



Scientific Center of Innovative Researches OÜ

# **PUBLIC ADMINISTRATION AND LAW REVIEW (PALR)**

**Issue 1**

**2020**

***International databases and directories indexing publications:***

- Google Scholar;
- Crossref;
- Estonian National Library

*Public Administration and Law Review*. DOI: 10.36690/2674-5216-2020-1

The first issue contains articles by scientists from different countries, prepared on the basis of their scientific work. It is designed for university teachers, graduate students, undergraduates, practitioners in Public Administration and Law.

**EDITORIAL TEAM**

**EDITOR-IN-CHIEF**

**Oleksandr Korystin**, Doctor of Science (Law), Professor (Ukraine)

**EDITORIAL BOARD**

**Igor Kopotun**, Doctor of Science (Law), Professor (Czech Republic)

**Volodymyr Marchenko**, Doctor of Science (Law), Professor (Ukraine)

**Vitalii Oliukha**, Doctor of Science (Law), Associate Professor (Ukraine)

**Edgardo Sica**, Doctor of Science (Economics), Professor, (Italy)

**Liudmyla Parashchenko**, Doctor of Science (Public Administration), Professor, (Ukraine)

**Oksana Parkhomenko-Kutsevil**, Doctor of Science (Public Administration), Professor, (Ukraine)

**Olha Prokopenko**, Doctor of Science (Economics), Professor (Estonia)

**Petro Gaman**, Doctor of Science (Public Administration), Professor, (Ukraine)

**Mykola Andriyenko**, Doctor of Science (Public Administration), Professor, (Ukraine)

**Jolanta Góral-Pórola**, Doctor of Science, Professor, (Poland)

**Yana Koval**, Ph.D (Public Administration), Associate Professor, (Ukraine)

**LITERARY EDITOR**

**Natalia Mospan**, Ph.D (Translation Studies), Associate Professor (Poland)

## CONTENTS

### CHAPTER 1

#### MODERN TRENDS IN PUBLIC ADMINISTRATION 4

<b>Governing a state is similar to managing a company</b>	
<i>Milan Radosavljević, Aleksandar Anđelković, Suzana Pajić</i>	4
<b>The management of the unified system of civil protection at the state level</b>	
<i>Petro Gaman, Mykola Andriyenko, Vasyl Shoiko</i>	12
<b>Assessment of the investment security level of Ukraine</b>	
<i>Liudmyla Akimova, Alla Lysachok</i>	21
<b>Professional competence as a factor of the efficiency of the activity of a public servant</b>	
<i>Iryna Krynychna, Volodymyr Gurkovskii</i>	30
<b>Necessity of transformation political into the economic state</b>	
<i>Maja Anđelković, Dragana Radosavljević, Vladana Lilić</i>	39
<b>Public administration: robustness and the systemic genesis aspect</b>	
<i>Oleksandr Akimov</i>	46
<b>Development of a conceptual approach to providing economic security of banking institutions at the state level</b>	
<i>Yana Koval</i>	55
<b>Regularities of reforming public administration mechanisms of the health care system in ukraine in the context of the european dimension</b>	
<i>Maxsym Dolgich</i>	67
<b>Mechanisms and strategic priorities of state flight safety management</b>	
<i>Ivan Korobka</i>	78

### CHAPTER 2

#### LEGAL RELATIONS: FROM THEORY TO PRACTICE

<b>The role of international cooperation in counteraction of terrorism, extremism and other moderate groups</b>	
<i>Sarteep Mawlood</i>	86
<b>International legal means and procedures to settle international disputes</b>	
<i>Mykhailo Vainagii</i>	96

## Chapter 1

### Modern trends in public administration

#### GOVERNING A STATE IS SIMILAR TO MANAGING A COMPANY

**Milan Radosavljević<sup>1</sup>, Aleksandar Anđelković<sup>2</sup>, Suzana Pajić<sup>3</sup>**

<sup>1</sup>PhD, full professor, Faculty of Business Studies and Law, Union – Nikola Tesla University, Belgrade, Serbia

<sup>2</sup>PhD, assistant professor, Faculty of Business Studies and Law, Union – Nikola Tesla University, Belgrade, Serbia

<sup>3</sup>PhD, assistant professor, Faculty of Business Studies and Law, Union – Nikola Tesla University, Belgrade, Serbia

**Abstract.** *Political theory and politicians mainly deal with the problem of governing the state, which results from treating the state primarily as political institutions. Political and legal sciences deal with a state which is a political institution. However, the state is also an economic, or organizational, system that has all the attributes of any business organization, such as inputs, transformation processes, and outputs measured by political, sociological, or economic outcomes. Another dimension of the state as an institution is the governance, that is, the way or concept used in governing the state. Socrates said that the governance of the state should be entrusted to the wisest heads, which means those who have the knowledge, skills, experience and wisdom as the highest level of integration of the previous elements. This view is reasonable, because the state is a large and complex system, with numerous interdependencies of various factors and subjects in the political as well as the economic environment. Governing a state as an organizational system, from the point of view of goals and purpose, is similar to managing any organizational system, which means that the basic purpose of every organization is to create new values with the highest level of rationality. If there was no economic dimension in the organizations, not even in the state, the managing would not make any sense. Considering the fact that there are no unlimited resources today, every organization must first and foremost insist on meeting goals with as little input as possible, or in the increased value of outputs, which is a matter of economy and its business principles. This paper points to the need to transform a traditional, and that means political state and methods of governance into an economic state, which would primarily deal with the economy and create the well-being and happiness of its population through the application of experience in organizing and managing corporate organizations. Instead of the domination of politics over the economy, in the new conditions, the economy should be above politics, that is, in every political solution the economic dimension should dominate as a condition for the survival of every organization. Institutions that govern the state are particularly analyzed, such as: parliament, government, and the prime minister, with the aim of applying some of the rules used in governing corporate systems to these institutions.*

**Keywords:** *state, parliament versus shareholders' meeting, prime minister and government versus board and CEO, economy above politics.*

**JEL Classification:** H19, H89

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

**Introduction.** Globally, fundamental changes have taken place in the social, political, economic, technological organizational and other spheres in recent decades. Globalization has largely eliminated national borders and barriers, regional and European legislation has become supranational, economies

are interconnected globally as never before, technology and knowledge transfer is enabled. Changes are still happening, difficult to follow, and even harder for states, organizations and individuals to adapt to.

In these circumstances, the traditional concepts of organizing and governing the state, that is, concepts that existed in the last century, are still retained. The state was and still is the key institution that creates politics and the political system. Political theory has long emphasized that the state is a class creation and will disappear as such. From this point of view, the state will disappear, we have come to the situation that the state becomes an institution that creates more problems than it solves problems. Political parties that form the state have become interest organizations and as such are unable to express the general will or interests, which is why they are a generator of division and oriented to conquering and preserving power. How much political and other forms of power have political parties received globally, it can be seen by the fact that "parties control the state apparatus", that is that the Party is the safe way to reach state office". (Vasović: 2012. p. 93).

Although the basic purpose and goals of any management of any organization is to achieve the best results as measured by economic indicators, the economic dimension in the governance of the state is neglected, although it is the most important, since the survival of the state, economy and individuals depends on the economy. It is shown that the economy at the global as well as national or corporate level is becoming more and more complicated, due to the increased interdependence of various subjects in business in general.

**Literature review.** Questions to compare the methods and tools of public administration in managing a company in their works was research by: Brown L. (1979) in "A World Without Frontier", Ferguson N. (2013) in "Civilization", Obradović M. (2014) in "The state functions as an enterprise", Pešić Z. (2011) in "Political system", Radosavljević Ž. (2017/18) in "Lectures on doctoral studies in the academic year 2017/18 at the study program Management and Business, Faculty of Business Studies and Law", Vasovic V. (2012) in "Contemporary democracies" and other authors.

**Aims.** Aims is to compare the methods and tools of public administration in managing a company.

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

**Results.** The traditional state is unable to respond to the many challenges that are permanently increasing, resulting in population dissatisfaction, to conflicts at the national level, that is, migration and war conflicts with the enormous destruction of individual states. The question is how has the world come from the prediction that a state in the world of globalization and the disappearance of national borders will be marginalized, and ultimately disappear, to the fact that states today become alienated from citizenship, becoming a major security threat, increasingly authoritarian and dedicated to the

repressive apparatus, that many spheres, especially in the countries of transition, are supported and that the basic problem arises how to defend and defend against the state.

The partial answer lies in the understanding that the state is a political institution and it should deal with political issues, institutions, democracy and human rights, nations, the organization and governance of state institutions, etc. It is neglected that these and other institutes are not the goal, but instruments to achieve the best possible standard of living for the population. Therefore, democracy and freedom are not goals only, but rather a tool that more effectively achieves the goals of a better quality of life and a longer life span, since it is shown that in freedom and democracy a person is more efficient, more creative and in such conditions can give greater effect than in authoritarian system. This is similar to corporate systems, because the success of a company, and the same applies to the state, is judged by how satisfied employees or citizens are with earnings, working conditions and the growth and development of the company, that is, the state. That is why the governance and organization of the state should be set on a corporate, which means economic basis.

**Parliament in the state is the same as shareholders' meeting in a company.** The state is a type of organization that has some general rules of organization, management and functioning like any other organization, but also a number of specific characteristics that distinguish it from others. What is common to every organization, that is, self-organization, is that each has its own goal, purpose, or mission for which it exists, the bodies that manage, that is, guide and direct the organization to a defined goal. Parliament is one of the most important institutions of any state, its organization is defined by the highest legal acts of the state. It is in fact the highest representative body and as such it is the creator of the legislature. It performs, or has "the following functions: representative, legislative, elective and controlling" (Pešić: 2011. p. 306).

What is the parliament in the state, it is a shareholders' meeting in corporate organizations, transnational or multinational type. It turns out that the shareholders' meetings in modern management are losing importance because of the large number of shareholders, their dispersion, and especially because of the sluggishness in making management decisions. Considering the fact that speed of decision-making has become a key success factor today, shareholder companies confer their traditional rights and powers on operating bodies such as boards of directors or supervisors, who are at the same time competent and they are able to make appropriate decisions quickly. They keep the right to elect and dismiss management bodies and delegate authority to manage capital on their behalf, but also to make other important or strategic decisions such as: merger or separation of companies, creating rules for dividend distribution, remuneration of members of the board of directors or supervisory board, etc. Due to the above, the shareholder meetings remain the highest governing body of the corporate system, but also an institute that rarely meets, and even when it does

so, incompetent shareholders do not have enough information to make strategic management decisions.

The above points to the idea of the transition of the traditional way of organizing and functioning of the parliament, such as the practice of functioning of the shareholders meetings, since it is obvious that in most countries, even developed democracies, parliament becomes a "flow boiler" which adopts the proposals of the executive power and has very little effect on changes in legal and other solutions given in legal and other frameworks. This is how the idea of parliament is inverted, and it does not matter who adopts, but who proposes legal solutions. If, for years, the proposals go the way they are proposed by the executive or the government, the parliaments are not only unnecessary, but they also incur expenses in connection with the holding of sessions and other costs and as such they are useless.

Parliament is constituted on the basis of election results, and the right to vote is one of the most important rights because it allows a person to choose the profession they will practice, the educational institution they will study in, the organization they will be employed in, the spouse they will live with, the health care the institution in which they will be treated, the church they will give their faith in, etc. In political theory, the right to choose means the freedom for the individual to decide who will lead and represent him or her, who will represent him or her and who will best represent his or her interests. The fact is that the right of choice in all spheres is called into question and that the state, through its direct or indirect mechanisms, often and in a sophisticated way, denies or diminishes this right, or creates an unfavorable climate for its realization.

Without going into more detail about the issue of the right to vote and constitution of the parliament, the rules of the functioning of the shareholders' meeting can be applied to the parliament, in particular, to relieve parliament from conditionally speaking non-strategic decisions and solutions, because parliamentarians and shareholders are not competent in the knowledge society to significantly influence the adoption of policies, legal frameworks, strategies and other complex acts.

In today's political systems, the mandate of parliament is almost defined, which is problematic in modern times, especially if parliament is elected for a long period of time and does not show results. The turbulent times as they are today and those expected in the future impose the need to lead "daily battles, rather than long-term policies and strategies" that do not correspond with the fast changes in the technological, social, political, economic, organizational, cultural or religious spheres. In other words, the focus today is on managing strategic change on the principle that everything is changeable, and that only the change are permanent, and changes cannot be dealt with by incompetent and insufficiently informed parliamentarians or shareholders.

The effect of the work of the parliament as well as of shareholders companies and meetings should be measured by the economic results achieved by the economy of a state or companies, not by the number of sessions, the

number of laws passed, resolutions, verifications and other activities. Deputies as well as shareholders should share the fate of citizenship, since the success of the economy and society as a whole, the development of democracy and the progress of the country in general depend on parliament. This means that both the parliament and the shareholder companies should emphasize the economic dimension that is how effective are the laws that are enacted, whether and how much parliament creates a democratic atmosphere for creating quality laws and whether through the oversight function it ensures that the government, as its executive body, creates the conditions for the implementation of legal and other solutions.

**The prime Minister and the Government are similar to the board and the director of the corporation.** Each state, as well as the company, has their own administrative and executive bodies with clear competencies and responsibilities. The difference is only in the extent, complexity and interdependencies that exist between different participants in social and economic life. In this context, a government composed of the respective ministries is formed, headed by the first minister or prime minister. The job of government and prime minister is similar to that of a CEO, corporate president, manager, or management structure in other names in business systems. The emphasis of every government, or so it should be, is on the economic dimension and creating the conditions for economic growth and development. "The United States Government is playing an increasingly important role in managing the economy through tax and monetary policy and funding for research and education." This tendency is likely to continue in future, since at the core of all activities is the economic dimension as a condition of all other activities and activities (Brown: 1979, p. 148).

The prime minister is the host, the one who listens and plays a crucial role and influence on the survival, growth and development of the state. Friedrich the Great once stated: "The ruler is the first man of the state. He is well paid so that he can maintain the dignity of his service. But, in turn, it must be effective, for the benefit of its state." His great grandfather Friedrich Wilhelm was of a similar opinion. What matters is his understanding of interests when he says: I cannot have interests that are not the same as those of my people. If they are incompatible, the welfare and prosperity of the state should always prevail. Although we are talking about a ruler, not a prime minister, given the powers that prime ministers have in modern parliamentary democracies, these statements apply to all strategic state structures (Ferguson: 2013. p. 95).

The government and the prime minister elect their team, design the government and lead the team, creating a favorable national climate and culture for the achievement of the set goals by parliament, analogous to the goals set by executive corporate executives, shareholders. The quality of life, but also the success of business entities and other actors in economic and social life, depends largely on government decisions and strategies.



The ministries in the state or government are the same as the directors of particular sectors in the company. The Minister of Finance is in fact the CFO at the company, which is also one of the most important ministries because it shows that financial management is one of the most important and complex issues. The ministries of force (interior and defense) are in fact directors in charge of the security of property, people, information in companies. The Ministry of Education is the same as the sector or department dealing with education and training of employees. The Ministry of Technology and Innovation is similar to the Technology, Development and Innovation sector. Other ministries in government are analogous to directors in the agrarian, industrial, manufacturing, health, education and other activities and sectors.

If we understand the state as an enterprise, the rules that apply to the management and organization of business systems apply to the state. The most important thing for the government, as well as for every management team in the company, is to act in a team-based manner and for the government to make management decisions that would achieve the greatest statewide effects. This means that the interests of individual ministries can be sacrificed, provided that such sacrifices produce greater effects at the state level as a whole. The Prime Minister's task is to direct the individual activities of the ministries towards the whole and to highlight priorities from the point of view of the whole. Related to the previous is the mandate of the government, which should be as much as it successfully accomplishes the set goals and creates a vision of the functioning of the state in the future. In modern conditions, the government's mandate is generally four years, from election to election. This is a long period for unsuccessful governments to survive, producing losses and failures at the national level. If corporate governance rules were to be applied at the state level, a failed government would not even receive a year of its mandate, as it is the case with company systems. In other words, if the CEO and his team fails to show satisfactory results within the first year, they will not gain the trust of the management or supervisory board. Practice shows that in business organizations when adopting the final account, there are two envelopes when it comes to the management structure: one in which the mandate of the management team is extended and the other in which the trust in the existing set in running the company is denied. The second envelope is activated if the shareholders are not satisfied with the achieved results. The shareholders are aware of this, as well as the management team, which is why it is a general endeavor to keep the same company as long as possible and to achieve the best possible business result. (Radosavljević, Ž.: Lectures on doctoral studies in the academic year 2017/18 at the study program Management and Business, Faculty of Business Studies and Law, Union-Nikola Tesla University in Belgrade).

Unsuccessful, that is, managers who do not gain shareholders' confidence come to the so-called "blacklist" at the agencies that track records, make recommendations, and select individuals to manage a particular company. Managers who have proven unsuccessful can hardly find a new job and their

business careers are often completed, as the successful Bambi CEO Miroslav Miletic once warned: “The state must start functioning as a large and successful enterprise. In companies, an unsuccessful manager lasts a maximum of three quarters. When it scores worse in the first quarter than in the previous quarter, you do everything to prevent it from happening in the next quarter, because you simply won't see the third quarter. We have no four-year mandate to run the company” (Obradovic: 2014, p. 1). This reasoning is logical, because capital is too expensive economical good to be entrusted to incompetent and irresponsible individuals. Similar is the situation with coaches in sports organizations, who, even when they sign multi-year contracts for fabulous amounts, are fired by the assembly of the sports society, that is, the founder or other members. It is shown that the payment of large indemnities for termination of the contract is far more beneficial for the future of the sports society, than to leave it to the coach who does not achieve results and does not achieve the set goals.

The previous practice is applicable to the state, the prime minister and the government, as well as to other structures. Therefore, there is no limited mandate, because the government should stay while giving results, but also to be replaced when it does not show results. The period of four, five or more years is too long to wait for the term of a failed government to expire. Certainly, government changes are linked to cost-effective elections that are organized within legal deadlines. However, modern information and communication technology, that is internet technology, allows elections to be held multiple times, for example by electronic voting, which is cheap and does not require classic promotional activities from the past, where the promoters of their political options visited villages and cities to present their programs and management plans of the state. In short, elections at the state level today can be conditionally said to be “held daily,” as well as checking citizens' satisfaction with specific governments and individual ministers. The situation with the perspective of the Prime Minister is the same, or the individuals who were part of a failed and ousted government, because like unsuccessful managers, they should be registered in a separate register of unsuccessful ministers, secretaries of state, heads of administrations, etc.

**Discussion.** The practice and accurate analysis of transition countries, including Serbia, shows that many unsuccessful individuals in the government, or segments of it, continued to survive in new governments, changing departments or positions, remaining in power for several decades. Treating the state as a company, and state governance with corporate management would greatly contribute to the economic and social development of each national community.

**Conclusion.** It is known that the state is the largest consumer and, as a rule, it is a poor manager. An absolute state is an absolutely bad manager and host, because it cannot do anything quickly and effectively. The practice where state representatives say that the state has earned something is far from reality, because the state only consumes, so its effects may relate to the rational use of

resources. In short, the state has become inefficient and ineffective over the long term and one of the main generators of the crisis.

The reason for this is the undisputed fact that the presence of the traditional or political state with the use of instruments, mechanisms and concepts of the past has been retained to this day, and above all the high presence of coercion and the classical way of organizing and managing. The state operates on a monopoly basis, is not exposed to competitiveness, and power ministries are able to coerce citizens to obey the demands of the state. It is shown that outdated relationships, concepts and mechanisms of the past cannot solve contemporary problems, because they precisely occur due to inadequate ways of organizing and managing them.

