promyslovosti*, 58, pp. 75-86. [in Ukr.].

Galushko, O. (2017). Ekonomichni ta tekhnolohichni aspekty formuvannya optymal'noho parku lokomotyv v umovakh kryzy [Economic and technological aspects of forming the optimal fleet of locomotives in crisis]. *Visnyk ekonomiky transportu i promyslovosti*, 57, pp. 82-90. [in Ukr.].

Gerhátoová, Z., Zitrický, V. & Gašparik, J. Analysis of Industry 4.0 elements in the transport process at the entrance of the train from Ukraine to Slovakia. *Transportation Research Procedia*, Volume 55, 2021, pp. 165-171. Doi : <https://doi.org/10.1016/j.trpro.2021.06.018>.

Grushevska, K., Notteboom, T. & Shkliar, A. (2016). Institutional rail reform: The case of Ukrainian Railways. *Transport Policy*, 46, pp. 7-19. Doi : <https://doi.org/10.1016/j.tranpol.2015.11.001>.

HS. URL: <https://www.railinsider.com.ua/u-polshhi-vidkryly-kontejnernyj-terminal...>

In Poland, the 1520 mm standard track can be extended to the port of Gdansk. URL : <https://infoindustria.com.ua/u-polshhi-mozhut-podovzhyti-koliyu-standar>; Agrarians propose to build 300 km of broad-gauge railway in Poland. URL : https://cfts.org.ua/news/2022/06/03/agrari-proponuyut-pobuduvati_v_pols...

In the Riga Summit leaders of the 3SI member states highlight closer cooperation with Ukraine and appreciate the United States contribution to the 3SI Investment Fund. URL : <http://surl.li/cizvl>.

In Ukraine, they plan to repair the railway line from Rakhov to the border with Romania. URL : <https://www.railinsider.com.ua/uz-vidnovyt-koliyu-do-kordonu-z-rumuniye...>

Jak wyeliminować problem rozstawu szyn ograniczający przewozy towarowe między Ukrainą a Europą? URL : <https://kurier-kolejowy.pl/aktualnosci/40640/jak-wyeliminowac-problem-rozstawu-szyn-ograniczajacy-przewozy-towarowe-miedzy-ukraina-a-europa.html>.

Jak wyeliminować problem rozstawu szyn ograniczający przewozy towarowe między Ukrainą a Europą? URL : <https://kurier-kolejowy.pl/aktualnosci/40640/jak-wyeliminowac-problem-rozstawu-szyn-ograniczajacy-przewozy-towarowe-miedzy-ukraina-a-europa.html>.

Kava, O. It is appropriate to start the transition to the Eurotrack from the lines from the border to Lviv, Uzhhorod and Chernivtsi. URL : <https://www.railinsider.com.ua/oleksandr-kava-perehid-na-yevrokoliyu-do...>

Kolej 1435 mm. Systemy zasilania kolejowych sieci trakcyjnych UE vs Ukrainy. Co z lokomotywami? URL : <https://kurier-kolejowy.pl/aktualnosci/40786/kolej-1435-mm--systemy-zasilania-kolejowych-sieci-trakcyjnych-ue-vs-ukrainy--co-z-lokomotywami.html>.

Lytvynenko, L., Kalmanbetova G., Shevket, O., Kara, I., Gerlitz, L. & Popova, Y. Prospects of using the urban railway for logistics support of urban areas, *Transportation Research Procedia*, Volume 63, 2022, pp. 1199-1204. Doi : <https://doi.org/10.1016/j.trpro.2022.06.125>

Moldova has started repairing railway tracks from the border of Ukraine to Romania. URL: <https://gmk.center.ua/news/moldova-nachala-remont-zh-d-putej-ot-granicy...>

On the approval of the Recommendations "Principles of adaptation of the transport legislation of Ukraine to the legislation of the European Union". URL: <https://zakon.rada.gov.ua/rada/show/v0153650-06#Text>.

Orel, I. This could be a disaster. Ukrainian goods fell into a war trap, because of this the world is afraid of famine. Five ideas on how to save exports. Forbes.ua. 2022. URL : <https://forbes.ua/inside/pyat-idey-zbilshennya-ukrainskogo-eksportu-na->

Railway logistics of Ukraine: what changed the war and what to prepare for in the peak period of the season? Interview with V. Tkachev; interviewed by Anna Tanska / APK INFORM. URL : <https://www.apk-inform.com/uk/exclusive/opinion/1526708>.

Romania will repair railway tracks for cargo transportation from Ukraine URL : <https://www.epravda.com.ua/news/2022/05/2/686518/>.

Samoilov, Yu. By train to Europe: how the war changed the potential of railway connections between Ukraine and Poland. URL : <https://www.eurointegration.com.ua/articles/2022/08/30/7145834/>.

Shengnan, Ma. Growth effects of economic integration: New evidence from the Belt and Road Initiative, *Economic Analysis and Policy*, 73, pp. 753-767. Doi : <https://doi.org/10.1016/j.eap.2022.01.004>. URL : <https://www.sciencedirect.com/science/article/pii/S0313592622000042>.

Slovakia offers to transport Ukrainian grain by rail. URL : <https://urm.media/slovachchina-proponuye-transportuvati-ukrayinske-zern...>

Speaking points press conference EU-Ukraine Solidarity Lanes. URL : https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_22_3036

The Poles have begun the reconstruction of the Eurotrack through the Lviv region. What about the Ukrainian side? URL: https://tvoemisto.tv/news/u_polshchi_startuie_rekonstruktsiya_ievrokoli...

The Polish port of Kolobrzeg offers itself for transshipment of Ukrainian grain. URL : <https://ua.sudohodstvo.org/polskyj-port-kolobzheg-proponuye-sebe-dlya-p...>

The transport component of the Association Agreement: state of implementation and prospects. URL: https://www.civic-synergy.org.ua/wp-content/uploads/2020/03/Web_Dopovid_Transportna_2020.pdf

The transport system of the EU countries is technically not ready to transport large volumes of cargo from Ukraine. URL: <https://ua.interfax.com.ua/news/general/832927.html>

The worst result of the implementation of the Association Agreement with the EU is in the transport sector. URL : <https://railexpoua.com/novyny/naihirshyi-rezultat-implementatsii-uhody-pro-asotsiatsiiu-z-ies-v-transportnii-sferi/>

What are the prospects for the mutual opening of railway transportation markets between

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НАПРЯМИ ІНТЕГРАЦІЇ ЗАЛІЗНИЧНОГО ТРАНСПОРТУ УКРАЇНИ
ДО ЄВРОПЕЙСЬКОЇ МЕРЕЖІ ЗАЛІЗНИЦЬ**

Анотація. Авторами наголошено, що залізничний транспорт відіграє велику роль в життєзабезпеченні України, особливо в період війни (адже саме залізничним транспортом перевозяться пасажирів не тільки в звичайному режимі, а й евакуаційними потягами; перевозяться не тільки заплановані вантажі, а й ті, що переорієнтовані з водного транспорту внаслідок захоплення російськими агресорами українських портів; перевозяться підприємства із областей, що знаходяться під обстрілами, у більш безпечне місце), тому потрібно докласти зусиль аби забезпечити безперебійне функціонування цього виду транспорту як всередині країни, так і у міждержавному сполученні. В цьому контексті виокремлено, що окрім суттєвих технічних бар'єрів щодо перетину кордонів, Україна має невідповідність законодавства в сфері залізничного транспорту законодавству Європейського Союзу.

Разом із тим відзначається, що із підписанням Угоди про Асоціацію з Європейським Союзом перед Україною гостро постало питання інтеграції у єдиний європейський транспортний простір. Це передбачає перехід на спільні принципи функціонування ринку залізничних перевезень, включаючи наявність незалежних: оператора залізничної інфраструктури, який відповідатиме за її якість та пропускну спроможність (тобто кількість поїздів, які зможуть рухатися коліями); регулятора залізничного транспорту, який затверджуватиме тариф доступу до інфраструктури, забезпечуватиме рівний доступ до неї всіх операторів залізничного транспорту; органу безпеки на залізничному транспорті, який визначатиме вимоги до перевізників, перевірятиме їхню відповідність та видаватиме ліцензії на здійснення перевезень.

Необхідною умовою адаптації до законодавства ЄС на залізничному транспорті є гармонізація українського законодавства з європейським, усунення розбіжностей у нормативно-правовій базі регулювання діяльності залізничного транспорту. Гармонізація нормативно-правового поля функціонування залізничного транспорту до європейського потребує проведення відповідних реформ.

Окреслено основні європейські Директиви та Регламенти в сфері залізничного транспорту, відповідно до яких необхідно внести правки до Закону України “Про залізничний транспорт”.

Ключові слова: залізничний транспорт, євроінтеграція, законодавство в сфері залізничного транспорту, Укрзалізниця.

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FEATURES OF THE STATE REGULATORY POLICY ON BIORESOURCE MANAGEMENT IN THE AGRICULTURAL SECTOR OF TOURISM

Abstract. The study examines the specifics of the state regulatory policy regarding the management of biological resources in the agricultural sector of tourism activity. The main trends and concepts of the historical development of agritourism are analyzed. The structuring of the interpretation of «agritourism» according to the spheres of tourist activity, as well as the directions of the development of agritourism in Ukraine, is determined. The need for a state regulatory policy on the management of biological resources in the agrarian sector of tourism activity is highlighted, which causes the need for the state to implement the organization of the economic life of society in terms of ensuring the well-being of the population through the social

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orientation of the economy, guaranteeing the population economic and environmental security, maintaining competition in the market environment, and protecting the rights of consumers, improvement of legal regulation of economic relations and other regulatory functions. In accordance with the legislation, the implementation of the priorities of the state regulatory policy on the management of biological resources in the agrarian sector of tourism activity is determined by the observance of a number of principles. The provisions of the organizational and legal foundations of local self-government in the part of its exclusive competence, which should be attributed to the management of biological resources in the agrarian sector of tourism activity, are considered. It was determined that the state regulatory policy on the management of biological resources in the agrarian sector of tourism activity is based on the multi-purpose functionality of the relevant management, economic, social and ecological processes, designed to improve the reform of the state regulatory policy, to balance and bring to a qualitatively new level the conduct of agrarian production and economic activity, strengthen the potential of biological and natural resources of rural areas.

Keywords: *agritourism, tourist activity, biological resources, regulatory policy, ecosystem.*

Introduction. The importance of determining the priorities of the state regulatory policy on the management of biological resources in the agrarian sector of tourism is due to the following reasons:

1. The controversy of the approaches of scientists and practitioners regarding the place of state administration in the agrarian and economic development of the state, which is significantly different from each other. In particular, these scientific approaches have opposite extremes. On the one hand, there are supporters of reducing state influence on economic processes in society. On the other hand, supporters of strong state intervention, in particular, state regulation of certain issues of running rural households.

2. The need to improve the regulatory policy on the management of biological resources in the agrarian sector of tourism activity is due to positive socio-economic changes that occur as a result of deep transformations in the countryside. These transformations reduce economic, social, environmental and institutional losses.

3. The need for balanced development of production and economic activity in rural areas. Man is a user of biological and natural resources. A person is an inseparable and core component, and therefore a person should receive comprehensive organizational and management assistance from the state authorities and local self-government bodies regarding the strengthening of their own and surrounding resource potential.

Analysis of recent research and publications. The diversity of the state regulatory policy served as the basis for conducting scientific research on its content and provisions on the management of biological resources from economic, production, social, political, legal, institutional, state-management, and other positions, both in terms of the agrarian sector and in the national economy as a whole complex and individual regions of the country. Thus, the domestic scientist economist O. Klokar, revealing the basic principles of the formation of the mechanism of effective reproduction of the resource potential of the agricultural sector, emphasizes both the fact that state support acts as a factor of ensuring the effective reproduction of resource potential, justifies the feasibility of ensuring ecologically safe land use (Klokar, 2012).

The point of view of the author of this scientific monograph regarding the urgency of the technical-technological renewal of the material and technical potential as a factor that will contribute to the strengthening of biological and natural resources is valid. Issues of the theory and practice of state regulation in

the agrarian sphere are given due attention in the monographic study of the scientist of agrarian economy A. Makarenko (Makarenko, 2009). Quite rightly, the author expands the research object to the state agrarian policy of Ukraine.

Economist V. Krylenko researches problems of regulation of the agrarian sector from the perspective of ensuring its economic security (Krylenko, 2014). Regulatory levers are logically revealed in terms of the conceptual foundations of ensuring the economic security of the agricultural sector and the formation of its indicators.

Improving the management of tourist activities based on agrarian enterprises using the phenomena of the originality of life, folk traditions and crafts, ethno-cultural features of the countryside, the rural way of life is gaining more and more theoretical and practical importance. In the publications (Lendel, 1992), (Hlowatska, 2006), (Horishevsky, Vasiliev & Zinko, 2003) the separate elements of the economic mechanism of the functioning of tourism are highlighted, mainly at the macro- and meso-level as part of the inter-sectoral complex of social and household infrastructure.

The study of the peculiarities of the economy of a tourist business entity at the micro level (a tourist enterprise or an agro-enterprise, an agro-village) has not been fully explored, which complicates the processes of effective management of tourist enterprises, scientific and methodological support of the economic component of training personnel for the field of rural tourism and agritourism.

The purpose of our article is the research process, the following was used: the monographic method when studying scientific literary sources by topic; abstract and logical when developing proposals and substantiating conclusions; method of system analysis when determining the optimal combination and influence of socio-economic determinants on the development of agrarian tourism.

Formulation of the main material. In recent years, the market of tourist services has been developing rapidly. agritourism as a type of tourist activity is gaining more and more popularity every day both on the domestic and international markets. One of the alternative forms of development can be the development of agritourism services.

Rural tourism began to actively develop in the middle of the 20th century. In the post-industrial countries of the world. According to the World Tourism Organization, since the beginning of the XXI century. This type of tourism is gaining great popularity and accounts for 10-15 % of revenues from the total amount of international tourism revenues. In Ukraine, rural areas are mainly associated with the production of agricultural products, while in developed countries of the world, rural tourism is one of the priority areas of socioeconomic development of rural areas. In the conditions of the decline of the Ukrainian countryside, the development of rural tourism deserves attention, as it is a source of additional income along with agricultural activity (Kyfyak, 2003). agritourism is a recreational type of tourism that is concentrated at the boundaries of a farm and includes accommodation and other services for visitors. This type of tourism is especially widespread and developed in countries with a farmer organization of agribusiness.

The interpretation of “agritourism” should be structured according to the spheres of tourist activity (Table 1).

Table 1

Structuring of agritourism tourist activity

№	The name of the field of use of agritourism	Contents of the field of use of agritourism in accordance with tourist activity
1	Social sphere	– the development of national culture directly depends on the development of tourism (by welcoming foreign tourists to our country and promoting their national way of life, culture, familiarity with local features, the development of national culture takes place);
2	Production sphere	– consists in mastering new methods of conducting agricultural production, using free idle resources, as well as additional labor resources;
3	Ecological sphere	– represent both natural and cultural sights and natural-anthropogenic landscapes that form a single entity with the surrounding natural environment. At the same time, an indispensable condition for the development of agritourism is the conduct of agro-ecological studies, which allows for comprehensively characterizing the ecological state of the territories and establishing the compliance of the grown products with the approved quality standards, to minimize the anthropogenic burden on the rural territory, as well as to develop measures to improve the living conditions of the rural population.

In addition, agritourism provides employment and increases the size of the rural population in order to increase the production and personal income of farmers with recreational and health components.

In general, agritourism is actively developing in many industrialized European countries. The desire of citizens to return to the big city, to have a little rest from the excessively high emotional and environmental load associated with the big city.

The effectiveness of agritourism is confirmed by world experience. At the end of the 90^s of the last century, all national organizations of agricultural and rural tourism of European countries were united into the European Federation of Agriculture and Rural Tourism (“EuroGites”). The main goals of such associations are multifaceted popularization of recreation in rural areas, support of the potential of agricultural and rural tourism in European countries.

The priority of the development of agritourism in Ukraine is as follows (Fig. 1).

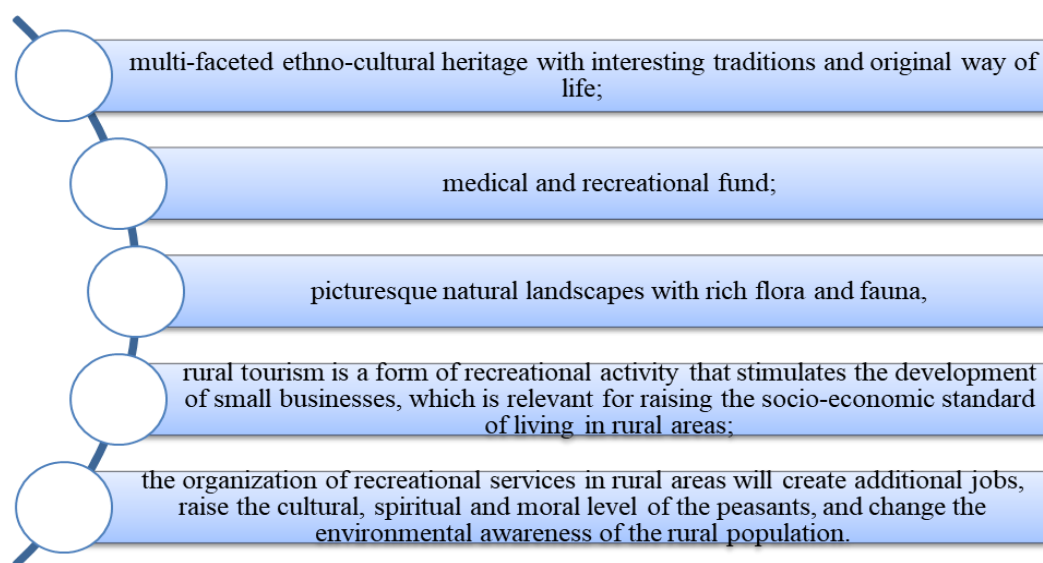


Figure 1 – Directions of development of agritourism

Agritourism is widespread in many countries of the world, in particular, it began to develop actively in Poland, where the law “On rural tourism” was adopted, and the program for the development of rural areas is also active. Unfortunately, there is no law “On rural tourism” in Ukraine, which would regulate the activities of rural residents in the organization of recreation in the countryside. The right to the owner of a rural estate to provide services in the field of rural tourism is provided by the Laws of Ukraine “On Tourism” (Law of Ukraine, 1995), “About the personal peasant economy” (Law of Ukraine, 2003). Analyzing the current legislation of Ukraine, two forms of organization of recreation in the countryside are defined: rural green tourism as a type of ancillary activity, and rural green tourism as a type of small business.

The need for a state regulatory policy on the management of biological resources in the agrarian sector of tourism activity is caused by the need for the state to carry out the organization of the economic life of society in terms of ensuring the welfare of the population through the social orientation of the economy, guaranteeing the population economic and environmental security, maintaining competition in the market environment, protecting the rights of consumers, improving legal regulation of economic relations and other regulatory functions. Therefore, the priorities of the state regulatory policy on the management of biological resources in the agrarian sector of tourism activity are based on the normative legal acts of the country, which reflect the relevant provisions regarding the peculiarities of the state regulatory policy, namely:

- recognition of the social orientation of the economy of Ukraine, in which a person, his life and health, honor and dignity, inviolability and security are the highest social value;
- protection of the rights of all subjects of ownership and management, where all subjects of ownership are equal before the law;
- the right to own, use and dispose of one's property, the results of one's intellectual and creative activity;
- the use of the property cannot worsen the ecological situation and natural qualities of the land;

- the right to entrepreneurial activity, which is not prohibited by law;
- ensuring the protection of competition in business activities;
- protection of consumer rights, control over the quality and safety of products and all types of services and works, etc.

The specified priorities from the point of view of bio resource management in the agrarian sector of tourism activity determine the value of a person and his right to work, social protection, education, recreation, housing, and health care, as well as the importance of state regulation, the levers of which are combined and balanced with the action of self-regulation of economic activity on the basis of entrepreneurship, market competition, property rights, environmental safety. This approach provides for the implementation of the provisions of the Law of Ukraine “On the Basics of State Regulatory Policy in the Field of Economic Activity”, where the state regulatory policy in the field of economic activity is used in the sense of direct state policy aimed at improving the legal regulation of economic relations, as well as administrative relations between regulatory by state authorities and economic entities, preventing the adoption of economically impractical and ineffective regulatory acts, reducing state interference in the activities of economic entities and eliminating obstacles to the development of economic activity (Law of Ukraine, 2004).

In accordance with the legislation, the implementation of the priorities of the state regulatory policy on the management of biological resources in the agrarian sector of tourism involves compliance with a number of principles (Fig. 2). The following are quite logically included among the main ones:

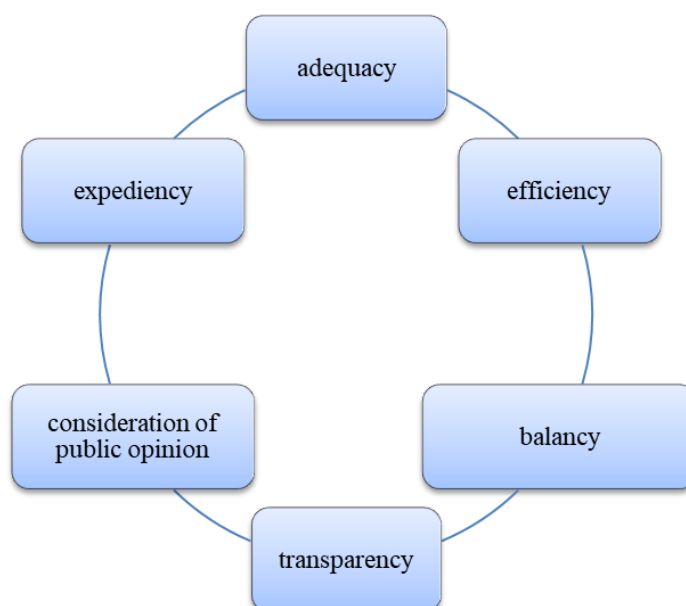


Figure 2 – The main principles of implementing the priorities of the state regulatory policy on the management of biological resources in the agrarian sector of tourist activity

Since the present and the future of the upward development of bio resources and nature management of the agrarian sector are largely determined by the effectiveness of the implementation of the innovative paradigm in management practice, the above list should be supplemented with the principle of scientific thoroughness. In accordance with the main priorities of the Constitution

of Ukraine, the establishment of local self-government appears as an important component of the state regulatory policy on the management of biological resources in the agricultural sector. Its legal basis is the Law of Ukraine “On Local Self-Government in Ukraine” (Law of Ukraine, 1997). Local self-government is carried out both directly by relevant territorial communities and through their councils and executive structures that represent the common interests of these communities. The essence of the socio-political and socio-economic phenomenon represented by local self-government is interpreted by legislation as the state-guaranteed right and real ability of a territorial community – residents of a village or a voluntary association of residents of several villages, towns, cities into a rural community – independently or under the responsibility of authorities and local self-government officials to resolve issues of local importance within the framework of the Constitution and laws of Ukraine (Law of Ukraine, 1997).

The provisions of the organizational and legal foundations of local self-government in the part of its exclusive competence should be attributed to the management of biological resources in the agricultural sector of tourism, namely:

- making a decision on the functioning and development of specific spheres of community life through the approval of relevant programs (social, economic, cultural, household, infrastructural) for the future;
- resolution of land relations regulation issues in accordance with the law; approval of land tax rates in accordance with the Tax Code of Ukraine;
- solving in accordance with the legislation issues on granting a permit for the special use of natural resources of local importance;
- making decisions on the organization of territories and objects of the nature reserve fund of local significance and other territories subject to special protection;
- submission of proposals to relevant state bodies regarding the declaration of natural and other objects of ecological, historical, cultural or scientific value as monuments of nature, history or culture protected by law, making decisions on declaration in places of mass reproduction and cultivation progeny by wild animals of the “quiet season” with restrictions on economic activity and extraction of objects of the animal world;
- establishing, in accordance with the legislation, rules for the improvement of the territory of the settlement, ensuring cleanliness and order in it, trading in the markets, maintaining silence in public places;
- making decisions related to the creation of special free and other zones, changes in the status of these zones, submission of proposals on these issues to the relevant bodies.

Implementation of the Concept will contribute to the management of biological resources in the agricultural sector in terms of the formation of united territorial communities capable of solving issues of local importance independently or through local self-government bodies; socio-economic development of territorial communities and regions; stimulating the economic development of territories as a result of improving the mechanisms of influence of local self-government bodies on determining the priorities of local economic development (Resolution of the Cabinet of Ministers, 2014). The priorities of the state regulatory policy on the management of biological resources in the

agricultural sector are directly related to the economic, social and legal foundations of the organization of environmental protection, which are stated in the Law of Ukraine “On Environmental Protection” (Law of Ukraine, 1991). An additional argument in favor of the conclusion is the interpretation of environmental policy determined by legislation – aimed at preserving the environment safe for the existence of living and non-living nature, protecting the life and health of the population from the negative impact caused by environmental pollution, achieving a harmonious interaction of society and nature, protection, rational use and reproduction of natural resources (Law of Ukraine, 1991). It is even somewhat narrower than the management of biological resources in the agricultural sector, as a result of which natural resources can be enriched, and not only protected, rationally used and reproduced.

The priorities of the state regulatory policy on the management of biological resources in the agricultural sector correspond to the provisions of the Law of Ukraine “On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period Until 2030”, in which the goal of the state environmental policy is defined as a comprehensive set of ecological, social and economic results: the achievement a good state of the environment by introducing an ecosystem approach to all directions of socio-economic development of Ukraine, ensuring the constitutional right of every citizen of Ukraine to a clean and safe environment, implementing balanced nature management and preservation and restoration of natural ecosystems (Law of Ukraine, 2019).