Inefficient government management multiplies national and often regional and global problems. The 2019 wildfire in Brazil confirms this, as the entire world has become interested in the destruction and endangerment of ecosystems. It turns out that the state, due to the application of outdated concepts, creates problems in other subsystems or parts of the state, such as: enterprises and institutions, also, it has an impact on the standard of living and happiness of individuals. This is natural, because the decisions of the state directly affect the conditions of business and the ability to use natural and social potentials.

One way to achieve greater national success is the transition of a political state into an economic state that will function as a quality of life for its population, instead of operating on the principles of a feudal state with the basic task of imposing taxes, rents and other burdens that enable the party to be maintained and enriched in power, that is, to support the state bureaucracy and the voting machine, with numerous privileges and comfort. Introducing a new concept of the state, that is, a new concept of organizing and managing, is a priority of all priorities, namely the understanding of citizenship as a shareholder, the parliament as a shareholders' meeting, and the prime minister and government as an executive body, or board, or CEO of a company. Related to the previous is the elimination of numerous misconceptions regarding political parties, the state and its institutions and dedicating itself to the economic dimension, which is a condition for achieving a better standard of living, but also for faster and better growth of society and the economy as a whole.

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

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

### References:

1. Brown, L. (1979): *Svijet bez granice*, Globus, Zagreb.
2. Ferguson, N. (2013): *Civilizacija*, Službeni Glasnik, Beograd.
3. Obradović, M. (2014): *Država funkcioniše kao preduzeće*, *Nova ekonomija* br. 6, Beograd.
4. Pešić, Z. (2011): *Politički sistem*, Niš.
5. Radosavljević, Ž. (2017/18): Lectures on doctoral studies in the academic year 2017/18 at the study program Management and Business, Faculty of Business Studies and Law, Union-Nikola Tesla University in Belgrade, Serbia.
6. Vasović, V. (2012): *Savremene demokratije*, treće izdanje, *Službeni glasnik*, Beograd.

**Received: December 06, 2019**

## THE MANAGEMENT OF THE UNIFIED SYSTEM OF CIVIL PROTECTION AT THE STATE LEVEL

**Petro Gaman<sup>1</sup>, Mykola Andriyenko<sup>2</sup>, Vasyl Shoiko<sup>3</sup>**

<sup>1</sup>Doctor of sciences (Public Administration), associate professor, Ukrainian Research Institute of Civil Protection, Kyiv, Pavlo Tychyna Uman State Pedagogical University, Uman, Ukraine, e-mail: petro185@ukr.net, ORCID ID: <https://orcid.org/0000-0002-3239-8936>

<sup>2</sup>Doctor of sciences (Public Administration), associate professor, head of the center for civil protection, Ukrainian research institute of civil protection, Ukraine, e-mail: andnv@ukr.net, ORCID ID: <https://orcid.org/0000-0002-9222-4831>

<sup>3</sup>PhD (History), associate professor, deputy chief, Ukrainian research institute of civil protection, Ukraine, e-mail: pom\_mtz@ukr.net, ORCID ID: <https://orcid.org/0000-0001-8670-8779>

**Abstract.** According to the Constitution, every citizen has the right to protection of his life and health from the consequences of accidents, catastrophes, natural disasters, the use of weapons and the requirement to guarantee the exercise of this right from the Executive authorities, heads of enterprises, organizations and institutions, regardless of ownership and subordination. The state as a guarantor of this right should create and develop a unified state system of civil protection (CP), this includes civil defense and protection of the population and territories from emergency situations (ES) of technological and natural character. It is advisable to pay attention to the fact that the state of any society depends on the level of public administration, therefore, according to many politicians, scientists and public figures, the problem of efficiency comes to the fore. This statement is especially important for Ukraine. The solution to this problem is a pledge and a necessary condition for solving all other problems of the Ukrainian society, which is experiencing a systemic crisis of management. Fundamental importance is a significant deepening of fundamental theoretical and methodological research of public administration, the creation of a developed theoretical framework implemented in scientific theories, concepts and projects. Over the past 15 years, more than 5.8 thousand classified emergencies have been registered in Ukraine, in which more than 34.1 thousand people have suffered, more than 6.7 thousand of them have died, and direct material losses amount to more than 30 billion. UAN. The process of formation of the organizational structure of management of the civil protection system requires a clear choice of the necessary methods, techniques, technologies, stages (steps) and etc. Generalization of existing approaches to the creation of a universal methodology aimed at the development and evaluation of the formed management decisions of the scheme formation of the organizational structure of project portfolio management in the system of civil protection of Ukraine. This method of formation of a new organizational structure of the civil protection system should be based on archival data and indicate that under the influence of the external turbulent environment, the solution of new problems can be solved by taking into account information-related cause-and-effect relationships. Thus, the study in the direction of the formation of a new structure in the management of the civil protection system at the state level is extremely relevant.

**Keywords:** mechanism, public administration, civil protection, state security, organizational structure, principles of public administration of the civil protection system.

**JEL Classification:** H19

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

**Introduction.** In modern geopolitical and security conditions, hybrid wars, non-violent methods of struggle, terrorism, mass migration of the population, the use of high-precision weapons, as well as weapons on new physical principles (geophysical, meteorological, genetic, etc.) become a serious

challenge for the systems of ES and CD. However, institutional, structural and legislative changes in these systems as an adequate response to the spread of the relevant threats occur at best, with significant and insufficient intensity.

The domestic system of emergency situations, as well as similar systems of many foreign countries, is functionally focused mainly on the adoption of measures to eliminate the consequences of man-made and natural disasters. As for the institutional problems of the development of the state system of the emergencies, it should be noted that despite the numerous reforms aimed at the structural and functional modernization of the CD system, the latter was de-jure eliminated in 2013. At the same time, the process of creating the unified state system of civil protection (USS of CP) still not completed due to the imperfection of the current legislation, as well as state and other institutions involved in the implementation of public policy in the field of civil protection.

The urgent need to increase the level of protection of the population, territories, cultural and material values, the environment and other objects from emergencies, as well as the scientific and practical justification of ways to improve the institutional framework for the development of the USS emergency situations require the identification of factors, causes and prerequisites that negatively affect the stability of the functioning of this state system [1].

An important component on the way to the gradual development of the USS of CP is also the generalization and grouping of the relevant factors, the identification of relationships between them, because without this it is not possible to ensure the effective implementation of a set of measures to neutralize or minimize their effects.

**Literature review.** It should be noted that certain events and processes that negatively affect the process of formation of the institutional foundations of the functioning of the domestic system of CP were covered in the literature by such scientists as M. Andrienko, D. Biryukov, V. Grechaninov, L. Zhukova, N. Klimenko, O. Kuzemin, S. Kuznychenko, O. Leshchenko, S. Mosow, S. Marova O. Ostroverh, A. Romin, G. Sytnik, V. Cage, V. Tishchenko and others.

Scientists and practitioners focus mainly on the functions and tasks of the state systems of the CP, their organizational structures, specific mechanisms for the implementation of certain activities of the CP at various administrative-territorial levels. At the same time, the impact of globalization processes on the formation and functioning of the state systems of CP is insufficiently investigated [2].

**Aims.** Aims is to investigate scientific approaches to the management of the unified system of civil protection at the state level.

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

**Results.** The general disadvantage of previous studies of domestic scientists on this issue is the fragmentary nature of the scientific results obtained by the authors on various problems of the functioning the USS of CP: political,

legal, institutional, organizational, etc., which does not allow to make a more or less complete picture of this problem.

From the standpoint of organizational and functional analysis, the system of public administration of civil protection is an integral part of the system of public administration, since national interests, as well as threats to their implementation, are present in all spheres of public activity. Therefore, the principal feature of the system of public administration of civil protection is that it seems to be "immersed" in the general system of public administration [3].

Taking into account the above, the main tasks of the USS of CP mainly correspond to such direction of state policy as "protection of population and territories from emergency situations of natural and man-made character". With the key tasks of the CD, the tasks of the USS of CP overlap only partially. The boundaries and contours of the sphere of science and practice of public administration – "civil protection" in Ukraine is quite blurred, which, among other things, determines the infantile state of the institutional foundations of the development of the USS of CP and directly affects the level of protection of CP objects from natural, man-made and other threats.

The system of public administration in the field of civil protection has a powerful influence on the direction, content and effectiveness of administrative, political, socio-economic and other types of public administration as a result of the strategic importance of power management decisions for society and the state, especially in conditions when there is a rather acute question of neutralizing threats to vital interests. This means that the functions of the system go, for example, beyond the administrative-political or socio-economic sphere of public administration [4].

Taking into account the above, the system of public administration of civil protection is a set of interdependent, interacting bodies of public administration and senior officials of the state, which, within the framework of the current legislation and with the involvement of the state potential (material, financial, intellectual and spiritual) at its disposal, develops and implements power, regulatory, coordinating, regulatory and regulatory state management impacts (decisions) on security facilities in order to predict, timely identify, prevent and neutralize threats to the sustainable development of the above – mentioned facilities, first of which lives in the national interests.

The group of standards, which is included in the set of national standards in the field of CP, includes: standards of requirements for monitoring, prevention and elimination of emergency situations, protection of population, animals, plants, economic objects, soil protection, air, food, food raw materials and feed, water sources and water supply systems, means and methods of management, communication and warning, technical equipment of rescue units, special protection [5].

It is worth noting that the basic principles serve as the basis for the public administration of the civil protection system. According to the current legislation of Ukraine, civil protection operates on the following principles:

- Guarantee by the state to citizens of the constitutional right to protection of life, health and their property, and to legal entities-the right to safe functioning;

- Voluntary involvement of people in the implementation of activities in the field of CP related to the risk to their life and health;

- An integrated approach to solving the problems of CP;

- Creation of system of rational preventive security with the purpose of highest possible, economically justified reduction of the probability of occurrence of emergencies and minimizing their consequences;

- Territoriality and functionality of the unified system of civil protection;

- Minimization of harm to the environment;

- Publicity, free access of the population to information in the field of CP in accordance with the legislation [6].

Globalization has a direct impact on the development of the state and society, in particular on the functioning of public administration systems, almost all scientists who study this problem note. At the same time, as most experts who critically evaluate the processes of globalization rightly note, in this phenomenon there are more negative consequences for the formation of national forms of statehood than positive ones.

Management in the field of civil protection is closely connected with the provision of security in emergency situations, because emergency situations as a threat to the safe state are independent components of many dangers. Emergency situations may be accompanied by terrorist acts, explosions, traffic accidents, transport accidents, industrial processes, natural hazards, illegal human activities. Ensuring security in emergency situations is associated with the implementation of a wide range of legal and special organizational and technical measures to streamline public relations, in particular, the establishment and maintenance of the legal regime of the emergency zone. This regime is implemented in various organizational and legal forms and by various methods [7].

Additionally, the composition of the institutional foundations of the state of the Central locking system can distinguish two interconnected block elements:

1. Institutional unit (infrastructure component):

- subsystems (branch and territorial);
- subsystem links;
- public authority;
- local government;
- other subjects of providing CP: officials, structural units, subsidiary bodies (coordination, Advisory, etc);
- CP forces (emergency services, formation, etc);
- legal entities (business entities and non-profit organizations).

2. The legal Department (legal component):

- Constitution (Basic Law of the state);
- international treaties of Ukraine; Constitutional Laws;

- the main Laws regulating the legal regime of the state system of CP;
- basic (status) laws that determine the legal status of the subjects of securities;
- by-laws and regulations on the activities of the subjects of the CP: acts of the executive authorities and the local government.

The history of the development of the functions of the state in the national Assembly from ancient times to the present day convincingly proves that it is the institutions (governing bodies, forces, etc.) and legislation that are the core elements formed by society and the state in order to most effectively ensure their own protection against various threats associated with the risk of various emergencies [8].

Measures of administrative coercion are actively applied, which significantly limit the rights of citizens not only on grounds related to illegal behavior of people, but also for other reasons. This may be the consequences of emergency situations: radioactive or chemical pollution, significant destruction of infrastructure to ensure the life of the population and enterprises.

Therefore, the main focus of the office should be on the development of a set of activities that can destroy the mechanism that blocks the possibility of effective action. Given this, it is important to study the factors and develop ways and methods of crisis management, with the basic rules should be:

- systematic analysis of the situation and decision-making; early preparation of an emergency plan adapted to local conditions and its timely clarification;
- constant risk assessment and development of measures to minimize possible damage (losses) on this basis);
- continuous testing of the ability of specially created organizational, technical, information and other systems to immediately enter the operating mode;
- timely provision of the highest level of information management and provision of comprehensive information to the population and the media;
- timely detection of mistakes and immediate adjustment of actions; organization of effective interaction of local authorities; monitoring and forecasting of risks and dynamics of the situation.

**Discussion.** Public administration needs to be seen as a complex dynamic system with many parameters. The system of support is an interconnected and mutually summarized set of relevant organizational structures, forces, means, as well as certain procedures (rules) for the formation and implementation of management decisions aimed at ensuring civil protection as a component of national security [9].

Public administration in the field of civil protection is a specific type of public administration that covers socio – economic, cultural and political and other spheres of public life. The functions, powers and responsibilities that are assigned to it are specific, since the main purpose of management actions is primarily timely forecasting, identification, prevention and neutralization of real and potential threats (with the involvement of appropriate, specially created forces and means), which simultaneously concern the interests of each person, social group, society and the state, therefore, is a priority management problem,



the solution of which is assigned to the relevant system [10]. Ultimately, the management impact is aimed at ensuring the conditions under which the sustainable progressive development of society and the implementation of national interests in all spheres of state life can take place. Therefore, the system is characterized by features and characteristics of both inter-sectoral and functional components of public administration, which, of course, has a significant impact on the functions, forms, methods and methods of public administration in this area.

Management in the field of civil protection can be defined as a special kind of activity of state and non-state actors to streamline the security system ensure its optimal functioning and sustainable development of the organization of management of the national security system [11].

The security of the state depends on the effectiveness of management decisions. Therefore, the formation and functioning of the system of public administration in the field of civil protection can be divided into several structural levels. It is also fundamental that, like any social system, the system of public administration in the field of civil protection has a complex structure. But in any configuration it should always be the highest strategic (institutional) level. At this level, the most important political decisions are made, which are reflected in the relevant laws, concepts, strategies, etc.

The main mechanisms of public administration of the civil protection system is the state standardization, certification, examination, state supervision and control of compliance with the requirements in the field of CP, licensing, accounting and implementation of the requirements of CP (CD), as well as insurance and economic regulators (taxes, fines, sanctions for damages, funds, benefits and the like) [12].

It should be noted that the mechanism that performs systematic monitoring and control over the objects, processes and systems of protection, prediction of zones and consequences of probable emergencies, the state of implementation of preventive measures to reduce their scale, collection, processing, transmission and storage of this information is monitoring.

Monitoring should be carried out using many methods and means on the principle of maximum involvement of the existing organizational structures of the subjects of monitoring of technogenic and environmental safety and emergencies.

For example, monitoring and forecasting of initial events initiating hydro meteorological emergencies is carried out by the agencies of the HMS, which also monitors the state and pollution of the atmosphere, water and soil. Seismic observations and prediction of earthquakes in the country is carried out by a system of seismic observations and earthquake prediction, which includes institutions and observation systems of the National Academy of Sciences, the Ministry of defense and Gosstroy [13].

In addition, for our country, which has faced unprecedented challenges of a military and political nature in its recent history (the annexation by the Russian

Federation of the territory of Crimea and the occupied territories of Donbass by the Russian Federation), the solution of problems related to the construction of an effective state system of the state in the context of globalization, without exaggeration, and one of the primary and most important steps towards the preservation of its statehood, sovereignty and territorial integrity.

For Ukraine, the full integration of subjects of such national monitoring into a single system, the development of a unified methodology for the collection, accumulation and transfer of monitoring information remains a problem. And it is the construction of an effective mechanism of public administration of the civil protection system that will significantly improve the effectiveness of monitoring and obtain a significant effect from monitoring emergency situations by reducing the time to prepare for the response and elimination of their consequences, as well as by obtaining objective data for planning.

The system approach allows us to consider the mechanism of public administration in the field of civil protection in the unity of its components of the first and second levels, which are inextricably linked with the external environment. He considers a complex organization as a system consisting of a certain number of interrelated subsystems and mechanisms, allows determining the purpose of each of them in the context of a common goal, to formulate tasks that require solutions for each of these subsystems. It should be noted that the distribution of the system of public administration in the field of civil protection on subsystems and elements can be carried out on the basis of other aspects of its functioning: on a territorial basis, levels of response to emergencies, industry, modes of operation, major activities, or organizational structure, the use of certain mechanisms of state influence on the prevention and overcoming of the consequences of accidents, disasters, natural disasters and other crisis situations, which will be the subject of further research [14].

Their peculiarity is that they are most closely intertwined with political and public administration. And it is at this level that the General state policy, its conceptual framework and the main tasks for its implementation are determined. Given the above is quite logical is the formula proposed by G. Sytnik: "the process of making management decisions in the field of security is a consistent and trivial processing of information blocks: data – situation – goal – choice" [15].

The main focus of the office should be on the development of a set of activities that could destroy the mechanism blocking the possibility of effective action.

The solution to the problems of natural and man-made security of Ukraine is provided by the state level of such activities:

1. Management of technogenic risks, which will ensure a sustainable, guaranteed reduction in the number and consequences of man-made and natural emergencies.

2. Creation of an integrated interdepartmental system of monitoring and debugging of the state service for forecasting and prevention of natural and man-made emergencies.

3. Creation of a national register of potentially dangerous objects and territories and mechanisms for their monitoring.

4. Improving the efficiency of state supervision over the state and functioning of potentially hazardous industries.

These measures are implemented through certain mechanisms of public administration of the civil protection system.

The mechanism of public administration of the civil protection system is the application of measures of influence of the subject of public administration to prevent and overcome the consequences of emergency situations, ensuring the necessary level of technological and environmental safety and the implementation of the goals and objectives set for society in the field of human security and society as a whole.

The main mechanisms of public administration of the civil protection system is the state standardization, certification, examination, state supervision and control of compliance with the requirements in the field of CP, licensing, accounting and implementation of the requirements of CP (CD), as well as insurance and economic regulators (taxes, fines, sanctions for damages, funds, benefits and the like).

Thus, it is necessary to weigh the importance of civil protection as a component of national security and to make appropriate changes in legislation and regulations. In particular, consider the possibility of creating a structural unit in the office of the national Security Council of Ukraine, which will directly deal with civil protection issues in the country and the subcommittee of the Verkhovna Rada on civil protection, which will systematically implement legislative policy in the relevant field. The management policy has a clear structure. The above allows us to conclude that the concept, doctrine and strategy play a crucial role in the development and implementation of public administration policy in the field of civil protection.

**Conclusion.** Thus, the analysis of the basic principles of management in the field of civil protection leads to the conclusion that there is a need to allocate civil protection as a separate component of national security and its management. This problem is complex, and its solution will contribute to the improvement of administrative and legal regulation of legal relations in the field of civil protection, strengthening of legal, scientific, technical and resource base, improvement of public administration in this area. The acuteness of this problem requires urgent measures on the part of the subjects of law-making and law enforcement. The strategy of activity of subjects of public administration in the field of civil protection will be aimed at achieving the advanced world level of protection of the individual, society and the state from emergency situations and their consequences.

In the context of globalization, the state systems of CP should be very sensitive to changes in indicators (indicators) for assessing the state of threats and dangers in various spheres of public life and public administration. It is very promising to widely introduce into anti-crisis practice methods of forecasting and monitoring of emergencies of different nature, preventing them in their natural States, as well as the development and implementation of practically oriented methods of risk management. The management and force of the civil protection should be financially and technically self-sufficient and tactically mobile, make greater use of inter-Agency coordination and communication mechanisms, and research institutions, analytical units and structures should make greater use of information management practices and better civil protection practices.

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

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

### References:

1. Lipkan, V. A. (2002), "Object, subject matter and structure of national science", *Pravo i bezpeka*, vol. 4, pp. 26-29.
2. Bychenok, M. M. (2008), *Ryzyky zhyttiediialnosti u pryrodno-tekhnohennomu seredovyschi* [Risks of vital activity in natural-technogenic environment], Instytut problem natsionalnoi bezpeky Rady natsionalnoi bezpeky i oborony Ukrainy, Kyiv, Ukraine, p. 160.
3. Lipkan, V. A. (2003), "The concept of national security system of Ukraine", *Pravo i bezpeka*, vol. 2, pp. 57-60.
4. Rak, Yu. P. (2011), "Theoretical approaches to the design of information automation systems for project-oriented management", *Upravlinnia proektamy ta rozvytok vyrobnytstva*, vol. 1, pp. 433-438.
5. Averianov, V. B. Tsvietkov, V. V. and Shapoval, V. M. (1998) *Derzhavne upravlinnia: teoriia i praktyka* [Public administration: theory and practice], Yurinkom Inter, Kyiv, Ukraine, p. 432.
6. Maslov, Ye. P. "Derzhavna polityka u sferi tsyvilnoho zakhystu Ukrainy v umovakh nadzvychainykh sytuatsii", available at: [www.zerkalov.kiev.ua](http://www.zerkalov.kiev.ua).
7. Holovaty, M. (2015), "The state and society: The conceptual foundations and social interaction in the context of formation and functioning of states", *Economic Annals-XXI*, 9-10, pp. 4-8.
8. Marova, S. F. (2009), *Upravlinnia bezpekoiu zhyttiediialnosti* [Management of life safety], Veber, Donetsk, Ukraine, pp. 342.
9. Bychenok, M. M. (2005), *Osnovy informatyzatsii upravlinnia rehionalnoiu bezpekoiu* [Fundamentals of Regional Security Management Informatization], Kyiv, Ukraine, p. 194.
10. Marova, S. F. (2006), "Sustainable development concept for the region: directions for implementation", *Menedzher*, vol. 3(37). pp. 163-169.
11. Orlov, O. V. (2010), "System approach to the definition of the conceptual apparatus of the field of science "public administration"", *Teoriia ta praktyka derzhavnoho upravlinnia*, vol. 2 (29), pp. 18-24.
12. Ortseva, O. S. (2013), "Mechanisms of public administration: theoretical approaches to the definition of the concept", available at: [http://www.confcontact.com/2013-specproekt/gu2\\_ortseva.htm](http://www.confcontact.com/2013-specproekt/gu2_ortseva.htm).
13. Radchenko, O. V. (2009), "Category "mechanism" in the system of public administration", available at: [http://archive.nbuv.gov.ua/portal/soc\\_gum/dtr/du/2009\\_3/files/DU309\\_14.pdf](http://archive.nbuv.gov.ua/portal/soc_gum/dtr/du/2009_3/files/DU309_14.pdf).
14. Tyshchenko, V. O. (2010), "Main tendencies of development of the state policy in the field of civil protection of Ukraine", *Naukovyi visnyk akademii munitsypalnoho upravlinnia*, vol. 4, pp. 356-366.
15. Sadkovyi, V. P. Romin, A. V. and Ostroverkh, O. O. (2013), *Derzhavne upravlinnia u sferi tsyvilnoho zakhystu v Ukraini: normatyvno-pravovyi aspekt* [Public administration in the field of civil protection in Ukraine: regulatory and legal aspect], TOV "Oberih", Kharkiv, Ukraine.

**Received: Decemder 18, 2019**

## ASSESSMENT OF THE INVESTMENT SECURITY LEVEL OF UKRAINE

Liudmyla Akimova<sup>1</sup>, Alla Lysachok<sup>2</sup>

<sup>1</sup>Doctor of Science (Public Administration), Professor, National University of Water and Environmental Engineering, Rivne, Ukraine, l\_akimova@ukr.net, ORCID: <https://orcid.org/0000-0002-2747-2775>

<sup>2</sup>postgraduate student, Lviv regional Institute for public administration of The National academy of public administration the President of Ukraine, Lviv, Ukraine, lysachok96@ukr.net, ORCID: <https://orcid.org/0000-0002-5716-487X>

**Abstract.** *The article analyzes the opinions of scientists on their interpretation of the concept of "investment security", and also provides its own definition of this concept. It is determined that today investment security is one of the key factors for ensuring economic security, and is an important component of the national one. It was revealed that the main problem in assessing investment security indicators is the diversity of approaches to their assessment. There are contradictions between individual citizens and the state, manifested in a kind of conflict of their interests, which creates social tension. This trend is explained by the fact that, on the one hand, the state is the guarantor of the economic security of citizens, and on the other, a source of threats. The author also analyzed the dynamics of investment security indicators from 2015-2019. Direct investments (equity) from EU countries to the Ukrainian economy for 2015-2019. (million US dollars). The main investor countries of FDI in Ukraine for 2015-2019 were identified. (million US dollars).*

**Keywords:** security, investment security, investment appraisal, state, public administration, foreign direct investment.

**JEL Classification:** B40, C40, E22, F36, H00

**Formulas:** 2; **fig.:** 2; **tabl.:** 1; **bibl.:** 15.

**Introduction.** In modern market conditions of managing, as well as crisis processes, which are now present in the development of the Ukrainian economy. The state of economic security of the state is the determining factor in the socio-economic development of enterprises, regions and the state as a whole; it is this type of security that is an important component of national security, which in turn ensures the growth rate of the country's national economy. One of the main factors contributing to ensuring economic security is the activation of the investment process, that is, the issue of attracting additional sources of financing for the Ukrainian economy, it is also necessary to promote the development of investment potential, which significantly leads to positive changes in the economic and social direction, which are important in conditions of socio-economic instability Ukrainian economy. With the help of investments, it is possible to achieve sustainable economic growth of the economy, real structural changes in the national economy, which will lead to an increase in the quality of life of the population. Therefore, it is necessary to properly ensure the investment security of the state, since it is it that is an integral part of economic security, and has a direct impact on national security. It should be noted that, today, investment security is one of the key factors for ensuring economic security, and is an important component of the national. With the help of investments, it is possible to ensure stable socio-economic development of the

Ukrainian economy. Consideration and analysis of the dynamics of attracting investments in the state economy allows us to determine its level of investment security, which in turn makes it possible to determine the state of the investment climate in Ukraine.

**Literature review.** Studies of the dependence and relationship of economic security with investment security are the subject of research by many scientists. It is proved that investments are a powerful source for the development of the state economy, and therefore are an important definition of the level of investment security of the country. Scientists A. Makukh and L. Rusnak (2015) "Investment security of Ukraine in the world economic security system", understand investment security as the process of ensuring such a state of the investment sphere, in which the economy is able to maintain and maintain a sufficient level of investment resources in the face of internal and external threats, which is necessary to ensure sustainable development and socio-economic stability countries, the growth of competitiveness of its economy and the welfare of the population [1]. Researchers A. Meshcheryakov and L. Novikova (2013) "Investment security of the state", believe that investment security is the ratio between the size of a country's investment abroad and the investment received, which meets the needs of the domestic economy and maintains a positive balance of payments of the state [2, p. 24]. I. Gubenko (2012) "Monetary conditionality of the investment component of economic security of the national economy", under investment security refers to the state of the organization of investment processes, which ensures optimal satisfaction of the current needs of the economy in capital investments in terms of volume and structure, taking into account the efficient use and return of funds invested in achieving the optimal ratio between the size of foreign investment in the country and domestic abroad, maintaining a positive national balance of payments [3, p. 76]. Researcher N. Tatarenko (2000) "Teorii investytsii", in his works notes that investment security is the possibility of accumulating resources or capital investments [4, p. 24]. A. Baranovsky (2004) "Financial security in Ukraine (valuation methodology and collateral)", believes that investment security is the achievement of an investment level, which allows optimally satisfying the current investment needs of the national economy in terms of volume and structure, taking into account the efficient use and return of funds invested in the optimal ratio between the size of domestic and foreign investment, foreign investment in the country and domestic abroad, maintaining a positive national balance of payments [5, p. 366]. V. Kirilenko (2009) "Investment Process Management in the Context of Economic Security", sees investment security as the ability to maintain production accumulation and capital investment at a level that ensures the necessary rates of expanded reproduction, restructuring and technological re-equipment of the economy [6, p. 275] and other researchers. Investment security should be understood as the situation during which all the investment needs of the country's economy are

satisfied, which provide the necessary pace of expanded reproduction and are protected from negative internal and external factors.

Despite the research available in the field of ensuring investment security, it remains a problem to determine and evaluate its level. Researchers determine the definitions of this concept, and also highlight the main threats and solutions, while not analyzing the main indicators of investment security, determines the relevance of this study.

**Aims.** The purpose of this study is to analyze the main indicators of ensuring investment security, namely, determining its integral indicator, which is an indicator of investment development and determines the level of ensuring investment security of the state. The main problem in assessing investment security indicators is the diversity of approaches to their assessment.

**Methods.** To study the main indicators of investment security, we used data from the State Statistics Service of Ukraine for various time periods. The following methods were used: a comparative analysis method to determine the dynamics of investment security indicators from 2015-2019; direct investments (equity) from EU countries in the Ukrainian economy for 2015-2019 (million US dollars); major investing countries for FDI in Ukraine for 2015-2019 (million US dollars); abstract logical method - for analytical generalization and formulation of conclusions.

**Results.** In the modern economic world, security is considered as a certain system of properties, which is reflected in all spheres of public life, and also has a significant impact on the development of man, society, and the state. Since economic security is an important component of the national, it reflects a causal relationship between the country's economic power, its military-economic potential and national security. The main subject of economic security is the state. Despite this, today there are contradictions between individual citizens and the state, which manifests itself in a kind of conflict of their interests and generates social tension. This trend is explained by the fact that, on the one hand, the state is the guarantor of the economic security of citizens, and on the other, a source of threats.

State regulation of the investment component of economic security is a combination of forms and methods that ensure: the unification of public and private interests; the formation in the economy of rational proportions between consumption, accumulation and investment; information forecasting, indicative regulation and measures of state influence on the investment market [7, p.5].

An important component of economic security is investment security, the latter is ensured subject to a certain investment standard, which allows you to: reproduce the intellectual potential and scientific and technological progress of the nation; create strategic reserves; to carry out expanded reproduction of fixed capital; conserve and restore natural resources; to overcome depressive phenomena in the regions of the country; maintain the competitiveness of the economy; keep environmental parameters at a safe level; guarantee steady GDP growth at the level of tasks of socio-economic development and international cooperation.

In addition, investment security has quantitative and qualitative criteria. The number of indicators (criteria) of the safe state of the economy should not exceed (be

less) by the threshold values of indicators of the investment sphere. That is, the volume of investment should be sufficient to ensure economic growth of the state, and not just for self-reproduction of the economy, that is, it has a value exceeding 17% of GDP [8, p. 201].

The indicator of investment security is determined by international experience, which indicates that for stable economic growth of the country, the attraction of annual direct investments should be at the level of 6% of GDP. That is, to maintain investment security, attracting direct investment in the country's economy in relation to GDP should be at the level of:

$$L_{is1} = \frac{FI}{GDP} \times 100 \geq 6\% \quad (1)$$

where  $L_{is1}$  - level of investment security as a percentage;  $FI$  - the inflow of foreign investment in the country's economy for the period considered in monetary terms;  $GDP$  - gross domestic product for the period in question (in monetary terms).

The value of  $FI / GDP$  should be kept at 6%, and the value of  $FDI / GDP$  ( $FDI$  - volume of foreign direct investment) should be kept at 25%, which is the threshold value of investment security [9].

Also, the investment security indicator can be calculated as the ratio of the inflow of annual foreign direct investment to the number of residents of the country. Its threshold value should be at least \$ 500 per person (that is, to maintain investment security, the inflow of direct investment in the country's economy in relation to the population should be at the level of \$ 500).

$$L_{is2} = \frac{FDI}{K_p} \times 100 \geq 500\$ \quad (2)$$

where  $K_p$  – is the population of the country.

If a country reaches the maximum investment security thresholds, then it is at the reform stage and additional investments should be attracted when the country's economy is stable, then the threshold values may be less. Table 1 presents the dynamics of indicators of investment security in Ukraine.

Having analyzed these calculations in table 1, we can note that investment safety indicators are far from threshold values. In 2015-2019, the  $L_{is1}$  indicator, over the past five years, this indicator is below the threshold value, that is, it indicates investment unattractiveness. The  $L_{is2}$  indicator has a steady upward trend during 2015-2019, but it should not be considered that the change in this indicator is positive, since this indicator improves due to a decrease in the population. To improve the performance of  $L_{is1}$ ,  $L_{is2}$ , it is necessary to increase the investment attractiveness of the state, this can be done by minimizing risks and threats.



Table 1

**Dynamics of investment security indicators from 2015-2019**

Indicators	Threshold values	Actual Values				
		2015	2016	2017	2018	2019
L <sub>is1</sub> , FDI inflow to GDP,%	≥6	4,69	4,72	2,24	2,20	1,66
Dynamics of normalized values	-	Dangerous area				
Volume of investments,% of GDP	20-25%	41,64	41,97	36,65	24,79	23,46
Dynamics of normalized values	-	Dangerous area			Safe area	
L <sub>is2</sub> , FDI inflows per 1 person, USD	≥500	896,19	916,72	967,17	763,40	852,61
Dynamics of normalized values	-	Safe area				
Initial Data						
GDP, mln. UAH.	-	1979458	2383182	2982920	3558706	3974564
FDI inflow for year, million dollars	-	4321,8	4405,9	2511,1	2869,9	2531,1
FDI, mln. Dollars (at the end of the year)	-	38356,8	39144	41104,6	32291,9	35809,6
Population, million people	-	42,8	42,7	42,5	42,3	42,0
Average annual exchange rate	-	21,49	25,55	26,6	27,32	26,04

\*Source: calculated by the authors based on [10; 11; 12; 13; 14; 15]

For the growth of the state economy, it is necessary to increase the share of investments in GDP to at least 25-30%. Only under such conditions it is possible to create opportunities for the functioning of expanded reproduction. That is why it is worth considering direct investment (equity) from the EU to the Ukrainian economy during 2015-2019. (million US dollars) (Fig. 1).

From fig. 1. we see that the dynamics of FDI inflows (hereinafter referred to as foreign direct investment) from the EU countries to the Ukrainian economy tends to decrease.

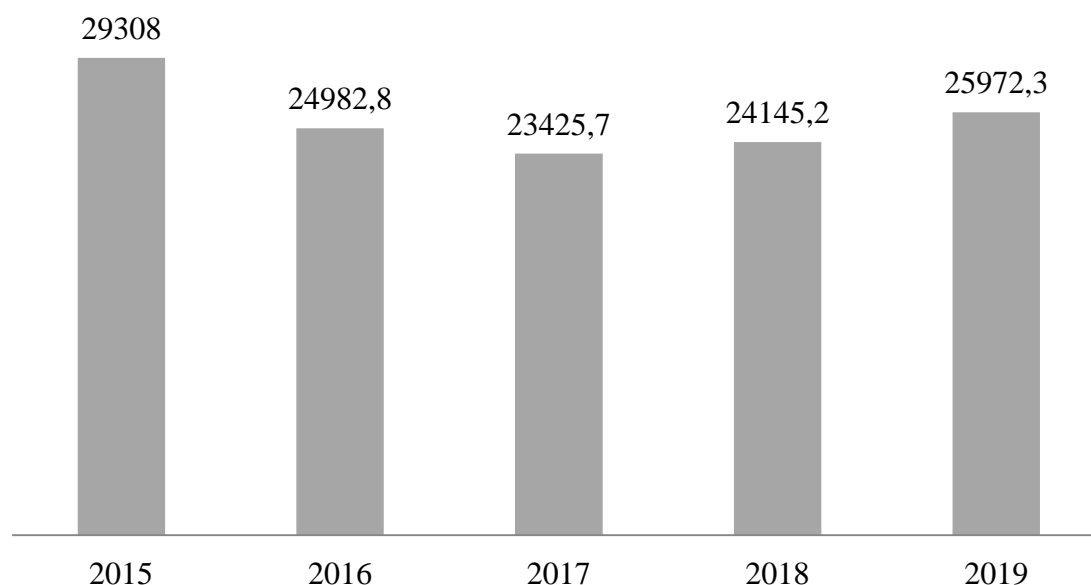


Fig. 1. Direct investments (equity) from the EU countries in the Ukrainian economy for 2015-2019 (million US dollars)\*

\* Compiled by the authors based on the source [10; 13].

In 2019, they decreased by \$ 3335.7 million, in 2018 decreased by \$ 5162.8 million, in 2017 decreased by \$ 5882.3 million, and in 2016 by 4325, \$ 2 million compared to 2015. It should identify the main countries investing in FDI in Ukraine for 2015-2019. (Fig. 2).

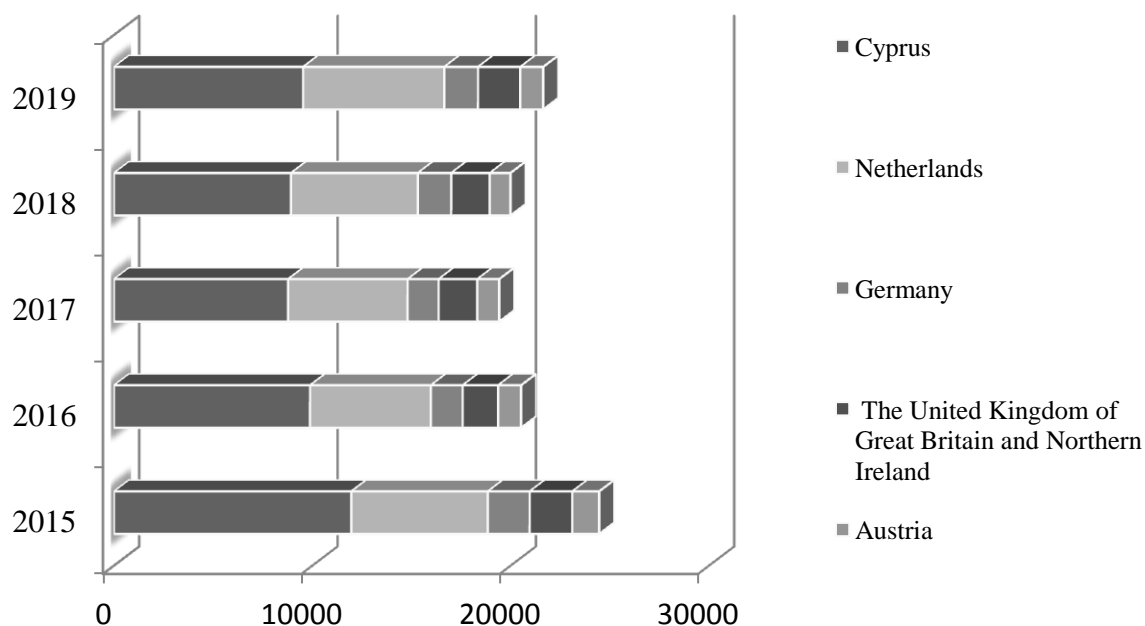


Fig. 2. Key FDI investing countries in Ukraine for 2015-2019 (Mill. USD)\*

\* Compiled by the authors based on the source [10; 13].