The law unequivocally indicates the need to introduce an ecosystem approach into industry policy and improve the system of integrated environmental management, which directly affects the agricultural sector, the user of biological and natural resources. The conducted studies of the state regulatory policy on the management of biological resources in the agrarian sector of tourism activity show that the research-problematic character of the selection of priorities is based on the multi-purpose functionality of the relevant economic, social and environmental processes, designed to:

- first, to improve the reform of the state regulatory policy;
- secondly, to balance and bring to a qualitatively new level of conducting agrarian production and economic activity;
- thirdly, to strengthen the potential of biological and natural resources of rural areas.

Therefore, the state regulatory policy on the management of biological resources in the agricultural sector of tourism is an objective necessity caused by the scale and different levels of economic management of the development of the economy and its sectoral and territorial components, the interweaving of economic, social, ecological and institutional spheres, the interaction and interdependence of which requires appropriate coordination, coordination and balancing of diverse interests and needs of society, territorial communities, business structures, environment and people.

Conclusions. So after doing the research it should be noted that peculiarities of the state regulatory policy on the management of biological resources in the agrarian sector of tourism activity is based on the multi-purpose functionality of the relevant management, economic, social and environmental processes, designed to improve the reform of the state regulatory policy, to

balance and bring to a qualitatively new level the conduct of agrarian production and economic activity, to strengthen the potential biological and natural resources of rural areas.

It should be noted that agritourism includes business tourism activities that are carried out on the basis of agricultural enterprises and agro-villages and are related to agriculture and rural areas. An important result of the development of agritourism is the expansion of opportunities for the sale of personal farm products, and their sale on the spot, and not as agricultural raw materials, but as ready-made food products after appropriate processing and preparation, the development of agritourism and its components also plays a significant role in raising the cultural and educational level rural population.

Undoubtedly, the considered features of the state regulatory policy on the management of biological resources in the agrarian sector of tourism activity require further research and improvements on a scientific basis, in particular in terms of the implementation of constitutional provisions regarding the right to own, use and dispose of one's property.

Conflict of Interest and other Ethics Statements.

The authors declare no conflict of interest

References

Bondar, Yu. & Leginkova, N. (2019). *Ecotourism as an important component of the sustainable development strategy of Ukraine*. Theoretical and applied directions of development of tourism and recreation in the regions of Ukraine: coll. theses and texts of speeches of the International science and practice conference, April 4-5 2019. Kropyvnytskyi: LA NAU. pp. 336-345.

Horishevskiy, P., Vasiliev, V. & Zinko, Yu. (2003). *Rural green tourism: organization of hospitality services*. Ivano-Frankivsk: City-NV. 148 p.

Hlowatska, V. (2006). *Rural green tourism: essence, functions, foundations of organization*. Economy of agro-industrial complex. 10(144). pp. 148-155.

Darmostuk, D. *State regulation of green tourism in Ukraine*. URL : irbis-nbuv.gov.ua/cgi-bin.exe.

Yemets, G. & Lendel, M. (1992). *Regional approach to management of economic processes : monograph*. Kyiv. "Scientific Opinion" publishing house, 222 p.

Law of Ukraine "On Personal Peasant Farming". (2003). Information of the Verkhovna Rada of Ukraine. 29. URL: <https://zakon.rada.gov.ua/laws/show/742-15#Text>.

Law of Ukraine "On Tourism". dated September 15, 1995. 324. URL : <https://zakon.rada.gov.ua/laws/show/324/95-%D0%B2%D1%80#Text>.

Law of Ukraine "On the principles of state regulatory policy in the field of economic activity" (2004). Bulletin of the Verkhovna Rada of Ukraine. 9, Art. 79. URL : <https://zakon.rada.gov.ua/laws/show/1160-15>.

Law of Ukraine "On Local Self-Government in Ukraine". (1997). Bulletin of the Verkhovna Rada of Ukraine. 24, Article 170. URL: <https://zakon3.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80>.

Law of Ukraine "On Environmental Protection". (1991). Bulletin of the Verkhovna Rada of Ukraine. 41. Art. 546. URL : <https://zakon.rada.gov.ua/laws/show/1264-12>.

Law of Ukraine «On Basic principles (strategy) of the state environmental policy of Ukraine for the period until 2030». (2019). Verkhovna Rada information. 16, Article 70. URL : <https://zakon.rada.gov.ua/laws/show/2697-19>.

Kyfyak, V. (2003). *Organization of tourist activities in Ukraine*. Chernivtsi: Zelena Bukovyna, 312 p.

Klokar, O. (2012). *Formation of the mechanism of effective reproduction of the resource potential of the agrarian sector of the economy: monograph*. Bila Tserkva: Bila Tserkva National Agrarian University, 412 p.

Krylenko, V. (2014). *Economic security of the agricultural sector: problems of regulation and provision: monograph*. Mykolaiv : Publisher V. P. Shamrai, 468 p.

The concept of reforming local self-government and territorial organization of power in Ukraine. (2014). Cabinet of Ministers of Ukraine. Order vol. 333 dated April 1. Kyiv. URL : <https://zakon.rada.gov.ua/laws/show/333-2014-%D1%80>.

Makarenko, A. (2009). *Theory and practice of state regulation in the agricultural sphere: monograph.* Kyiv. NSC "Institute of Agrarian Economy" of the Ukrainian Academy of Sciences, 636 p.

Hutsaliuk, O., Bondar, I., Sereda, N., Babych, O. & Shchoholieva, I. (2021). *Organization and management of the development of ecological tourism in a circular economy.* E3S Web of Conferences 255, 010261. Doi: <https://doi.org/10.1051/e3sconf/202125501026>.

Hutsaliuk, O., Zakharchenko, O. & Yakusheva, O. (2022). *State and regional policy in the agricultural sector of the national economy of Ukraine.* Collection of scientific papers of the Cherkasy State University of Technology. Series: Economic Sciences, 66, pp. 5-16.

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Ілля НЕСХОДОВСКИЙ, Сергій КАПТАЛАН
ОСОБЛИВОСТІ ДЕРЖАВНОЇ РЕГУЛЯТОРНОЇ ПОЛІТИКИ
З УПРАВЛІННЯ БІОРЕСУРСАМИ В АГРАРНОМУ
СЕКТОРІ ТУРИСТИЧНОЇ ДІЯЛЬНОСТІ**

Анотація. У дослідженні розглянуто особливості державної регуляторної політики щодо управління біоресурсами в аграрному секторі туристичної діяльності. Проаналізовано основні тенденції та концепції історичного розвитку агротуризму. Визначено структуризацію тлумачення «агротуризм» відповідно до сфер туристичної діяльності, а також напрями розвитку агротуризму в Україні.

Висвітлено необхідність державної регуляторної політики з управління біоресурсами в аграрному секторі туристичної діяльності, що спричиняє потреба щодо виконання державою організації господарського життя суспільства в частині забезпечення добробуту населення через соціальну спрямованість економіки, гарантування населенню економічної та екологічної безпеки, підтримування конкуренції у ринковому середовищі, захисту прав споживачів, вдосконалення правового регулювання господарських відносин та інші регуляторні функції. Відповідно до законодавства реалізація пріоритетів державної регуляторної політики щодо управління біоресурсами в аграрному секторі туристичної діяльності визначається дотриманням ряду принципів.

Розглянуто положення організаційно-правових засад місцевого самоврядування в частині його виключної компетенції, до якої належить віднести управління біоресурсами в аграрному секторі туристичної діяльності. Визначено, що державна регуляторна політика управління біоресурсами в аграрному секторі туристичної діяльності ґрунтується на багатоцільовій функціональності відповідних управлінських, економічних, соціальних та екологічних процесів, покликаних удосконалити реформування державного регулювання політики, збалансувати та вивести на якісно новий рівень ведення аграрної виробничо-господарської діяльності, зміцнити потенціал біологічних і природних ресурсів села.

Ключові слова: агротуризм, туристична діяльність, біоресурси, регуляторна політика, екосистема.

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FINANCIAL STRATEGY AS A GUARANTEE OF THE ECONOMIC SECURITY OF THE ENTERPRISE

Abstract. The aim of the research is to study the practice of forming a financial strategy within the framework of the organization's economic security system and to develop directions for its improvement. The scientific novelty of the study consists in the justification and development of a complex of theoretical and methodological provisions regarding the formation of a financial strategy within the framework of the economic security system of commercial organizations. The theoretical significance of the results consists in the comprehensive study of the process of developing the company's financial strategy, which can serve as a basis for further scientific developments in this direction. The practical significance of the research consists in the use of the financial strategy methodology within the framework of the economic security of commercial organizations. Application of the proposed methodology will allow organizations to conduct financial policy in the most efficient manner. Analyzing theoretical provisions, methodological approaches and practical recommendations for the justification of the company's financial strategy, certain results can be obtained.

Firstly, defined financial strategy as a part of the general (integrated) strategy of the enterprise, a system of forming priority financial goals of the enterprise through effective attraction and use of financial resources, coordination of their flows, ensuring the necessary level of financial security based on continuous accounting of changes in external and internal environmental factors.

Secondly, the structure of the financial strategy, its recommended program for organizations was developed; Finally, justified measures to ensure the process of developing a

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financial strategy by enterprises, which contribute to increasing the level of its demand and the degree of effectiveness of implementation, consisting in the improvement of current legislation, the creation of special systems within the enterprise.

Keywords: *enterprise, strategy, financial strategy, financial strategy management, economic security.*

Introduction. The development of the Ukrainian economy leads to the strengthening of the competitive struggle of domestic enterprises within the country and to the processes of their integration into the world economic system. To create long-term competitive advantages, it is necessary to develop a financial strategy of the enterprise. In the modern economy, the financial strategy of the enterprise plays a decisive role in ensuring the efficiency of the enterprise's financial activities, as it is aimed at its main areas: the attraction and use of financial resources, the coordination of their flows, which ultimately ensures the growth of the market value of the enterprise and the wealth of its owners.

Financial strategy is a powerful tool for achieving priority financial goals of the enterprise and its owners. The degree of effectiveness of financial strategy implementation depends on the correctness of its development, completeness of accounting and assessment of factors affecting the enterprise. This requires disclosure of the essence and content of the financial strategy, its functions, stages, methods and tools, as well as factors affecting its formation.

Thereby, the relevance of the topic is determined by the need for a comprehensive scientific analysis of the content of the financial strategy and the process of its development, which will allow, firstly, to reveal the peculiarities of its application in the conditions of the domestic economy; secondly, to form a methodical basis for its development; thirdly, to identify directions for ensuring the development of a financial strategy by enterprises.

Economic entities as independent microeconomic units, being in a competitive environment, are forced to build financial and economic relations with counterparties, owners (shareholders, members of the company), commercial banks, insurance organizations, foreign business partners, etc.

In market conditions, all of them, to one degree or another, are interested in high results of financial and economic activity and stable financial condition of commercial organizations, since these parameters affect the interests of not only owners, but also persons and organizations related to enterprises by economic and economic interests. The effectiveness of commercial enterprises is largely determined by the quality of management, including financial management, in which the main function is the formation and constant improvement of the financial strategy within the framework of the economic security system.

The development of a financial strategy within the framework of the economic security system is a complex multifaceted activity for the development of a general plan of action in connection with providing the enterprise with financial means in a sufficient amount and with the proper structure and composition. The financial strategy within the framework of the economic security system covers all aspects of the company's activities and is based on comprehensive financial analysis and financial planning. The quality of financial planning indicators, which determine the directions of the enterprise's development and the possibilities of resource support for this development, and, therefore, the possibility of implementing the financial plan, depends on the

level of reliability of the estimates obtained as a result of the financial analysis.

Analysis of recent research and publications. When studying the theoretical issues of the company's financial strategy, the works of the following scientists should be highlighted: A. Fomenko, V. Prymachenko, S. Shevchenko (Fomenko, Prymachenko & Shevchenko, 2020). Most authors define the financial strategy of the enterprise as a system of directions for the development of the enterprise, necessary to achieve the goals set in the long term, within the limits of a certain mission.

However, there are no comprehensive studies devoted to the method of forming the economic security system when developing a financial strategy. In this connection, there is both a practical and a scientific need to develop a scientifically based concept of methodological support for the organization's financial strategy.

Implementation of the financial strategy is possible through mobilization, effective distribution and use of financial resources. Securing financial interests could be added to this definition of the essence of financial strategy enterprise and its financial security. Thus, the strategy for ensuring the financial security of the enterprise is a type of financial strategy, which can be a separate system, or it can be part of the general financial strategy of the enterprise.

The purpose of the article. The aim of the research is to study the practice of forming a financial strategy within the framework of the organization's economic security system and to develop directions for its improvement.

The object of the research is the economic relations that arise in connection with the formation of the organization's financial strategy.

The scientific novelty of the study consists in the justification and development of a complex of theoretical and methodological provisions regarding the formation of a financial strategy within the framework of the economic security system of commercial organizations.

The practical significance of the research consists in the use of the financial strategy methodology within the framework of the economic security of commercial organizations. Application of the proposed methodology will allow organizations to conduct financial policy in the most efficient manner.

The proposed conceptual approaches and methodological solutions can serve as a basis for further improvement of the financial strategy methodology within the framework of economic security of commercial organizations.

The results of the research implemented in practical activities will allow:

- increase the efficiency and quality of the organization's financial strategy;
- increase the reliability of the organization's financial policy;
- to provide an analytical justification of the financial strategy within the framework of the organization's economic security.

Formulation of the main material. Financial strategy is a plan that is general regarding the actions of the organization to provide it with funds. The strategy is a set of questions of theory and practice in the provision of finances, as well as in planning and ensuring the financial stability of an economic entity in market conditions of business. Financial strategy examines the laws of market relations, examines methods and forms of work in new conditions, planning and implementation of strategic financial relations.

The strategy for the finances of an economic entity takes into account all

aspects of the organization's activities, including optimization of all funds, capital analysis, detailing of profits, counterparties, tax consulting, securities transactions. The above-listed aspects of the financial strategy as a whole are the objects of the financial strategy, which includes income and disbursements of funds, expenses and deductions of funds, relationships with the budget and extra budgetary funds, loans (Zolotukhina, 2018).

The adoption of a financial strategy by an economic entity is the main function of the organization's financial management. Implementation of this function is possible from the general strategy of economic development and forecast on the financial market. As a result, a system of goals and economic indicators of the financial plan for the long-term period is formed; the priorities of the directions and tasks to be solved in the near future are outlined and the policy of the organization's actions is determined in the directions of its financial development. The financial strategy of an economic entity is the main part of the company's development strategy (Rybalchenko et al., 2021).

Types of financial strategies are presented at Fig. 1 and 2.

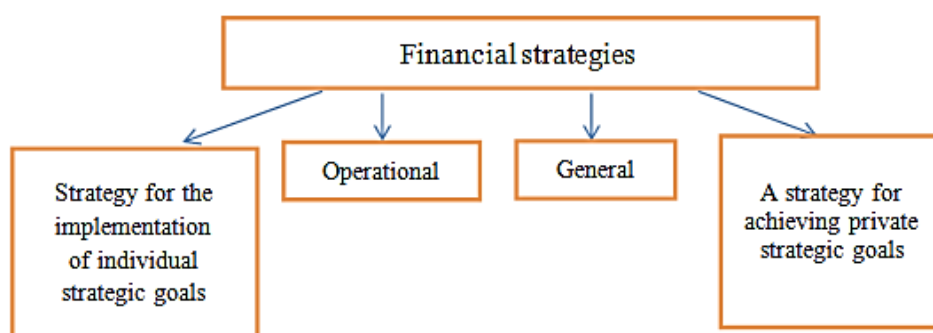


Figure 1 – Types of financial strategies

Source: based on Sidorov (2020)



Figure 2 – Branding Strategy Pyramid of Effective Financial Strategies for Business Owners

Source: based on Branding Strategy Pyramid of Effective Financial Strategies for Business Owners

The basis of the information base in the formation of the company's financial strategy in the area of its property status is the balance sheet and its most important features of the classification of the balance sheet, which depend on certain features related to its preparation. So, the financial strategy is a general plan of actions to provide the economic entity with funds. It covers the issues of theory and practice of finance formation, their planning and provision, financial stability of the enterprise in market economic conditions (Fomenko et al., 2020).

In the period of economic, social and political instability in the state, the issue of maintaining the security of the enterprise becomes especially relevant, because at the moment competition is intensifying, aggressive management methods are being used, problems are appearing in settlement and payment discipline and the financial condition of the organization is deteriorating. Maintaining economic security is an important task of the enterprise in order to protect the vital interests of the business from negative influencing factors called threats. It depends on the specifics and scope of the activity the scope and degree of economic security of personnel and intellectual potential (Pavlova, 2018).

In order to survive in market conditions, the organization must be sensitive to the market conditions and be able to quickly respond to the changes occurring in it. The ability to competently carry out the formation of the organization's financial strategy is largely determined by the manager's ability to justify and make optimal management decisions, which will ultimately ensure the company's competitiveness, effective functioning and development. Therefore, knowledge of various mechanisms and tools of financial analysis and financial planning as directions for improving the financial strategy, the ability to apply and manage the information obtained during such analysis, is the key to the stable economic development of the organization (Prymachenko & Khashev, 2021). The improvement of the financial strategy should be carried out, first of all, by changing the priorities, goals and directions of the strategic development of the organization's financial resources. Since two types of the organization's single financial strategy can be formed – a general financial strategy and an operational financial strategy, their goals and objectives are somewhat different from each other.

The general financial strategy determines the activity of the enterprise for a fairly long, but also fairly predictable period of time, for example, a year and includes, among other problems, the generation and use of income and financial results of the organization (Shevchenko & Munko, 2021). An operational financial strategy is developed for a shorter period, such as a quarter or a month, and defines the strategy of current maneuvering of financial resources – assets and sources of their financing. As part of the operational financial strategy, which is developed in the development of the general strategy, the following areas of improvement should be identified, which are related to the improvement of the structure of assets and their sources financing, with the search for additional sales markets, reduction of current costs for carrying out activities (Ryzhkov & Tiutchenko, 2021).

Directions for improving the operational financial strategy and implementing the goals of the general financial strategy cannot be implemented without financial planning. Financial analysis and financial planning are used as the main tools for forming a financial strategy. Financial analysis makes it possible to assess the quality of the formation and implementation of the current

financial strategy in the past period, financial planning allows predicting the consequences of those areas of improvement of the financial strategy that will be implemented in the following periods.

The main purpose of financial plans and the essence of financial planning is the development and implementation of financial plans that ensure competent management of the company's finances not only to achieve the company's break-even operation, but also for its progressive development in accordance with the requirements of the times. In other words, the purpose and essence of financial planning is to determine the general directions of the enterprise's financial activities, the main goals and the main methods of achieving the goals by the enterprise, which is called its financial strategy (Yefimov, 2021).

Organization of work on financial planning is a particularly urgent task of improving the organization's financial management, since the rate of change in factors of the organization's external and internal environment is significantly higher than for organizations in other industries. Despite the achieved results in the study of the economic security of the organization, it can be noticed that insufficient attention is paid to the problems of developing theoretical principles and practical recommendations for the formation of the system of ensuring the economic security of the organization.

In addition, the economic security system must be unique and closed not to authorized persons and other business entities, based on the fact that no system can be perfect, and if there is information about the construction and peculiarities of the economic security system, it can be found a weak point and damage to the organization (Kadylnykova & Savkin, 2021).

In modern conditions, the problem of protecting the economic interests of commercial organizations is very urgent, but it is not paid enough attention by the management of organizations. It should be noted that today the leaders of far from all organizations are ready to fully assess the need to create a reliable system of economic security. Organizations are invited to independently develop a methodology that should include the following activities:

- security of office and warehouse premises;
- protection of construction objects and purchased warehouses;
- control of transport movements and goods and material values;
- personal protection of management or owners of the organization;
- verification of potential counterparties;
- verification of hired employees;
- work with unscrupulous debtors;
- work with representatives of various state bodies;
- protection of confidential information (Parshyn et al., 2021).

It is for these purposes that it is proposed to create a special service program that will combine all the information necessary for the economic security service and spend a minimum of time on its processing. This program will display information about any employed employee of the organization, as well as about those who have arrived again for the purpose of employment, and it will be possible to find out any necessary information about him. It will also display information about all counterparties and new companies with which the organization plans to enter into contracts with the further provision of works (services), information about banks that directly serve this organization, and about others available in the banking sector (Uvarova, 2018).

Conclusions. The development of directions for improving the organization's financial strategy is related to solving a number of important tasks. The paper analyzed the theoretical aspects of defining the essence of the financial strategy, its types and contradictions that objectively arise in the process of its formation. The role of financial analysis for the formation of a timely and comprehensive financial strategy was considered, and the sources of analytical information for carrying out financial analysis and developing a financial strategy were determined. During the research, the following conclusions and assessments were obtained. According to the opinion of many authors, the financial strategy is a general plan of actions to provide the enterprise with funds. It covers the theory and practice of finance formation, its planning and provision, financial stability of the enterprise in market conditions of business.

Objects of financial strategy include optimization of fixed and working capital, capital management, profit distribution, cashless settlements, tax management, securities policy. In practice, in modern conditions, the formation of a financial strategy is a difficult and contradictory task for the financial management of an enterprise. The complexity of its formation is related to the multidirectionality of the enterprise's economic development goals and ways of achieving them. When forming a financial strategy, it is used to create a choice between an intensive type of development associated with high rates of profit growth, but also with high financial risks, and significant economic development, which ensures financial stability and sustainability and low parameters of financial risks, but also relatively low indicators of the dynamics of the financial result. That is, the company has to solve a financial dilemma management profitability or liquidity.

The choice of a financial strategy option is carried out on the basis of a comprehensive financial analysis, the content of which is reduced to an assessment of the following parameters: assessment of the financial condition, analysis of financial indicators, monitoring of the efficiency and business activity of the enterprise; identification of factors and reasons for the achieved state and obtained results; preparation and justification of management decisions in the field of financial strategy; identification and mobilization of reserves to improve the financial condition and financial results, increase the efficiency of all economic activities. When forming a financial strategy, it is used to create a choice between an intensive type of development associated with high rates of profit growth, but also with high financial risks, and significant economic development.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

- Branding Strategy Pyramid of Effective Financial Strategies For Business Owners. URL : <https://www.slidegeeks.com/business/product/branding-strategy-pyramid-of-effective-financial-strategies-for-business-owners-ppt-powerpoint-presentation-file-graphics-pdf>.
- Fomenko, A., Prymachenko, V., & Shevchenko, S. (2020). Ensuring national economic security in the functional strategy of the state border guard service of Ukraine. *Journal of Security and Sustainability Issues*, 10 (1), pp. 101-114.
- Kadylnykova, T., & Savkin, S. (2021). Increasing the efficiency of managing the financial results of market activities. *Philosophy, Economics and Law Review*, 1(1), pp. 37-42.
- Parshyn, Y., Parshyna, M. & Yefimov, V. (2021). Approaches to the development of the complex method of expertise at enterprises. *Philosophy, Economics and Law Review*, 1(2),

pp. 68-77.

Pavlova, N. (2018). Defining the probability of bank debtors' default using financial solvency assessment models. *Banks and bank systems*, 13(2), pp. 1-11.

Pavlova, N. (2022). Analysis of financial flows in the budget process of Ukraine under the conditions of structural imbalances of the financial system. *Public and Municipal Finance*, 11 (1), pp. 37-53.

Prymachenko, V. & Khashev, V. (2021). Influence of shadow economy legalization on national security of Ukraine. *Entrepreneurship and Sustainability Issues*, 8 (3), pp. 420-437.

Rybalchenko, L., Ryzhkov, Ed. & Ohrimenco, S. (2021). Modeling economic component of national security. Philosophy, economics and law review. *Philosophy, Economics and Law Review*, 1 (1), pp. 25-36.

Ryzhkov, Ed. & Tiutchenko, S. (2021). Managing economic security of metallurgical enterprises under the conditions of transformation changes in the economy. *Estudios de economia aplicada*, 39(5), pp. 1-12.

Shevchenko, S. & Munko, A. (2021). Public administration in the economic sphere of Ukraine: Strategic approach. *Estudios de Economia Aplicada*, 39(5), pp. 1-9.

Sidorov, O. (2020). Financial security management of enterprises operating in the defense industry. *Journal of Security and Sustainability Issues*, 9(4), pp. 1483-1495.

Uvarova, N. (2018). Lawmaking issues in the regulation of financial relations. *Baltic Journal of Economic Studies*, 4(4), pp. 351-355.

Yefimov, V. (2021). Financial security management under the conditions of digitalization: the state and business entities. *International journal of computer science and network security*, 21(10), pp. 310-316.

Zolotukhina, L. (2018). The development of small business as a source of formation of local budget revenues in Ukraine. *Investment management and financial innovation*, 15(1), pp. 132-140.

Наталія ПРОТОПОПОВА, Наталія АНДРЕЄВА, Леван ГВАРІШВІЛІ

ФІНАНСОВА СТРАТЕГІЯ ЯК ГАРАНТІЯ ЕКОНОМІЧНОЇ БЕЗПЕКИ ПІДПРИЄМСТВА

Анотація. Метою дослідження є вивчення практики формування фінансової стратегії в рамках системи економічної безпеки організації та розробка напрямів її вдосконалення. Наукова новизна дослідження полягає в обґрунтуванні та розвитку комплексу теоретико-методологічних положень щодо формування фінансової стратегії в рамках системи економічної безпеки комерційних організацій.

Теоретичне значення отриманих результатів полягає в комплексному дослідженні процесу розробки фінансової стратегії підприємства, що може слугувати основою для подальших наукових розробок у цьому напрямку.