From fig. 2 we see that the main countries investing in Ukraine are Cyprus, the Netherlands, Germany, the United Kingdom of Great Britain and Northern Ireland, Austria. The main areas where foreigners invest in Ukraine are: industry - 32.9%; wholesale and retail trade - 16.2%; financial and insurance activities - 12.9%; real estate operations - 12.9%; professional, scientific and technical activities - 6.5%. If we look at the IT sphere, then in the sphere of "Information and Telecommunications" for 2019 they invested 22 million dollars, and for all the time - 2.2 billion dollars or 6.5% of the total volume of FDI.

**Discussion.** The tendency in the state and among entrepreneurs to attract large volumes of foreign investment is not uniquely positive. Foreign investment, even if used effectively, should not make up a significant proportion of their total volume. In any state, the volume of foreign investment never exceeds the volume of Russian production. The experience of post-socialist European countries shows that foreign investment does not flow actively to places where there is not enough capital, but to places where investments are already actively being made, that is, they are "attracted" to domestic ones. External funds go to where economic reforms have already been implemented, primarily from their own sources. Foreign investment in the economy of a country depends on the economic and social conditions that have already developed.

To improve investment safety indicators, it is necessary to create a favorable investment environment, an investment climate that will be protected from external and internal threats. In addition, it is worth continuing the fight against corruption and encouraging domestic and foreign investors to invest in the Ukrainian economy, while it is necessary to develop all sectors and sectors of the economy, and not just those that now have a high level of investment investment. Summarizing the study, it can be stated that the conditions of investment security in Ukraine in the future remain very unfavorable for enhancing borrowing by enterprises of the real sector of the domestic economy. A lot of effort should be directed to restore the confidence of potential investors and ensure the efficient use of the financial resources received.

**Conclusions..** Based on the results of the study, we can draw the following conclusions: today, in NAK there is no unambiguous definition of "investment security" in both domestic and foreign literature. Wherein. It should be noted that one of the main actors is the state, it has an impact on investment security, which in turn is an integral part of economic. The state is obliged to develop and implement a mechanism for ensuring investment security, that is, to send it interconnected in order to realize the economic interests of the Ukrainian economy. Since it is the investment component of economic security that determines the starting conditions for the development of investment policy, which in turn should be protected by investment, therefore, a constant and continuous analysis of the main components of the investment security of the state should be carried out.

Thus, in our opinion, the provision of measures to strengthen investment Security can occur in the following areas:

- creation of forecasting mechanisms, identify and level existing threats by continuous monitoring;
- determination of legal, administrative, organizational means of counteracting existing threats to the investment security of the state and overcoming their consequences;
- creating a structure of the national investment market, has a margin of safety;
- the formation of transparent legal investment relations, an effective ownership structure and diversification of investment financing sources activities;
- the formation of a system of indicators for assessing the state investment security of the national economy for levels of investment potential, investment climate, innovation, investment activity.

Today, the level of investment security in Ukraine demonstrates negative trends, which can subsequently lead to the creation of an unfavorable investment image of Ukraine among European countries, which in turn can lead to a loss of opportunity to attract investment in the Ukrainian economy. A prompt response to the current state of investment security will lead to the timely identification of threats, and with the help of the state to determine ways to minimize them, which will make it impossible for a crisis in the Ukrainian economy to occur.

**Acknowledgements.** These studies will be relevant for scientists in the field of interests that are in the study of state investment security, as well as determining the level of its security. In addition to this research, they will help to develop a regulatory framework, practical measures and tools in the future, in turn, it will aim to develop a strategy for the development of the Ukrainian economy by ensuring the investment security of the state and providing it with an appropriate assessment.

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

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

### References:

1. Makukh, A. and Rusnak, L. Investment security of Ukraine in the world economic security system. Retrieved from: <http://intkonf.org/makuh-a-rusnak-l-investitsiyna-bezpeka>.
2. Meshcheriakov, A. and Novikova, L. (2013), Investment security of the state. *Visnyk Akademii mytnoi sluzhby Ukrainy*, 2.pp. 23-29.
3. Hubenko, I. (2012). Monetary conditionality of the investment component of economic security of the national economy. *Ekonomika i rehion*, 5, pp.75-80.
4. Tatarenko, N. and Poruchnyk, A. (2000), *Teorii investytsii*. Kyiv : KNEU.
5. Baranovskyi, O. (2004). *Financial security in Ukraine (valuation methodology and collateral)*. Kyiv: Kiev. nat. trading econom Univ.
6. Nedashkivskyi, M. and Podhorna, K. (2012), Investment security of Ukraine in modern conditions. *Zbirnyk naukovykh prats Natsionalnoho universytetu derzhavnoi podatkovoi sluzhby Ukrainy*, I. pp. 274-280.
7. Kyrylenko, V.I. and Kyrylenko, L.M. (2009). Investment Process Management in the Context of Economic Security. *Naukovyi chasopys, NPU imeni M.P.Drahomanova*. Vyp 7. Seriiia 18: p. 3-8.
8. Tokar, V.V., Tkalenko, S.I. (2019), Investment security in financial globalization. *Vcheni zapysky Universytetu "Krok"*, 1(53). Retrieved from: <http://snku.krok.edu.ua/index.php/vcheni-zapyski-universitetu-krok/article/view/165/186>.
9. Pyrozhkov, S. I. (2003), Methodical recommendations for assessing the level of economic security in Ukraine. NIPMB, Kyiv, Ukraine.

- 10.State Statistics Service of Ukraine. Retrieved from: <http://www.ukrstat.gov.ua/>
- 11.Ministry of Finance of Ukraine. Retrieved from: <https://index.minfin.com.ua/ua/economy/fdi/>.
- 12.National Bank of Ukraine. Retrieved from: <https://bank.gov.ua/>.
- 13.Kalyayev, Anatoliy., Efimov, Gennadiy., Motornyy, Volodymyr., Dzianyy Rostyslav., Akimova, Liudmyla (2019), Global Security Governance: Conceptual Approaches and Practical Imperatives. *International Business Information Management Conference (33rd IBIMA)*. Granada, Spain 10-11 April, 2019, pp. 4484-4495 [in Ukrainian].
- 14.Akimova L.M., Akimov O.O., Liakhovich O.O. (2017), State regulation of foreign economic activity. *Scientific bulletin of Polissia*. – № 4 (12). Part. 1. – pp. 98-103 [in Ukrainian].
- 15.Akimova, L. (2019), “State management as a subject of providing economic security of Ukraine: situation and content”, *Investytsiyi: praktyka ta dosvid*, vol. 5, pp. 110–115. DOI: 10.32702/2306-6814.2019.5.110.
- 16.Panchenko, V., Mihus, I. ect. (2019) The Role of Investment Strategy in the Strategic Management System of Service Companies. *Academy of Strategic Management Journal*. EID: 2-s2.0-85080931094

*Received: January 28, 2020*

## PROFESSIONAL COMPETENCE AS A FACTOR OF THE EFFICIENCY OF THE ACTIVITY OF A PUBLIC SERVANT

**Iryna Krynychna<sup>1</sup>, Volodymyr Gurkovskii<sup>2</sup>**

<sup>1</sup>Doctor of Sciences (Public Administration), Professor, Professor Department of Public Management and Administration, State University of Telecommunications, Kiev, Ukraine, e-mail: krynychnairyna@gmail.com; ORCID: <https://orcid.org/0000-0002-2823>

<sup>2</sup>Doctor of Sciences (Public Administration), Professor, First Deputy Director, Center for Research in Public Administration Problems, Kiev, Ukraine, e-mail: vladimir.gurkovskiy@gmail.com. ORCID: <https://orcid.org/0000-0003-2021-5204>

**Abstract.** *The article reveals the concept and structure of the professional competence of civil servants, as well as their professional abilities. High-quality training of specialists in the field of state and municipal administration is a problem that is relevant both for modern higher education and for society as a whole. The quality of the activities of the next generation's Ukrainian political elite largely depends on how competent and prepared the graduates - future civil servants will be.*

*The introduction of new educational standards based on a competency-based approach has led to the need to improve the methodology and teaching methods in higher education. The modern concept of training civil service specialists places high demands on educational programs, in particular, on the development of professional competence of future civil servants provided for in them. It is important for the state that a student - a future civil servant - after graduation has a certain set of knowledge and skills, but one of the main requirements for a specialist is his desire and ability to quickly adapt to the new situation and navigate the modern information space, the ability to learn and develop professionally.*

*Studying the practice of functioning of state power and local self-government, the experience of the competition commissions that select applicants for vacant positions in the public service, as well as the experience of communicating with existing civil servants, students of professional retraining and advanced training programs of the state and municipal service, indicate that the current At present, the system of vocational education does not provide enough for students to form their civil servants - professional communicative competence.*

*In this regard, there is a need to find optimal ways to improve the work of the university in this direction, the need to develop a program that would purposefully form the professional communicative competence of students - future public servants.*

**Keywords:** *professional competence, civil service, civil servant, professionalization of civil servants, development of civil service, professional activity, professional activities of civil servants.*

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

**Formulas:** 0; **fig.:** 0; **tabl.:** 0; **bibl.:** 24.

**Introduction.** The problem of the formation of professional communicative competence is reflected in many social, psychological, linguistic studies from different points of view. An analysis of the state of the issue in the theory and practice of higher pedagogical education shows that only certain issues of the formation of professional communication have been solved: the problems of modeling a professional orientation and the problems of modeling language activity are analyzed.

The modern professional community of state and municipal employees needs specialists who have received high-quality professional education,

combining fundamental training and practical orientation of knowledge and competencies; specialists with a high level of moral qualities, erudition and culture, including communication (knowledge of the culture of thinking, rhetoric, techniques and methods of public speaking, the basics of communicative literacy, etc.).

**Literature review.** In scientific works devoted to the problems of professionalism and competence of public servants and the justification of the need for communicative knowledge and skills in the activities of a public servant Lipovskaya, N.A. (2015), "System-generated service: theoretical approaches" [1; 18], Karpa, M.I. (2014), "Functional Approach to the Concept of Positions of the Civil Service" [3], Pluscch, R.M. (2016), "Mistseve samovriaduvannia v umovakh detsentralizatsii vlady v Ukraini" [4], Kivalov, S.V. and Bila, S.V. (2002), "Orhanizatsiia derzhavnoi sluzhby v Ukraini" [7], Shpektorenko, I.V. (2009), "Profesiina mobilnist derzhavnoho sluzhbovtsia" [8], Yarmystyi, M.V. (2020), "Professional and social competence of civil servants" [9], Pashko, L.A. (2005), "Liudski resursy u sferi derzhavnoho upravlinnia: teoretyko-metodolohichni zasady otsiniuvannia" [10], Akimov, O.O. (2018), "The concept of the system genesis of the professional activities of public servants" [2; 11; 12; 13; 14], Oluiko, V.M. (2004), "State service as a mechanism of public administration in civil society" [15], Bashtannyk, A.H. and Bashtannyk, V.V. (2012), "Organizational bases of formation of integrated systems of public management in the context of the European integration process" [16; 17], Serohin, S.M. (2003), "Derzhavnyi sluzhbovets u vidnosynakh mizh vladoiu i suspilstvom" [19], Surai, I.H. (2012), "Formuvannia ta rozvytok elity v derzhavnomu upravlinni: istoriia, metodolohiia, praktyka" [20], Linenko, A.F. (1998), "Professional activity and readiness for it" [22], Dukhnevych, V.M. (2002), "Psychological well-being of a professional as a condition of his effective activity" [23], Fedoryshyn, B.O. (1996), "Psychological and pedagogical bases of professional orientation" [24] and other researchers.

In the works of the above scientists, some pedagogical means of forming professional communicativeness are described and theoretically justified.

Paying tribute to the work done in this direction, it should nevertheless be noted that the means, ways and methods of forming the professionally significant communicative competence of future civil servants are insufficiently developed, which determines the relevance of this study.

**Aims.** The purpose of the study: to develop, justify and experimentally investigate the effectiveness of the model for the formation of professional communicative competence of future civil servants in the process of teaching the discipline "Public Administration". *Object of study:* professional training of future civil servants at the university. *Subject of research:* the formation of professional communicative competence of future civil servants in the process of teaching the discipline "Public Administration".

**Methods.** To solve the tasks and verify the initial assumptions, a set of research methods was used, due to its subject, goals and objectives: theoretical – the study and analysis of pedagogical, psychological literature, literature on the basics of communication, public relations management, public relations, training programs for specialists, educational and methodical documentation; modeling, designing, system analysis and synthesis to reveal the essence of the problem under study and the formation of the conceptual and terminological apparatus; empirical – interview, observation, questionnaire, testing, stating and control experiments; mathematical – quantitative methods for evaluating the results of experimental studies; statistical processing of quantitative data.

**Results.** Since the civil service is an institution of public service and, due to its organization and corporate cohesion, is one of the factors for stabilizing and ensuring the spiritual and moral security of citizens, the civil servant's competence is manifested not only in the quality of his job performance, but also includes his personal characteristics, features of his social behavior.

High-quality training of specialists in the field of state and municipal administration is a problem that is relevant both for modern higher education and for society as a whole. The quality of the activities of the Ukrainian political elite of the next generations largely depends on how competent and prepared graduates – future civil servants will be.

Being a comprehensive legal and social institution, the civil service ensures the fulfillment by the civil servants of the constitutional functions of the state, the activities of public authorities, other public bodies, individual public institutions, as well as the powers of persons who fill public positions in Ukraine.

Today, the civil service is interpreted "in the narrow sense as the performance by employees of their duties only in state bodies, and in the broad sense – as the performance by them of duties in all state organizations."

According to the regulatory framework, the professionalism of a civil servant is understood as "the acquired quality of personality's abilities that meets or exceeds professional requirements", i.e. referring to "deep and comprehensive knowledge and possession of practical skills in the relevant field of public service".

The competence of a civil servant is understood as "indicators characterizing professional knowledge, awareness and ability of a civil servant to effectively implement them in his official activities".

The modern professional community of state and municipal employees needs specialists who have received an elite (in terms of quality) professional education combining fundamental training and practical orientation of knowledge and competencies; specialists with a high level of moral qualities, erudition and culture, including communication.

Undoubtedly, the activities of public authorities and the public administration system of Ukraine affect the development and condition of society and the country as a whole. The quality of a public servant's activity depends on his professional competence as an integral characteristic that determines the ability to effectively solve professional problems and tasks. The specifics of the professional competence



of an official in the sphere of state and municipal administration is determined by high complexity, social and professional significance. It is largely limited by the regulatory system of state and municipal services. Therefore, the issue of studying the professional competence of public civil servants, as well as its components, is so relevant and interesting [1; 18]

Competence in the field of public service is understood as indicators characterizing professional knowledge, awareness and ability of a public servant to effectively implement them in his official activities. [2]. Demonstrating professional competence, a public servant shows his professional suitability and compliance with public requirements and legal norms. A theoretical analysis of the literature made it possible to single out the following structure of professional competence of a civil servant: 1. Cognitive component. Civil servants need to possess such professional knowledge and technologies as knowledge of organizational and managerial activities and the public sphere; updated knowledge about the features and innovative trends of public policy; knowledge of innovative technologies, including computer; understand the main directions of development of science and technology; understand the systemic nature of professional problems being solved and analytically approach them, as well as have critical thinking. In general, professional knowledge in the public service is understood as an integral and systematic set of knowledge in the field of state and law, government, political science, economics, sociology, psychology on the implementation of the powers of public authorities [2]. The implementation of the tasks set for government officials requires a clear adherence to theoretical knowledge with the final result embodied in the solution of official tasks.

2. The personal component. It includes personality traits, and character traits that help to effectively carry out their work, for example: hard work; self-confidence – the ability to defend one's own opinion; purposefulness; working capacity; ability to set goals; a responsibility; moral principles, beliefs, values, ethical standards that a person follows [2]; good faith; loyalty; tolerance (taking into account various points of view); stress resistance; initiative; discipline; diligence; perseverance, enterprise; humanism; self-development, the desire for self-improvement, continuous learning.

3. The communicative component. The professionalism of a public service employee reflects such individual characteristics of the sphere of communication as: the ability to adequately navigate in various situations of communication and interaction with other people (social insight); sociability; ability to competently build oral and written speech; knowledge of ethics and norms of business communication, rules of business correspondence and electronic communications; ability to conduct public speeches and negotiations (presentations); ability to work effectively in a team; [3]. the ability to provide necessary assistance and support to colleagues, ensuring success in work; social responsibility for the results of their work; business cooperation based on respect for people [4].

4. The activity component includes professional abilities, skills, ways of performing activities. The professional activity of a civil servant implies a good orientation in various situations, the ability to choose the best solutions to problems.

Skills, on the other hand, save time on work and minimize mistakes and miscalculations.

A civil servant must work effectively both with individuals and with a team, be able to manage, initiate actions, set development directions and take responsibility; Be able to critically evaluate and strategically plan. In conditions of hard work of public servants, flexibility is important – the dynamism of switching from one type of activity to another. In this field of activity, such skills and competencies as determining priorities and components of tasks are also necessary; ability to delegate authority; to find new approaches and solutions to professional problems (innovation); result orientation; focus on quality (doing the work carefully, carefully, in accordance with the standard); adaptability, readiness for change; management and coordination (knowledge, resources, personnel, technologies), i.e. managerial competence [5].

Possession of managerial competence is especially necessary for public servants in leadership positions. It also includes the ability to plan professional activities and predict results (vision of development prospects); the ability to organize the process of setting and solving professional problems and create the necessary conditions for performers; the ability to provide and maintain feedback, control the results of work and the implementation of the task [4].

In addition, the above components of competence should be supplemented with the most important professional abilities of state and municipal employees, which are necessary for effective professional activity. [6]. These include: a) developed, morally oriented intellectual abilities; b) systematic self-development, education, advanced training; c) the ability to set strategic goals (analytical ability); d) activities to improve the functioning of the apparatus of the local government; e) the ability to effectively communicate with people, to persuade, to lead; e) prompt response to changing conditions and factors; g) control and management of their behavior in stressful situations, i.e. volitional, intellectual and emotional resistance to stressors; h) the ability of the organization to implement decisions (managerial abilities); s) continuous improvement of health and improvement of athletic form; c) high performance and competitiveness [7].

The resultant-targeted basis of the competency-based approach is competencies and competencies.

- 1) competence – the concept of systemic and multicomponent [2; 11; 12; 13; 14];
- 2) competence combines the intellectual and skill components of education, knowledge, skills, and experience that ensure the implementation of professional activities (i.e., a specialist becomes competent, receiving information, acquiring knowledge and practical experience);
- 3) in the formation of a competent person, the education sector plays a paramount role [8];
- 4) competence is formed in the activity [15];
- 5) the concept of competence is broader than the total idea of acquired knowledge, skills, as it not only includes them, but also involves their effective use to solve a certain range of problems [9; 10];

6) competence is always manifested subject to a value-based attitude to activities, personal interest, motivation [16; 17];

7) in the structure of competence there are always at least three components - theoretical, practical and personal [19].

In the light of the foregoing, competency is the level of ownership of a set of competencies, the degree of readiness for applying competencies in professional activities.

Competence is the ability to apply knowledge, skills, and personal qualities for successful activity in various problematic professional situations [20]. That is, competencies are some internal, potential, hidden psychological neoplasms (knowledge, perceptions, action programs, value systems and relationships), which are then revealed in the person's competencies as relevant, active manifestations.