Практичне значення дослідження полягає у використанні методології фінансової стратегії в рамках економічної безпеки комерційних організацій. Застосування запропонованої методології дозволить організаціям проводити фінансову політику найбільш ефективно. Аналізуючи теоретичні положення, методологічні підходи та практичні рекомендації щодо обґрунтування фінансової стратегії підприємства, можна отримати певні результати. По-перше, визначено фінансову стратегію як частину загальної (інтегрованої) стратегії підприємства, систему формування пріоритетних фінансових цілей підприємства шляхом ефективного залучення та використання фінансових ресурсів, координації їх потоків, забезпечення необхідного рівня фінансової безпеки. на основі безперервного обліку змін факторів зовнішнього та внутрішнього середовища. По-друге, розроблено структуру фінансової стратегії, її рекомендовану програму для організацій. Нарешті обґрунтовано заходи щодо забезпечення процесу розробки підприємствами фінансової стратегії, що сприяють підвищенню рівня її затребуваності та ступеня ефективності реалізації, що полягають у вдосконаленні чинного законодавства, створенні спеціальних систем усередині підприємства.

Ключові слова: підприємство, стратегія, фінансова стратегія, управління фінансовою стратегією, економічна безпека.

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RESEARCH OF THE MARKETING COMPLEX OF THE PHARMACY INSTITUTION

Abstract. Specific features of pharmaceutical marketing, in which the patient is the main one, are defined. It is shown that the most relevant for Ukrainian pharmaceuticals is the implementation of the concept of social and ethical marketing. Compared to the traditional marketing complex, which consists of four components: product, price, place, promotion, pharmacy adds – people – who are directly related to the sale of the product. An assessment of the pharmaceutical market of Ukraine is given. An analysis of consumers and competitors was carried out using the example of Elinite LLC pharmacy. The marketing activity of the Elinite LLC pharmacy was studied, the main problems in the organization of marketing were analyzed and measures for its improvement were developed.

Keywords: marketing, pharmacy, management of marketing activities, pharmaceutical market, pharmaceutical marketing.

Introduction. The development of market relations in the modern world has led to the fact that every enterprise has to fight for its existence, and the methods of struggle in this case can be completely different, be it advertising technologies, PR technologies, marketing solutions, etc. It is common knowledge that the effectiveness of any department depends on how marketing activities are carried out. The use of marketing in the management of economic

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entities in the conditions of a competitive market with a stable external environment is indisputable, and in periods of aggravation of the financial and economic situation and crisis phenomena, the role of marketing significantly increases.

The sale of medicines is a commercial activity that is carried out both wholesale and retail through pharmacies. In pharmacy retailing, the scale of competition reaches incredible levels, so as of the beginning of 2022, there are about 20,000 retail outlets (pharmacies and pharmacy points) in Ukraine (Pharma, 2022). Therefore, ensuring the high quality of management of a pharmacy establishment, which excludes the adoption of inconsistent and erroneous management decisions, becomes of primary importance and special relevance.

Analysis of recent research and publications. Despite the active development of marketing concepts abroad, as evidenced by the works of such marketers as I. Ansoff, R. Daft, D. Jober, F. Kotler, E. Dichtl, D. Cravens, A. Dayan and others, one of the main problems is that the transfer of the work of foreign marketing specialists to the Ukrainian space does not always bring the expected results. And the often used reduction in the cost of products in pursuit of greater sales leads to a decrease in the company's profit and deterioration of its financial indicators, which is unacceptable.

The works of many domestic scientists and specialists are devoted to the study of marketing activities: I. Akulich, S. Belous (2021), Yu. Golyshev (2017), L. Dorokhova (2020), O. Ishchenko, N. Karpenko, Z. Mnushko, Yu. Melnyk (2017), O. Piven (2020), I. Tkachenko, A. Yakovenko (2021), S. Yaremenko (2019) and others. They demonstrate the general principles of organizing the marketing activities of pharmacies or the implementation of individual marketing functions. But it should be noted that to date, applied aspects and specific features of improving the management of marketing activities of modern domestic pharmacies have not been researched much, which determines the relevance of the research topic.

The purpose of the article is to research marketing activities and determine directions for improving the marketing complex of a pharmacy.

Formulation of the main material. In general, marketing can be considered as a comprehensive approach to solving the problems of studying, forming and satisfying the needs of an individual, which are constantly changing, as well as to ensuring mutually beneficial relations between market subjects in the process of interaction. The marketing mix is a set of marketing tools that are used to obtain the desired response of the target market.

The traditional process of marketing management, which was inherent in the use of enterprises until the end of the last century, provided for the implementation of an algorithm based on the following components: study of needs – selection of potential markets and consumers – functional features and competitive advantages of the product – market segmentation and product positioning – selection of target groups consumers – increase in sales volume, market share, profit. However, the fulfillment of planned sales and profit indicators does not always ensure the strengthening of the financial and economic condition of the enterprise.

Changes in the terms of use of marketing are caused by the increase in consumer demand for the quality of pharmaceutical products, the provision of

services, and the price and value of medicinal products. Therefore, the prerequisites for the use of new enterprise management approaches are being formed, focused on increasing the value of business, a significant part of which can be intangible assets (technological resources, knowledge and skills of personnel, marketing assets – brand awareness, relationships in product distribution channels, customer and consumer loyalty, etc.). Accordingly, it becomes natural to improve managerial marketing concepts and comprehensive application of marketing functions in the activity of pharmacies.

Pharmaceutical marketing is distinguished as an activity aimed at studying the needs of a specific person in pharmaceutical care and meeting his needs through exchange in a more effective way than that of competitors. The peculiarity of pharmaceutical marketing is that the main thing in it is the patient, and not the entrepreneur – a manufacturer of medicinal products or an intermediary. For the domestic pharmaceutical market, the most relevant is the introduction of the concept of social and ethical marketing (Civaner, 2014). According to it, the goals of the pharmacy are achieved taking into account the needs of all categories of patients and population groups, it is aimed at ensuring the long-term well-being of the individual consumer and society in general.

Traditionally, the marketing complex consists of four components: product, price, methods of distribution, methods of promotion, the so-called “4p” – according to the English words product, price, place, promotion. In pharmacy, the complex is represented by “5p” (Koçkaya & Wertheimer, 2020).

The first “p” – place – a place, position, where contact is made between the seller and the buyer, the wholesaler and the intermediary, the customer and the manufacturer. The place involves choosing a strategy that will have to be implemented in the future. The company should identify the segment of the market in which the contingent of consumers of their goods is located. For example, a pharmacy, pharmacy warehouse, pharmacy store, etc.

The second “p” is a product, goods, products, i.e. pharmaceutical products: medicines, medical products, etc. It is necessary to determine the quality and service of this market and compare costs and prices with competing products and services.

The third “p” – promotion – increase, movement, promotion of the product. In the market, it is necessary to promote the product to the consumer in the form of advertising and organization of sales of the product. It includes distance, method of transportation, storage, method of implementation.

The fourth “p” – price – the price of the consumer. Here it is appropriate to recall one of the precepts of marketing: “In a good situation, at least 13 % of the population should be able to purchase medicines at prices calculated for a modest living wage” (Civaner, 2014).

The fifth “p” – people – people who are directly related to the sale of goods (pharmacists, pharmacists). Personnel is a marketing factor. For success in the company, it is necessary to carry out a continuous process of improving the education of its employees.

Market segmentation is important in pharmaceutical marketing. Segmentation of the pharmaceutical market can be by products and by consumer groups. In the pharmaceutical sector, two main types of product segmentation are used: market segmentation based on the therapeutic groups of the IMS company and market segmentation based on the indications of the medicinal

product (Kevrekidis, Minarikova et al., 2018). Market segmentation based on the data of the IMS company provides data on the volume of sales of medicinal products by therapeutic groups. WHO recommendations were adopted as the basis for the formation of therapeutic drug groups. This division characterizes the market well, but there is too much product focus of this representation. As with the analysis of the total volume of the market, the analysis of the market segment is carried out both in money and in annual terms. Sometimes the doctor has the opportunity to choose drugs of different classes for the treatment of the same disease.

The main disadvantage of market segmentation by therapeutic classes is that this segmentation does not take into account the peculiarities of medical practice. Physicians very often think in terms of symptom categories and select drugs according to perceived associations with disease symptoms rather than according to the therapeutic class of the drug. Market segmentation by drug indication is based on a specific group of symptoms (e.g., relief of cold symptoms, headache relief) or treatment of a specific disease (e.g., treatment of arthritis). In this way, the number of prescriptions issued for the treatment of a specific disease is estimated. This type of segmentation is more realistic and more customer-oriented, since the doctor associates the appearance of symptoms with a specific disease (Kitcha, 2019).

The segments of the pharmaceutical market differ significantly due to strong competition or price reductions due to the emergence of generic drugs. It is necessary to carry out both an analysis of the number of drugs sold or the number of prescribed prescriptions, but also an analysis of the actual cost of drugs sold or the cost of prescribed prescriptions.

According to statistical data, at the beginning of 2022, there were 2,525 pharmacies in Ukraine, excluding pharmacies, the number of which is 5 times greater (Pharma, 2022). With the positive dynamics of the population's income in Ukraine, there is a clear development of the pharmaceutical market (indices for 2020 and 2021 were 103.7 and 103 %, respectively). Since the beginning of 2020, the pandemic has also had a significant impact on the pharmaceutical market – there are changes in the volume and structure of sales of medicinal products (Priyanka, 2020).

The main share of the pharmacy basket in 2020-2022 in Ukraine consists of medicinal products: 81.1-82.9 % in monetary terms and 60.6-64.4 % in kind (Pharma 2022: Marketing the future. Which path will you take? *Pharmaceuticals and Life Sciences*). Medicinal products belong to the category of vital goods, which significantly affects their demand. In 2022, 78.5 billion hryvnias of medicinal products were sold in Ukraine through pharmacies, which is 776 million packages. Growth rates were 1 % in real terms and 21.7 % in hryvnia terms. Regarding the dynamics of the structure of pharmacy sales, the assortment shows an increase in the specific weight of dietary supplements, replacement of available drugs by more expensive ones, and an increase in the share of drugs produced abroad. The first in the rating of manufacturers of pharmaceuticals presented on the market of Ukraine in 2020-2022 is the domestic company Farmak with a market share of 5.81 %.

There are no changes among distributors of the pharmaceutical market: BaDM (Dnipro), Optima-Pharm (Kyiv) and Venta LTD (Dnipro). In 2022, they will occupy 85.7 % of the market for supplies to pharmacy chains, compared to

83.8 % in 2021. The fiercest competition is between BaDM and Optima-Pharm, which together captured 75.7 % of the market (Pharmacy Weekly, 2020-2021).

The subject of this research was the pharmacy institution Elinait LLC in Dnipro. During 2020-2022, the analyzed enterprise is profitable, profitable and generally liquid, but there are certain problems with financial stability and dependence on loan capital in economic activity. The net return on equity is from 15 to 24 kopecks per UAH 1 of invested capital, which is a satisfactory value for a pharmacy institution. The business activity of the institution is quite high (the duration of turnover of goods is equal to 80 days). It is positive that the duration of turnover of accounts payable exceeds the duration of turnover of receivables by almost 3 times, that is, the company uses commercial credit.

As a result of the survey of consumers of Elinite LLC, the following was revealed. Among the factors for choosing a pharmacy by customers, the main ones are: convenience of location 27 %, affordability 20% and breadth of assortment 19 %. In the structure of consumers by group of pharmacy assortment, the largest segment was found – medicinal products, 39.4 %. Medical products and dietary supplements have close values: 17.32 and 15.07 %, respectively. Effectiveness, safety and price are the key factors influencing the decision to buy medicines. The main advertising channels were advertising on television (45 %) and on the Internet (22 %). The average buyer of the Elinite LLC pharmacy can be characterized as follows: it is a woman aged 31–45 with an average level of income who buys medicines.

Among the main competitors of Elinite LLC within the territorial district of Dnipro, almost a monopoly of pharmacy sales is Podorozhnyk pharmacy, whose market share reaches 63 %. Direct competitors with close sales are Ne Bolii (16 %) and Sonechko (10 %) pharmacies, with which Elinite LLC (8 %) can compete for customers. The conducted 7p-analysis (pack, process, personnel were also taken into account) showed that the analyzed institution ranks third among its competitors (Table 1).

Table 1

Analysis of competitors of Elinite LLC using 7p-analysis

P's	A	B	C	D	E
Quality	5	5	5	5	5
Assortment	5	5	5	4	3
Packaging	5	5	5	5	5
Step-accessibility	5	5	5	4	4
High permeability	5	5	4	5	4
Visibility from the roadway	5	5	5	4	4

A – Elinite LLC Pharmacy;

B – Podorozhnyk pharmacy;

C – Ne Bolii pharmacy;

D – Sonechko pharmacy;

E – Budget pharmacy.

Continue of Table 1

Price					
Accessibility	4	5	4	4	3
Discounts	4	5	4	3	3
Stability	4	5	3	4	4
Promotion					
Advertising	4	5	5	4	4
Tastings	1	1	1	1	1
Image	4	5	5	4	3
Pack					
Attractiveness	5	5	5	4	4
Convenience	4	5	4	3	4
Biodegradability	3	4	3	3	3
Process					
Availability of goods	5	5	5	4	3
Visible location on the shelves	5	5	5	3	4
Aroma marketing	2	2	2	2	2
Personnel					
Qualification	4	5	5	4	4
Experience	4	4	5	4	3
Quality of service	4	5	4	3	3
The resulting indicator:	87	96	89	77	73

Source: Compiled by the authors based on their own research

The Elinite LLC pharmacy should pay attention to the range of products, the organization of advertising, the creation of the image of the pharmacy, the convenience and biodegradability of the packaging, the qualifications of the staff and the quality of service. The results of the SWOT-analysis show (Table 2): Elinite LLC pharmacy has enough strengths, the development of which will make it possible to increase the volume of product sales. Flexible pricing policy and relatively low selling prices allow to increase the market share.

Table 2

SWOT-analysis of the Elinite LLC pharmacy

SWOT-analysis	Strengths (S)	Weaknesses (W)
	1. Wide range of products. 2. Availability of exclusive medicinal and cosmetic products. 3. Long-term contracts with manufacturers of medicinal and cosmetic products 4. Low sale prices. 5. Flexible pricing policy. 6. Presence of regular buyers 7. Carrying out promotions that stimulate sales. 8. Supply guarantee.	1. Low market share. 2. Insufficient qualification of personnel and quality of customer service. 3. Low level of efficiency of the inventory management system 4. Significant workload of specialists. 5. Underdeveloped system of marketing information 6. Insufficiently effective marketing activity.

Continue of Table 2

Opportunities (O)	Strength and Opportunities	Weaknesses and Opportunities
1. Transition of most foreign manufacturers from intensive to selective distribution. 2. State support and orientation towards a healthy lifestyle. 3. Growth in the number of regular customers. 4. Increasing the number of branches in the city. 5. Increase in turnover and profit due to competitive prices	1. Flexible pricing policy and relatively low selling prices allow increasing the market share of the pharmacy. 2. Long-term contracts with manufacturers allow for selective distribution.	1. Insufficient qualification of staff and quality of customer service can lead to a decrease in the efficiency of the pharmacy. 2. An insufficiently developed system of marketing information will contribute to a decrease in market share.
Threats (T)	Strengths and Threats	Weaknesses and Threats
1. Instability of the national currency. 2. Imperfection of tax legislation. 3. Complexity of permit procedures for pharmacy institutions. 4. Intensification of competition. 5. Increase in purchase prices. 6. Lack of funds of medical and preventive institutions for purchases. 7. Decrease in the purchasing power of the population.	1. Instability of the national currency and inflationary processes will contribute to the growth of selling prices. 2. The low purchasing power of the population and the lack of working capital in treatment and prevention institutions can lead to a decrease in the institution's sales volume.	1. Insufficient qualification of the institution's staff and an insufficiently developed system of marketing information can lead to the loss of customers. 2. A low level of inventory management efficiency can contribute to the loss of the pharmacy's competitiveness.

Source: Compiled by the authors based on their own research

On the other hand, the pharmacy has weaknesses, the neglect of which threatens the loss of competitiveness. Insufficient qualification of the staff can lead to the loss of customers, and the low level of efficiency of inventory management can contribute to the loss of competitiveness of the pharmacy. Therefore, the strengthening of marketing activities is a significant reserve for the development of a pharmacy, increasing the volume of product sales.

When conducting a PEST-analysis (Table 3), it was determined that economic, political and technological factors are important for the Elinite LLC pharmacy, including: changes in taxation norms and the legislative framework in the field of drug price regulation, an increase in drug prices pharmacy assortment due to inflation, new technologies in the production and sale of medicines.

Table 3**PEST-model of the Elinite LLC pharmacy establishment**

Legend	Impact Factors	Industry Response	Score	Probability	Outcome
Political					4,8
P1	Changes in the legislative framework in the field of price regulation of medicinal products	Decrease in the capacity of the pharmacy market	3	80 %	2,4
P2	Limiting the markup on vital and necessary medicines	Decrease in the profitability of the pharmacy business	2	60 %	1,2
P3	The strategic focus of the state on the revival of domestic pharmacy	Expansion of pharmacy business	2	60 %	1,2
Economical					5,5
E1	Low solvent demand in the domestic market	Decrease in sales volumes	3	60 %	1,8
E2	Increase in product prices due to inflation	A decrease in the turnover of pharmacies and an increase in costs	2	80 %	1,6
E3	Instability of foreign exchange rates (USD, EUR)	Decrease in the profitability of the pharmacy business	3	70 %	2,1
Social					3,0
S1	The imperfection of the legislative framework led to the appearance of counterfeit medicines	Decrease in demand for pharmacy products	2	40 %	0,8
S2	Dissemination of information in the mass media about the conspiracy of pharmacists and doctors with the aim of imposing more expensive drugs	Decrease in demand for pharmacy products	2	50 %	1,0
S3	The need for pharmaceutical staff of pharmacies to face the negative attitude of consumers	Shortage of new pharmaceutical personnel	2	60 %	1,2
Technological					4,6
T1	New technologies are used in the production of medicines	Increasing the profitability of the pharmacy business due to lower product prices	3	60 %	1,8
T2	Production of medicines with the least side effects	Increasing the turnover of pharmacies due to the increase in demand for higher quality drugs	3	40 %	1,2
T3	The appearance of more advanced equipment	Reducing the burden on pharmacists	2	80 %	1,6

Source: Compiled by the authors based on their own research

As for the microenvironment, the main attention should be paid to competitors, Elinite LLC has not been operating on the market for so long and is just beginning to take a firm position.

Conclusions. As a result of the study of the marketing activity of the Elinite LLC pharmacy, the following shortcomings were identified. There is no integrated approach in marketing organization. The structure of the institution lacks a marketing specialist who could cover all marketing functions. The employee who is entrusted with the functions of a marketer is overloaded. As a result, marketing activities are not effective enough. When forming the advertising budget, the “residual method” is followed, and marketing activities are carried out directly in the pharmacy only at the expense of representatives of pharmaceutical manufacturers and wholesale suppliers.

Insufficiently used tools in social networks to attract and retain customers, outdated data on the company’s website. The assortment of goods is not optimized, the presence of non-liquids among medicines reaches 5 %, dietary supplements – 4 %. Therefore, some of the marketing tools require further development to increase sales. Among the main areas of marketing improvement, the following are proposed:

- optimization of the organization of marketing activities due to the use of integrated marketing communications;
- increasing consumer awareness of the pharmacy chain (advertising, exhibitions, mailing, auctions, site modification);
- studying the activities of the leading enterprises in the industry to increase their own level of competitiveness (benchmarking);
- increasing the coverage of the target audience with the help of advertising on the Internet (for this, it is necessary to more actively use the possibilities of social networks, improve and update the existing company website);
- change in budget planning for marketing activities, mandatory independent PR and promotion campaigns at the pharmacy level;
- professional retraining of personnel (regular trainings, seminars, courses) to improve the quality of service;
- staff incentives for specific indicators;
- development of a program of cooperation with medical institutions and doctors and establishment of cooperation of the pharmacy institution with reference services for pharmaceutical preparations;
- re-planning of the interior of the trading hall and expansion of the range of additional services.

Due to the implementation of the proposed measures to improve the marketing complex of the Elinite LLC pharmacy (additional marketing costs of UAH 159,000), sales revenue can increase by UAH 505,000 or by 10 %. Profit from operating activities will give a possible increase of 75 thousand hryvnias. That is, 1 UAH, additionally invested funds in marketing activities, should bring UAH 0.47 of profit from operating activities, or UAH 0.64 of net profit. Therefore, the specified measures are economically justified and allow to improve its financial results, so they can be proposed for other retail points of the pharmaceutical market.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

References

- Belous, S. & Yakovenko, A. (2021). Directions for improving the competitiveness of pharmaceutical enterprise services. *Economy and society*, 25. URL : <https://economyandsociety.in.ua/index.php/journal/article/view/272/260>.
- Civaner, M. (2014). Marketing methods of pharmaceutical companies. URL : https://www.researchgate.net/publication/270543555_Marketing_Methods_of_Pharmaceutical_Companies.
- Dorokhova, L. (2019). Computer consumer behavior modeling: multicriteria model for choosing ionizers. *Bulletin of the Transilvania University of Brasov*, 12 (61), no. 1, pp. 123-144.
- Haggag, K., Pope, D., Bryant, K. & Bos, M. (2019). Attribution bias in consumer choice, *Review of Economic Studies*, 86(5), pp. 2136–2183.
- Kevrekidis, D., Minarikova, D., Markos, A., Malovecka, I. & Minarik, P. (2018), Community pharmacy customer segmentation based on factors influencing their selection of pharmacy and over-the-counter medicines, *Saudi Pharmaceutical Journal*, 26(1), pp. 33–43.
- Khazzaka, M. (2019). Pharmaceutical marketing strategies' influence on physicians' prescribing pattern: ethics, gifts, and samples. URL : <https://bmchealthservres.biomedcentral.com/track/pdf/10.1186/s12913-019-3887-6.pdf>.
- Kitcha, I. (2019). Essays on pharmaceutical marketing with a case study company. *ABC Research Alert*. URL : https://sjar.journals.ekb.eg/article_110146_4c90285097e4230758501cea928bd8af.pdf.
- Koçkaya, G. & Wertheimer, A. (2020). Pharmaceutical market access in developed markets. URL : https://books.seedstm.com/index.php/seed/catalog/book/Pharmaceutical_MA_developed.
- Llamas, M. (2019) Selling side effects: big pharma marketing machine. *Drug Watch*. URL : <https://www.drugwatch.com/featured/big-pharma-marketing/>.
- Melnyk, Yu. & Golysheva, Yu. (2017). Peculiarities of the marketing complex in the system of innovative development of pharmaceutical enterprises. *Marketing and innovation management*, 4, pp. 27-39.
- Mohanan, N. & Kulkarni, M. (2018). A study to evaluate the role of digital marketing on consumer buying behavior of over the counter (OTC) pharmaceutical products. *International Journal of Pharma and Bio Sciences*, 9(2), pp. 8-16.
- Pharma 2022: Marketing the future. Which path will you take? *Pharmaceuticals and Life Sciences*. URL : <https://www.pwc.com/gx/en/pharma-life-sciences/pdf/ph2022-marketing.pdf>
- Pharmacy sales according to the results of 2020-2021. *PHARMACY Weekly*. URL : <https://www.apteka.ua/article/603040>.
- Phillip, L., Swagel (2021). Research and development in the pharmaceutical industry. URL : <https://www.cbo.gov/system/files/2021-04/57025-Rx-RnD.pdf>
- Piven, O., Maly, V. & Dorokhova, L. (2020). Research on the behavior of drug users. *Communal management of cities*, 5(158), pp. 38-45.
- Priyanka, Kh. (2020). Impact of COVID-19 on pharmaceuticals industry to adapt digital marketing. URL : <http://www.diva-portal.org/smash/get/diva2:1526583/FULLTEXT01.pdf>
- Raciborski, M. (2017). The Impact of Takeovers on the Acquiring Firms in the Pharmaceutical Market. *Journal of Competitiveness*, 9 (1), pp. 89-102.
- Radu, A., Tascu, A., Stoica, I., Radu, A. & Purcarea, V. (2017). Online instruments used in pharmaceutical marketing. *Farmacia*, 65, no. 2.
- Yaremenko, S., Khasina, N. & Yagupova, K. (2019) Improving marketing activities of a pharmacy chain based on research on consumer preferences. *Academic Review*, 1 (50), pp. 78-90.

Вікторія ОНИЩЕНКО, Олексій СЕРЬОГІН, Камерон БАТМАНГЛІЧ
ДОСЛІДЖЕННЯ КОМПЛЕКСУ МАРКЕТИНГУ
АПТЕЧНОГО ЗАКЛАДУ

Анотація. Визначені особливості фармацевтичного маркетингу, головним у якому є пацієнт (його потреба вилікувати захворювання чи підтримати своє здоров'я), а не виробник лікарських товарів або посередник. Показано, що найбільш актуальним для української фармацевтики є впровадження концепції соціально-етичного маркетингу. Якщо традиційно маркетинговий комплекс складається з чотирьох компонентів: product, price, place, promotion, так звані "4п", то у фармації додається п'яте "п" – people – люди, які безпосередньо пов'язані з реалізацією товару (фармацевти).

Проведено оцінку фармацевтичного ринку України, індекси зростання якого у 2020-2021 р. дорівнюють 103 %. Основну частку аптечного кошика складають лікарські засоби – до 64 %, яких було продано у 2022 р. на 78,5 млрд. грн. При цьому збільшується питома вага дієтичних добавок, дешеві препарати замінюються більш дорогими, зростає частка препаратів, вироблених за кордоном. Найбільший виробник фармацевтичних препаратів – компанія "Фармак". Лідерами серед дистриб'юторів фармацевтичного ринку є БадМ, Оптіма-Фарм і Вента ЛТД, які у 2022 р. займають 85,7 % ринку поставок в аптечні мережі.

Проведений аналіз споживачів і конкурентів на прикладі аптечного ТОВ "Елінайт". Серед факторів вибору клієнтами аптечного закладу головними виступають: зручність розташування 27 %, цінова доступність 20 % і широта асортименту 19 %. Серед покупців-фізосіб більшість складають жінки у віці 31-45 років із середнім доходом. Ключовими факторами впливу на рішення про купівлю лікарських засобів є їх ефективність, безпека та ціна. Майже монополістом аптечних продажів серед конкурентів ТОВ "Елінайт" є аптечний заклад "Подорожник", частка ринку якого досягає 63 %. Безпосередніми конкурентами з близькими продажами є аптеки "Не болій" (16 %) і "Сонечко" (10 %). Проведений 7р-аналіз (враховувалися додатково pack, process, personnel) показав, що ТОВ "Елінайт" посідає третє місце серед своїх конкурентів.

Зроблено оцінку маркетингової діяльності аптечного закладу ТОВ "Елінайт". Отримані результати SWOT-аналізу свідчать, що у аптеки досить сильних сторін, використання та розвиток яких дасть змогу підвищити обсяги реалізації продукції. З іншого боку в аптеки є слабкі сторони, занедбання яких загрожує втратою конкурентоспроможності, зниженням ефективності діяльності та витісненням з ринку. Проаналізовані основні проблеми в організації маркетингу та розроблені заходи із вдосконалення комплексу маркетингу ТОВ "Елінайт". Серед них: впровадження комплексної управлінської інформаційної системи на базі SOSTAC; персоніфікація відносини із замовниками за допомогою маркетингової концепції one-to-one; зміна планування бюджету на маркетингові заходи, обов'язкове проведення самостійних PR- та промоушен-кампаній на рівні аптечного закладу тощо.

Ключові слова: маркетинг, аптечний заклад, управління маркетинговою діяльністю, фармацевтичний ринок, фармацевтичний маркетинг.

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ACTUAL ISSUES OF REAL ESTATE DEVELOPMENT

Abstract. Construction is one of the most important sectors of the national economy, providing a stimulating effect for the development of other sectors. Many technical, technological, socio-economic and environmental issues are related to the efficiency of the construction industry development. The task of improving the development of construction organizations has led to the expansion of research in the development and implementation of new forms, methods and systems for managing construction projects in order to increase their efficiency and competitiveness.

Real estate development is a modern stage in the development of the construction industry, allowing more active implementation of marketing and management approaches to improve the efficiency of individual projects and the industry as a whole. The development of real estate objects is characterized by a variety of types, complexity and complexity of the tasks facing the development company in the implementation of development projects.

The article discusses the concepts of real estate development and development activities, as well as the main types of development. To disclose the content and features of real estate development and development activities, the following are systematized: classification of types of real estate development, characteristics of the stages of development activity, its participants and results, characteristics of the most common types of real estate development. The article analyzes the real estate markets of the two largest world economies – the USA and China. Market trends and features of development in these countries are revealed. The article also discusses the prospects for real estate development in Ukraine in the post-war period.

Keywords: *construction, real estate, development activity, marketing, project management, risk, trend.*

Introduction. Development of real estate is an activity that involves qualitative transformations in a real estate object, ensuring its transformation into another object, which has a value greater than the value of the original object.

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The main feature of development as a type of activity is a complete, comprehensive organization of the investment process, which implies the organization of financing and implementation of a certain project by the developer within the specified time frame and within the appropriate budgetary constraints in order to extract commercial benefits.

Development activity includes:

- Choosing a cost-effective project;
- Obtaining all necessary permits for its implementation from relevant authorities;
- Determining the conditions for attracting investments, developing the mechanism and forms of their return/payback;
- Search and attraction of investors;
- Selection of contractors, financing of their activities and monitoring of their work;
- Realization of the created real estate object or transfer of it into operation to the customer.

The result of the developer's activity is a physical change in the real estate object (construction, reconstruction, renovation, restoration), but at the same time, the main content of his activity is not in a specific change, but in the organization of these changes. Distinctive characteristics of projects in the field of real estate development are high capital intensity and duration of implementation, which makes them quite risky in case of unfavorable dynamics of the market situation or the adoption of inefficient decisions at the stages of design and construction (Peizer & Frey, 2004; Levchenko, Galushko et al., 2008). But allocation of development as a special type of professional activity is one of the ways to reduce risks arising in the field of real estate development.

The purpose of this article is to discuss features of real estate development, to structure its types and to analyze the real estate market.

Analysis of recent research and publications. Scientific research of real estate development is closely related to research and development of project management methodology, because development is based on the principles of project management. Also, the research is devoted to the definition of concepts and terms of development, scientific substantiation of the types of development projects and stages of projects. The works of such scientists as A. Asaul, R. Peizer, D. Hamilton, V. Rach, O. Sharov, S. Maksimov, V. Alekseev, I. Mazur, V. Shapiro, N. Trukhina, O. Gladka and others (Gladka, 2013). The high risk of real estate development projects, as well as their most important role in the development of regions and local communities, require further analysis and improvement of management methods.

Formulation of the main material. Real estate development can be defined as an entrepreneurial activity aimed at the creation of a property, its reconstruction or other change to an existing building or land, leading to an increase its value.

In world practice, there are 3 main types of development:

- Fee-development;
- Speculative development;
- BTS-development (Built-to-Suit).

In the “fee-development” scheme, the developer does not bear financial risks and carries out his activities for a certain fee. For example, an investor may

enter into an agreement with a developer for the construction of a property on a selected land plot.

The developer manages the project and for its implementation attracts its own specialists or external contractors who carry out the design, draw up permits for the project, carry out the construction and commissioning of the premises. All these works are financed by the customer, but the developer is responsible for the implementation of the project. Also, the developer may be entrusted with the functions of marketing and promoting the object, searching for tenants and buyers. The “speculative development” scheme is more complex. In it, the developer performs all the same functions, but also develops and implements the financial model of the project and assumes financial risks. BTS-development (Built-to-Suit): the developer solves a complex of tasks to create a real estate object for the purposes of a specific customer (Peizer & Frey, 2004).

Also, depending on the type of real estate, there are next different types of development:

- multifamily residential development;
- office development;
- industrial estate development;
- retail development;
- land plots development.

There are also such types of real estate development, as redevelopment and land development. Redevelopment is understood as re-profiling (change of purpose) of real estate objects to solve the problem of their undemanding or irrational use. An example is the repurposing of old industrial sites located in the centers of American and European cities into residential real estate, which led to the appearance of the popular loft style.

Also popular is redevelopment as a transfer of a real estate object from a residential stock to a non-residential one, i.e. to a commercial real estate object. An example is the purchase of apartments on the first floors of central streets for subsequent repurposing for offices and stores. Land development involves the process of subdividing the land into individual land plots and consists of a set of legal and technical operations aimed at preparing the land for the subsequent implementation of development projects.

Each of the types of real estate development differs not only in the list and content of the tasks to be solved within each stage of the development project, the list of participants in each stage and its results, but also in the specifics of preparation for its implementation, control of the implementation process, a set of indicators, principles and assessment tools. Taking into account the peculiarities of the implemented type of real estate development within the framework of the development process will significantly reduce potential and real risks and, accordingly, increase the level of profitability of the development project (Fedorkina et al., 2018).

Development covers a variety of activities, from the renovation and leasing of existing buildings to the purchase of uncultivated land and the sale of improved land. The full cycle of development includes: selection and purchase of a plot of land, determination of the target market, development of a project and a construction program, obtaining the necessary initial permits, project financing, construction, facility management and leasing or selling a property.

The essence of development is also reflected in its stages. R. Peizer and

A. Frey propose to distinguish 6 stages of real estate development:

- 1) Economic feasibility analysis and land acquisition;
- 2) Project development;
- 3) Project financing;
- 4) Construction;
- 5) Sale and lease;
- 6) Facility operation and management.

The financial schemes of large development projects are a complex combination of the developer's own funds, attracted investments, bank loans and pre-rental payments from future tenants. The high profitability of speculative development operations is explained by the high risks of project failure that the developer bears. In this regard, development of this kind is the most complex of operations in the real estate market, since real estate, construction, and architectural complex financial operations are combined in one project (Peizer & Frey, 2004). In modern conditions, development has become one of the most common operations in the real estate market in the segment of construction, reconstruction and renovation.

The real estate market plays an important role in the development of the regional and national economy. Real estate can be called a component of national wealth, because it has a market value and is an asset, and also accumulates the resources of previous generations and provides for the needs of subsequent generations. According to various estimates, real estate in all its forms in monetary terms accounts for about half of all accumulated world wealth. The real estate market is also a generator economic growth of the country, because investment in construction has a multiplier effect and leads to growth in other industries – in the production of building materials, housing and communal services, production of durable consumer goods, etc., ultimately increasing the gross product and employment in the country. For example, studies conducted in Germany at the end of the 20th century showed that the value of the multiplier connecting investment in housing construction with the volume of the country's gross domestic product (GDP) was about 2.5, i.e., each mark invested in housing construction, gave 2.5 marks of GDP growth.

Despite the pandemic and other circumstances that took place in the world, in 2021 the real estate market was on the rise. The pent-up demand at the start of the pandemic has led to strong demand in 2021 and higher prices. In 2021, the amount of global investment in real estate has increased significantly and amounted to 1 trillion dollars. Global real estate market was affected by 2 trends. They were opposite, but each regulated this sphere in its own way. The government of a number of countries stimulated the market with benefits. This practice was used by Greece, Indonesia. Great Britain, however, acted differently. The government decided to introduce a stamp duty tax holiday, which made luxury housing more affordable. Some countries, on the contrary, introduced taxes, raised rates in order to reduce activity in the market. This was done in order to send money to fight the coronavirus infection. These countries include Cyprus, Iran. By the end of 2022, inflation-adjusted home prices are expected to rise by the end of 2022, according to the Global Property Guide: in Montenegro by 32.4 %; in Sweden by 17.97 %; in Australia by 16.08 %; in the Netherlands by 15.33 %; in Puerto Rico by 14.5 %. The real estate market in the United States is noticeably sagging and this is already a trend (Fig. 1).

From January, 2022 to November, 2022, existing home sales plummeted from 6.5 million a year to 4.09 million a year (minus 37 %) with sustained momentum to renew the low of the COVID crisis (about 4 million sales in mid-2020). In monetary terms, current sales are approximately \$ 320-330 billion per year compared to \$ 530-550 billion in 2021 (volumes are falling and prices are falling). Nearly 200 billion revenue cut-off and only one segment – new single-family homes (Katsenelson, 2022).



Figure 1 – Existing home sales dynamics in USA (Katsenelson, 2022)

The number of housing starts in the US fell less rapidly due to the effect of inertia and unrealized demand during the 2021 market boom. The decline averages 20-25 % on the 6-month moving average from the highs of 2021. There is a lag effect of 6-9 months, so the worst will happen in 2023. The number of housing starts in the US fell less rapidly due to the effect of inertia and unrealized demand during the 2021 market boom. The decline averages 20-25 % on the 6-month moving average from the highs of 2021. There is a lag effect of 6-9 months, so the worst will happen in 2023 (Katsenelson, 2022). Previous minimum was in mid-2010 after the 2009 tax credits were cancelled.

Real estate market in China, the second largest economy in the world, corresponds to global trends. As Fig. 2 shows, there was a sharp decline in real estate sales in 2020 as a result of the COVID-19 pandemic. And in 2021, the accumulated pent-up demand led to a rapid increase in the market. As Fig. 3 shows, in 2020 supply was several times more, than demand, but in 2021 both of them were increased and came to balance. However, already at the end of 2021, experts had doubts about whether the market could hold its own. This year, problems in the Chinese residential real estate market may worsen, which is determined by both economic factors and ongoing quarantine restrictions. Market experts expect house prices to fall in 2022 and are betting on a faster fall in property sales than previously predicted. New home prices are expected to fall 1.4 % in 2022, according to a Reuters survey of more than 10 analysts and economists surveyed between August, 29 and September, 2 (www.reuters.com).



Figure 2 – China retail sales grows (<https://apacresearch.cbre.com>)

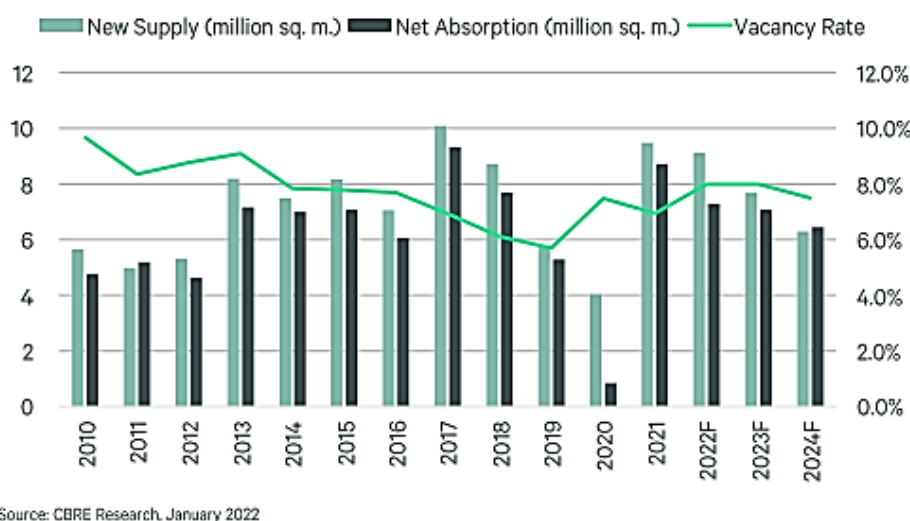


Figure 3 – China retail supply, demand (<https://apacresearch.cbre.com>)

Ukraine will surface inflation and housing shortages as the main trends of post-war period. The situation in the primary and secondary housing market may return to the state of 2010-2011. If in the pre-war period the number of transactions for the purchase and sale of housing in new buildings was at the level of 60 %, today the figure has dropped to 20 %. Most likely, the parameter will remain at the end of hostilities (<https://cripo.com.ua>). Safety would keep as key criterion. Such housing includes the following:

- Low-rise building;
- The presence of a basement with two exits and an entrance under a common staircase;
- The presence of a separate room with ventilation and an entrance located perpendicular to the outer wall (dressing room, pantry in the corridor);
- Double-glazed windows with triplex, the presence of metal protective shutters;

– The presence in the apartment of rooms that do not border on an external wall (the rule of two walls, which significantly increases security).

The best choice is houses with autonomous heating, with a parking lot or a basement, which is equipped with water supply, ventilation and water drainage.

Pricing after the war will largely depend on the conditions for the end of hostilities. Prices for post-war housing may fall by about 20 %. If the recovery process begins, investments in the country and security guarantees return, we can expect an increase in the cost of 5-10 % per year (<https://cripo.com.ua>; Verkhoglyadova et al., 2022). To date, it is impossible to estimate forecast supply and demand in the post-war period, as well as the potential price level. The market can expect both a fall and a rapid recovery, accompanied by an increase in prices. Everything depends on the duration and destructiveness of hostilities, as well as on the economic situation in the country and the availability of solvent demand.

Conclusions. Development performs the function of developing the real estate market, qualitative transformation of real estate objects based on the combination of economic, legal and physical processes in order to increase their investment attractiveness and market value. Each of the presented types of real estate development is a separate area, special in its essence and content. The implementation of a development project within the framework of each of these types of real estate development should be specified in terms of the content and sequence of tasks to be solved, the list of participants and expected results.

By a combination of factors, the US real estate market is entering its worst crisis since 2007. Real estate market of China is stabilizing after big fluctuation in 2020-2021, but situation may change rapidly in case of new quarantine or military conflict with Taiwan.

The post-war real estate market of Ukraine can be divided into three geographical zones:

1) Eastern and southeastern regions heavily affected by the war. In such regions, it is not the infill development that is required, but the implementation of large-scale urban development projects with the involvement of foreign investors and donors. As well as the development of new construction projects, taking into account the changed requirements for the safety of real estate and modern approaches to the use of land and landscape.

2) Central regions with a more or less stable market and the implementation of individual development projects. Here, difficulties may arise with the financing of projects, because the main financial flows will be directed to the most affected regions. The activity of development projects will depend on the general economic situation in the country and the ability of the state to apply incentives to the industry (tax cuts, government buyout of housing in favor of displaced persons who have lost their homes as a result of hostilities, etc.)

3) Western regions are currently facing a significant increase in demand and prices. The situation is similar to the dynamics of the market in China in 2021, but the market is unlikely to be able to keep up with such indicators. And in the post-war period, a decline in housing prices is expected.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

- Gladka, O. (2013). The essence and peculiarities of the real estate development projects. *Project management and production development: coll. of scientific papers*, 2(46), pp. 72-76.
- Levchenko, V., Galushko, O., & Skrypova, M. (2008). Actual problems of designation and minimization of risks in Ukrainian enterprises. *Economic space: Collection of scientific works*, 20/2, pp. 200-206.
- Peizer, R. & Frey, A. (2004). Professional real estate development. ULI guide to business. Urban Development Publishing. 452 p.
- Fedorkina, M. & Fedorkina, A. (2018). Real estate development and development activities: content and features. *Scientific Bulletin: Finance, banks, investments*, 2, pp. 181-187.
- Katsenelson, V. (2022). The housing market is worse than you think. URL : <https://www.advisorperspectives.com/articles/2022/11/21/the-housing-market-is-worse-than-you-think>.
- US Existing Home Sales. *Ycharts*, 2022. URL : https://ycharts.com/indicators/us_existing_home_sales#:~:text=US%20Existing%20Home%20Sales%20is,35.39%25%20from%20one%20year%20ago.
- 2022 China Real Estate Market Outlook. *CBRE*, 2022. URL : <https://apacresearch.cbre.com/en/research-and-reports/2022-China-Real-Estate-Market-Outlook>.
- China's 2022 property sector outlook worsens, home prices seen falling. *Reuters*, 2022. URL : <https://www.reuters.com/world/china/chinas-2022-property-sector-outlook-worsens-home-prices-seen-falling-2022-09-05/#:~:text=New%20home%20prices%20are%20expected,remain%20unchanged%20for%20the%20year>.
- Verkhoglyadova, N., Kononova, I., Morozova, Ye., Kubetska, O., & Kovalenko-Marchenkova, Ye. (2022). Management of structural changes in the system of economic formation of sustainable development. *Natsional'nyi Hirnychiy Universytet. Naukovyi Visnyk*, 2, pp. 135-140.
- What awaits the Ukrainian real estate market after the war? *Ukraine Criminal*, 2022. URL : <https://cripo.com.ua/news/economics/chto-zhdet-ukraynshy-rnynok-nedvyzhymosty-posle-voyny/>.

Олена ГАЛУШКО, Генадій ЧОБАНУ

АКТУАЛЬНІ ПИТАННЯ ДЕВЕЛОПМЕНТУ НЕРУХОМОСТІ

Анотація. Будівництво є однією з найважливіших галузей національної економіки, що забезпечує стимулюючий ефект для розвитку інших галузей. З ефективністю розвитку будівельної галузі пов'язано багато технічних, технологічних, соціально-економічних та екологічних проблем. Завдання удосконалення розвитку будівельних організацій зумовило розширення досліджень у сфері розробки та впровадження нових форм, методів і систем управління будівельними об'єктами з метою підвищення їх ефективності та конкурентоспроможності.

Девелопмент нерухомості – це сучасний етап у розвитку будівельної індустрії, що дозволяє більш активно впроваджувати маркетингові та управлінські підходи для підвищення ефективності окремих проектів і галузі в цілому. Девелопмент об'єктів нерухомості характеризується різноманітністю видів, комплексністю і складністю завдань, які стоять перед девелоперською компанією при реалізації девелоперських проектів.

У статті розглянуто поняття девелопменту та девелоперської діяльності, а також основні види девелопменту. Для розкриття змісту та особливостей девелопменту та девелоперської діяльності систематизовано: класифікацію видів девелопменту, характеристику етапів девелоперської діяльності, її учасників та результатів, характеристику найпоширеніших видів девелопменту. Також в статті аналізуються ринки нерухомості двох найбільших світових економік – США та Китаю.

Виявлено ринкові тенденції та особливості розвитку у цих країнах. Також розглядаються перспективи розвитку нерухомості в Україні у післявоєнний період.

Ключові слова: будівництво, нерухомість, девелоперська діяльність, маркетинг, управління проектами, ризик, тенденція.

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COMPLEX APPROACH TO GENDER MAINSTREAMING IN THE ACTIVITY OF THE CIVILIAN POPULATION PROTECTION

Abstract. Gender equality is an inseparable aspect of human rights and the values of a democratic state. A democratic society should provide both men and women with equal opportunities participation in all spheres of life. Successful regulation of gender relations in society involves the affirmation of value gender equality, non-discrimination based on gender, ensuring equal participation of women and men in making socially important decisions, ensuring equal opportunities for women and men to combine professional and family responsibilities

When analyzing gender and gender equality in relation to security, it is useful to clearly understand the key notions. Awareness of security needs in terms of the gender dimension serves to improve the relationship between security providers and the communities they serve. Interaction with previously neglected groups, or those with whom the relationship used to be hostile, can improve the legitimacy and wider acceptance of an institution and its work. Moreover, working with a number of civil society organizations, including women's organizations, allows security providers to have a more holistic understanding of any security situation, but also to better understand the various security needs and the methods by which they can be satisfied.

Keywords: security and defense sector, public order, gender equality, non-discrimination, public policy, gender analysis.

Introduction. Gender equality is an international legal obligation that supports development. All countries have ratified international treaties and instruments containing commitments on gender equality, including in the field of security. Undoubtedly, gender mainstreaming is relevant for police services in all countries, regardless of their level of development, but at the same time, gender equality is still a global challenge and in some cases especially for police services.

Police actions face a crisis of legitimacy in many contexts in low, middle and high income countries. Given the dual challenge of gender equality and the

quality of policing, identifying context-appropriate methods to promote global policing and gender mainstreaming and gaining experience from various practices in this area is essential.

Analysis of recent research and publications. We mention some relevant international tools for the promotion of gender equality in police activity:

1. By virtue of the Universal Declaration of Human Rights (1948), every human being can claim all his rights and freedoms “without any distinction such as race, color, sex, language, religion, political opinion or any other opinion, of national or social origin, wealth, birth or any other circumstances” (art. 2). According to Article 7: “All persons are equal before the law and are entitled without any discrimination to equal law protection” (Declarația universală a Drepturilor Omului, adoptată de ONU la 10. Decembrie 1948).

2. The International Covenant on Civil and Political Rights (1966) stipulates that “All persons are equal before the law and are entitled without any discrimination to equal protection of the law. In this regard, the law must prohibit any discrimination and guarantee equal and effective protection for all persons against discrimination, in particular as regards to race, color, sex, language, religion, political opinion or any other opinion, of national or social origin, wealth, birth or based on any other circumstance” (art. 26) (Pactul internațional cu privire la drepturile civile și politice, adoptat de ONU 16. Decembrie, 1966).

3. The Convention on the Elimination of All Forms of Discrimination against Women (1979) stipulates that all persons are equal before the law and are entitled without any discrimination to equal protection of the law (Convenția privind eliminarea tuturor formelor de discriminare față de femei, adoptată la 18. Decembrie, 1979).

4. Beijing Declaration and Platform for Action (1995): An ambitious agenda for gender equality with a focus on 12 areas of change, including the elimination of violence against women and girls (Declarația de la Beijing și Platforma de acțiune, adoptată sub auspiciile ONU în 1995).

5. The Code of Conduct for Law Enforcement Authorities in UN General Assembly Resolution 34/169 (1979) and the United Nations Guide to the Effective Implementation of the Code of Conduct for Law Enforcement Authorities: Everyone has the right to liberty, personal security and freedom of expression (Codul de conduită pentru autoritățile de aplicare a legii, în Rezoluția 34/169 an Adunării Generale a ONU din 1979). Law enforcement agencies must represent the whole community, take into account the needs and be accountable to all. They must comply with international human rights standards and their actions must be subject to public scrutiny.

6. According to the UN Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power (1985): All victims of crime must be treated with compassion and respect and to be protected from retaliation or other forms of violence (Declarația ONU privind principiile de bază ale justiției pentru victimele infracțiunilor și abuzului de putere, adoptată de Adunarea Generală a ONU la 29. Noiembrie, 1985). Investigations must be carried out in such a way as not to cause additional harm to those who have already experienced violence, and women must receive specialized assistance, including information on support services.

7. Gender perspective interpretation in police activity is crucial for

countries so that they can make progress on the given commitments. In addition, the Agenda for Women, Peace and Security, which contains nine UN Security Council resolutions, reaffirms the importance of the role of women in peace and security and emphasizes the importance of expanding their role to ensure full participation and full involvement in efforts to maintain security and consolidate peace (Rezoluția 1325 privind Femeia, Pacea și Securitatea, aprobată de Consiliul de Securitate al ONU la 31. Octombrie, 2001).

A number of UN Security Council resolutions on peacekeeping and the deployment of police forces at the international level also call for gender mainstreaming, call for the deployment of more women police officers and for recognition of the need to address gender-based security needs with a special focus on sexual violence in a conflict context.

The purpose of the article is to elucidate the theoretical and practical aspects, as well as the legal regulations of gender equality and to overcome gender discrimination, both in the security and public order sector and in the wider society.

Methods applied and materials used. In order to achieve the purpose and the set objectives we were guided by a complex of theoretical and empirical methods, which allowed the research of gender issues in a multifaceted way, in particular: the systematic method, the comparative method, the historical method, the sociological method, the logical method. In the process of investigation, analysis and synthesis, abstraction and rationalization, induction and deduction were used. The research results are based on normative acts, including the constitutional regulations in force, international acts, the provisions of the law on ensuring equality.

Formulation of the main material. Over the last decade, there has been a significant increase in awareness and focus on gender issues and the role of women in the security and public order sector.

Globally, the gender balance of many institutions in the security sector has improved, especially in non-Nordic countries. Women have taken on higher positions, and external and internal oversight mechanisms have been strengthened to combat gender discrimination, harassment, exploitation and abuse. As a result of these measures, security institutions have become more inclusive and representative, as well as better able to fulfill their assigned task of promoting gender equality (DCAF, OSCE/ODIHR, UN Women, 2019).