Among universal competencies we rank the knowledge, understanding, abilities, skills and value orientations that are inherent in all graduates, regardless of the direction and profile of specialization [21]. To professional competencies, on the contrary, we include only those knowledge, understanding, abilities, skills and value orientations that are necessary for the implementation of professional activities in a specific field (we consider the field of state and municipal government). Based on this, universal competence is the level of ownership of the set of universal competencies, respectively, professional competence is the level of ownership of the set of professional competencies [22].

By professional competence of a civil servant, we mean, first of all, his educational level, special professional knowledge, abilities, general instrumental skills, as well as the ability of a civil servant to effectively implement them in his career, but at the same time we assume that all this reinforced by the personal and business qualities of a public servant, his general humanitarian culture, his ability to understand the world around him and, of course, communicative competence th.

Among the varieties of professional competence, practical (special), social, informational and communicative, psychological, etc. are distinguished. Communicative competence is considered as a system of internal resources necessary to build an effective communicative action in a certain circle of interaction situations; it is a combination of communicative abilities, communicative skills and communicative knowledge, adequate to communicative tasks and sufficient to solve them [23].

Areas of professional competence of a civil servant: 1. Professional activity, a) special competence – owning professional activity itself at a sufficiently high level, the ability to design one's further professional development; b) professional communication, social competence – possession of joint (group, corporate) professional activity, cooperation; c) communicative competence – possession of the methods of professional communication accepted in this profession; social responsibility for the results of their professional work. 2. Professional formation of the personality: a) personal competence – mastery of the methods of personal self-expression and self-development, means of resisting personality deformations; personality development within the profession; readiness for professional growth; b)

individual competence – mastery of the methods of self-realization and the ability to rationally organize one's work without overloading time and effort, to carry out work effortlessly, without fatigue and even with a refreshing effect; ability to individual self-preservation; non-commitment to professional development.

For a public servant whose activities are constantly intersecting with the activities of other people, communications allow organizing social activities and enriching them with new connections and relationships [24]. However, sometimes civil servants who are distinguished by a high level of professional knowledge, skills and abilities, possess the necessary erudition, but do not know the rules for interacting with other people, turn out to be completely helpless in the communication process, since “any communication is effective only when people interacting with each other with a friend, competent in this situation”.

Analyzing various points of view regarding the structure of the professional communicative competence of a civil servant, we distinguished the following components of the content of communicative competence: cognitive, personality-motivational and active. Thus, we define the professional communicative competence of a civil servant as based on communicative abilities, skills and knowledge, intellectually, personally and motivationally determined social and professional characteristics, allowing him to independently and responsibly carry out effective and adequate communicative actions in a certain range of situations of interaction in professional activities.

In our understanding, the formation and improvement of the level of professional communicative competence of a civil servant can be achieved only if cultural factors are taken into account. In our work, we adhere to the concept according to which the general culture is determined not only and not so much by a certain amount of basic knowledge necessary and sufficient for cultural self-determination of a person within a certain “middle” standard of a cultural person, how much by the person's intellectual potential to achieve this knowledge in optimal and effective ways.

It should be noted that the activities of the future civil servant in the space of modern communications are largely associated with the use of a huge number of texts (oral public speeches, informational articles, press releases, etc.), for which understanding requires not only knowledge of the language in which the text compiled, but also a certain amount of personal context. One of the conditions for the adequate understanding and interpretation of the text is, first of all, the corresponding level of personal cultural development.

Thus, the formation of professional communicative competence involves not only mastering the necessary set of knowledge, the formation of skills in the field of practical use of the language in the process of speech activity, but also the implementation of educational tasks for the formation of a socially active, professionally trained personality orientated in the modern world.

**Conclusions.** Thus, we can draw the following conclusions that the competence of a civil servant is manifested not only in the quality performance of his duties, but also includes his personal characteristics, especially his social



behavior, and the formation and increase of the level of professional communicative competence of a civil servant can only be achieved subject to the cultural factor. It should also be noted that the purposeful formation of professional communicative competence necessitates the use of technology of professionally-oriented training, according to which it is necessary to build training and apply methods in which the entire educational process would be associated with the future professional activity of the student, and also determines the form of training - communicative learning.

Professional communicative competence is becoming a necessary part of the general cultural competence, which involves increasing the general humanitarian culture of the person, the formation of her high creative, philosophical and behavioral qualities necessary for inclusion in a variety of activities in general and in the activities of public servants in particular.

Speaking about the professional competence of a civil servant, we mean, first of all, his educational level, special professional knowledge, abilities, general instrumental skills, but at the same time, we assume that all this is supported by the personal and business qualities of a civil servant, general humanitarian culture, the ability to understand the world around us and, of course, communicative competence.

In addition, professional competence affects the efficiency of public servants, determines the success and competitiveness of employees, which ultimately contributes to their professional development and personal growth. It is completely obvious that each person is individual in personal, business and professional aspects, but the larger the set of professionally important qualities a public servant will possess, the better professionally. Thus, a public servant needs to be diversified, competent in many fields of knowledge, his profession and life in general.

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

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

### References:

1. Lipovskaya, N.A. (2015), "System-generated service: theoretical approaches", [Online], available at: [http://dridu.dp.ua/konf/konf\\_dridu/dums\\_konf\\_2015/pdf/510.pdf](http://dridu.dp.ua/konf/konf_dridu/dums_konf_2015/pdf/510.pdf) (Accessed 19 Jan 2020).
2. Akimov, O.O. (2014), "Psychological aspects of corruption in public administration", *Derzhavne upravlinnia: teoriia ta praktyka*, [Online], vol. 1, pp. 181-188, available at: [http://nbuv.gov.ua/UJRN/Dutp\\_2014\\_1\\_23](http://nbuv.gov.ua/UJRN/Dutp_2014_1_23) (Accessed 19 Jan 2020).
3. Karpa, M.I. (2014), "Functional Approach to the Concept of Positions of the Civil Service", *Efficiency of State Management (text): Zb.nauk. LEADU NADU under the President of Ukraine*, Vol. 40, pp. 432-440.
4. Plusch, R.M. (2016), *Mistseve samovriaduvannia v umovakh detsentralizatsii vlady v Ukraini* [Local self-government in the conditions of decentralization of power in Ukraine], RIDNA MOVA, Kyiv, Ukraine.
5. Soroko, V. M. (2009), *Kadrova polityka i derzhavna sluzhba: konspekt lektsii* [Personnel policy and public service: lecture notes], NADU, Kyiv, Ukraine.
6. Obolenskyi, O. Yu. (2006), *Derzhavna sluzhba* [Public service], KNEU, Kyiv, Ukraine.
7. Kivalov, S. V. and Bila, S.V. (2002), *Orhanizatsiia derzhavnoi sluzhby v Ukraini* [Organization of the civil service in Ukraine], Yurydychna literatura, Odesa, Ukraine.
8. Shpektorenko, I.V. (2009), *Profesiina mobilnist derzhavnoho sluzhbovtisia* [Professional mobility of a civil servant], Monolyt, Dnipro, Ukraine.

9. Yarmystyi, M.V. (2020), "Professional and social competence of civil servants", available at: <http://cppk.cv.ua/122.php> (Accessed 19 Jan 2020).
10. Pashko, L.A. (2005), *Liudski resursy u sferi derzhavnoho upravlinnia: teoretyko-metodolohichni zasady otsiniuvannia* [Human resources in public administration: theoretical and methodological principles of evaluation], Vyd-vo NADU, Kyiv, Ukraine.
11. Akimov, O. (2018), "The concept of the system genesis of the professional activities of public servants", *Investytsiyyi: praktyka ta dosvid*, vol. 23, pp. 133–138.
12. Akimov, O. (2018), "Functional factors of the system genesis of the professional activities of civil servants", *Investytsiyyi: praktyka ta dosvid*, vol. 24, pp. 68–74.
13. Akimov, O. (2019), "The robustness of the system of professional activity of public employees: systemogenesial context", *Investytsiyyi: praktyka ta dosvid*, vol. 5, pp. 104–109.
14. Akimov, O., Karpa, M., Parkhomenko-Kutsevil, O., Kupriichuk, V., & Omarov, A. (2020). Entrepreneurship education of the formation of the e-commerce managers professional qualities. *Journal of Entrepreneurship Education*, 23 (S1).
15. Oluiko, V.M. (2004), "State service as a mechanism of public administration in civil society", *Upravlinnia suchasnym mistom*, vol. 7–9 (15), pp. 64–70.
16. Bashtannyk, A.H. and Bashtannyk, V.V. (2012), "Organizational bases of formation of integrated systems of public management in the context of the European integration process", *Naukovyi visnyk Akademii munitsypalnoho upravlinnia*, vol. 4, pp. 15–26.
17. Bashtannyk, V. (2010), *Transformatsiia derzhavnoho upravlinnia v konteksti yevropeiskykh intehratsiinykh protsesiv* [Transformation of Public Administration in the Context of European Integration Processes], DRIDU NADU, Dnipro, Ukraine.
18. Lypovska, N.A. (2011), "Interpretation of the concept of "public service": methodological controversy", *Derzh. upr. ta mist. Samovriaduvannia*, vol. 3 (10), available at: [http://archive.nbuv.gov.ua/portal/soc\\_gum/Dums/2011\\_3/11nasmp.pdf](http://archive.nbuv.gov.ua/portal/soc_gum/Dums/2011_3/11nasmp.pdf) (Accessed 19 Jan 2020).
19. Serohin, S.M. (2003), *Derzhavnyi sluzhbovets u vidnosynakh mizh vladoiu i suspilstvom* [Civil servant in relations between government and society], DRIDU NADU, Dnipro, Ukraine.
20. Surai, I.H. (2012), *Formuvannia ta rozvytok elity v derzhavnomu upravlinni: istoriia, metodolohiia, praktyka* [Design and development of the elite in public administration: history, methodology, practice], TsP "KOMPRYNТ", Kyiv, Ukraine.
21. Korneshchuk, V.V. and Yavorskyi, S. Kh. (2003), "The problem of readiness for professional activity in modern research", *Nauka i osvita*, vol. 1, pp. 21–24.
22. Linenko, A.F. (1998), "Professional activity and readiness for it", *Visnyk Odeskoho instytutu vnutrishnikh sprav*, vol.2, pp. 168–170.
23. Dukhnevych, V.M. (2002), "Psychological well-being of a professional as a condition of his effective activity", Ph.D. Thesis, Psychology, Kyiv, Ukraine.
24. Fedoryshyn, B.O. (1996), "Psychological and pedagogical bases of professional orientation", Ph.D. Thesis, Pedagogy, Kyiv, Ukraine.

***Received: January 28, 2020***

## NECESSITY OF TRANSFORMATION POLITICAL INTO THE ECONOMIC STATE

**Maja Anđelković<sup>1</sup>, Dragana Radosavljević<sup>2</sup>, Vladana Lilić<sup>3</sup>**

<sup>1</sup>PhD, full professor, Faculty of Informatin Technology and Engineering, Union – Nikola Tesla University, Belgrade, Serbia

<sup>2</sup>PhD, full professor, Faculty of Business Studies and Law, Union – Nikola Tesla University, Belgrade, Serbia

<sup>3</sup>MA, lecturer, Faculty of Business Studies and Law, Union – Nikola Tesla University, Belgrade, Serbia

**Abstract.** *From the emergence of the state as an institute to the present day, its goals and concepts of functioning have remained more or less the same and have been reduced to organizing authority and population for defense against other tribes, later nations, but also to hold in obedience their subjects, i.e. those who are gave their rulers the mandate to govern on their behalf a unity called the state.*

*States in modern conditions still function on the basis of the past, i.e., the past centuries. Instead of solving, the modern state produces problems and is unable to respond to new challenges and changes that occur both in the natural and social order. Evidence for this is obvious, ranging from environmental, political and social problems to migration, crises that are becoming more and more devastating, war conflicts, strikes and general discontent at national or global levels.*

*In this context, the state creates mechanisms to maintain the status quo and extend the powers of the elected. Democracy, human rights protection, numerous global or regional declarations have become the subject of interpretation, as well as their disrespect, and even abuse. The trend of widening the gap between the poor and the rich is increasing, war conflicts have been waged in certain countries for years, many have been devastated, filled with huge amounts of poison that destroys the resource of water, land and air. Instead of great politicians and leaders like Roosevelt, De Gaulle, Churchill, political leaders and party officials who are hard to leave power and who are struggling to stay in power and rule for a long time, are on the scene.*

*In a word, the modern state is unable to respond to a numerous challenges, because it has retained the same mechanisms and concepts of governance as i n the last century, and in many countries even from the time of the feudal age. Establishing force-based organizations, enacting laws, tax and parafiscal burdens to sustain party bureaucracy, feuds and enrichment on the one hand, and poverty and misery on the other, are visible in much of the world, indicating problems in the functioning of the state and government.*

*Indicated condition can be improved by transforming a traditional political state into an economic state, whose priority goal would be to ensure a satisfactory quality of life and sustainable development. Thus, the state would focus on the people i.e. population, rather than the ideological political platform of the party in power.*

*The paper indicates current issues of the functioning of the modern state and problems that are produced by the modern state.*

**Keywords:** *state, political state, economic state, state is the same as enterprise.*

**JEL Classification:** *H10, H19*

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

**Introduction.** The classics of Marxism, which are mostly forgotten, were written about the state as an institution and organization, but their sayings and teachings were marginalized to such an extent that in the knowledge society, the state retained all the prerogatives of a feudal and, in some elements, slave state.

The much-forgotten Marx, Engels, and Lenin were eliminated from the social sciences, leaving no knowledge of the brilliant analysis and argumentation of what a state really is, its place, importance, and role in organizing and managing a shared life and work.

The epilogue of the above is visible, namely, that the state has risen above society, that it has become a force unto itself, and that it is in the function of the ruling class, i.e. the party in power. It is not disputed, and on that pointed the classics of Marxism, that "the state is the product of the irreconcilability of class opposites, it arise there, then and when class opposites cannot objectively be reconciled. And vice versa: the existence of the state proves that class opposites are irreconcilable. (Lenin:1918, p.12)

Although the state is an organ of class rule, opponents of Marxism and defenders of the state say that it is an organ of reconciliation, or reconciliation of class, forgetting the realization of Marxism that "the state could neither emerge nor sustain itself if class reconciliation were possible." Thus, according to Marx, the state is "an organ of class rule, an organ of oppression of one class by another; it is the creation of an order that legitimizes and reinforces that oppression, alleviating class conflicts." In other words, the state is a class creation that cannot be "reconciled with its antipode, or the class opposite to it."

The state is also treated as an institution that should ensure the welfare of the nation by creating the political, legal, institutional, economic and other conditions for this to happen. Well-known theorist Norman Barry points out that "the state must not lead us to think that it is an entity with a will that is superior to the will of its citizens." It boils down that the purpose of its existence for the sake of pursuing the interests and satisfaction of citizens and its will should not distinguish it from the will of the citizens. (Barry: 2007, p. 88)

More than a hundred years have passed since the stated statements. Societies and states have experienced and are constantly experiencing changes in all spheres of social and economic life. Fundamental and radical social, political, economic, technological, cultural and other changes have taken place, but the basic pattern of behavior and functioning of the state has survived. The following can be derived from above: something is probably valuable if it lasts for more than a century. To this should be added another alpha plus, namely that the influence of the state as an institution on global level has expanded to such an extent that it is alienating itself from society and becoming a goal and purpose in itself, and that the rulers elected by the will of the people seek to longer retain power and achieve their personal goals and interests. Thus, the state and the government primarily work for the personal, and neglect the general national interests.

**Literature Review.** The study of the basic tendencies of modern political management of the state is presented in the following scientific works: Braun L. (1979) in "World without borders", Beri N. (2007) in "Introduction to modern political theory", Blanchard K. (2007) in "Management at the higher level",



Engels F. (1979) in "The Origin of the Family, Private Property and State", Lenin V. (1918) in "The State and the Revolution" and other authors.

**Aims.** The purpose of this study is to study the main trends of transformation of political governance into economic governance.

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

**Results.** The study of the basic trends of modern political management of the state helped to distinguish the following stages:

- the end of the political and necessity for the emergence of an economic state;
- the state is the same as a enterprise.

**The end of the political and necessity for the emergence of an economic state.** The state is necessary political institution for every society. Together with church organizations, it represents the first organized modalities of people's life and work, as it has been shown that living and working together is impossible without directing individuals toward common goals. Initially, it was important for the state as an institution to ensure the protection and survival of population, so that today its function is to ensure the quality of life of the population, which is expressed through economic freedoms, as condition for creation of political and other freedoms.

It is shown that the modern state in many elements is not in function of citizenship and achievement of political, i.e. economic goals of the population. It is becoming increasingly alienated and an institution that stands above the people as the sole sovereign, to abuse certain institutions and direct them against the people, to create and strengthen ministries of forces and coercion, which oppose the people in the case of dissatisfaction and reaction to an inefficient state and its institutions. It is paradoxical, but true, for the state to do so today, when human rights are highlighted and numerous declarations are made to promote the rule of law, or to protect the population from the state. Of course, at the global as well as at the national level, there are organizations that should protect the population from the state and limit its power, promote human rights and freedoms, and intercede and participate in their realization.

Controversy over the state has also been based on the practice of some European states in which no government was formed for many years, and the state functioned as it would under normal political conditions. The practice of some international companies has shown that by eliminating management from company systems productivity is significantly improved, absences and delays in employees are reduced, interpersonal relationships have also been improved, which is a symptom that management structures are a problem, especially if they "rise" above employees. Therefore, no organization, even the state, can survive if it is not successfully managed, but mismanagement can jeopardize the survival of any organization, regardless of its natural and social potential.

This indicates that the state has become alienated and increasingly is alienated and does not serve the purpose for which it has existed for centuries. The classics of Marxism saw a way out of this, in the revolution and in organizing the rebellion of the masses. The problem is that the change of government does not eliminate the oppression and subjugation of the people, because the concepts of leadership and governance do not change. The Brazilian revolutionary Paul Freire also points to this fact: “When the oppressed overthrow those who oppress them, the only model of leadership they have left is the model of leadership used by their oppressors. In this way, the oppressed become the oppressors. The consequences are devastating not only for the state, but for any organization” (Blanchard: 2007, p. XVIII).

The above points out that the transformation of the state from political to economic cannot be accomplished without changing governance and without introducing new concepts and styles of governance and leadership, as well as changing the consciousness of the people, because it is difficult or impossible to change the state without changing the population. This means that it is necessary to put the state in a different context, that is, transformation from the role of keeping the oppressed class in obedience, into an institution that will work to raise the quality of life and to serve the sustainable development of the world, or national communities. This is possible by understanding the state as any other organizational system, i.e. as a company from the real sector or family, by treating the prime minister as the host or CEO, and the parliament as a tribal, or family council, or shareholders assembly in corporate systems.

These findings can be questioned, using the arguments of simplification and identifying the organization and management of the state with business and corporate systems, and that the state is more extensive and complex, that it has a different role and different tasks. It can be particularly objected that the management of the state, religious and military organizations represented significant experience in the management of business organizations, and that it is illusory in modern conditions to go back to the inverse in which the state would assume the experience of managing corporate systems.

Nevertheless, precise analyzes show the usefulness of mentioned inversion, i.e. that states assume certain design and management modalities from transnational and multinational corporations and seek to ensure the functioning of the state on a corporate basis. It turns out that business organizations of an international character operate in markets that are turbulent and increasingly resemble war scenes. Survival in these markets is much more difficult nowadays due to increasing competition and rapid but uncertain changes. In such circumstances, learning how to manage and operate company organizations may be of use to the state to apply their experience of achieving primarily economic goals as a condition for achieving all other goals.