The global adoption and implementation of the Sustainable Development Goals also highlights the need for good governance of the security sector and the central role of security and law enforcement actors in promoting gender equality.

Two of these objectives relate in particular to the gender dimension and police activity (Bodrug-Lungu, Drăgulean & Țărălungă, 2021):

1. Objective 5: Achieve gender equality and empower all women and girls, which aims to:

- Elimination of all forms of discrimination against all women and girls from everywhere;
- Elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking, sexual exploitation and other forms of exploitation;
- Ensuring the full and effective participation of women and equal opportunities in leadership positions at all levels of decision-making in political,

economic and public life;

- The adoption and strengthening of sound policies and of applicable legislation to promote gender equality and empower all women and girls at all levels.

2. Objective 16: To promote peaceful and inclusive societies for a sustainable development, access to justice for all and the creation of efficient, accountable and inclusive institutions at all levels:

- Significant reduction of all forms of violence and related death rates everywhere;

- Stopping child abuse, exploitation, trafficking and all forms of violence and torture;

- Promoting the rule of law at national and international level and ensuring equal access to justice for all;

- Developing the efficiency, accountability and transparency of institutions at all levels;

- Ensuring a receptive, inclusive, participatory and representative decision-making process at all levels;

- Ensuring public access to information and protecting fundamental freedoms, in accordance with national law and international agreements;

- Promoting and consolidating non-discriminatory laws and policies for sustainable development.

Thus, the promotion of gender equality is necessary to support national development processes within the Sustainable Development Goals and to ensure the integration of gender issues in the activity of protection of the civilian population, in which an important role is the integration of the gender equality dimension in public policy cycle.

Gender mainstreaming in the public policy cycle stems from the fact that gender equality is a fundamental value related to the human rights dimension and is recognized nationally and internationally. In the international context, the treaties that have been adopted and proposed to the states for signature and ratification, the guidelines, the recommendations in the field of reference, creating in this sense a complex arsenal of tools that promote gender equality and women's rights.

At the national level, with the ratification in 1994 of the Convention on the Elimination of All Forms of Discrimination against Women, the Republic of Moldova has committed itself to promoting a policy of elimination of discrimination against women. Respectively, all these commitments will be achievable as a result of the inclusion of the gender dimension in all public policies and programs, and throughout the cycle of their elaboration, implementation and monitoring to have an analysis of the needs and impact on women and men, so that the Government, through these policies, can act on the needs and aspirations of both women and men.

Securing the civilian population from the perspective of gender mainstreaming is based on initial and ongoing gender equality training for the whole body of civil servants (including those with special status) in central and local institutions. Subsequently, the rules for drafting public policy documents should be revised and standardized, with the mandatory inclusion of a gender equality target per sector and gender-sensitive indicators, which would make it possible to measure the impact of that public policy.

Last but not least, matters the political will to promote a supportive agenda

for gender equality, ensuring a mechanism for monitoring the implementation of the normative framework and policies in the field, including through the elaboration of gender-sensitive public budgets.

Conclusions. Achieving full gender equality remains a major challenge in Eastern Europe and Central Asia, even though legal protection measures in the region are generally sound and women are relatively well represented in secondary education and the workforce. Violence against women and girls remains persistent, and measures to combat it are inadequate. At the same time, there has been strong gender equality leadership over the past decade, including the appointment of gender equality champions in the security sector and other measures for political and institutional leaders to support gender equality and inclusion both internally and publicly. In order to integrate gender issues to secure the civilian population, we consider it appropriate:

- supporting States to expedite their CEDAW obligations and other international mechanisms; cooperation with national human rights institutions in this regard;
- ensuring the approach to gender-based violence in situations of humanitarian crisis;
- combating the persistence of gender stereotypes through gender-based transformational approaches;
- promoting comprehensive multisector responses to gender-based violence, including through an integrated approach to health services, in particular sexual and reproductive health services;
- intensifying efforts to eliminate harmful traditional practices, such as early marriages and the selection of the child's gender based on a preference for a particular gender;
- supporting states to revolutionize their data, with a particular focus on improving access to the use of gender-disaggregated data.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

- Bodrug-Lungu, V, Drăgulean A. & Țarălungă, E, Valorificarea dimensiunii de gen în domeniul apărării naționale. Ghid pentru formatori și formatoare, Chișinău 2021. [in Mold.].
- Codul de conduită pentru autoritățile de aplicare a legii, în Rezoluția 34/169 a Adunării Generale a ONU din 1979.* [in Mold.].
- Convenția privind eliminarea tuturor formelor de discriminare față de femei, adoptată la 18 decembrie 1979.* [in Mold.].
- DCAF, OSCE/ODIHR, UN Women (2019), „Guvernanța sectorului de securitate, Reforma sectorului de securitate și genul”, în Setul de instrumente privind aspectele de gen și securitatea. Geneva: DCAF, OSCE/ODIHR, UN Women. [in Mold.].
- Declarația de la Beijing și Platforma de acțiune, adoptată sub auspiciile ONU în 1995.* [in Mold.].
- Declarația ONU privind principiile de bază ale justiției pentru victimele infracțiunilor și abuzului de putere, adoptată de Adunarea Generală a ONU la 29. Noiembrie, 1985.* [in Mold.].
- Declarația universală a Drepturilor Omului, adoptată de ONU la 10. Decembrie, 1948.* [in Mold.].
- Pactul internațional cu privire la drepturile civile și politice, adoptat de ONU 16 decembrie 1966.* [in Mold.].
- Rezoluția 1325 privind Femeia, Pacea și Securitatea, aprobată de Consiliul de Securitate al ONU la 31. Octombrie, 2001.* [in Mold.].

Ліляна КРЯНГЕ
КОМПЛЕКСНИЙ ПІДХІД ДО ГЕНДЕРНОЇ ІНФОРМАЦІЇ
У ДІЯЛЬНОСТІ ЗАХИСТУ ЦИВІЛЬНОГО НАСЕЛЕННЯ

Анотація. Гендерна рівність є невід’ємним аспектом прав людини та цінностей демократичної держави. Демократичне суспільство повинно надавати чоловікам і жінкам рівні можливості участі в усіх сферах життя.

Успішне регулювання гендерних відносин у суспільстві передбачає утвердження цінності гендерної рівності, недискримінації за ознакою статі, забезпечення рівної участі жінок і чоловіків у прийнятті суспільно важливих рішень, забезпечення рівних можливостей для жінок і чоловіків поєднувати професійні та сімейні обов’язки.

Аналізуючи гендер і гендерну рівність у зв’язку з безпекою, корисно чітко розуміти ключові поняття. Усвідомлення потреб безпеки з точки зору гендерного виміру сприяє покращенню відносин між постачальниками послуг безпеки та громадами, які вони обслуговують. Взаємодія з групами, якими раніше нехтували, або з тими, з ким раніше стосунки були ворожими, може покращити легітимність і ширше сприйняття установи та її роботи. Крім того, співпраця з низкою організацій громадянського суспільства, включно з жіночими організаціями, дозволяє постачальникам послуг безпеки мати більш цілісне розуміння будь-якої ситуації безпеки, а також краще розуміти різні потреби безпеки та методи, за допомогою яких вони можуть бути задоволені.

Ключові слова: сектор безпеки і оборони, громадський порядок, гендерна рівність, недискримінація, публічна політика, гендерний аналіз.

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**THE IMPORTANCE OF THE INSTITUTION
OF THE FAMILY IN THE PROCESS OF SOCIALIZATION
AND PREVENTION OF DEVIANT BEHAVIOR OF THE CHILD**

Abstract. In the article, the author’s vision of the role and significance of the Institute of Family in the formation of acceptable socialization and prevention of deviant behavior of the child is presented. The study of the role of the Institute of Family in the formation of acceptable socialization and prevention of deviant behavior of the child remains relevant and requires a systematic approach to understanding the specified problems. The purpose of this article is theoretical characteristics of the problems of the socialization and prevention of behavioral

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Ліляна КРЯНГЕ
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deviations of the child through the prism of the Institution of Family functioning.

In view of the tasks specialization, the method of theoretical analysis of scientific and legal literature was used in the study, which made it possible to clarify modern approaches of researchers to the problems of the impact of the Institute of Family on juvenile delinquency. In the article, the deviation of negative orientation, the socially unacceptable activity of the child and the role of the Institute of Family in correcting this behavior is analyzed.

The main factors and causes of deviant behavior of minors are revealed, the role of the family in the prevention of deviant, socially dangerous deviations are revealed. Emphasizing the determinism of juvenile deviance by social, economic, spiritual and moral factors, the authors substantiates methodological principles of solving the problem through a complex combination of efforts of state and public organizations. The conclusions and recommendations outlined in the article can be used for further research into the problem of juvenile criminology.

Keywords: *destructive influence, minors, upbringing, education, crime, punishment, causes, prevention.*

Introduction. Despite the trend that overall juvenile arrests have decreased, adolescents continue to engage in criminal behaviors. “Manifestation of deviant behavior in minors increasingly shock by their audacity, cynicism, cruelty, and often lack of arguments for their explanation” (Yankovych et al., 2018). Therefore, the prevention of criminal offenses of minors today takes a key position in the state policy and activity of society in countering this socially negative phenomenon. Ukraine, like most countries of the world, is experiencing negative social processes, which are accompanied by significant crisis changes in society. Violence, brutality, aggression in recent years have become commonplace for our country. In crime wave, using Internet, the minors, whose actions are striking cynicism and audacity, are more and more often involved.

However, it is important to understand that the tendency to offense in minors can be due to the destructive effect of family education. Especially in modern society, with a rapid information flow, children, more than ever, need special attention, care, warmth and quality control from their families.

Analysis of recent research and publications. Such scientists as C. Beccaria, M. Weber, E. Ferry, T. Parsons and others were engaged in the problems of deviant behavior, its formation and prevention. Significant contribution to the study and research of crime among minors and measures to combat this phenomenon were the works of such scientists as: O. Bandurka, R. Bundz, L. Dundych, O. Humin, R. Hutsyl, E. Melnykov, H. Krestovska, R. Kvasha, V. Emilianov, Yu. Zavorodnia, A. Zakaluyk, O. Lytvak, V. Golin, N. Steblynska, V. Navrotsky, N. Yuzikova, V. Kharchenko, O. Kholymchuk, et al. Dundych L. in his study on the topic “The problem of crime among minors in Ukraine and measures to prevent it” (2019) investigates the problem of crime among minors in Ukraine, and also singles out the determinants of this negative phenomenon. The authors proposes its own road map for the prevention of juvenile delinquency, which covers all areas of the manifestation of determinants of juvenile delinquency: family, social and cultural (Dundych, 2019).

Gumin O., Gutsul R. prepared a study on the topic “Criminological analysis and scientific substantiation of modern methods of individual prevention of self-interested crimes by minors”, in which modern methods of individual prevention of self-interested crimes by minors were analyzed and deviant manifestations in the behavior of adolescents were scientifically substantiated (Humin & Hutsul, 2020). R. Bundz in his dissertation on the topic “Special cruelty as a sign of crimes committed by minors” determinants and alerts” (Bundz, 2019) focuses attention on the study of juvenile delinquency in

general and crimes committed by them with particular cruelty, as well as determinants of the personality formation of a juvenile criminal who commits such crimes, and the problems of their prevention. The author emphasizes that the main determinants of the personality formation of a juvenile criminal who commits crimes with particular cruelty include negative influence of the family as a potential factor in the mechanism of the personality formation of a juvenile criminal; child's homelessness and neglect; unorganized leisure time; alcohol-addiction and drugs-addiction of the children's environment; manifestation of bullying among minors, etc.

R. Kvasha in the dissertation "Violent crime among minors in Ukraine as a problem of juvenile criminology" (Kvasha, 2021) also pays attention to the specifics of the determination of violent juvenile delinquency. In particular, the scientist highlights the role of mass media in the determination of violent crime among minors, the influence of the online social environment on the criminal behavior of minors. One of the main determinants of juvenile delinquency is lack of upbringing (social, family, school).

G. Didkivska in the paper on the topic "Family dysfunction in the system of determinants of juvenile delinquency in Ukraine" (Didkivska, 2017) carried out a comprehensive study of the family and its place in the system of determinants of juvenile delinquency, features of the problems of the modern family, the causal complex of criminogenic factors of the family sphere, and the mechanism of their influence on juvenile delinquency, which makes it possible for prevention subjects already at the early stages of the deformation of family relations to carry out the measures to prevent juvenile delinquency, which has not only theoretical, but also actual applied significance.

Recognizing the importance of the above works, it should be noted that, despite the many approaches to the study of deviant behavior, the problem of adolescent deviance in Ukraine criminology requires further study. In addition, there is an urgent need to intensify the scientific search for optimal ways and means on preventing juvenile delinquency, and study the role of the family in the prevention of deviant, socially dangerous deviations.

The purpose of our article is theoretical characterization of the problem of the child's socialization and prevention of deviant deviations in its behavior through the prism of the functioning of the institute of family. To examine the relationship between family atmosphere Including parenting style, parental love, family behaviour and adolescent deviant behaviour.

Formulation of the main material. The research on the problem involved a theoretical analysis of existing methodological approaches as well as the theory and methodology of research on youth health deviant behavior in modern society.

Family as an institutions of the primary social individual's formation. According to Article 51 of the Constitution of Ukraine (Constitution of Ukraine, 1996), parents are obliged to support children until their age. One of the tasks of family legislation (Art. 3 of the Family Code of Ukraine (Family Code of Ukraine, 2002) (hereinafter-the FC)) is to provide each child with family education, the possibility of spiritual and physical education. The state ensures the priority of family education of the child (Art. 5 of the FC of Ukraine). Children do not have yet sufficient social experience, so it is family education that makes it possible to provide them with normal physical, moral, intellectual

and social development, makes it possible to become a full-fledged member of society and enrich with a social experience. The obligation to carry out the child's upbringing relies on parents and is to implement a system of educational measures aimed at the formation of a comprehensive and harmoniously developed personality. Therefore, it is not only the satisfaction of the child's life needs, but also the manifestation of the attention to it, the provision of moral support in solving various life issues, instilling self-confidence, attracting to active participation in the society's life, and etc. The legal basis for teaching and education for minors is relevant provisions of the Family Code of Ukraine. Provisions fixed in para 2 Art. 150 that parent have not only the right but are obliged to take care of the child's health, his physical, spiritual, and moral development is of fundamental importance.

In this regard, it is quite justified to establish by the Family Code of Ukraine the responsibility of parents for the upbringing and development of the child, which meets the requirements of Art. 18 and 27 of the UN Convention on the Rights of the Child. In particular, parents may be brought to different types of legal liability, i.e.: administrative (Art. 180 and Art. 184 of the Code of Ukraine on Administrative Offenses (1984)), family-legal liability (Art. 164 and Art. 170 of the FC of Ukraine), criminal (p.1. Art.164, Art. 166, p.1. Art.150-1, p.1. Art.304 of the Criminal Code of Ukraine (2001)). The Law of Ukraine "On the Protection of Childhood" (2001) stipulates that parents or persons who replace them are obliged to raise a child, take care of his health, physical, spiritual and moral development, study, create proper conditions for the development of natural abilities, respect the dignity of the child, prepare him for independent life and work. Education in the family is a priority basis of the child's personal development.

It is generally known that it is the family that provide the primary socialization of the individual, thanks to which the multifaceted knowledge of social reality, mutual understanding and coexistence with other people, involvement in national and universal human culture takes place. It is in the family that norms of behavior are formed, personally formation takes place, and the qualities of the individual personality are revealed. However, it should be noted that "conflicts, violence, humiliation, neglect that accompany the minor at different stages of its socialization within the family, further lead to the break with the family. Deformation processes occurring in the family are confirmed by the survey of juveniles sentenced to imprisonment. Most of those who committed the crime as a group showed that they were raised outside the family or were indifferent to their family, were abused and humiliated, especially by their stepfather and older brothers" (Yuzikova et al., 2021).

In addition, "a disadvantaged family is a threat to society, because for the most part the unlawful minors' behavior was determined by the shortcomings of family education, and persons under the age of eighteen choose illegal behavior under direct influence or with the participation of parents. Under family dysfunction, one can understand a set of negative factors that, negatively affecting the process of the assimilation of social experience to minors, contribute to the progression of its anti-citizen behavior, victimization and in combination with a certain life situation, can determine criminal behavior of a minor" (Syzonenko, 2021).

It is also worth paying attention to the fact that a dysfunctional family

weakens a teenager's social position in society, which, in turn, entails problems in the individual's relationships with both peers and adults. Parents who instill antisocial attitudes and behaviors in their children encourage such attitudes into adulthood. "A parent is a model towards their children. Research on modeling has shown that when parents are held in high esteem and are the main sources for reinforcement, they child is more likely to model them" (Simons et al., 1991).

Certainly, the nature of the relationship between parents and their children helps determine whether a child will become a delinquent. Friendly, supportive and understanding families are likely to promote conformist and constructive social behavior because a positive family environment leads to the healthy personality's development. At the same time, a lack of parental support, or parental indifference, hostility or rejection, make children feel emotionally vulnerable and leads to the poor personality development, thus encouraging antisocial or delinquent behavior.

Moreover, if a parent acts in a negative way, the child is more likely to follow their parent's negative attitude. They are also more likely to generalize this attitude to the rest of society. Thus, parents have much influence over their child's behavior. Attention should also be paid to authoritarian parenting, when excessive control, the use of strict orders, prohibitions, and restrictions deprive children of the freedom of self-expression. Suppression of the freedom of expression and lack of love leads children to rebel against their parents, run away from their families, and, as a result, to a life of a crime. As a result, a family that implements an authoritarian style of upbringing has a negative effect on the teenager's socialization, because it forms in him those personal qualities that do not contribute to successful entry of the teenager to society, but on the contrary, complicate it.

Thus, parents have a great influence on behavior of their child. "From birth, a parent will mold and shape behaviors suitable to the norms of society through the child's upbringing. However, there are certain parenting techniques that have a greater impact on a child's behaviors. Parental support is behaviors toward the child, such as praising, encouraging, and giving affection. They show the child that he or she is valued and loved. In multiple studies, it has been found that support from parents bonds the adolescent to institutions and builds their self-control. This building of self-control will hinder deviant behaviors from forming" (Buehler, 2006).

Indeed, "it is the family that occupies the most significant place in the formation of an individual, plays a leading role in the development of psychological independence of society's members. The well-being of the family and the closes environment of the person starting from the childhood is the basis for his further upbringing and the determining factor to minimize the risk of developing deviant behavior of the young person" (Davydova, 2019).

Namely, "a civilized society seeks to create legal, social, and economic conditions for the acceptable civilization of the child, the consolidation of his spiritual and physical health, material and social well-being. The implementation of functions of social institutions contributes to the respect formation for moral principles and traditional values of the Ukrainian society, formation of public opinion on indifferent attitude to socially unacceptable activities of minors" (Yuzikova, 2020).

It should be noted that the fact that the COVID-19 pandemic and the war

in Ukraine forced schools to switch to distance and virtual learning, this worsened the conditions for receiving quality education for low-income children and pushed their parents, especially mothers, to choose between care and employment. A significant number of parents have lost their jobs and found themselves in a difficult situation, which means that their children are also growing up in the conditions of economic instability and limitations. Ukraine should develop a comprehensive system of social protection that would fully protect children from emotional, physical and neurological consequences of this instability and the impact of war.

Reasons contributing to deviant behavior of teenagers. The child's behavior is terminologically defined as follows: "social deviation", "anti-social deviation", "deviant behavior", "asocial activity" etc. All the above terms mean a certain departure from the generally accepted norms, values, and rules of behavior in society. The most common can be considered a social deviation, which encompasses a departure from general norms of both positive and negative orientation. Deviant behavior is always associated with any inconsistency of human actions, activities, common in society or groups, norms, rules of conduct, ideas, instructions, and values. Norms are the mechanism that keeps the public system in the state of viable balance under the conditions of inevitable changes. In natural and social sciences, the norm is understood as a limit, a measure acceptable for the preservation and change of systems.

A person's behavior may deviate from socially acceptable norms in both positive and negative ways. Positive deviance occurs when health deviant behavior manifests itself through non-compliance with accepted norms but does not harm anyone. Negative deviations disrupt the stability of the social system and often lead to violence and crime. Positive deviance represents creativity that brings positive change to society, whereas negative deviance is destructive and brings nothing positive to society. Deviant behavior of a child is correlated with a group form from the activity of a minor. It is in the group, especially in adolescence, that opportunities and abilities of individuals are compared in understanding knowledge, skills and abilities, their dynamic or slow susceptibility to the norms and requirements of society. In particular, in minors, taking into account specific age peculiarities, general acceptability of group views is combined with the leveling of their own doubts in the acceptability (normativity) of their behavior, and this often contributes to the formation of group forms of antisocial and even socially dangerous behavior.

"Theoretical Explanation of Deviant Behavior. Psychoanalytic Theory: This theory was developed by Sigmund Freud. It explained that all humans have natural drives and urges that are repressed in the unconscious layer. He went further to state that, all humans have criminal tendencies. These tendencies are curbed, however, through the process of socialization. A child that is improperly socialized then could develop a personality disorder that causes him or her to direct antisocial impulses. Those who direct their antisocial impulses inward would likely become neurotic while those who direct theirs outwardly would likely become deviant criminal" (Mogbana & Edward, 2022).

Most acute, social problems occur in children when they adolescence. A teenager wants to assert himself without having the proper means and tools to do that. In the modern world, the formation of illegal motivation in adolescents can be influenced by many factors. Today, we can state that modern society was

on the verge of spiritual and moral catastrophe. The loss of high moral ideas led to the prosperity of lowly interests and needs.

A huge market of alcohol, drugs, pornography is formed, which leads to the manifestation of deviant behavior of modern youth, the abrasion of the facets of the permitted and unauthorized. A significant impact on the increase of deviant behavior is made by: political, social, and ideological flaws; poor legislative framework, legal nihilism; lack of understandable youth policy in the country; inefficient preventive work of certain state bodies, and NGOs.

Negative processes of social and economic character, which accompany the transformation of our society, significantly weakened the family as a social institution, which is designed to provide physical, intellectual and moral development of children. "And this shows only one thing: unfortunately, today we cannot say that the family in general properly performs its main function" (Mogbana & Edward, 2022). Thus, deviant behavior can be viewed today as a generally accepted concept to denote various behavioral violations in children that are determined by nonspecific (non-pathological) factors formed in society. Therefore, it is the institutions of society, and primarily the institute of the family, that plays a priority in the juvenile preventive system.

Certainly, the reasons for deviant behavior among teenagers are different. In particular, the phenomenon of deviant behavior is explained by social inequality, contradictory development of society, the collapse of a number of social institutions, criminalization of society, and others. Some scientists explain deviant behavior with biological characteristics of a person, and others see the roots of the problem in the mental deviation of the individual, the presence of various complexes. Researching the causes of juvenile delinquency, scientists rightly claim that a crime is the result of complex and contradictory interaction between a person and the environment. At the same time, it is almost certain that the closest micro-environment of a teenager is in his family.

Proper upbringing of children is the primary responsibility of parents, because the values that are instilled in children, the life experiences that they receive from their parents, seem to largely determine their future lifestyles. Parents help their children to form certain behavioral attitudes, and once they are established, these attitudes are difficult to change. The child's development has emotional, intellectual, social and physical aspects, and the family is the foundation on which this development takes place.

Of course, the family structure plays an important role in the formation of a child, providing security and developing its values and skills. At the same time, parents are not often sufficiently aware of their own responsibility for raising children and transfer this responsibility mostly to educational institutions, do not have information about the prevention of deviant behavior of their own children in the context of family upbringing, and are not inclined to cooperate with socialization institutions.

However, regardless of the reasons capable of causing certain deviations in minors' behavior, society must take sufficient efforts in the fight against undesirable forms of human behavior to preserve order and stability. In this regard, society uses a set of means and methods as for influencing undesirable forms of deviant behavior with the aim of eliminating or minimizing them and bringing them into line with social norms. The system of the deviations prevention among minors should take into account not only legal, social aspects,

but also work with families, in particular: raising the level of psychological culture of parents, providing parents with necessary information on growing children, conducting measures for the prevention of family conflicts. Without significant joint activity of the state and society to ensure favorable conditions for the development of younger generation, it is impossible to successfully prevent juvenile delinquency.

The activity on the offenses prevention among minors is a complex of social and preventive measures aimed at the formation of legal culture and universal human values in adolescents, education of mutual respect, formation of law-abiding behavior and foundations of tolerance, teaching of a sense of responsibility for their actions. But it is not enough to work only with minors, an important factor that affects the teenager's behavior is the family. From the stand point of the family functioning as a social institution of education, it is important that the family has a high adaptability in changing economic, political, and social conditions, and in the periods of global changes at the macro-level, which shows its protective function for all its members, becoming a guarantor of stability and reproduction of society.

Crime prevention among minors is an integral part of the crime prevention in society. Engaging in legitimate, socially useful activities, forming a humanistic orientation to society and life, young people can develop non-criminogenic attitudes. However, successful prevention of delinquency among minors requires the efforts of the entire society to ensure harmonious development of adolescents, respect and development of their personality from early childhood.

To prevent delinquency among minors, the measure that would envisage educational opportunities should be developed to meet the varying needs of young persons, and to serve as a supportive framework for safeguarding the personal development of all young persons, particularly those who are demonstrably endangered or at social risk and are in need of special care and protection. At the same time, by developing these measures we should avoid criminalizing and penalizing a child for behaviour that does not cause serious damage to the development of the child or harm to others.

Conclusions. Thus, at the beginning of the study it was established that one of the functions of the family is the function of early socialization, since early socialization takes place most favorably in the family. The family is the immediate environment that forms the child's moral values and skills; ensures the connection of the individual with social, economic and demographic processes in society. It is in the family that norms of behavior are formed, the personality formation takes place, and the qualities of the individual personality are revealed. Deviant behavior of minors in many cases transforms into criminal forms of behavior and constitutes a significant danger both for the personality of the minor, his further development, and for the entire society.

The results show there a significant difference between the traits of family behavior, parenting style and parental love towards adolescent deviant behavior. It is established within the study that deviant behavior of the child reflects the connection of the behavior of minor, social groups and communities with society, the whole system of public relations, the regulation of which is carried out through the system of social norms, taking into account the interaction of internal and external factors that determine the appearance of motive, purpose, and the determination to socially unacceptable activity.

This is the basis of the functioning of the family institute, which creates the conditions for acceptable socialization of the child, forms the needs, social values and interests adopted in society and the state.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

- Buehler, C. (2006). Parents and peers in relation to early adolescent problem behavior. *Journal of Marriage and Family*, 68(1), pp. 109-124. Doi: 10.1111/j.1741-3737.2006.00237.x.
- Bundz, R. (2019). *Special cruelty as a sign of crimes committed by minors: Determinants and alerts* (PhD thesis, Private Higher Educational Institution "Lviv University of Business and Law", Lviv, Ukraine).
- Code of Ukraine on Administrative Offenses*. (1984). URL : <https://zakon.rada.gov.ua/laws/show80731-10#Text>.
- Constitution of Ukraine*. (1996). URL : <http://zakon2.rada.gov.ua/laws/show/254к/96-вр>.
- Convention on the Rights of the Child*. (1989). URL : <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.
- Criminal Code of Ukraine*. (2001). URL : <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.
- Davydova, M. (2019). Determinants of the inducement to take narcotics and measures to eliminate it in Ukraine. *Visegrad Journal on Human Rights*, 6(2), pp. 46-52.
- Didkivska, H. (2017). *Family dysfunction in the system of determinants of juvenile delinquency in Ukraine*. Vinnytsia: Nilan LTD.
- Dundych, L. (2019). The problem of juvenile delinquency in Ukraine and preventive measures. *Scientific Bulletin of the International Humanities University. Series: Jurisprudence*, 42 (2), pp. 96-99. doi: 10.32841/2307-1745.2019.42-2.24.
- Family Code of Ukraine*. (2002). Retrieved from <https://zakon.rada.gov.ua/laws/show/2947-14>.
- Humin, O. & Hutsul, R. (2020). Criminological analysis and scientific justification of modern methods of individual prevention of judicial crimes. *South-Ukrainian Legal Journal*, 1, pp. 24-27. doi: 10.32850/sulj.2020.1.5.
- Kvasha, R. (2021). *Violent juvenile delinquency in Ukraine as a problem of juvenile criminology* (PhD thesis, V. M. Koretsky Institute of State and Law of National Academy of Science of Ukraine, Kyiv, Ukraine).
- Law of Ukraine No. 2402-III "On the Protection of Childhood"*. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2402-14#Text>.
- Mogbana M. & Edward C. (2022). Edward Deviant behaviors in schools: implications for counselling. *Journal of Educational Research and Development*, 5(1), 9-18.
- Simons, R., Whitbeck, L., Conger, R. & Wu, C. (1999). Intergenerational transmission of harsh parenting. *Developmental Psychology*, 27(1), pp. 159-171. Doi: 10.1037/0012-1649.27.1.159.
- Syzonenko, A. (2021). Determinants of criminal behavior of minors. *Law Herald*, 6, pp. 120-128. Doi: 10.32837/yuv.v0i6.2274.
- Verenkiotova, O. (2020). Some legal means of the protection of the minor who has committed an offense (according to the legislation of Ukraine). *Visegrad Journal on Human Rights*, 1(3), pp. 28-33.
- Yankovych, O., Kikinezhdi, O., Kozubovska, I., Polishchuk, V., Radchuk, H. et al. (2018). *Theory and practice of preventive work with children prone to deviant behavior: Ukrainian and international experience*. Ternopil: Osadtsa Yu.V.
- Yuzikova, N., Korniakova, T., Khomiachenko, S. & Chasova, T. (2021). Moral and psychological features of the motivational sphere of juveniles who commit crimes: Risk assessment of determining communication. *European Journal of Sustainable Development*, 10(1), pp. 123-135. Doi: 10.14207/ejsd.2021.v10n1p123.
- Yuzikova, N. (2020). Trust to society's institutes in the motivation formation of acceptable behavior of minors: Retrospective analysis. In *Criminological theory and practice: Experience, current problems and ways to solve them: materials of the interuniversity scientific and practical round table*, part 1, pp. 107-112.. Kyiv: National Academy of Internal Affairs.

Світлана ХОМ'ЯЧЕНКО

ЗНАЧЕННЯ ІНСТИТУТУ СІМ'Ї У ПРОЦЕСІ СОЦІАЛІЗАЦІЇ ТА ЗАПОБІГАННІ ДЕВІАНТНІЙ ПОВЕДІНЦІ ДИТИНИ

Анотація. У статті представлено авторське бачення ролі та значення інституту сім'ї у формуванні прийнятної соціалізації дитини та запобіганні девіантній поведінці. Дослідження ролі інституту сім'ї у формуванні прийнятної соціалізації дитини та запобігання девіантній поведінці залишається актуальним і вимагає системного підходу до пізнання вказаних проблем. Мета цієї статті – є теоретична характеристика проблеми соціалізації дитини та профілактики девіантних відхилень у її поведінці крізь призму функціонування інституту сім'ї. У статті аналізується девіація негативної спрямованості, соціально неприйнятна діяльність дитини та роль інституту сім'ї в корекції цієї поведінки. Окреслено основні чинники та причини девіантної поведінки неповнолітніх, розкрито роль сім'ї в профілактиці девіантних, суспільно небезпечних відхилень. Наголошуючи на детермінованості девіації неповнолітніх соціальними, економічними, духовно-моральними факторами, автор обґрунтовує методологічні засади вирішення проблеми шляхом комплексного поєднання зусиль державних та громадських організацій. Висновки й рекомендації, викладені в статті, можуть бути використані для подальшого дослідження проблем ювенальної кримінології.

Ключові слова: *деструктивний вплив, неповнолітні, виховання, освіта, злочинність, покарання, причини, профілактика.*

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PECULIARITIES OF USING VISUAL MEANS OF INFORMATION AND ANALYTICAL ACTIVITY IN LEGAL AND LAW ENFORCEMENT SPHERE

Abstract. The article considers the peculiarities of the use of modern information-analytical programs with visualization capabilities, which allow law enforcement officers to provide the most relevant information for the analysis of relations between people, organizations and information flows between criminals and organized criminal organizations. The use of modern information systems and software is necessary for the investigation of murders, money

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Світлана ХОМ'ЯЧЕНКО

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PECULIARITIES OF USING VISUAL MEANS OF INFORMATION AND ANALYTICAL ACTIVITY IN LEGAL AND LAW ENFORCEMENT SPHERE

Abstract. The article considers the peculiarities of the use of modern information-analytical programs with visualization capabilities, which allow law enforcement officers to provide the most relevant information for the analysis of relations between people, organizations and information flows between criminals and organized criminal organizations. The use of modern information systems and software is necessary for the investigation of murders, money

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laundering, theft of property, cyber fraud and other crimes. The specifics of the analysis using the possibilities of modern methods practiced by law enforcement and special bodies of the leading countries of the world are given. Problems of visual display of information-analytical processes at the analysis of various procedures of legal character are considered.

Approaches to visualization of the analysis of the course and control of investigations of various character in law enforcement and other spheres are considered. There is a description of different options for the use of visualization of information and analytical actions, such tools as: intelligence maps (Mind Maps), graphs “event-time”, process flowcharts, diagrams “Perth” and other tools. The use in information and analytical work of visualization tools implemented with the help of information technology is relevant for use in law enforcement and the legal field. In the legal field, the development of service software and analytical software with visualization differs in that software packages are less complex and cover only certain types of work, which does not reduce their practical significance and viability. Developed software can be used in the field of artificial intelligence (expert systems), methods of pattern recognition theory and other research using information technology and mathematical methods. To work with such new technologies it is necessary to involve qualified specialists with relevant knowledge of the application of modern software in professional activities.

Keywords: *investigation, visualization, law enforcement activity, software, information-analytical activity.*

Introduction. The current stage of development of society is characterized by the rapid development of information technology, increasing the amount of information and knowledge that requires professionals to structure their information and analytical activities. Systematization and structuring of information are the most important psychological mechanisms through which effective analysis and processing of large amounts of information. Information processing and perception works best with systematized and visualized information. Visualization is a property of human consciousness that makes it possible to work with real events and circumstances. Data visualization is one of the tools for presenting analytical, economic, statistical and other information. One of the main reasons for the use of visualization technology is the ability to display a large amount of information in verbal and graphical form in order to optimize it for effective perception and further use in professional activities.

The role of the analytical component in information processing is constantly growing. Issues that occur in law enforcement, jurisprudence and other structures related to security exist due to the inability and unwillingness to analyze available information, predict threats, protection options and more. These tasks in law enforcement and legal spheres should be solved with the help of modern technologies for visualization of information and analytical activities. One of the effective ways to display information is visual and graphical diagrams.

Graphical display of information in its processing contributes to the speed and accuracy of its perception, memorization, analysis and prediction for a long period.

Analysis of recent research and publications. Scientists and practitioners in the field of law enforcement have developed a large number of methods and techniques that are designed to effectively and enhance the detection of crimes and optimize the investigation process, including organized crime. The application of new methods of work in the law enforcement sphere will increase the level of detection and prevention of organized crime in the country. Today, organized criminal groups are traditionally transformed into criminal business structures. In this regard, there is a need to study the structural

formations of organized crime, persons operating in these structures, the total number and composition, the location of organized criminal groups and communities, leaders who lead criminal units and the relationship between them.

Crimes occurring in many spheres of activity cause significant damage to the economy of Ukraine (Rybalchenko & Kosychenko, 2019; Rybalchenko & Ryzhkov, 2019; Rybalchenko & Kosychenko, 2021). The application of modern methods to combat fraud and detect economic crimes (Rybalchenko, Ryzhkov & Ohrimenko, 2021; Rybalchenko, Kosychenko & Klinytskyi, 2022) will lead to the growth of domestic economic potential and the creation of a reliable economically developed state.

There are new legal mechanisms, information opportunities for the prevention and prevention of corruption and financial crimes, money laundering, etc. Various software information-analytical complexes are being introduced, which by analyzing information from information sources model schemes of possible crimes, which allows to detect corruption and economic frauds that are being prepared or are to take place.

These measures are as follows:

- 1) Division of available data sets into separate information fragments, relevant to the problem to be solved, by working with information sources;
- 2) Selection, comparison and restructuring of relevant information elements;
- 3) Understanding, identifying and selecting appropriate analytical methods to work with different types and sets of investigative data;
- 4) The formation of reasonable and stable points of view that provide the necessary understanding to clarify the problem that is solved by working with information.

The purpose of the article is to consider the current state of use of visual tools of information and analytical activities in the legal and law enforcement spheres, research of domestic and international experience in this field, as well as to develop proposals for improving the use of visualization tools.

Formulation of the main material. In law enforcement, visualization software is effective for investigating organized crime, terrorism, drug trafficking, theft of property, network fraud, cyberattacks, etc. For example, in the investigation of a contract killing, it is necessary to establish links between the victim, the suspect, the crime scene and physical evidence, which are important elements in the structure of evidence in the investigation and successful trial. Without studying the analysis of such connections and their verification, it is difficult to build an evidence base for suspects.

Such programs allow:

- establish connections between persons, places, objects, dates and times;
- form a correct statement about the event that took place;
- identify gaps in information on the collection of information and indicators that characterize the situation before the crime, during the crime and after its commission;
- prepare clear information references.

The analysis of connections shows the corresponding technique which is intended for establishment of communication or a link of communication between two or several elements of criminologically significant information. This technique is used in combination with investigative and operational

analysis. The analysis allows you to select relevant information and use it to reduce the degree of uncertainty and predict the probability with which an event may occur. There are the following analytical methods: analysis of relationships, analysis of the distribution of funds, financial analysis, communication analysis, criminological mapping, analysis of competing hypotheses.

These analytical techniques are generally accepted and are widely used in most investigations and in the analysis of information obtained. The analysis of organized crime can be differentiated by the following main stages:

- collection of information;
- data processing;
- analysis of the obtained data and their evaluation.

Software products must be flexible enough and adapted to the content of the information already collected. They can also be adapted to additional information that will come in the future. In the course of investigation and analysis, new sections and subsections may be introduced into the information system. In the process of analysis it may be necessary to enter confirmed and even unconfirmed data. The information system must be adapted to the perception of any changes without processing software and processing large amounts of information, which are constantly updated and supplemented.

The information-analytical system must be provided with security means to restrict access to operational and investigative information. In addition, it should periodically back up files to protect the investigation and analysis from information loss due to unforeseen technical or man-made situations. For such purposes, the use of modern cloud technologies is very promising, taking into account all the features of restricting access and protection of information (Hrebeniuk, Rybalchenko & Prokopov, 2022).

Obtaining information is the basis for the next stages of the process of working with evidence. The information gathered, along with previously available reports, defines the conceptual model of the investigation and helps to establish investigative and operational information. Collecting information from several sources increases the likelihood of obtaining key evidence and provides the ability to confirm and verify the reliability of the information.

The data obtained with the help of these software products are determined on the basis of the investigation plan drawn up by the employee of the relevant unit. The information received through various channels helps law enforcement officers to make the appropriate decision. Thus, the introduction of information and analytical programs in the activities of law enforcement agencies proves its effectiveness. The use of visualization methods in information and analytical activities in both legal and law enforcement activities is given attention to the use of new multimedia and visual means of display, transmission of information and its effective implementation in practice (Husak, 2017).

With the advent of modern communication equipment and information technology, the provision of information in text form can no longer fully meet the needs of modern society. The new visual or "multi-sensory" form of expression of law is effective compared to the usual and has significant potential for crime detection activities. The level of development and efficiency of law enforcement and legal activity, as well as political and legal and technical and legal perfection of normative and individual legal acts depend on the quality of

legal thinking. Visualization of thinking based on the use of intelligence maps (mental maps, Mind Maps) both in the training of highly qualified specialists and in specific practical activities has a promising direction.

Forensic visualization allows you to display invisible or faintly visible processes and objects, record the characteristics of objects, systematize them in an interactive scheme, the question of presenting the results of forensic imaging is relevant not only in computer form but also with real models and via 3D printers. Data on forensic imaging give a general idea and require further development for the use of technical means in criminal proceedings.

The use of Mind Maps technology is the most common visualization of analytical work around the world for many industries. You can use intelligence maps to prepare presentations, organize and conduct various events, lecture notes, storage of large amounts of information, workday planning and more (Kosychenko & Yuzheka, 2018; Kosychenko & Diskovsky, 2018).

Mindmapping technology (mindmapping – the use of mental maps) is used as a radial information structure, which prefers not logical-hierarchical, but associative connections. The main advantage of mental maps is the ability to cover the entire process that takes place. Features of the use of mental maps are a free way to build the visualization of thoughts through color drawings, diagrams and graphs. Ordinary tables and diagrams are no longer used here. The information is presented in the image of logical connections between events in time. Mental maps are convenient to use in education, business, management and other areas of life (Kosychenko & Yuzheka, 2018).

It should be noted that intelligence cards are rarely used in the teaching of legal disciplines in law and law enforcement higher education institutions of Ukraine. In English-speaking countries, the use of intelligence cards in the legal field is given considerable attention (Kosychenko & Diskovsky, 2018).

The use of intelligence card technology can be very effectively used in the visualization of the investigation of crimes, to identify and analyze the links between the participants of criminal groups, etc. There are two main ways to create smart cards: the first way is to create manually using paper of the appropriate format and a set of markers, and the second way is to use specially designed programs (based on Windows, Ios and Android operating systems).

When creating computer smart cards, there are several options: programs for local use and programs on the Internet online. In the latter case, it is very promising to jointly create and further supplement a group of smart cards for information support of operational activities using cloud technologies that can be used in law enforcement, judicial, expert work and other areas (Kosychenko & Yuzheka, 2018).

When using conventional means of visualization of processes, as the compilation of block diagrams of algorithms should be used state standard (DSTU), which is practically an international standard. Construction of such schemes according to the standards will improve the perception of information and will allow to analyze it qualitatively for further application in practice.

The use of time analysis tools contains a large number of different tools, which can include event-time charts, process flow diagrams and methods that allow analysts to implement them as promising visualization tools taking into account the time factor.

Applications such as Microsoft Visio, Google Docs, Smart draw and

others are used to create flowcharts. To build a flowchart of any process, you need to choose the right graphic symbols that serve as carriers of important information. It is advisable to use the image of banknotes in the block diagram of money laundering to display cash flow.

Modern technologies of project evaluation and analysis, as well as data visualization are Microsoft Project, Software Management, Project Manager and others, which allow analysts to qualitatively process documents in the investigation of financial and other crimes.

The structure of information-analytical activity includes information support, information-analytical work, creation of databases, which includes information search, analysis of goals, motives, methods and techniques of their implementation.

Article 25 “Powers of the Police in the Sphere of Information and Analytical Support” of the Law of Ukraine “On the National Police” stipulates that the police within the framework of information and analytical activities: forms databases (banks) included in the unified information system of the Ministry of Internal Affairs of Ukraine; carries out information retrieval and information-analytical work; uses databases (banks) of the Ministry of Internal Affairs of Ukraine and other public authorities (<https://zakon.rada.gov.ua/laws>).

The analytical component of information-analytical activity includes methods that contain documents of analysis of existing concepts, proposals and theories using the tools of mathematical modeling, using static and dynamic models to describe the results of territorial bodies of the National Police.

The development of information-analytical activities has led to the emergence of information-analytical units in almost all areas of activities related to information processes, in particular, the processing of information flows in order to make optimal management decisions. Of all the existing software tools for the analysis of operational and operational information, adopted by law enforcement agencies in most developed countries, the most commonly used software products are “IBM i2 Analyst's Notebook” and “Anacapa”. Such software solutions for visual data analysis and knowledge acquisition are intended for investigators, whose activities are associated with the need for analytical processing of information flows and data presented in various formats.

The IBM i2 Analyst's Notebook system is a software package created on the platform of the relational database management system “MS SQL server”, designed to summarize, analyze, detect probabilistic relationships, as well as visualize in real time the facts of information exchange between objects. This software package is a system of compatible different software modules that perform the appropriate specific functions at all stages of the investigation and detection of crimes (<https://www.ibm.com/support>).

Anacapa Sciences Inc. software (<https://www.anacapasciences.com>) presents advanced methods of crime investigation and analysis of operational information (developed by Anacapa Sciences Inc (USA), which was founded in 1969. The company's field of activity – commercial business, marketing, public opinion and other economic research. Today, most Western law enforcement officials are known. Anacapa Sciences Inc. was the basis for the development of special analytical techniques for the security sector and in 1971 began conducting training courses for analysts.

Of particular interest is the development of the international company

Bitfury Group (<https://bitfury.com/>) which is a leading company in the field of new technologies, in 2018 launched Bitfury Crystal software for law enforcement and financial institutions, which helps investigate fraud using bitcoin and other cryptocurrencies. Crystal provides full access to the bitcoin blockchain and uses advanced visual analytics to search for and display suspicious transactions and related objects. The innovative tool also offers a patented "risk assessment" system that helps detect and track suspicious activity. Crystal allows organizations that receive bitcoins to determine the origin of funds and their relationship to the illegal activity of cybercriminals to assess risks. The Crystal platform is used in Asia, the United States, Europe and the CIS by both financial institutions and law enforcement agencies.

It should be noted an interesting international project VIS (Visual Investigative Scenarios – Visualization of Investigative Scenarios) (<https://vis.occrp.org/>). It is an online data visualization platform that aims to help journalists, activists and other users for whom it is important to properly display information in the form of networks and connection diagrams. This service first of all aims to help investigators and understand the causes of corruption and other criminal acts, translating complex facts into a universal visual language. The VIS online service is a platform that uses HTML5 hypertext markup language for dynamic data visualization, which allows you to create complex connection diagrams. The created visualization can be exported for later use both online and for other purposes. The VIS project was created by the OCCRP (Organized Crime and Corruption Reporting Project) to understand and investigate international crime by the general public.

Special technologies of visual data analysis and knowledge (Visual Data Mining) of the International Association of Law Enforcement Intelligence Analysts (<https://www.ialeia.org/>) provide analysts with unique opportunities to study information and identify hidden patterns in large arrays of disparate data. Visual Data Mining software is designed for visualization of information and analysis using modern information technologies, tools for searching and working with data, e-mail servers and more.

Innovations in legal activity significantly accelerate all processes. In May, 2019, the PravoSud project (<https://pravosud.com.ua/>) was officially launched in Ukraine – a system for searching, analyzing and visualizing legal information for use in preparation for court proceedings. The search is based on modern information technology, so it works more efficiently and conveniently than the USSR (Unified Register of Court Decisions). The analysis of practice usually takes a lawyer from a couple of hours to several days of constant searching in the register.

The results of the search and subsequent analysis are provided to users in a simple and visual form – graphs, tables. This is another advantage of the analytical system – the visualization of legal data. This approach was first used in such a solution, which allows you to quickly perceive large amounts of information. The service is convenient because it is the only platform that provides the entire process of a lawyer. Users do not need to open multiple browser tabs, download individual documents and applications at the same time. All data is in one service, which saves a lot of time. The program also provides tools to check legal entities or individuals for risks that affect the judicial strategy. With the help of the service functions, constant monitoring of new

information from the registers is set up. Pravosud service will be useful for professionals in various fields – lawyers, law enforcement officers, civil servants, media workers and citizens who are interested in this topic.

Conclusions. Thus, the use in information and analytical work of visualization tools implemented with the help of information technology is relevant for use in law enforcement and the legal field. The use of Mind Meps technology for visualization and analysis is used worldwide and in almost all industries. In the legal field, intelligence cards are used in countries such as the United States, Canada, Great Britain, Europe, Japan, China and others. The use of information-analytical software packages with the importance of visualization most often occurs on the Internet in such areas as economic security, finance and law enforcement. In the legal field, the development of service software and analytical software with visualization differs in that software packages are less complex and cover only certain types of work, which does not reduce their practical significance and viability.

Developed software can be used in the field of artificial intelligence (expert systems), methods of pattern recognition theory and other research using information technology and mathematical methods. To work with such new technologies it is necessary to involve qualified specialists with relevant knowledge of the application of modern software in professional activities.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

- Anacapa Sciences Inc. URL : <https://www.anacapasciences.com/company/index.html>
- Bitfury Group is the world's leading full-service blockchain technology company. URL : <https://bitfury.com/>
- Hrebeniuk, A., Rybalchenko, L., & Prokopov, S. (2022). Monitoring of cyber incidents of cloud services and protection of digital communication channels. The First Special Humanitarian Issue of Ukrainian Scientists. *European Scientific e-Journal*, 3(18), pp. 40-53. Ostrava: Tukulart Edition. Czech Republic.
- Husak, A. (2017). Basic provisions of forensic computer visualization. *Historical and legal journal*, 1(9), pp. 132-135.
- IBM i2 Analyst's Notebook. URL: <https://www.ibm.com/support/pages/download-ibm-i2-analysts-notebook-923>
- International Association of Law Enforcement Intelligence Analysts. URL : <https://www.ialeia.org/>
- Kosychenko, O. & Diskovsky, O. (2018). The use of visualization methods in information and analytical activities. Coll. scientific articles based on the materials of the reports of the participants of the scientific and practical seminar "Use of information technologies in the activities of the National Police of Ukraine". Dnipro, DDUVS, pp. 25-27.
- Kosychenko, O. & Yuzheka, (2018). *The use of mental maps in the activities of the prosecutor*. Materials of the 2nd International Scientific and Practical Conference "Actual issues of combating crime in modern conditions: domestic and foreign experience". Dnipro: DDUVS, pp. 272-276.
- Law of Ukraine "On National Police of Ukraine" № 580-VIII of July, 02, 2015. URL : <https://zakon.rada.gov.ua/laws/show/580-19#Text>
- Rubalchenko, L., & Ryzhkov, E. (2019). Ensuring enterprise economic security. *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs, Special Issue 1*, pp. 268-271.
- Rybalchenko, L., & Kosychenko, O. (2019). Features of latency of economic crimes in Ukraine. *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs, Special Issue 1(102)*, pp. 264-267.
- Rybalchenko, L., & Kosychenko, O. (2021). Economic security of Ukraine and ways of

its increase. Innovative Wirtschaft und Management in der modernen Welt. *Monografische Reihe «Europäische Wissenschaft»*. Germany, Buch 4, Teil 11, pp. 109-123. [in Germ.].

Rybalchenko, L., Ryzhkov, E., & Ohrimenko, S. (2021). Modeling economic component of national security. *Philosophy, Economics and Law Review*, 1(1), pp. 25-36.

Rybalchenko, L., Kosyuchenko, O., & Klynitskyi, I. (2022). Ensuring economic security of enterprises taking into account the peculiarities of information security. *Philosophy, Economics and Law Review*, 2(1), pp. 71-81.

System of search and analysis of court practice. URL : <https://pravosud.com.ua/>

Visualization Tools for Investigators. URL : <https://vis.occrp.org/>

Олександр КОСИЧЕНКО, Людмила РИБАЛЬЧЕНКО

**ОСОБЛИВОСТІ ВИКОРИСТАННЯ ВІЗУАЛЬНИХ
ЗАСОБІВ ІНФОРМАЦІЙНО-АНАЛІТИЧНОЇ ДІЯЛЬНОСТІ
В ЮРИДИЧНІЙ І ПРАВООХОРОНІЙ СФЕРАХ**

Анотація. У статті розглянуто особливості використання сучасних інформаційно-аналітичних програм із можливістю візуалізації, що дає можливість представникам правоохоронної сфери діяльності отримувати актуальну інформацію для аналізу відносин між людьми, організаціями та інформаційними потоками між злочинцями та організованими кримінальними організаціями.