**The state is the same as a enterprise.** For a long time, even today, the state is considered to be an institution mainly and predominantly engaged in political and legal sciences. It is seen as a political institution exercising power,

but also a legitimate institution of rule and coercion. Marxism theorists have also written about the state and viewed it as a class creation. The states were created with the emergence of classes and will disappear when classes, opposites and conflicts vanish. Marx defines the state as "an organ of class rule, an organ of oppression of one class by another; it is the creation of an order that legitimizes and reinforces that oppression, alleviating class conflicts." Engels points out that the essence of the state is to mitigate conflicts, i.e. to keep conflicts between classes and opposites of economic interests, within the limits of order. As such, the state is placed above society, which is increasingly alienated from it." (Engels: 1979, p. 177)

The classics of Marxism have been largely forgotten, although they have given the best analysis of the functioning of the capitalist political system, which is still relevant today, but instead of classes it is about political options, ideologies and parties. In the broader context, conflicts between individual political options, i.e. parties in power and those not participating in governance, are in the economic interests. Those in power manage state potentials, and thereby derive some economic effects, and political options non-participating in power are exercising the consequences that follow.

The aforementioned raises the question of why the state is not concerned with the economic sciences as well, because it is difficult to talk about any institution unless it is about the economic dimension, as crucial in the performance of every activity, but also as the basic meaning in the existence of any state, religious, humanitarian or business organization and institution. In other words, modern economic science is not sufficiently concerned with the state as an institution, which has led the state to function at the present time, in the way it functioned in a feudal society, i.e. in the agrarian or industrial era.

The epilogue is clear, and this is a state today unable to meet the challenges that are emerging at the global, or national, and corporate levels. Numerous conflicts and wars, devastation of individual states, interstate tensions, wave of migration, economic crises confirm this unequivocally. How obvious it is that the role of the state as a political institution is marginalized, it can be seen that there are states that did not have their own governments or governors for a long period of time, and that the economy and society as a whole were functioning well.

It turns out that the states have not adapted their business and functioning to modern conditions and that they often produce problems themselves, instead of preventing them, and when they emerge to solve them as soon as possible and with quality.

The undisputed fact is that the modern state should be rather an economic, then a political institution, and it should be primarily concerned with economic science, since its primary task should be to improve the standard of living, that is, the quality of life of the population, to ensure a longer life span of population and provide conditions for reproduction and maintenance of the population. All

other tasks, or goals, are derived from these or rely on them, which is often neglected.

In order for this to happen, it is necessary to understand the state as an enterprise with clearly defined goals, which has its potentials (material, human, information, financial and others) with which it has to realize the set goals, but with the least economic sacrifices. In other words, the state, like any other business organization, has its institutional foundations, legal framework, resources and other as prerequisites for the survival, growth and development of the country. It, as well as the company, has its own inputs, transformation processes with the general attitude that with the smallest possible inputs, maximize the outputs and effects. If the state is not guided by the stated economic principles and logic, i.e. if the effects are not satisfactory and the state is showing a negative financial result (which means that it is spending inadequately) - as such, state should be monitored, and ultimately it should experience the fate of any other enterprise.

**Discussion.** However, so far, it has not happened that the state went bankrupt and its structures experienced the fate of corporate employees. It is shown that the decisions of individual multinationals can go beyond national significance, i.e. "the decisions of a multinational corporation may affect the well-being of people in a particular country more than the decisions of their government" (Brown: 1979, p. 286).

Citizens, that is, the population within a state, should be understood as shareholders engaged in particular businesses, investing labor, energy and allocating funds for the maintenance of state administration, as well as maintaining public institutions and meeting common needs. Citizens, such as shareholders in a company, should choose the organizations or parties that will best achieve their interests and goals, but who will also change and sanction them if they do not achieve their interests and expectations. Like an enterprise, citizens need to set the concept of the state, that is, to calculate how much it costs, what services it provides and what is the quality of its services, so that the input parameters for creating the state budget could be planned.

**Conclusion.** The analysis has shown and proved that there is room for thinking about the state and its institutes and the way they function in a different way from what has been written in textbooks and other literature from the past, but also when it comes to contemporary political theory. The world has undergone radical changes over the last few decades, with political systems remaining at the level of the industrial and, in some countries, the agrarian age. The general characteristic of modern civilization is that it is in the society of knowledge, robotics and artificial intelligence, and that political life has been going on the same way as centuries ago.

This disproportion has a negative impact on the general social and economic development of countries, especially those in transition. The state does not produce. It spends and directs its main activities on tax collection or by organizing a public economy on the way that is used as its own and kept as

someone else's. Treating the state as a political institution, that is, neglecting economic principles and business economics, leads to politics becoming the largest and most profitable business, which again amounts to the economic dimension. It turns out that it is nowhere near easier, faster, or more profitable to make a fortune than in politics, especially when it comes to countries in transition, resulting in the struggle for power becoming similar to the pursuit of classic fighting, that is, fighting for life or death.

The paper partly points to the necessity of transformation of classical state based on classical political theory into an economic state whose basic or one of the basic goals and tasks is to provide citizens with a longer lifespan, a better quality of life and work and reproduction of a species, i.e. nation. This puts at the forefront the economic dimension of organizing and managing the state, as a condition of the existence of all other functions, which is best achieved through the observation of the state as an enterprise that creates new values. This is a realistic analogy, because many modern corporations are economically stronger than some mid-developed countries, have the knowledge and experience in managing large asset values and they achieve significant success in turbulent market conditions.

Some of the findings, suggestions and ideas that the authors argue in this paper are likely to depart from existing political thought and practice, but it should be borne in mind that all ideas were initially disputed and, over time, with modification gained in importance. The paper raises more questions than answers, which means that it leaves enough room for criticism, disputation, or upgrade, which contributes not only to the advancement of practice, but also to the theoretical framing of this issue.

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

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

#### **References:**

1. Braun, L., (1979). *Svijet bez granica*, Globus, Zagreb.
2. Beri, N., (2007). *Uvod u modernu političku teoriju*, *Službeni glasnik*, Beograd.
3. Blanchard, K., (2007). *Rukovođenje na višoj razini*, Mate, Zagreb.
4. Engels, F., (1979). *Poreklo porodice, privatne svojine i države*, BIGZ, Beograd.
5. Lenjin, V., (1918). *Država i revolucija*, BIGZ, Beograd.

**Received: December 06, 2019**

## PUBLIC ADMINISTRATION: ROBUSTNESS AND THE SYSTEMIC GENESIS ASPECT

**Oleksandr Akimov<sup>1</sup>**

<sup>1</sup>Ph.D. (Public Administration), Assistant Professor, Interregional Academy of Personnel Management, Kiev, Ukraine, e-mail: 1970aaa@ukr.net; ORCID: <https://orcid.org/0000-0002-9557-2276>

**Abstract.** *The article reveals the concept of robustness of the system of professional activity of civil servants as one of its properties. The essence of the robustness of the system of professional activity of civil servants in the conditions of system genesis is determined.*

*To clarify the specifics, nature and development of the system of professional activity of civil servants, its properties were analyzed, additional possibilities of functioning were revealed, and weak points were identified for developing ways and means of effective development. The essence of the phenomenon of robustness to the system of professional activity of civil servants in the context of forming the concept of system genesis of professional activity of civil servants is revealed. An important sign of the robustness of the system genesis of the professional activities of civil servants is the property of the system to produce what it needs. This explains the concept of systemogenesis of complex systems, to which we also refer the system of professional activity of public servants. That is, a system that can act both independently and controlled from the outside can have the ability, under certain conditions, to function independently and create corresponding products. In addition, signs of the robustness of the psychological system of activity of civil servants as one of the components of the system of professional activity of civil servants were revealed.*

*It is concluded that the concept of robustness in the context of the analysis of the professional activities of civil servants is applied to the system of professional activities of civil servants. It is defined in a broad sense that the robustness of the system of professional activity of civil servants is a property of the system to maintain effectiveness and stability margin when changing the parameters of its functioning. In particular, structural and non-structural uncertainties are identified that determine the change in the quantity and quality of system elements. System genesis is a process of self-organization in the narrow sense, therefore, robust system genesis is the ability of the processes of self-organization of the system to preserve this property, its effectiveness if the self-organization of its individual elements or subsystems fails. That is, if the action of self-organization of one of the components of the system of professional activity of public servants fails, the system retains the ability to self-organize and maintain its effectiveness.*

**Keywords:** *professional competence, civil service, civil servant, professionalization of civil servants, development of civil service, professional activity, professional activities of civil servants, systemogenesis, robustness.*

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

**Formulas:** 0; **fig.:** 0; **tabl.:** 0; **bibl.:** 16.

**Introduction.** Since the subject of the concept of systemogenesis is the system of professional activity of public servants, the interaction in it will occur between its elements, namely: processes, conditions, prerequisites for their occurrence, mechanisms, methods, resources and ways to ensure the professional activities of public servants; as well as between the structural elements themselves (subsystems, the individual constituent elements). To clarify the specifics, essence and development of the system of professional activity of public servants, it is advisable to analyze its properties, to reveal

additional features of functioning, to identify weaknesses in order to develop methods and ways of effective development. In addition, a separate study of the phenomenon of robustness as one of the characteristics of a direct relationship to the object of our study has not been sufficiently studied. The research problems of this property are aimed at identifying the influence of such factors as: legal; functional; organizational; institutional; competency; motivational and others.

**Literature Review.** The work of many scientific researchers is devoted to the development of the professional activities of public servants and its various aspects, in particular Strokovich G. (2010). "Quality of functioning of the enterprise: internal and external aspects" [1], Alliluyko A. And Eremenko V. (2017) "Robust stability and quality functional evaluation of linear discrete systems with matrix uncertainties" [2], Lazorenko V. and Kharchenko V. (2017) "Robust method of determining the optimal level of training on the dispatcher simulator" [3], Yermolieva T., Ermolev Yu., Havlik P., Monier A., Lecler D., Kraxner F., Khabarov N. and Obersteiner M. (2015) "Systematic Analysis of Robust Strategic Solutions for the Planning of Secure Food, Energy, and Water Supply Based on the Stochastic GLOBIOM Model [4], Alekseenko T., Anishchenko V. and Ball. G. (2011). "White Paper of National Education of Ukraine" [14], Protasova N. (2000). "Theoretical foundations of training civil servants in the system of training and advanced training" [15] and others.

The concept of robustness was disclosed both in the system as a whole and in the use of specific robust methods for studying scientific problems in the fields of management, economics, and in a number of technical and mathematical approaches. In particular, in economics, the concept of robust design is used in the context of the design of ensuring the stability of products to external factors. Thus, an approach has been applied by which the quality and reliability of the products are correlated. This approach was proposed by James Mack Lynn as part of a list of aspects of product development in the context of quality-reliability. V. Strokovich considered robustness in enterprise quality management systems, including the relationship between the categories of quality, reliability and efficiency [1]. New methods for analyzing robust stability and optimizing discrete feedback control systems have also been developed, and a robust stabilization problem has been proposed and a quadratic quality criterion for linear discrete systems with matrix uncertainties is estimated. [2]. In addition, a robust method was used to determine the optimal level of training on a flight control simulator in aviation [3]. The development of adequate approaches to the system analysis of geospatial robust solutions for long-term coordinated management of interconnected land use systems is presented. A new stochastic Global Biosphere Management Model is considered, which allows us to analyze the safe supply of food, energy, water, taking into account the interdependence of countries and the possibility of global diversification of systemic risks [4].

**Aims.** The purpose of this work is to reveal the essence of the phenomenon of robustness to the system of professional activity of civil servants in the

context of the formation of the concept of system genesis of the professional activity of civil servants. The object of this study is the professional activities of public servants. The subject of scientific research is the robustness of the system of professional activity of public servants.

To do this, the following tasks: a) to reveal the essence of robustness to the systemogenesis of the professional activities of public servants; b) to identify signs of robustness of the system of professional activity of civil servants and indicate the possibility of applying this property in the development of the concept of system genesis of the professional activity of civil servants.

**Methods.** A complex of general scientific and special research methods was used in the work, which made it possible to provide a comprehensive study of the problem and obtain reliable conclusions and results. The main research methods are complex, because from the standpoint of studying the systemogenetic approach of both scientific research, use both the methodology of scientific research and the methodology of practical activity. In the context of using the methodology of scientific research, a system of methods for scientific research of a systemogenetic approach in the theory of public administration has been formed, and in the context of using the methodology of practical activity, a system of methods for organizing and carrying out practical activities for the determination, consolidation and practical implementation of public administration has been formed.

**Results.** Since the subject of the concept of systemogenesis is the system of public administration, the interaction in it will occur between its elements, namely: processes, conditions, prerequisites for their occurrence, mechanisms, methods, resources and ways to ensure public administration; as well as between the structural elements themselves (subsystems, the individual constituent elements).

To clarify the specifics, essence and development of public administration, it is advisable to analyze its properties, to reveal additional features of functioning, to identify weaknesses for the development of methods and ways of effective development. The phenomenon of robustness as one of the characteristics in direct relation to the object of our study to date, has not been discovered and investigated. The research problems of this property are aimed at identifying the impact on the system of public administration of such factors as: legal factors; functional factors; organizational factors; institutional factors; competency factors; motivational factors and others.

The study for the first time reveals the essence of the effects of the phenomenon of robustness on public administration in the context of the formation of systemogenesis as a paradigm of public administration. A common problem in this context is the development of a scientific, methodological and organizational and legal framework with a view to the effective functioning of the system of public administration. Unresolved parts of this problem are the study of the characteristics of the system of public administration and determining the directions of the effective functioning of the system. In



particular, the scientific development of the concept of robustness is required as one of the characteristics of the system of public administration.

The concept of robustness was disclosed both in general to systems and in the use of specific robust methods in the study of scientific problems in the fields of management, economics, and in a number of technical and mathematical approaches. So in economics, the concept of robust design is used in the context of design ensuring the stability of products to external factors. Thus, an approach is applied that correlates the quality and reliability of the products. This approach was proposed by James Mack Lynn as part of a list of aspects of product development in relation to the scientific approach of “quality-to-reality”. Stokovich V. considered robustness in enterprise quality management systems, including the relationships of categorization, reliability and efficiency [1]. In addition, science has developed new methods for analyzing robust stability and optimizing discrete feedback control systems and proposing a solution to the robust stabilization problem and estimating the quadratic quality criterion for linear discrete systems with matrix uncertainties [2]. A robust method was used to determine the optimal level of training on a flight control simulator in aviation [3]. Scientists have presented the development of adequate approaches to the system analysis of geospatial robust solutions for long-term coordinated management of interconnected land use systems. A new stochastic Global Biosphere Management Model is also considered, which allows us to analyze the safe supply of food, energy, water, taking into account the interdependence of countries and the possibility of global diversification of systemic risks [4].

Robustness is usually understood as the ability of a system to maintain partial operability and / or efficiency when changing its individual elements or subsystems. Robustness as a characteristic is applied not only to system elements, but also to processes, techniques, and technologies. So, Schipanov V.V. defines robustness as a state in which the characteristics of technologies and processes are not sensitive to the effects of destabilizing factors [5]. In pharmacy, robustness has found its application in the development of analytical techniques. In particular, it is indicated that robustness is the ability of an analytical technique not to be exposed to small changes (specified) by the analyst under the conditions of the technique. In particular, researchers study the time stability of analytical solutions, extraction times, and the like. So it should be noted that the following effects on the results are usually identified: the difference in the experience of analysts; environmental conditions (temperature, humidity) reagents (various suppliers) [6].

The application of the concept of systemogenesis determines that the activity of a system, its components to achieve a goal, an action using certain means is nothing but the interaction of the functions of the system and its elements. The system of public administration is a complex system with inherent features for such systems, namely: a) the openness of the system; b) the ability to self-organize; c) hierichism and polystructuralism at the sub-levels of

organization to the systemogenesis of object-systems; d) reproducibility of the system under the conditions of the launch of hierarchical systemogenesis.

To consider the issue of the volume of the system of public administration and the formation of the concept of systemogenesis, it becomes necessary to distinguish subsystems of public administration. The main of them, which we study as composite systems in our study: a) the legal system of public administration; b) the functional competence system of public administration; c) the institutional system of public administration; d) the psychological system of public administration.

Thus, the processes of systemogenesis are developing both in each individual subsystem-object, and as a whole in the system of public administration. Since robustness concerns the structural elements of the system of public administration, it seems appropriate to consider the following types of changes in the system: structural and non-structural. Non-structural changes in the system of public administration are characterized by issues of volume, content and quality of filling of the constituent elements of the system.

For example, the quality of the constituent elements (assessment of the professional activities of civil servants, the level of competence of civil servants, the amount of functional load on the job, etc.) through non-structural changes are most manifested in the functional competence, psychological and motivational aspects. Structural changes in the system of public administration usually occur in institutional and competence aspects. It should be noted that in general, government management activity is formed from the perspective of the functioning of institutional forms of both a state institution, position, and from the perspective of functional, organizational and competence aspects, therefore, scientists suggest considering them comprehensively [7].

So, in a broad sense, we believe that the robustness of the system of public administration is a property of the system to maintain effectiveness and a margin of stability when changing the parameters of its functioning.

Let us try to identify signs of robustness using the psychological system of civil servants as one of the components of public administration. The psychological component in public administration is formed from various components and is constantly in its development under the influence of external and internal factors of influence. We single out its main components such as: motivational, orientational, cognitive-operational.

At the same time, given the specifics of the functioning of the public administration system as a whole - its hierarchical nature, legally defined standards, procedures and requirements for the work of its elements - public servants, it is necessary to critically analyze developments in other areas of activity.

So, the motivational component in the interpretation of A. Glushko covers attitudes, interests and aspirations that closely correspond with pedagogical activity. It is based on a professional and pedagogical orientation, which is considered as a person's personal desire to apply his knowledge in the chosen

managerial sphere. It expresses a positive attitude towards the profession, inclination, interest and desire to improve professionally. Also, the pedagogical orientation determines the stability, depth and breadth of professional interests and pedagogical ideals. In turn, the level of formation of professional interest affects the nature of self-improvement and the work of a future specialist on himself in the context of realizing his own professional and personal potential [8].

The orientation component includes value-professional guidelines based on professional ethics, professional and pedagogical ideals, attitudes, principles, beliefs and willingness to act in accordance with them. In the interpretation of A. Glushko, the main element of the orientational component determines the value orientations of the personality, the professional and pedagogical horizons and the level of its depth. Its basic elements include generalized professional knowledge, attitudes, beliefs, principles and willingness to act in practical situations in accordance with the indicated positions. Professional-pedagogical convictions are especially distinguished as an important substantive aspect of psychological readiness for professional activity [9].

This is due to the fact that they provide a sequence of professional actions, commitment of pedagogical work and communication. The content of readiness for professional pedagogical activity also includes professional education. At the same time, attention is focused on the fact that not only the latter determines the success of a specialist. An important role is given to professional ethics based on moral standards, assessment and self-esteem, control and self-control, respect for the norms and requirements of public life, as well as the ability to instill universal human standards in colleagues and students [10].

The cognitive-operational aspect of psychological readiness includes: attention, presentation, perception, memory, pedagogical thinking and abilities, knowledge, actions, operations and activities. These phenomena are considered as mandatory components and the key to successful professional activity. The specificity of the specialist's attention is emphasized and revealed, which consists in his ability to switch, distribute, move around objects, while remaining stable, concentrated and focused on actions.

Important among others are determined by such elements of the cognitive-operational component of readiness as pedagogical thinking, which manifests itself in the ability to identify pedagogical situations, phenomena, facts, recognize, model them, and predict possible consequences; pedagogical abilities, covering pedagogical observation, pedagogical foresight and presentation. The next important element is professional skills related to knowledge of the body language, the correct use of verbal and non-verbal means [11].