Доведено важливість застосування таких програм для розслідування вбивств, відмивання грошей, крадіжки чужого майна, розслідування кіберзлочинів та інших злочинів. У роботі представлено специфіку проведення аналізу з використанням можливостей сучасних методик, які практикують правоохоронні та спеціальні установи провідних країн світу. Розглянуто проблеми візуального відображення інформаційно-аналітичних процесів під час аналізу різних процедур правового характеру. Проаналізовано підходи до візуалізації аналізу ходу та контролю розслідувань різного характеру у правоохоронній сфері. Наведено опис різних варіантів використання засобів візуалізації інформаційно-аналітичних дій таких інструментів як: інтелект карти (Mind Maps), графіків “подія-час”, блок-схем процесів, діаграм “Перт” та інших засобів.

Ключові слова: розслідування, візуалізація, правоохоронна діяльність, програмне забезпечення, інформаційно-аналітична діяльність.

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THEORETICAL ASPECTS OF PROVOCATION OF A CRIME UNDER THE CRIMINAL LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

Abstract. This article reflects one of the most difficult problems in modern criminal legislation and society, namely the provocation of crimes. It was the provocations of crimes organized by law enforcement officers or with their participation, as the most dangerous and unacceptable in law enforcement practice, that came to the attention of our study.

To date, a comprehensive study of provocative activity has not been conducted in the doctrine of criminal law. The very concept of provocation remains debatable, there is no common understanding of its signs, victimological aspects of countering provocative activity have not been studied, and the question of the degree of public danger of both this activity as a whole and its individual types has not been resolved.

The problem of assessing the provocation of a crime is complicated by the fact that the theory of criminal law clearly does not sufficiently investigate the question of the essence of the actions of a person provoking the perpetration of a crime. The definition of the nature of the criminal legal norm on the provocation of a bribe directly depends on the decision about the relationship of this act with the institution of complicity, in particular, with incitement to commit a crime.

For completeness of the study, the authors refer to the legislation of the Republic of

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Kazakhstan on the provocation of a crime, in which the position of the state is most accurately formulated. In particular, article 412-1, "Provocation of a crime", of the Criminal code of the Republic of Kazakhstan is investigated. The Criminal Code was supplemented by Article 412-1 in accordance with the Law of the Republic of Kazakhstan dated 06.10.20 No. 365-VI. The issue of mitigating the punishment of a person who committed a crime as a result of being provoked, as well as the provoking role of the victim in the crime committed, remains relevant today.

Keywords: *provocation, legal provocation; illegal provocation; provocateur, instigator, incitement; crime, counteraction, criminal liability, operational investigative activity.*

Introduction. Provocation of a crime in modern society is becoming quite common in law enforcement practice. Kazakhstani and Russian scientists such as I. Borchashvili, B. Volzhenkin, V. Ivanov, S. Rakhmetov, I. Rogov, V. Komissarov, M. Fomin, P. Yani, and others made a significant contribution to the study of theoretical problems of understanding the institute of provocation. At the level of dissertation research in the Russian Federation, the topic of provocation was considered by: S. Babych, E. Govorukhina, N. Egorova, O. Mansurov, A. Masterkov, S. Radachinsky, O. Ryzhova, S. Sandakovsky. Thereby, the results data of these scientists laid the scientific basis for understanding the institution of provocation. However, despite the large number of publications devoted to the problems of provocation, many issues continue to remain unexplored in their entirety.

Analysis of recent research and publications. One of the most pressing problems discussed in the theory of criminal law and of great practical importance is the problem of responsibility for the provocation of a crime. Establishing responsibility for provoking crimes is not only an issue of domestic legislation but also a problem of international criminal law. Various international communities are trying to determine the limits of the permissibility when it comes to the provocative methods in the detection of crimes by law enforcement agencies, as well as to develop measures to prevent and suppress the provocation of crimes. This position is reflected in the normative acts of the United Nations.

The criminal legislation of a number of foreign countries contains norms on provocation, fixing its concept in the Code, regulating the issues of responsibility for provocation of a crime. Up to this time, the concept of provocation remains debatable, there is no common understanding of its signs, and the question of the degree of public danger of such an act and the responsibility of the provocateur and provoked to commit a crime has not been resolved, and moreover, criminological aspects of countering the provocation of crimes have not been studied yet (E. Govorukhina, 2002).

Besides, the Criminal Law of the Republic of Kazakhstan contains the concept of provocation (Article 412-1 of the Criminal Code of the Republic of Kazakhstan) and establishes criminal liability for it only when it comes to the provocation of commercial bribery (Article 417 of the Criminal Code of the Republic of Kazakhstan). But provocation also occurs in other criminal cases that are not defined in the Criminal Code, such as drug trafficking, violation of copyright and related rights, corruption, etc. Undoubtedly, the main reason for the lack of legal norms that allow providing a correct assessment of provocative actions is the unresolved problem of the definition and qualification of provocation of a crime in the science of criminal law. Hence the high level of latency of crimes related to provocation. In this regard, "The deputies of the

Parliaments proposed to establish criminal liability for provocation of a crime by law enforcement officers and a special state body. Within the framework of the proposed Article 412 paragraph 1 of the Criminal Code of the Republic of Kazakhstan, in case of provocations of a crime, criminal liability in the form of imprisonment will be established” (Vaal, 2020).

One of the main priorities of Kazakhstan’s state policy is the fight against corruption. The rejection of radical effective measures in the fight against corruption can lead to the fact that from a criminal, economic and social problem, it can develop into a political one and reach the scope of a national disaster that undermines the foundations of the constitutional order of the country.

The democratization of all spheres of society, the building of the legal state, ideological diversity in society, and the strengthening of the fight against crime are the basic priorities for criminal policy in the state. Over the past decades, the state has undergone almost continuous legal reformation of the juridical sphere aimed at strengthening the rule of law, strengthening the fight against crime, and improving the quality of the work of law enforcement agencies. It is known, criminal-legal measures have always occupied the central place in the ongoing state legal policy of the Republic of Kazakhstan, as they are one of the important and effective instruments for influencing criminals and crime in general (Akimzhanov et al., 2021).

Corruption as an extraordinary crime is a form of an unlawful act that is systemic and well organized, involving multiple parties, both officials and individuals, which leads to loss and suffering that extends to society. The most notable factor as the cause of corruption is the chance or opportunity and greed of the corrupt official (Berdaliyeva et al., 2021).

Corrupt activities usually occur in very complex, specific, and confidential types of government activities, which are very difficult for the layman to understand. Corruption is characterized by a high degree of adaptation to various conditions. It is constantly changing and improving, and therefore its main feature is latency. In fact, there lacks any kind of complete or at least representative data on this phenomenon, there is even less information on the guilty persons representing in the court, and only a few of them, and individuals of a less dangerous category, are given a real criminal punishment.

In order to improve their performance, criminal prosecution authorities, sometimes provoke officials to receive a bribe, and citizens to give it. If the provocation is successful, then both are caught in act and then prosecuted (Nam).

In science, provocation means the artificial creation of a situation in which one person inclines another to commit a crime to bring the incited person to criminal liability. Therefore, in relation to the composition of taking a bribe, provocation is the person’s active actions aimed at causing the official an intent to receive a bribe, that is, in fact, he/she is incited to receive a bribe.

However, unlike giving a bribe, the goal of a bribe provocateur is completely different: to create artificial evidence of the receipt of a bribe by an official. When provoking a bribe, its acceptance is not imitated but is carried out by an official consciously, only the goal of the bribe-giver remains outside the consciousness of the latter, which is to bring the person provoked to criminal responsibility or blackmail him/her (Marchuk).

The difference between a bribe and provocation and giving a bribe is the absence of the very subject matter of the bribe (crime). It turns out that a fictional scenario, through complex and multi-step combinations involving specific individuals, turns into a real crime. The problem of distinguishing between a bribe and a provocation to give or receive a bribe is relevant, requiring its resolution in scientific and practical aspects. The sooner it is resolved, the greater the number of our fellow citizens who will be legally protected and will not be victims of pseudo-corruption (Nam).

The solution to these issues would eliminate the problems associated with provocation in the Kazakh legislation. Thus, the purpose of this study is to form a holistic view of the institution of provocation of a crime in criminal law and measures to prevent it. To achieve this goal, it is necessary to disclose the objectives of the study: to identify the peculiar features, signs, and types of provocation; to consider the problems of using the institution of provocation of a crime in the activities of law enforcement agencies; to formulate proposals to counteract the provocation of a crime.

Research methods include a general dialectical method, method of legal and system analysis, and comparative method.

Formulation of the main material. Continually, in the theory and practice of criminal law, disputes about the concept and meaning of provocation of a crime have not stopped, and every year these problems become more and more urgent. This is primarily due to the lack of unity of opinions and assessments on the issue of determining the criminal and legal significance of provocation of a crime both in the theory of criminal law and in law enforcement.

Considering the various points of view in the literature on provocation:

Under provocation (from Lat. *provocatio*) is understood as incitement, encouragement of individual groups, organizations to actions that may entail grave consequences, intentional creation of a situation that pushes, compels, or facilitates the commitment by one or another person of actions beneficial (including criminal) to the provocateur (Tikhomirov, 1998).

B. Volzhenkin points out that “the essence of provocation of a crime is that the provocateur himself purposefully arouses the intention of another person to commit a crime in order to then expose or blackmail the person, put him in a dependent position, cause other adverse consequences for him” (Volzhenkin, 2005).

According to S. Radachinsky, provocation of a crime is a deliberate unilateral activity of the perpetrator aimed at modeling such behavior of another person who would have all the external signs of a crime in order to discredit, blackmail, or create artificial evidence of the accusation (Radachinsky, 2011).

V. Dudarenko considers a social danger to be a fundamental sign of provocation of a crime. She identifies a circle of public relations that are harmed by provocation (Dudarenko, 2017).

Based on the analysis of the provisions of Article 412-1 of the Criminal Code of the Republic of Kazakhstan – “Provocation of a crime, that is, illegal actions of an official carrying out operational investigative activities or pre-trial investigation, inciting a person to commit a crime for the purpose of subsequent exposure and criminal prosecution or blackmail” (Criminal Code of the Republic

of Kazakhstan, 2014). Hence, we believe that the concept of provocation should be considered from the positions of provocation, the method of committing a crime in the context of the provisions on the legality and illegality of the necessary defense, and provocation as incitement to commit a crime.

Any provocation contradicts the principle of legality in criminal proceedings (Article 10 of the Code of Criminal Procedure of the Republic of Kazakhstan), and neither the Code of Criminal Procedure of the Republic of Kazakhstan nor the Law of the Republic of Kazakhstan “On Operational Investigative Activities” grant law enforcement agencies and their officials the right to use provocative activities. Regardless of the significance of the goals that the provocateur seeks to achieve, provocative methods are always immoral and inhumane, and their use in the fight against crime can cause harm no less than the harm caused by the crime itself (Metelsky, 2016).

Provocation of a crime is the involvement of another person in the performance of a crime committed with the aim of causing harmful consequences for this person and presupposing a duality of goals pursued by the provocateur. The first goal is to arouse the desire of the provoked person to commit a crime, the second goal is to bring the person to criminal responsibility by exposing him to the commitment of a crime.

Provocation has a lot in common with incitement, one of the types of complicity. But there are also distinctive features. These are the motives and purpose of the desired actions. The instigator by his actions or words pushes a person to illegal actions. He also desires the onset of such consequences and does everything to ensure that they occur. The instigator himself does not participate in the commitment of an offense but is legally responsible under the same article of the Criminal Code of the Republic of Kazakhstan as other accomplices in the disclosure of an illegal act.

The instigator is not interested in solving the crime. As for the provocation, the motives are secret to the performer. The person who caused the crime to be committed by his actions is not included in the number of accomplices. Here the provocateur’s motive is to solve the crime. From here, we come to distinguish two types of provocation: legal, as a method of operational investigative activity aimed at solving a crime, and illegal, which is carried out with the aim of coercing or forcing a person to commit illegal actions that he would not like to commit.

One of the results of this study is seen in the proposal of the following definition of the concept of provocation of a crime – a type of incitement or organization of the commitment of a crime, for the purpose of criminal prosecution of a person or the threat of bringing him to criminal responsibility. Accordingly, from this definition, it follows that the instigator of a crime is a person whose goal is criminal persecution of a person, or the threat of bringing him to criminal responsibility.

Conclusions. Taking into account the novelty and significance of the research results, we consider it appropriate to consider the proposals:

Provocation and incitement as a form of complicity are not identical concepts. The legal nature of the provocation of a crime, including the provocation of a bribe or commercial bribery, is not determined by such kind of

complicity as incitement, but has its own characteristics:

- caused by the intention of the subject to provide a unilateral manifestation of the desired (desirable) behavior model on the part of the provoked person, which has only external signs of a criminal act;
- carried out in the order of unilateral intentional activity, on the part of the guilty person; the provoked individual was not seized by the consciousness at the moment;
- suggests using the provoked “criminal” act of a person not in order to achieve a joint criminal result, but in order to discredit or create artificial evidence of the accusation;
- the purpose of the provocateur's actions is the onset of harmful consequences for the provoked;
- the presence of the provocateur only direct intent, and this intent should be directed not at the type and consequences of the crime committed by the involved, but at the very fact of its commitment.

These conclusions are based on the results of the analysis of scientific approaches to the problem of differentiation between provocation and incitement.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

- Akimzhanov, T., Rakhimova, G., Kuanaliyeva, G., Abrakhmanov, B., Shamova, A. & Zayed, N. (2021). Innovation of structuring the criminal policy as independent section of the new conception of legal policy of the Republic of Kazakhstan. *Journal of Legal, Ethical and Regulatory Issues*. 24(4). URL : <https://www.abacademies.org/articles/Innovation-of-structuring-the-criminal-policy-1544-0044-24-5-683.pdf>.
- Berdaliyeva, A., Kim, A., Seraliyeva, A., Gassanov, A. & Dunentayev, M. (2021). Criminological measures to counteract corruption offences in the field of illegal gambling. *Journal of Financial Crime*. Publisher: Emerald Group Holdings Ltd. Doi : 10.1108/JFC-11-2021-0246.
- Criminal Code of the Republic of Kazakhstan*, dated 3.06.2014, no. 226-V (with amendments and add. comp. on 02.07.2021). Help system “Lawyer” URL : https://online.zakon.kz/Document/?doc_id=31575252&doc_id2=31575252#pos=290;-125&pos2=5906;-45.
- Dudarenko, V. (2017). *The legal nature of provocation of a crime in criminal law*. State Law University, p. 65.
- Govorukhina, E. (2002). *The concept and legal consequences of provocation in criminal law*. Dis. ... kand. jurid. sciences': 12.00.08: Rostov, 176 p. RGB OD, 61:03-12/520-3. URL : <http://www.lib.ua-u.net/diss/cont/96661.html>
- Marchuk, V. *The ratio of staging a bribe, provocation and operational experiment*. URL : <https://elibrary.by/bitstream/123456789/102626/1/378-381.pdf>.
- Metelsky, P. (2006). *Criminal and legal characteristics of provocation of a bribe or commercial bribery*. Bulletin of the NSU. Series: Law, vol. 2, issue 2, pp. 115–124.
- Nam, G. *Bribe or provocation of a bribe*. URL : https://online.zakon.kz/Document/?doc_id=30924144&pos=6;-108#pos=6;-108
- Radachinsky, S. (2011). *Provocation of crime as a complex institute of criminal law: problems of theory and practice*. Nizhny Novgorod Academy of the Ministry of Internal Affairs of the Russian Federation. Novgorod, p. 52.
- Tikhomirov, L. (1998). *Legal encyclopedia*. L. Tikhomirov, M. Tikhomirov. Uniformat, 526 p.
- Vaal, T. (2020). Criminal liability for provocations by law enforcement officers was fixed

Алія СЕРАЛІЄВА, Єрнар БЕГАЛІЄВ, Айгерім ЖИСНГАЛІЄВА
ТЕОРЕТИЧНІ АСПЕКТИ ПРОВОКАЦІЇ ЗЛОЧИНУ ЩОДО
КРИМІНАЛЬНОГО ЗАКОНОДАВСТВА РЕСПУБЛІКИ КАЗАХСТАН

Анотація. Дана стаття відображає одну з найбільш складних проблем в сучасному кримінальному законодавстві і суспільстві, а саме провокація злочинів. Саме провокації злочинів, організовані співробітниками правоохоронних органів або за їх участю, як найнебезпечніші і неприпустимі в правозастосовчій практиці, потрапили в поле зору нашого дослідження.

До теперішнього часу в доктрині кримінального права комплексне дослідження провокаційної діяльності не проводилося. Як і раніше залишається дискусійним саме поняття провокації, немає єдиного розуміння її ознак, не вивчені віктимологічні аспекти протидії провокаційній діяльності, не вирішено питання про ступінь суспільної небезпеки як даної діяльності в цілому, так і її окремих видів.

Проблема оцінки провокації злочину ускладнюється тим, що в теорії кримінального права явно недостатньо досліджено питання про сутність дій особи, що провокують вчинення злочину. Визначення природи кримінально-правової норми про провокацію хабара прямо залежить від вирішення питання про співвідношення даного діяння з Інститутом співучасті, зокрема, з підбурюванням до скоєння злочину. Для повноти дослідження автори посилаються на законодавство Республіки Казахстан про провокацію злочину, в якому найбільш точно сформульована позиція держави. Зокрема, досліджується ст. 412-1 "Провокація злочину" КК РК. Кримінальний кодекс доповнено ст.412-1 відповідно до Закону РК від 06.10.20 р. № 365-VI. Актуальним на сьогоднішній день залишається і питання про пом'якшення покарання особі, яка вчинила злочин внаслідок його провокування, а також про провокуючу роль-потерпілого у вчиненні злочину.

Ключові слова: провокація, законна провокація, протизаконна провокація, провокатор, підбурювач, підбурювання; злочин, протидія, кримінальна відповідальність, оперативно-розшукова діяльність.

мають дієвий вплив і відіграли важливу роль у становленні та розвитку різних галузей права. Проте, поряд із позитивними моментами, неминуче виникнення і негативних ситуацій, в основному, в практиці правоохоронних органів такі проблеми неминучі. Слід також зазначити, що проблеми у відповідній сфері характерні не тільки для Азербайджанської Республіки, різноманітні колізії та проблеми виникають при застосуванні міжнародно-правових норм і в інших цивілізованих державах.

Наприкінці статті зроблено висновок, що основні міжнародні норми, пов'язані з військовими злочинами, в основному, зосереджені в Женевських конвенціях 1949 року, Додаткових протоколах 1977 та 2005 років та Римському статуті 1998 року. Проте Азербайджанська Республіка ратифікувала лише Женевські конвенції з цих документів. Однак майже всі військові злочини, що містяться в цих документах, знайшли своє відображення в Кримінальному кодексі Азербайджанської Республіки.

У порівнянні з деякими державами, чия правова система близька до Азербайджанської Республіки, можна високо оцінити рівень імплементації міжнародно-правових норм щодо військових злочинів у Кримінальному кодексі Азербайджанської Республіки. Так, у Кримінальному кодексі Азербайджанської Республіки цій категорії злочинів присвячені окремі глави та статті, а при нормативному визначенні кожного військового злочину враховуються вимоги міжнародно-правових норм. Нарешті, значні зміни в Кримінальному кодексі Азербайджанської Республіки очікуються після того, як Азербайджанська Республіка стане членом Міжнародного кримінального суду.

Ключові слова: військові злочини, міжнародно-правові норми, національно-правова імплементація, правова система, права людини, міжнародне кримінальне право, міжнародне гуманітарне право.

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THE ROLE OF PROCEDURAL LEGAL CAPACITY OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE PRACTICAL ACTIVITY OF INTERNATIONAL JUDICIAL INSTITUTIONS

Abstract. The article was prepared on the basis of scientific-theoretical provisions, judicial practice, international-legal documents and decisions of international organizations, focusing on the issues of procedural legal capacity of international non-governmental organizations and its manifestation in participation in international judicial institutions. In addition, the relevant provisions of the Constitution of the Republic of Azerbaijan were reviewed. Also, the specific differences of the international judicial institutions, the specificity of the participation of international non-governmental organizations in the considered cases, as

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well as the impact on the formation of new trends of the international legal order by speaking in the processes on behalf of the applicants were analyzed in detail.

Keywords: *judicial protection of human rights, international non-governmental organizations, procedural legal capacity, legal state, respondent State.*

Introduction. Establishing human rights only in national legislative acts and international documents isn't the main condition. At the same time, judicial protection of human and civil rights and freedoms, judicial protection in the field of restoration of violated rights, as well as payment of material and moral damage by applying to the court play an important role in ensuring human rights. Judicial protection of human rights is also one of the important conditions for establishing a legal state and civil society. According to E. Lukasheva, the formation and confirmation of the principles of a democratic legal state (or "state of law") requires an increase in the role of the legal mechanisms of real democracy in public and state life, as well as strengthening the legal protection of the individual (Lukasheva, 1990). On the other hand, the judicial mechanism allows the state to protect important social values (life, conscience, dignity, health, rights and freedoms) (Snezhko, 1999).

Analysis of recent research and publications. In the conducted scientific studies, special importance is given to judicial protection of human rights. It's true, despite the opinion that the main responsibility for the provision and protection of human rights and freedoms belongs to all branches of government (legislative, executive and judicial authorities) in the legal literature (Saidov, 2004), another group of authors consider that the formation of civil society and the establishment of a legal state require the creation of a strong, independent and favorable judicial power for the population (Kashepov, 1998).

It should also be noted that in the early stages of history, the idea that the court as a repressive body has the function of punishing and imposing sanctions was formed in the minds of the people, but in the modern era, the court in legal states mainly plays the role of protecting citizens from arbitrariness and lawlessness (Human rights, 1996). It's necessary to emphasize one issue that the role of international documents in the judicial protection of human rights is undeniable, which in turn doesn't remain unaffected by the national legislations of world states, including the Republic of Azerbaijan. For example, Article 8 of the "Universal Declaration of Human Rights" (1948) directly states that in cases of violation of fundamental rights specified by the constitution or law, people have the right to effective restoration of these rights by competent courts. It's true that, despite the fact that the right to judicial protection of fundamental rights is reflected in the said provision and the norms of the analyzed Declaration are of a political and advisory nature, it has had its influence on the legislation of the states since the 50^s of the 20th century.

This effect can be analyzed in two directions:

1. Despite the fact that it's a recommendation and not legally binding, the norm established in the 1948 Declaration on judicial protection of rights has been intensively introduced as a "customary norm" into domestic legislation;

2. In the modern era, the norms on judicial protection of not only basic human rights, but also human and civil rights and freedoms as a whole have been reflected in the legislation of various states/

At the same time, other international documents also contain provisions on judicial protection of human rights. Thus, in accordance with Article 2 of the

1966 International Covenant on Civil and Political Rights, the participating-states must be provided with effective means of protection for the violated rights and freedoms, as well as the determination of the right to defense of any person who requires legal protection by a competent court. responsibilities of making and developing court defense opportunities in this regard. Provisions related to judicial protection of human rights and freedoms are also reflected in domestic legislation. Thus, in accordance with Article 60 of the Constitution of the Republic of Azerbaijan, in addition to guaranteeing the protection of everyone's rights and freedoms in court, as well as appeal to the court against the decisions and actions (or inaction) of state bodies, political parties, trade unions and other public associations, officials the right to do so is also taken into account.

Provisions related to judicial protection of human rights and freedoms are also reflected in domestic legislation. Thus, in accordance with Article 60 of the Constitution of the Republic of Azerbaijan, everyone is guaranteed protection of his/her rights and liberties through the administrative remedies and in court; as well as may appeal against the actions and inaction of state bodies, political parties, legal entities, municipalities and their officials in administrative manner or in courts (The Constitution of the Republic of Azerbaijan, 2009). As for the role of the interaction of international judicial mechanisms and INGOs, depending on the specific characteristics of each court, it varies from the normative base and from the practical point of view.

Even in the conducted scientific-theoretical and practical studies, it's noted that by participating in the consideration of cases in international judicial bodies, INGOs contribute to the development of international law. In this way, INGOs can initiate and participate in court cases, participate as experts appointed or invited by the court to determine the facts or legal analysis of a case, testify as a witness, or as a "third party", in addition, they can participate in the court proceedings as such with the permission of the court, and they have the right to present the facts of the lawsuit and the interpretation of the law as they know (Shelton, 1994).

Formulation of the main material. As it is known, according to Article 34.1 of the Statute of the UN International Court of Justice, only states can be parties to the cases considered by the Court. However, Articles 65 and 96 of the Statute regulate relations regarding the right of international intergovernmental organizations included in the UN system to apply for advisory opinions. But, an experience formed in this matter – the "World Court" project, initiated by three non-governmental organizations in 1992 and resulting in the adoption of an advisory opinion on the legality of nuclear weapons, led to the expansion of the range of subjects from a practical and realistic point of view. The essence of that project is that those NGOs apply to the Court to recognize the legality of nuclear weapons, as a means of pressure on the UN General Assembly and the World Health Organization (*by the way, both international institutions and bodies have the right to apply to the Court for an advisory opinion*) organized a campaign.

It should also be noted that the current project is evaluated by scientists and researchers conducting research in this field from two aspects. In the first instance, a request to review the legality of the use and threat of use of nuclear weapons was ultimately successfully issued by the International Court of Justice. Secondly, the lobbying activity of NGOs in this direction played the role of a "warning signal" for the judges of the Court and the representatives

representing the states. Even as a clear example of this, the objections of nuclear weapons states, especially NATO member states, at the decision-making stage can be cited (Gowlland-Debbas, 1994). The United Kingdom also emphasized in its submission (comment) to the Court the need to consider the relevant issue as the result of a campaign by NGO groups (Forlati, 2014).