It is also noted that the purposeful formation of professional attention, memory and representation is an important factor in increasing psychological readiness for work in "man-man" systems. Therefore, in terms of methodology, A. Glushko sets the task of organizing the training of future teachers in such a

way as to best show the connection of educational material with the future profession. With the focus of knowledge and special skills on future professional activities, they become effective tools. In addition, the unity of theoretical and practical preparation and formation is ensured. the necessary level of professional readiness for activity.

Thus, the study of the manifestations of robustness on the formation and development of systemogenesis as a paradigm of public administration is advisable to distinguish into two blocks: a) the robustness of public administration; b) the robustness of self-organization of the system of public administration (system genesis aspect). The first version of the component of self-organization is professional competence. Considering the learning process in accordance with professional self-organization, we can talk about the inherent in each individual's own individual way of mastering knowledge, the method of appropriation of skills and the way of reproducing skills perceived in the learning process.

This is a self-organizing, individually directed amateur activity of the individual. Thus, in the process of postgraduate education, the manager masters and improves professional competencies, acquires a communicative culture and the like. However, the individual himself confronts the world as an independent individual world of "I", so self-organization acts as a condition, process and the result of his personal development [12].

The system of vocational training of civil servants is part of the system of professional activity of civil servants, as a whole component of the functional competence of the entire system of public administration.

The need for training, retraining and advanced training of a civil servant arises when "they need help to implement certain changes in work within the schedule and in accordance with the necessary standards of central and local executive authorities, local authorities" [13].

Indeed, before each level of the state-administrative hierarchy certain tasks are posed, on the basis of which the requirements for the professional and personal qualities of a public servant are formed. Therefore, the realization of the need for training, retraining and advanced training is associated with increasing the efficiency and competence of state managers by developing the ability to identify a problem, develop and make compromise decisions, reach a common agreement, and hold consultations and negotiations.

The specifics of the development process in the advanced training format is determined by the need to formulate programs and courses on the range of problems that a public servant should be able to solve; for certain periods allotted for obtaining knowledge and practical development of relevant skills. In addition to the above, psychological support of the development of the personality of a civil servant in the system of vocational education is important.

It manifests itself in a change in social reality due to the emergence of new social roles, new activities and group norms, as well as through the emergence of a large number of vague social situations, as a result of which a person often

does not have specific requirements for the goals and results of his activities [14].

The effectiveness of the development process largely depends on its direction. At the same time, a change in the educational paradigm should be taken into account: from informative to developing [15].

An important sign of the robustness of the systemogenesis of public administration is the ability of the system to produce what it needs. This explains the concept of systemogenesis of complex systems, to which we include the public administration system as a whole[16]. That is, a system that can act both independently and externally is controlled, under certain conditions, is able to function independently and create appropriate products.

**Conclusions..** Based on the foregoing, we can draw the following conclusions: this is how we disclosed the concept of robustness in the context of the analysis of state management activities and applied it for the first time to government management activities as a system formation. It is defined in the broad sense that the robustness of the system of state management activity is the property of the system to maintain effectiveness and the stability margin when changing the parameters of its functioning. In particular, structural and non-structural uncertainties are defined that determine the change in the quantity and quality of system elements. So systemogenesis is a process of self-organization in the narrow sense, therefore the robustness of systemogenesis is the ability of processes of self-organization of a system to maintain this property, effectiveness in case of failure of self-organization of its individual elements or subsystems. That is, in case of failure of the self-organization of one of the components of the system of public administration, the system retain the ability to self-organize and maintain efficiency.

The disclosure of robustness as one of the characteristics of the system of public administration has led to the conclusion that it is possible to apply this concept to the process of systemogenesis of public administration. In this paper, it is delimited and pointed to the differences between two characteristics of robustness: a) robustness of the system of public administration; b) robust systemogenesis of public administration.

It is proved that the robustness of the system of public administration indicates the property of the system of public administration with the loss / change / uncertainty of one of the elements of the system to continue to function. That is, the absence, change or uncertainty of one of the processes, prerequisites for their occurrence, mechanisms, methods, resources or ways to ensure public administration does not stop the functioning of the entire system of public administration and the public administration system as a whole. Manifestations of robustness primarily affect the system in the conditions of the appearance of a large number of uncertain social and political situations, reform of management systems, socio-political and professional reality. It has been revealed that in the context of a systematic analysis of the systemogenesis of state management activity, the basis of its self-organization may be such

features: organization spontaneous generation, the emergence from a certain set of integral objects of the outlined level of a new holistic system with its own specific laws; processes through which the system maintains a certain level of organization when changing external and internal conditions of its functioning; type of processes associated with the improvement and self-development of such systems that are able to accumulate and use past experience.

### References:

1. Strokovich, G.V.(2010). *Quality of functioning of the enterprise: internal and external aspects*. Kharkiv: NUA [in Ukrainian].
2. Alliluyko, A.M., Eremenko, V. O. (2017). Robust stability and quality functional evaluation of linear discrete systems with matrix uncertainties. *TNTU*, 1, 126-137 [in Ukrainian].
3. Lazorenko, V., Kharchenko, V. Robust method of determining the optimal level of training on the dispatcher simulator. Retrieved from: <http://jrn1.nau.edu.ua/index.php/visnik/article/view/12287> [in Ukrainian].
4. Yermolieva, T.Yu., Ermolev, Yu.M., Havlik, P., Monier, A., Lecler, D., Kraxner, F., Khabarov, N., & Obersteiner, M. (2015). Systematic Analysis of Robust Strategic Solutions for the Planning of Secure Food, Energy, and Water Supply Based on the Stochastic GLOBIOM Model. *Kybernetika y systemnii analiz*, 1, 144-154. Retrieved from: <http://dspace.nbuv.gov.ua/handle/123456789/124766> [in Russian].
5. Shchipanov, V.V, Chernova, Y.K, Krylova, S.A. (2005). *Mathematical modeling of educational processes*. Toliatty: THU [in Russian].
6. Grizodub, A.I., Leont'ev, D.A., Dotsenko, T.N., Denysenko, N.V. (2003). Criteria for linear dependence parameters in the validation of analytical methods for HFCs. *Aktualni pytannia farmatsevtichnoi ta medychnoi nauky i praktyky*, 10, 30-32 [in Russian].
7. Carp, M.I. (2017). Status of Civil Servant: Functional, Organizational and Competent Aspects. *Derzhavne budivnytstvo DRIDU NADU*. Retrieved from: <http://www.kbuapa.kharkov.ua/e-book/db/2017-1/doc/3/03.pdf> [in Ukrainian].
8. Glushko, O.O. Development of students' psychological readiness for professional activity. Retrieved from: [http://www.psyh.kiev.ua/Development\\_of\\_students\\_psychological\\_prepared\\_to\\_professional\\_activities](http://www.psyh.kiev.ua/Development_of_students_psychological_prepared_to_professional_activities) [in Ukrainian].
9. Akimov, O.O. (2016). Professional competencies of civil servants as a factor of modernization of higher education. *Publichne uriaduvannia*, № 1, 189-199 [in Ukrainian].
10. Akimov, O.O. (2019). *Conceptual bases of systemogenesis of professional activity of civil servants in Ukraine*. Kyiv: Tsentr uchbovoi literatury [in Ukrainian].
11. Akimov, O.O. (2020). Trends in the development of public service activity as a basis for the paradigm of the systemogenesis of state administrative activity. *Investytsii: praktyka ta dosvid*, 3, 135-142. DOI: 10.32702/2306-6814.2020.3.135. [in Ukrainian].
12. Novachenko, T.V., Yasko, N.V. (2013). *Self-organization of civil servant activity: national and European experience*. Kyiv: NADU [in Ukrainian].
13. Monday, V.G., Khmelevskaya, O.M., Molchanova, Yu.O. (2005). *Theoretical-methodological substantiation and methodology of studying the need for training of state-administrative personnel on the issues of European and Euro-Atlantic integration of Ukraine*. Kyiv: NADU [in Ukrainian].
14. Alekseenko, T.F., Anishchenko, V.M., Ball, G.O. (2011). *White Paper of National Education of Ukraine*. Kyiv: Kyivsk. un-t im. Borysa Hrinchenka [in Ukrainian].
15. Protasova, N.G.(2000). *Theoretical foundations of training civil servants in the system of training and advanced training*. Kyiv: NADU [in Ukrainian].
16. Akimov, O., Karpa, M., Parkhomenko-Kutsevil, O., Kupriichuk, V., & Omarov, A. (2020). Entrepreneurship education of the formation of the e-commerce managers professional qualities. *Journal of Entrepreneurship Education*, 23(S1).

Received: January 14, 2020

## DEVELOPMENT OF A CONCEPTUAL APPROACH TO PROVIDING ECONOMIC SECURITY OF BANKING INSTITUTIONS AT THE STATE LEVEL

**Yana Koval<sup>1</sup>**

<sup>1</sup>PhD (Public administration), associate professor, "KROK" University, Kyiv, Ukraine, e-mail: koval\_y.s@ukr.net, ORCID: <https://orcid.org/0000-0001-6578-2996>

**Abstract.** *Over the twenty years of Ukraine's independence, the category of "bank" has evolved from a purely institutional economic category into a socio-political category, and in the face of the financial crisis, a litmus test to determine the stability of Ukraine's socio-political and economic independence. Recall that the main essence of the bank, its basis is the organization of the monetary process and the imitation of banknotes. Unfortunately, in times of political instability, the banking system has evolved from a financial transformation tool to a tool of social influence and social conflict. A strong financial system can only be provided that it relies on self-sufficient, scientifically capacious, competitive own production. According to the criteria of American economic science, we have the collapse of the monetary system, because, first, people's savings are not transformed into investments and, secondly, our banking system does not credit our own production. Therefore, in order to create a market economic system in Ukraine, it is necessary to solve the problem of creating a banking system that reflects the interests of Ukraine and not the interests of the countries of elitism - in conquering the Ukrainian market and its financial enslavement, which is much more important and more complex than the solution, for example total privatization. Reforms in Ukraine emphasize that the formation of new approaches to socio-economic transformation should be based both on the results of scientific analysis of their own trajectory of development and on generalizing global trends, including understanding the nature of the current global crisis. The world is entering a new era, characterized by a significant increase in the unpredictability and uncertainty of development, when different crises will constantly arise and disappear in different local areas of the world economy, periodically joining chains and forming a global crisis. In these global fluctuations, only social development that relies on a competitive economy can be sustainable; developed domestic market; a national manufacturing facility that fully exploits the potential of transnational capital and guarantees the country's economic security; a balanced social structure and an effective political system.*

**Keywords:** *economic security, banking institutions, government mechanism, concept, innovation system.*

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

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

**Introduction.** In legal science, state regulation is the implementation by the state of complex measures (organizational, legal, economic, etc.) in the field of social, economic, political spiritual and other processes in order to streamline them, to establish general rules and norms of social behavior, as well as to prevent negative phenomena in society. The essence of state regulation of the banking sector of Ukraine is manifested through the exercise of functions entrusted to it by the society and the state of the financial sector of the state. Given the important place of the banking system in the economy of the country, the high level of dependence of economic and global security on its status, the organization of state regulation, functioning and development of the banking system of Ukraine is of paramount importance. The adequacy of the state

regulation system to fulfill the functions of coordination in the activity of financial and credit institutions will depend on the development of the Ukrainian economy and the further economic growth of the financial and credit sector of the economy.

**Literature review.** Analysis of the publications of such authors as Bolgar T.M., Vashchenko N.V., Hrytsenko R., Donetsk L.I., Dmitrov S.O., Duhov V.E., Zubok M.I., Zachosova N. V., Medvid T.A., Mihus I. P., Poberezhny S.M., Plastun O.L., Sumets L.M., Tumar M.B., Khudoliy L.M. showed that despite the large number of works by Ukrainian and foreign scientists, the only approach to providing economic security of state-owned banking institutions.

**Aims.** The aims of the study is to develop a conceptual approach to ensuring the economic security of banking institutions at the state level.

**Methods.** The following research methods were used to solve this goal: observation and generalization for the development of the Bank's Security Concept; streamlining all key elements of the bank's security concept; a method of scientific generalization that made it possible to formulate conclusions.

**Results.** In the course of the study, the Bank Security Concept was proposed, which is described in detail and consists of the following elements: general provisions, the purpose and objectives of the bank's security system, principles of organization and functioning of the bank's security system, objects of protection, the main types of risks, threats and security risks of the bank's activities, the legal basis for the organization and operation of the bank's security system, technical security of the bank, managing the bank's security system, proposals for the development of a program for creating a bank security system, principles and directions of the Bank's interaction with law enforcement agencies in the field of security.

This concept allows the bank's manager to determine the basics of the security organization of the credit institution taking into account local conditions and its capabilities for the costs and resources of its provision.

**Discussion.** In the context of the global financial and economic crisis, the economic security of domestic banks largely depends on the efficiency of their security system. The architecture of a bank's security system must include all internal and external security entities and provide comprehensive protection against all real and potential hazards, threats and risks. To build an effective security system, it is necessary to first of all develop the Bank's Security Concept. This document, based on the analysis of the bank's activities, should specify the goals, objectives and principles of building a reliable protection of the bank against internal and external threats, outline the main directions of creating such a system, give recommendations on the use of innovative technologies, methods and techniques to ensure the security of the bank.

*1. General provisions.* The concept of bank security is a scientifically grounded system of views on the definition of the main directions, conditions



and order of practical solution of the tasks of protection of banking from illegal actions and unfair competition.

Bank security means the state of protection of interests of owners, management and clients of the bank, material values and information resources from internal and external threats [1].

Security is an integral part of the business of the bank (credit institution). A state of security is the ability and ability of a credit institution to safely resist any attempt by criminal structures or dishonest competitors to harm the legitimate interests of the bank.

Security objects are:

- staff (management, responsible executors, employees);
- financial resources, tangible assets, the latest technologies;
- information resources (information with restricted access, a component of a trade secret, other confidential information provided in the form of documents and files regardless of the form and type of their presentation).

The subjects of legal relations in solving the security problem are:

- the state (Ukraine), as the owner of the resources created, obtained, and accumulated funds from the state budgets, as well as information resources classified as state secrets;
- the Central Bank of Ukraine, which implements monetary and credit policy of the country;
- commercial bank as a legal entity that owns financial, as well as information resources, which are official, commercial and banking secrecy;
- other legal and natural persons, including partners and clients in financial relations, involved in the process of functioning of the bank both domestically and in external financial relations (public authorities, executive bodies, organizations attracted to provide services in security areas, maintenance staff, customers, etc.);
- bank security services and private security and detective structures.

The concept defines the goals and objectives of the security system, the principles of its organization, operation and legal basis, types of security threats and resources to be protected, as well as the main directions of security system development, including legal, organizational and engineering protection.

*2. The purpose and objectives of the bank's security system.* The main purpose of the security system is to ensure the stable functioning of the bank and prevent threats to its security, protect the legitimate interests of the credit institution against unlawful encroachments, protect the life and health of staff, prevent theft of financial and logistical means, destruction of property and values, disclosure, loss, leakage, distortion and destruction of official information, impaired operation of technical means, maintenance of production activities, including means of informatization [2].

Other goals of the concept are:

- formation of a holistic system of bank security and interaction of various elements of this system, determination of ways of implementation of measures that provide the necessary level of reliable security of objects;

- enhancing the image of the bank and increasing profits by providing high quality services and guarantees the security of property rights and interests of clients.

The tasks of the security system are:

- forecasting and timely detection and elimination of security threats to the staff and resources of the bank; causes and conditions that contribute to financial, material and moral damage, disruption of its normal functioning and development;

- classification of information in the category of restricted access (state, official, banking and trade secrets, other confidential information subject to protection against unauthorized use), and other resources - to different levels of vulnerability (danger) and objects of preservation;

- creation of a mechanism and conditions for prompt response to security threats and manifestation of negative tendencies in the functioning of the bank;

- effective elimination of threats to personnel and encroachments on resources through legal, organizational and engineering measures and security measures;

- creation of conditions for the maximum possible compensation and localization of the damage caused to the unlawful actions of individuals and legal entities, mitigating the negative impact of security breaches on the achievement of the strategic goals of the bank.

### *3. Principles of organization and functioning of the bank's security system.*

The organization and operation of a security system must comply with the following principles [3]:

#### *1. Complexity:*

- ensuring the safety of personnel, material and financial resources against possible threats by all available legal means, methods and measures;

- ensuring the security of information resources throughout their life cycle, at all technological stages of their processing (transformation) and use, in all modes of operation;

- the ability of the system to develop and improve in accordance with changes in the conditions of operation of the bank.

Complexity is achieved:

- ensuring proper regime and protection of the CB;

- organization of special paperwork focusing on the protection of business secrets and bank secrecy;

- recruitment and placement measures;

- widespread use of security and information security;

- detailed information-analytical and detective activities.

Complexity is realized by a set of legal, organizational and engineering measures.

2. Timeliness is a state of the security system when security measures prevent the implementation of threats.

Timeliness involves setting complex security tasks in the early stages of developing a security system based on the analysis and forecasting of the financial situation, bank security threats, and the development of effective measures to prevent encroachment on legitimate interests.

3. Continuity - Considers that threats and risks are a constant feature of the bank's activities, so the security system must constantly take appropriate measures to counter them.

4. Activity. It is necessary to protect the interests of the bank with a sufficient degree of persistence, widely using maneuver by forces and means of ensuring security and non-standard measures of protection.

5. Legality. It envisages the development of a security system based on the Ukrainian legislation in the field of banking, informatization and protection of information, its security activities and other normative acts on security, approved by public authorities within their competence, using all permitted methods of detection and termination of offenses [4].

6. Justification. The capabilities and remedies used must be implemented at the modern level of development of science and technology, justified from the point of view of a given level of safety and meet the established requirements and standards.

7. The economic feasibility and comparability of the potential loss and cost of security (the criterion "efficiency - cost"). In all cases, the value of the security system must be less than the potential loss from any type of risk.

8. Specialization. It is envisaged to involve in the development and implementation of measures and remedies of specialized organizations, most prepared for a specific type of security activities, with practical experience and a state license for the right to provide services in this field. The operation of technical equipment and the implementation of security measures should be carried out by professionally trained specialists of the Bank's security service, its functional and servicing units.

9. Interaction and coordination. Means the implementation of security measures on the basis of a clear interconnection of relevant units and services, third-party specialized organizations in this field, coordination of their efforts to achieve the set goals, as well as cooperation with interested associations and interaction with public authorities and law enforcement agencies.

10. Improvement. It envisages improvement of measures and remedies based on own experience, emergence of new technical means taking into account changes in methods and means of intelligence and industrial espionage, regulatory and technical requirements, achieved domestic and foreign experience [5].

11. Centralization of management. It assumes the independent functioning of the security system according to the single legal, organizational, functional

and methodological principles and centralized management of the security system activity.

4. *Objects of protection.* Objects subject to protection against potential threats and unlawful interference include:

- Bank staff (executives, production staff with direct access to finance, currency, valuables, repositories, knowledge of banking and trade secrets, foreign trade workers, and others;
- financial resources, currency, valuables;
- information resources with limited access, constituting official and trade secrets, as well as other confidential information on paper, magnetic, optical basis, information arrays and databases, software, informative physical fields of various nature;
- information systems and systems, technical means of information transmission, means of reproduction and display of information, auxiliary technical means and systems);
- material means (houses, constructions, storages, technical equipment, transport and other means);
- technical means and systems of protection and protection of material and information resources.