The European Convention For the Protection of Human Rights and Fundamental Freedoms (November 4, 1950) addressed the participation of non-state subjects (actors) in the activities of the European Court of Human Rights (ECtHR) based on two provisions. So that, the Court may receive applications from any person, nongovernmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right under the Article 34. The second direction of regulation is arising from Article 36:

1. In all cases before a Chamber or the Grand Chamber, a High Contracting Party one of whose nationals is an applicant shall have the right to submit written comments and to take part in hearings.

2. The President of the Court may, in the interest of the proper administration of justice, invite any High Contracting Party which is not a party to the proceedings or any person concerned who is not the applicant to submit written comments or take part in hearings.

3. In all cases before a Chamber or the Grand Chamber, the Council of Europe Commissioner for Human Rights may submit written comments and take part in hearings.

Article 34 of the Convention does not clearly distinguish between the category of “group of persons” and the category of “non-governmental organization”, which are specified as separate categories. In a number of cases, the European Commission has noted that the applicant can be considered either a non-governmental organization or a group of individuals (Gomien et al., 1996).

As for non-governmental organizations, Court’s experience allows to include public organizations, trade unions, mass media, political parties, companies, shareholder associations, and religious associations in this list. State organizations and bodies performing other government functions are not included in this group. The Court itself determines whether this or that organization is governmental or non-governmental. In addition, the non-governmental organization that has filed a complaint with the Court is required to be the victim of a violation of the Convention as a result of the actions or activities of state authorities. At the same time, the right of the non-governmental organization as a whole (as a legal entity) should be violated, not individual members. That organization should demand the protection of its rights as a legal entity as a whole, not the subjective rights of its individual members. For example, in the “*Agrotexim and Others v. Greece*” case, the company’s shareholders appealed to the Court and stated that the company’s rights were violated.

However, the Court refused to consider the complaint *ratione personae* on the basis that the rights of individual shareholders weren’t violated. In judicial practice, applications from organizations that can be considered “non-governmental organizations” are often encountered. For example, trade unions (“*National Union of Belgian Police v. Belgium*”, “*Swedish Engine Drivers’ Union v. Sweden*”, “*Wilson and National Union of Journalists v. United*

Kingdom”), mass media (“*Sunday Times v. United Kingdom*”), political parties (“*United Communist Party of Turkey and Others v. Turkey*”, “*Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*”, “*Refah Partisi and Others v. Turkey*”), religious organizations (“*Holy monasteries v. Greece*”, “*The Canea Catholic Church v. Greece*”, “*X. and Church of Scientology v. Sweden*”), commercial organizations, shareholder associations (“*Pressos Compania Naviera S.A. and Others v. Belgium*”, “*Kaplan v. The United Kingdom*”, “*Sovtransavto Holding v. Ukraine*”, “*AO Uralmash v. Russia*”), etc. non-governmental organizations, that is, organizations that do not perform any form of government functions, have applied (Aliyev, 2012).

It should also be noted that the request for permission to participate in the process as a third party must be sufficiently justified and submitted in one of the official languages of the Court. In addition to states and individuals, non-governmental organizations can participate in the court as a third party. Examples of third-party participation in proceedings include “*Pretty v. United Kingdom*” (Voluntary Euthanasia Legalization Society and Catholic Bishops’ Conference of England and Wales), “*Hatton and Others v. United Kingdom*” (Friends of the Earth International and etc.) and the participation of non-state subjects as a third party in other cases.

In addition, national or international non-governmental organizations acted as third parties in many other cases reviewed by the ECtHR, and this process is still ongoing. For example, participation of the Amnesty International in “*McCann and Others v. United Kingdom*”, “*John Murray v. United Kingdom*”, “*Chahal v. United Kingdom*”, Northern Ireland Human Rights Commission in “*Khan v. United Kingdom*”, “*Nikula v. Finland*”, “*MC v. Bulgaria*”, “*Incal v. Turkey*”, INTERIGHTS and the International Commission of Jurists “*Mamatkulov and Abdurasulovich v. Turkey*”, as well as their submission of written records at the court hearings, can be clearly shown. This is due to the right of the ECHR to obtain relevant and appropriate information on any issue, as well as to express its position on it or to prepare a report, to apply (e.g. the practice of the Court hearing the Secretary General of the applicant body at its discretion in the case of “*Belgium National Police Union v. Belgium*”, etc.) to any person or organization based on their consent and the Court’s choice.

By the way, when analyzing the relevant issues, it should not be overlooked that one of the first cases related to the participation of non-governmental organizations during the review at the European Court of Human Rights was the “*Tyrer v. United Kingdom*” case (1978, 1980). During the review of the said case, where the application of corporal punishment existed and aimed at clarifying whether such actions constituted degrading treatment or punishment, the Court came to the conclusion that the bodily injury or corporal punishment inflicted on the applicant was degrading, which is considered the content of Article 3 of the European Convention equal to punishment. It was during the review of this case that a non-governmental organization specialized in the field of human rights protection – the National Council for Civil Liberties applied to the Court for permission to submit written records and make oral comments (*in the field of a written application or comment of a non-governmental organization specialized in the field of human rights protection in one of the first experimental examples – author*). However, the request of the

mentioned organization was rejected by the Trial Chamber without discussion (Phillips, 1994).

In the case of *“Youth Initiative for Human Rights v. Serbia”*, which includes issues related to access to information obtained by Serbian intelligence through electronic surveillance and surveillance, the Court addressed the issue of the practical consequences of violations, as well as the importance of the application and interpretation of Article 46 of the European Convention on Human Rights. touched. Thus, the Court invited the intelligence service to provide the applicant non-governmental organization with the requested relevant information regarding the number of persons subject to electronic surveillance. In doing so, the Court found that persistent refusal to comply with a final and binding order to provide information about the unlawful collection of data constitutes a violation of Article 10 of the European Convention on Human Rights (Pavoni, 2015). Addressing the protection of the rights of Ostrava (a city located in the north-east of the Czech Republic and considered the administrative center of the Moravian-Silesian region) Roma children, *“D.H. and others v. Czech Republic”* clearly demonstrated the manifestation of network aspects in the development of human rights law. Thus, the judicial review of the mentioned case proved that the ECtHR doesn't operate in isolation from other participants in the field of human rights protection, as well as that the European Convention on Human Rights isn't a “mechanism deprived of integration”.

One of the facts confirming this is the Court's use of innovative solutions to new human rights problems in the field of law enforcement (for example, the use of statistical indicators as evidence, which international justice institutions consider unusual, etc.) and shows them in its decisions. On the other hand, the “Ostrava” case also revealed the fact that the Court also needs the existence of continuous facts (mainly provided by the INGOs) in order to rely on and rely on the information collected and submitted by the national authorities. From this point of view, the INGO has an important role in cases with “serious and complex subject of review”. The role of civil society institutions such as the Roma Education Fund, *The European Association for Research on Adolescence (EARA)*, Minority Rights Group International (MRG), *The European Network Against Racism (ENAR)*, and *The European Roma Information Office (ERIO)* is undeniable (Kosař & Petrov, 2018).

There are provisions regarding non-governmental organizations on two cases reviewed by the European Court of Human Rights – *“Sanles Sanles v. Spain”* and *“Pretti v. the United Kingdom”* cases – where the issues of “right to die”, which is closely related to the right to life and one of the natural human rights. In the first of these cases, a man named Sampedro, who had been terminally ill since the age of 25, sought from the Spanish courts in 1993, when he was about 50 years old, to have his right to end his life with the help of other people (including his doctor) without the intervention of the state. However, before the proceedings were completed in Spain, that person had already died, and his relative Sanles Sanles was appointed heir to the claim. Both the Spanish court and the European Court of Human Rights didn't recognize Sanles Sanles' procedural legal capacity, in other words, didn't consider him a “victim” of the alleged violation of the Convention.

The issues touched in this case were directly raised before the European Court again in *“Pretty v. the United Kingdom”*. The complaint was submitted to the Court

by a 43-year-old married woman (Mrs. Pretty) suffering from a degenerative and incurable disease – motor neurone disease. He was completely paralyzed from the neck down and had no intelligible speech, but his mental and decision-making skills were intact. His long illness caused him great suffering. Since there is no treatment for such patients, they die of suffocation after a certain period of time, as soon as the lungs stop functioning. Mrs. Pretty, who had suicidal thoughts, asked her husband to help her kill herself, as she couldn't do it herself. Suicide isn't a criminal offense in the United Kingdom, but assisting someone to commit suicide is an offense under the Suicide Act 1961. However, the prosecution of this crime can be carried out only with the consent of the Prosecutor General. Therefore, Mrs. Pretty tried to get a guarantee from the Prosecutor General that they wouldn't bring her husband to criminal responsibility if he helped her to commit suicide. Nevertheless, the Prosecutor General rejected this request. The courts of the United Kingdom considered the stated decision of the Prosecutor General to be legal after a detailed analysis of the case law of the European Commission of Human Rights and the European Court of Human Rights. After that, Ms. Pretty appealed to the European Court of Human Rights.

The European Court accepted the case and allowed the intervention of a third party, the Voluntary Euthanasia Legalization Society (a UK non-governmental organization that supports voluntary euthanasia) and the Catholic Bishops' Conference of England and Wales, in addition to receiving submissions from the applicant and the respondent State. The Court also referred to Resolution No. 1418 (1999) of the Parliamentary Assembly of the Council of Europe. In paragraph 9 of the resolution, the Assembly recommends, *inter alia*, the following: "The Assembly therefore recommends that the Committee of Ministers encourage the member states of the Council of Europe to respect and protect the dignity of terminally ill or dying persons in all respects, by upholding the prohibition against intentionally taking the life of terminally ill or dying persons, while:

- recognizing that the right to life, especially with regard to a terminally ill or dying person, is guaranteed by the member states, in accordance with Article 2 of the European Convention on Human Rights which states that "no one shall be deprived of his life intentionally";
- recognizing that a terminally ill or dying person's wish to die never constitutes any legal claim to die at the hand of another person;
- recognizing that a terminally ill or dying person's wish to die cannot of itself constitute a legal justification to carry out actions intended to bring about death" (Sanderson, 2002).

The Court rejected outright the argument that Article 2 of the Convention should be interpreted as giving individuals the right to commit suicide. Referring to the previous case law, the Court noted that "in well-defined cases, Article 2 may impose a positive obligation on public authorities to "take preventive and operational measures to protect an individual whose life is in danger" and this also includes "a mental disorder that has shown signs of suicide risk. applies to sick prisoners. However, the Court highlighted the following: "In all cases considered by the Court, the emphasis has always been on the state's obligation to protect life. The Court isn't convinced that the "right to life" enshrined in Article 2 can be interpreted as a provision containing a negative aspect. In relation to Article 11 of the Convention, although it's determined that the freedom of association includes not only the right to join the union, but also the

right not to be forced to join the union, the Court considers that the concept of freedom presupposes the existence of a certain choice regarding its implementation. Article 2 of the Convention is expressed differently.

Quality of life or the choices a person makes about their life is irrelevant to this article. Article 2 can't, without prejudice to its language, be interpreted as providing for the opposite right for the individual, namely the right to die. The Court therefore considers that Article 2 of the Convention doesn't imply the right to die with the assistance of a third person or a state representative. However, the Court had to emphasize one point in particular. According to it, this decision doesn't mean that if a state recognizes such a right (for example, Switzerland), it will in itself be contrary to Article 2 of the European Convention on Human Rights. Let us note one fact about this important decision, that although the European Court didn't find a violation of Article 2 of the Convention, the decision itself had a certain impact on the authorities of the United Kingdom; so that some time after this they considered it possible for another terminally ill woman to voluntarily depart from life.

In the decisions issued by the European Court of Human Rights on the cases related to Azerbaijan, the role of non-governmental organizations was also touched upon, or NGOs or other institutions of civil society acted as the opposite party in relation to the country. Thus, the case "*Tebieti Mühafizə Cəmiyyəti and İsrailov v. Azerbaijan*" (2009) is a non-profit non-governmental organization that operated in 1995-2002 and was later liquidated and its former chairman – Sabir İsrailov, born in 1948, European Human Rights. It is based on the claim of violation of Article 11 (freedom of assembly and association) of the Convention.

The Government submitted that the interference with the applicants' right to freedom of association was provided for by domestic legislation which was accessible and foreseeable. The union's actions and inactions, which led to warnings by the Ministry of Justice, clearly contradicted the legal requirements applicable to non-commercial legal entities, including public associations. As a result of such violations, the possibility of liquidation of the institution was foreseen and expected by the domestic legislation. In this regard, the Government noted that compulsory liquidation was the only sanction possible under the national legislation applicable at the relevant time against an association that did not continuously conform its activities to domestic legislation after at least three warnings issued by the Ministry of Justice within a calendar year. At the same time, according to the Government's position, intervention was necessary in a democratic society. The Union's activities have been in violation of national legislation for a long time (at least since the first warning in 1997) and, despite repeated warnings during this period, it hasn't taken any steps to remedy the situation. In such a case, there was a "pressing public necessity" that justified the interference with the rights of the applicants (<https://aihmaz.org>).

The applicants stated that the position of the Ministry of Justice regarding the alleged violation of the legal requirements related to the management of the Union was unfounded, and in particular, they focused on the fact that the general meeting of the Union was held on August 26, 2002. It was noted that this meeting was held in accordance with the requirements of the Charter of the Union and domestic legislation, that all members were informed in advance about the general meeting, thereby respecting their rights in the management of the Union.

The Court, in turn, noted that the right to form an association is an integral part of the right established in Article 11 of the Convention. It has been shown that

“the possibility of citizens to establish a legal entity to act collectively in the field of common interests is one of the most important aspects of the right to freedom of association. Without this, that right loses its meaning. The manner in which the national legislation expresses this right and its practical application by the authorities reflect the state of democracy in the respective country”.

Also, it was emphasized that in the context of Article 11 of the Convention, in addition to the reference by the Court to the main role played by political parties in ensuring pluralism and democracy, associations established for other purposes are also important for the proper functioning of democracy. Pluralism is also based on the true recognition and observance of the diversity and dynamics of cultural traditions, ethnic and cultural differences, religious beliefs, artistic, literary and socio-economic ideas and concepts. The harmonious interaction of different types of people and groups plays a key role in achieving social harmony.

According to Article 44 of the Statute of the International Criminal Court (ICC), in exceptional cases, the Court has the opportunity to use staff offered by participating states, intergovernmental and non-governmental organizations on a gratuitous basis in order to assist the work of any of its bodies. The Prosecutor may accept such offer on behalf of the Office of the Prosecutor. Staff working on such a non-reimbursable basis shall be employed in accordance with the guiding principles established by the Assembly of States Parties.

It's as a result of this that up to the current period, the Court has organized over 50 events involving more than 1,000 participants, including more than 90 state and non-state parties to the Rome Statute, more than 40 international and regional organizations, national bar associations and civil society organizations (www.icc-cpi.int). The “burden” of determining the interaction of civil society institutions, including non-governmental organizations, with the ICC falls on the Coalition for the ICC. The coalition's core strategic vision is to achieve a safer and more peaceful world by ensuring universal access to justice for victims of war crimes, crimes against humanity and genocide. Mission (supporting all states to become parties to the ICC Statute; improving stronger national laws that ensure justice for victims of war crimes, crimes against humanity and genocide; strengthening state support for and cooperation with the ICC; ensuring the fairness, effectiveness and independence of the Court; access to justice provision; promotion of the efforts of the global civil society related to international justice; formation of the global movement of those fighting for the protection of justice) is based on this (www.coalitionfortheicc.org).

On the other hand, the international criminal tribunals for Rwanda and the former Yugoslavia created conditions for the submission of *amicus curiae* briefs and reports (*it's an individual or organization who is not a party to a legal case, but who is permitted to assist a court by offering information, expertise, or insight that has a bearing on the issues in the case. The decision on whether to consider an amicus brief lies within the discretion of the court*) by NGOs (including NGOs). Even the procedural and evidentiary rules of the mentioned international justice institutions provide for the provisions that include inviting NGOs to court hearings or appellate chamber meetings to provide relevant briefings. Thus, the International Criminal Tribunal for the former Yugoslavia received a number of information from NGOs that will play a fundamental role as *amicus curiae* for making recommendations on important aspects of international common law and international criminal law during the review of

the “*Duško Tadić*” and “*Blaškić*” cases (Malanczuk, 1998).

The International Criminal Tribunal for Rwanda used a similar experience during the review of the “*Kaniruka*” and “*Akayesu*” cases and the preparation of the final decision to be issued. However, one issue shouldn’t be overlooked that it’s absurd to evaluate the experience of both international criminal tribunals in this field the same. Thus, the International Criminal Tribunal for the former Yugoslavia has resorted to and used relatively more *amicus curiae* briefs (*Prosecutor v. Akayesu*, 1993).

In the decision of the Grand Chamber of the European Court of Human Rights in the case “*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*” (2014), it was established that even if the said institution is not itself the victim of a serious violation of the Convention, in the exceptional circumstances of the case and taking into account the serious nature of the violation is fully open to acting as a representative of *Câmpeanu*. By the way, it should be noted that the case is related to the death of a young man of Roma origin who was infected with HIV and suffered from severe mental retardation in a psychiatric institution. Undoubtedly, a non-governmental organization acted as the applicant on his behalf. The Court concluded that Article 2 (right to life) of the European Convention, as well as Article 13 (right to an effective remedy) were violated in terms of substance and procedural aspects. Regarding the violation of Article 2, the Court found that *Campeanu* was placed in medical facilities that were not adequately equipped to provide the necessary care for his condition, that he was transferred from one unit to another without a proper diagnosis, as well as the authorities couldn’t provide him with appropriate treatment with antiretroviral drugs (Vyllder, 2017).

Conclusions. Regarding the role of NGOs in the activities of the Inter-American Court and Commission on Human Rights, the specific features of the relevant issue can be expressed in the following:

1. National, regional and international non-governmental organizations specialized in the protection of human rights, or their networks, documenting violations, disseminating related information, setting standards, justice for victims of human rights violations, for the restoration of justice in relation to victims of human rights and violations of the rule of law by filing cases played a key role with the inter-American monitoring bodies in terms of providing judgment. This manifests itself in various forms – monitoring the implementation of court decisions or temporary (interim) measures, as well as the Commission’s recommendations, raising awareness among civil society institutions about international human rights standards and the current situation in the practical field, reviewing the importance of the rule of law in assessing human rights violations, and etc. manifests itself in forms.

2. It should also be noted that both the Commission and the Court have made extraordinary contributions to the application and interpretation of human rights standards in the respective region. Thus, the Inter-American Human Rights System was established during the existence and management of military dictatorships and repressive regimes in most countries of the region. It is in this context that the Inter-American Human Rights bodies have gained legitimacy that is not inferior to the European system in terms of their permanent activities, as well as their openness towards non-governmental organizations and other institutions of civil society.

3. In addition to having political and social influence in the inter-American legal and judicial system, NGOs also play an important role in the expansive interpretation of provisions, which encourages the provision of judicial protection to a wide range of victims of human rights violations.

The African Court on Human and Peoples' Rights, in cooperation with non-governmental organizations, manifests itself in a relatively different context. So that at the time of ratification of this Protocol or any time thereafter, the State shall make a declaration accepting the competence of the Court to receive cases under Article 5 (3) of Protocol. The Court shall not receive any petition under article 5 (3) involving a State Party which has not made such a declaration under para. 6 of Article of the "Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights" which was adopted by the African Union in Burkina-Faso in 1998 (www.af7ican-court.org). Thus, para. 3 Article 5 provides for the possibility of the Court to grant the right to file a case-related petition directly before the Commission to the relevant non-governmental organization and individuals with observer status before the Commission, in accordance with para. 6, Article 34 of the Protocol. However, the shortcoming is that only 10 (Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Malawi, Mali, Rwanda, Tanzania and Tunisia) of the 30 states that have accepted the jurisdiction of the African Union Court have made a declaration to accept obligations under Article 34 (Silvia). Later, Rwanda withdrew its corresponding statement (www.newtimes.co.rw).

Thus, the procedural legal capacity of the INGOs arising from their role in the functioning of international justice mechanisms and judicial institutions can be evaluated from two aspects. The first of these is related to participation as an applicant both on behalf of and on behalf of individuals and legal entities whose rights have been violated, and the second has the right and obligation to provide relevant information based on the request of a judicial institution. The latter case not only serves to confirm the correctness of the information provided by the states, but also indirectly makes the states to properly comply with the obligation "to provide correct and honest information".

Conflict of Interest and other Ethics Statements

The author declare no conflict of interest

References

- Aliyev, Z. (2012). *European Court of Human Rights*. Textbook. Baku: "AZSEA" Publishing House, 232 p. [in Azerb.].
- Appeal to the European Court of Human Rights* (2006). Edited by F. Leach. MOO HRC "Memorial", 528 p.
- Forlati, S. (2014). *The International Court of Justice an Arbitral Tribunal or a Judicial Body?* New-York: Springer, 248 p.
- Gomien, D., Harris, D. & Zwaak, L. (1996). *Law and practice of the European Convention on Human Rights and the European Social Charter*. Strasbourg: Council of Europe, 479 p.
- Gorshkova, S. (2001). Council of Europe Human Rights Standards and Russian Legislation. Monograph. NIMP, 352 p.
- Gowlland-Debbas, V. (1994). The Relationship between the International Court of Justice and the Security Council in the Light of the Lockerbie Case. *American Journal of International Law*, 88(4), pp. 643–677.
- Human rights* (1996). History, theory and practice. Tutorial. Ed. by B. Nazarov. Nauka, 303 p.
- Kashepov, V. (1998). The Institute of Judicial Protection of the Rights and Freedoms of Citizens and the Means of Its Implementation. *State and Law*, 2, pp. 66–71.
- Kosař, D. & Petrov, J. (2018). Determinants of Compliance Difficulties among 'Good

Compliers': Implementation of International Human Rights Rulings in the Czech Republic. *European Journal of International Law*, 29(2), pp. 397–425.

Kwibuka, E. *Why Rwanda withdrew from AU rights court declaration*. URL : <https://www.newtimes.co.rw/section/read/221701>

Lukasheva, E. (1990). The rule of law and ensuring human rights. *Human rights: problems and prospects*, pp. 39–64.

Malanczuk, P. (1998). Note on the Judgement of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia on the Issuance of *Subpoenae Duces Tecum* in the *Blaškić* Case. *Yearbook of International Humanitarian Law*, 1, pp. 229–244.

Pavoni, R. (2015). *Environmental Jurisprudence of the European and Inter-American Courts of Human Rights: Comparative Insights*. In: *Environmental Law Dimensions of Human Rights*. Edited by B.Boer. Oxford: Oxford University Press, pp. 69–106.

Phillips, B. (1994). The Case for Corporal Punishment in the United Kingdom. Beaten into Submission in Europe? *The International and Comparative Law Quarterly*, 43(1), pp. 153–163.

Prosecutor v. Akayesu (1993). *American Journal of International Law*, 93(1), pp. 195–199.

Saidov, A. (2004). *Universally recognized human rights*. Tutorial. Academic Law University, 273 p.

Sanderson, M. (2002). *Pretty v. United Kingdom*. App. No. 2346/02. *The American Journal of International Law*, 96(4), pp. 943–949.

Shelton, D. (1994). The Participation of Nongovernmental Organizations in International Judicial Proceedings. *The American Journal of International Law*, 88(4), pp. 611–642.

Silvia, N. Individual and NGO Access to the African Court on Human and Peoples' Rights: The Latest Blow from Tanzania. URL: <https://www.ejiltalk.org/individual-and-ngo-access-to-the-african-court-on-human-and-peoples-rights-the-latest-blow-from-tanzania/>

Snezhko, O. (1999). *Constitutional foundations of state protection of human and civil rights and freedoms in the russian federation*. Abstract of the dissertation for the degree of Doctor of Philosophy in Law. 24 p.

The Constitution of the Republic of Azerbaijan (2009). Baku: "Law" publishing house, 68 p. [in Azerb.]. URL: <https://aihmaz.org/3656/>

URL: <https://www.african-court.org/wpafc/wp-content/uploads/2020/10/2-protocol-to-the-african-charter-on-human-and-peoples-rights-on-the-establishment-of-an-african-court-on-human-and-peoples-rights.pdf>

URL: <https://www.coalitionfortheicc.org/about/who-we-are>

URL: <https://www.icc-cpi.int/about/cooperation>

Vylder, H. (2017). *Rewriting CLR on behalf of Valentin Câmpeanu v Romania (ECtHR): actio popularis as ultimum remedium to enhance access to justice of victims with a mental disability*. In: *Integrated Human Rights in Practice*. Rewriting Human Rights Decisions. Ed. by E. Brems. Belgium: Edward Elgar Publishing Limited, pp. 289–316.

Ельнора МІРЗАЄВА

РОЛЬ ПРОЦЕСУАЛЬНОЇ ПРАВОЗДАТНОСТІ МІЖНАРОДНИХ НЕУРЯДОВИХ ОРГАНІЗАЦІЙ У ПРАКТИЧНІЙ ДІЯЛЬНОСТІ МІЖНАРОДНИХ СУДОВИХ УСТАНОВ

Анотація. Стаття підготовлена на основі науково-теоретичних положень, судової практики, міжнародно-правових документів та рішень міжнародних організацій, зосереджена на питаннях процесуальної правоздатності міжнародних неурядових організацій та її прояву в участі в міжнародних судових установах. Крім того, були переглянуті відповідні положення Конституції Азербайджанської Республіки. Також розглядаються специфічні відмінності міжнародних судових установ, специфіка участі міжнародних неурядових організацій у розглядуваних справах, а також вплив на формування нових тенденцій міжнародного правопорядку виступів у процесах від імені заявників були детально проаналізовані.

Ключові слова: судовий захист прав людини, міжнародні неурядові організації, процесуальна правоздатність, правова держава, держава-відповідач.