5. *The main types of dangers, threats and security risks of the bank.* The monitoring, analysis and forecasting of dangerous phenomena in the external and internal environment of the bank indicate that the main real and potential threats to the security of the bank are:

- unstable political, socio-economic situation and aggravation of the criminal situation;
- non-compliance with legal acts, legal nihilism, lack of a number of laws on vital issues;
- reducing the moral, psychological and industrial responsibility of citizens.

At the stage of conceptual consideration of the issue of bank security, it is possible to consider the overall composition of potential threats. Specific listings related to the specifics of the bank and conditions require some detail and are specific to the stage of development of a specific security system project [6].

6. *Legal bases of organization and activity of bank security system.* The legal bases of bank security are determined by the Constitution of Ukraine, laws and other normative acts.

The existing legal conditions for ensuring bank security generally allow state and non-state security entities to successfully counter illegal attacks on banking security in various aspects.

The security of a particular bank is also achieved by the formation of a system of internal regulations, instructions, regulations, rules, regulations and functional responsibilities of employees of the line units and services, including the security service.

7. *Technical security of the bank.* Safety assurance should be based on:

- on the standardization and unification system;

- on the system of activity licensing;
- on systems of certification of means of protection;
- on the system of certification of information objects;
- on the system of certification of protected objects by informatization.

The main components of securing the resources of commercial banks are:

- system of physical protection (security) of material objects and financial resources;
- Information resources security system.

8. *Management of the bank security system.* Legislation and other regulations in force provide for the bank's right to develop its own Security Concept and to implement this concept by creating a security system based on the appropriate security service. Based on the presented in the concept of tasks, principles of organization and functioning of the security system, the main threats to the security of the bank, it is advisable to distinguish the following main areas of activity of the bank to ensure its security:

- information-analytical studies and security estimates, including economic estimates;
- staff safety;
- security and physical protection of financial assets and objects;
- security of information resources.

The main tasks of the area of information-analytical research and safety estimates are:

- obtaining and analyzing information on world and national markets and forecasting their development;
- organization of works on revealing of confidential information, substantiation of the level of its confidentiality and documentation in the form of lists of information to be protected;
- gathering economic and scientific and technical information to ensure the effectiveness of business relations with foreign and domestic partners, identify among them incompetent, unreliable entrepreneurs, as well as persons associated with criminal structures;
- taking into account the official claims of law enforcement and supervisory authorities to possible partners in the financial market, firms, banks, etc. ;
- study, analysis and evaluation of the criminal situation, including the state of economic crime in the monetary sphere by country and in the region;
- identification and forecasting of vulnerabilities in monetary activity, real and potential threats to the security of the CB, development and implementation of a set of operational and long-term measures for their prevention and neutralization;
- analysis and forecasting of negative tendencies of socio-economic development of the bank in terms of impact on its security;
- providing information to the bank's management in the field of security;
- Coordinate the activities of security units and ensure interaction with all structural units of commercial banks to address security issues.

The main concern for the safety of personnel is the protection of the individual against any unlawful interference with his life, material values and personal information [7].

The main tasks of the direction of safety and physical protection of products and objects are:

- establishment of the regime of protection of production objects and objects of vital activity;
- admission and admission regimes;
- providing secure storage of valuables and documents (information carriers), equipping them with modern engineering and technical means of protection;
- organization of physical protection of products in the process of its in-house transportation;
- control over product safety at all stages of the technological process;
- organization of personal security of a certain category of senior staff and leading specialists from the so-called high-risk group;
- ensuring the interaction of all structures involved in providing physical protection.

The main tasks of the direction of information resources security are:

- organization and implementation of the permitting system for the admission of contractors to work with documents and information of restricted access;
- organization of storage and circulation of confidential documents (media);
- private correspondence and encrypted communication;
- organization and coordination of work on information security, processed and transmitted by means and systems of computers and communication;
- security in the course of confidential meetings, negotiations;
- control over the security of confidential documents (storage media), ensuring the protection of information processed and transmitted by means and systems of computers and communications.

The main tasks in working with the bank staff are:

- Recruitment: create a pool of potential candidates in all positions. Recruitment is usually done from internal (relocation and promotion of its employees) and external sources. The main requirement in this case should be an objective assessment not only of the employee for the employee, but also the job offered to him.

- Selection of candidates. The main groups of qualities for comparison of candidates include: professional, educational, organizational and personal. The main requirement in the selection process is to carefully study the business, moral and ethical data of each candidate through a thorough study of the candidate's working past. In the process of analyzing information about the candidate, the services of law enforcement agencies provided by them in accordance with the current legislation of Ukraine should be used.

- The conclusion of the contract and the voluntary consent of the employee to comply with the requirements governing the security regime and the preservation of commercial and banking secrets.

- Training candidates prior to admission to employment involves the appointment, training of the established rule of execution of the task, ensuring security and protection of information.

- Current monitoring (monitoring) of the employee's activity to increase his / her vigilance regarding bank security threats.

- Timely identification and elimination of conflict situations in work with personnel.

Given the territorial dispersion and the different nature of the activities of the structural units of the bank, the need to have a large part of their security services, as well as the availability of national regulations governing the protection of objects, products and transportation of products, it seems impossible at this time to organize a single service security of the bank with centralized administrative subordination [8].

In these circumstances it is advisable to create a territorially distributed security service with centralized organizational and methodological support, centralized management and coordination of activities according to uniform principles and rules.

The security service must submit directly to the head of the bank. It is advisable to allow the head of the security service to be in the rank of deputy head of the bank, which would administratively manage the service of analytical and security assessments, security units and physical protection of values and other objects of the bank, ensuring the security of information resources, and it also coordinated the actions of all the Bank's structural units to prevent hazards, threats and risks to the Bank's operations.

Issues of technical security in the areas of activity of the security service should be solved together with the management and units responsible for the direction of scientific and technological development.

During the development and implementation of the security system and the organization of its security service, a certain part of the security service personnel may be engaged to perform specific works (consultations) on a contractual basis (on a contractual basis) from among an appropriate profile of highly qualified specialists.

*9. Proposals for the development of a program for creating a bank security system.* In general, the following documents should be developed in order to create and maintain the Bank's integrated security system, taking into account the provisions of this concept:

- Charter (provision) of the security service.
- A list of trade secret information.

Organizational and administrative documents regulating the procedure and rules:

- Secrecy of trade secrets;

- the mode and protection of security objects, including requirements for bandwidth and intra-object mode;
- accounting and control of finances, ensuring their safety in the process of operations, storage and transportation;
- ensure the protection of information processed and transmitted by automated systems and communications.

For implementation of technical policy in the field of providing physical and information protection it is necessary to develop and implement a set of measures:

- to equip the most important facilities and facilities with the means and systems of physical protection and control;
- providing technical, software and cryptographic protection of information in information and communication systems;
- to ensure the protection of linguistic information in premises designated for confidential negotiations.

The program of creation of the security system should stipulate the priorities of realization of the most important and urgent directions of ensuring of security, taking into account the allocated financial resources, as well as involve involvement in its execution of specialized organizations having practical experience in dealing with the problem and licenses for the respective type of activity [9].

*10. Principles and directions of the bank's interaction with law enforcement agencies in the field of security.* Whatever the self-organization of the security of the bank, it will not ensure the prevention of criminal encroachment without the interaction of the credit institution with the relevant law enforcement agencies and, above all, the police.

The legal basis for such interaction is: constitutional principles of equality of protection of all forms of property; the laws of Ukraine on the police, on the operative-search activity, on the prosecutor's office and other legal acts; Agreements between the Ministry of Internal Affairs of Ukraine and banks on cooperation in the field of banking security [10].

The goals of the cooperation are: prevention and disclosure of criminal attacks on personnel, funds and values. Priority areas for cooperation between the bank and the territorial interior should be:

- 1) Information exchange:
  - facts (ways) of theft of funds in commercial banks using counterfeit bank documents, credit cards, forgery of other documents;
  - individuals working in commercial banks, depositors and other clients suspected of committing offenses;
  - legal entities that are customers of the bank, the banking operations they do have a suspicious nature, in general, about banking transactions that raise reasonable doubts about the expediency of their conduct.

- 2) Development of joint activities:



- counteracting the alleged (real) facts of generally punishable manifestations in the banking system, the threat of murder, or grievous bodily harm, the destruction of property of commercial banks, their managers, employees and their families;
- on technical security and equipment by means of signaling of objects of the bank;
- the creation of a so-called "hot line" between the banking and territorial police (police);
- participation in the formation of a centralized, regional data bank on enterprises of different ownership forms, dishonest participants in credit and monetary relations.

3) Recruitment, placement and professional training of bank security services:

- Carrying out joint screening of bank security applications using the information capabilities of law enforcement agencies, criminal records, etc.;
- joint development and introduction of rules on the liability of commercial bank staff for unlawful use or disclosure of commercial (banking) secrets ";
- use of police assistance in training and refresher training of the bank's security services.

Thus, this concept allows the bank's manager to determine the basics of the security organization of the credit institution taking into account local conditions and its capabilities for the costs and resources of its provision.

**Conclusion.** Public authorities and banks and citizens should be interested in: maintaining a stable legal system, protecting the rights declared by law; its financial security; ensuring the stability of the currency, other macroeconomic conditions that dictate the shape of their own individual reproduction. Such legal environment consists of: the main structural components of the economic and financial system: monetary unit, banking architecture, currency regime, tax system, financial system, commodity markets, capital, labor, derivatives, market infrastructure, customs system, etc.; regulatory framework that regulates: financial, banking, security, currency, foreign economic, budgetary, credit, economic, etc. processes in the country; systems of capable state institutions that ensure compliance with the provisions of this regulatory framework and systems of institutions that ensure the functioning of markets that serve flows of capital, goods, money and information; systems of civil institutions, which are the foundations of a market-based economic system: respect for the law, respect for property rights, business ethics, etc.

The conducted research has shown that the factors of the bank are seriously influenced by the factors of the internal environment: the level of training and reliability of the personnel, the general organization of activity, the intensity of the introduction of modern banking technologies, protection of trade secrets and more. The stated aim of ensuring the economic security of banks is achievable only in its systematic implementation.

**References:**

1. Zarytska, I. (2009), "Background and features of the current global banking crisis", *Visnyk NBU*, № 6, pp. 21-29.
2. Koval, Ya. (2019), "Bankivski innovatsii yak neobkhdnist efektyvnoho funktsionuvannia derzhavnoho mekhanizmu", *ΛOHOΣ. Mystemstvo naukovoï dumky*, №6, pp. 15-20. DOI: 10.36074/2617-7064.06.00.003.
3. Zachosova, N. V. (2019), "Modeling of the mechanism of managing the financial and economic security of professional financial market participants, taking into account the state influence on this process", *Naukovi zapysky Natsionalnoho universytetu «Ostrozka akademiia». Seriiia «Ekonomika»*, vol. 12 (40), pp. 101-105.
4. Koval, Ya. Mihus, I. Haman, P. and Andriyenko, M. (2019), "The state of economic security of Ukrainian banking institutions and the effect of economic reforms on formation of anti-crisis measures", *Financial credit activity: problems of theory and practice*, №2 (29), pp. 32-43.
5. Suhoniako, O. (2006), "National Banking System and Foreign Capital Expansion: Finding Measure", *Visnyk NBU*, pp. 27-32.
6. Koval, Ya. (2018), "Stress-testing of complex risks in the banking system, as an instrument of state anti-crisis management", *Public management*, №2. pp. 124-135. DOI : <https://doi.org/10.31618/vadnd.v1i12.87>.
7. Prymostka, L. O. Lysenok, O. V. and Chub, O. O. (2008), *Bankivski ryzyky: teoriia ta praktyka upravlinnia* [Banking risks: management theory and practice], KNEU, Kyiv, Ukraine, 456 p.
8. Bukyn, S. (2003), "Bank security", *Bankovskye tekhnolohyy*, № 9. URL : [www.bizcom.ru/security/2003-09/01.html](http://www.bizcom.ru/security/2003-09/01.html).
9. Hrytsenko, R. (2003), "Economic security of the banking system of Ukraine", *Visnyk Natsionalnoho banku Ukrainy*, № 4, pp. 27-28.
10. Baranovskyi, O. I. (2004), *Finansova bezpeka v Ukraini* [Financial security in Ukraine], Kyiv National University of Trade and Economics, Kyiv, Ukraine, 759 p.

***Received: January 20, 2020***

## REGULARITIES OF REFORMING PUBLIC ADMINISTRATION MECHANISMS OF THE HEALTH CARE SYSTEM IN UKRAINE IN THE CONTEXT OF THE EUROPEAN DIMENSION

**Maxsym Dolgich<sup>1</sup>**

<sup>1</sup>postgraduate student, Department of Public Management and Administration, Interregional Academy of personnel management, Kyiv, Ukraine, max.dolgih1@gmail.com, ORCID <https://orcid.org/0000-0001-7333-4595>

**Abstract.** *The article presents systematic approaches to the regularities of reforming the public administration mechanisms of the health care system in Ukraine, taking into account the international aspect. It is substantiated that the principles that are important for the formation of the national system of public administration mechanisms of the health care system in Ukraine are the following: a well-established process of interaction between the state, the private sector and the citizens themselves; balanced distribution of health care responsibilities between state and local governments; organizing a health care system based on high competition and consumer orientation; availability of medical services, convenience in obtaining them through efficient use of available resources; creation and development of the health insurance system.*

**Keywords:** *health care system, health care system reformation, health care system personnel, public administration of the health care system.*

**JEL Classification:** H10, I10, I18

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

**Introduction.** Today, as obvious as ever, there is a need for medical reform that is not only "ripe" but also, to some extent, "overripe." The realization of human rights in quality health services should determine the direction of public policy in Ukraine to reform the current health care system and to create an effective national model for managing its public administration mechanisms. This task will be facilitated by an analysis of the experience of organizing the health care industry in European countries whose health care systems have been recognized as successful.

The governments of many countries in the European region within the World Health Organization are constantly reviewing their health care systems, assessing the appropriateness of their approaches to financing the organization processes and delivery of health care services. In the meantime, in our opinion, the modernization of the health care system, in its content, should be carried out both in regulatory, economic and organizational directions. After all, the effectiveness of measures to transform the health care system is evaluated not only in terms of short-term savings from the state budget for the development of the medical industry, but also in terms of the ability, in the long term, to improve the health of the entire population. These regulatory indicators are equally important for the health care system reformation in Ukraine and in foreign countries.

**Literature review.** Political scientists, lawyers, economists, financiers, specialists in public administration analyze problems of reforming and developing the health care system, among them: solving problems of reforming

the health care system, mechanisms of public administration reforming the medical sphere are M. Bilynska, O. Vashev, Y. Zima, D. Karamyshev, O. Pavlenko, O. Prokopchuk, I. Rozhkov, V. Rudy, Y. Radysh and others.

**Aims.** The purpose of this article is to determine the regularities of the reform of the mechanisms of public management of the health care system in Ukraine in the context of the European Union.

**Methods.** The system method, induction and deduction method, generalization method and comparative analysis are used in the article.

**Results.** The processes of transformational change in national health care systems in European countries are, for the most part, related to the organizational, regulatory and economic aspects of health care. The reassessment of existing public administration mechanisms of the health care system should primarily address the issues of financing, economic regulation, and regulatory support for treatment and quality control of health care services provided. All this is done to improve the effectiveness and efficiency of the fight for health care, while respecting the ethical imperatives of medical development in general. Different countries do this differently, taking into account their demographic, socio-economic, national, medical, organizational, territorial and other developmental characteristics.

**Discussion.** Studying the main aspects of the European dimension of reforming the public administration mechanisms of the health care system allows us not only to analyze individual modern models of medical systems, but also to substantiate their effectiveness and topicality of implementation in the Ukrainian national health care system [1, p. 91].

Analyzed world experience has shown that in recent decades, one can observe the active development of public-private partnerships, reflecting the processes of expanding and building a new form of state-business relations in order to provide a competitive environment for social and economic progress. World experience has shown that the most common forms of involvement of private entities in partnerships in health care include [16]:

- contracts provided by the state to private companies for the purpose of performing works and services, as well as supplying products for the fulfillment of state needs, etc. The most common contractual form of public-private partnership used in large-scale projects in international practice is the concession agreement;

- system of lease relations, which arises when the state leases its property to private entities: buildings, production equipment, etc., and rent is paid for the use of state property by private companies;

- creation of public-private companies. Private sector involvement in the realization of a state-owned enterprise's capital may include the corporatization and formation of joint ventures. The degree of freedom of the private sector, however, in making administrative and economic decisions is determined by the size of its share in the authorized capital. The smaller the share of private

investment compared to public investment, the less the private sector has the capacity to make decisions that the government will not interfere with.

Against this background, it should be noted that the absolute reproduction of models borrowed from world experience regarding the ways of implementing the “design” of public-private partnerships in the field of health care of Ukraine may not produce the expected result. In addition, the development of the health care system is fraught with high social and significant commercial and political risks. The rapid, unbalanced implementation of a public-private partnership project in this area in Ukraine today can lead to economic losses for the government and the private sector, as well as to an increase in social losses for the population as a whole [16, p. 147].

Therefore, in our opinion, it is necessary to develop and implement instruments of institutional, regulatory and methodological support for the potential implementation of public-private partnership projects in the field of health care in our country.

Let us consider in more detail the experience of which European countries can be used by the Government of Ukraine in reforming the existing public administration mechanisms of the health care system.

The health care system of the United States of America is of value to both employers and citizens, making it difficult to provide health care to the entire population. But, at the same time, this system is a world leader in many positions: quality of medical services, qualification of medical personnel, treatment of specific diseases, basic researches in the field of medicine, use of the latest technologies and more. The United States of America has established a health care system based on highly competitive and consumer-oriented approaches that promotes high levels of health care delivery and enhances the professionalism of physicians. This, in turn, can be used to create an effective health care system in Ukraine [9].

It should also be noted that the experience of the United States of America can be applied in Ukraine to improve legislation on:

- financing programs for providing medical assistance to low-income individuals;
- expanding the health care network in the regions;
- development of an optimal mechanism for stimulating the work of health workers;
- covering the costs of implementation of state programs created for the prevention of diseases, etc.

The aforementioned changes can be one of the stages of gradual implementation of the mixed model of financing of the health care system in Ukraine and further coverage of health insurance of the whole working-age population.

Also, national disease prevention programs should be optimized in Ukraine, which will include optimization of general hygiene education, compulsory medical examinations, and monitoring of certain types of diseases,

vaccination consequences, and the like. This should reduce the incidence rate of the population and health care costs without compromising the quality of health care overall. An example of the positive implementation of disease prevention programs is Japan, which has become one of the few countries with a high life expectancy (86 years for women and 79 years for men) [6].

In Ukraine, as in the UK, the state creates the conditions for effective and affordable health care for all citizens. Medical care is provided free of charge in state and municipal health care facilities; the existing network of such institutions cannot be reduced. The state promotes the development of health care facilities of all forms of ownership [2]. In addition, the Law of Ukraine "On State Financial Guarantees for Medical Care of the Population" [4] provides for citizens to obtain the necessary medical services and medicines at the expense of the State Budget of Ukraine aimed at the implementation of the program of medical guarantees from medical professionals. However, according to Part 3 of Art. 4 of this Law, medical services and medicines not included in the program of medical guarantees are not payable at the expense of the State Budget of Ukraine provided for the implementation of the program of medical guarantees.

According to Art. 10 of the Law of Ukraine "On State Financial Guarantees of Public Health Care [4], uniform rates for payment of medical services, medicines and medical products provided to patients under the program of medical guarantees are set for the whole territory of Ukraine. Payment at a uniform rate is guaranteed to all health care providers in accordance with health care agreements [6].

However, this law establishes partial payment for medical services. Therefore, in addition to these tariffs, you should set maximum prices for medical services provided by private health care facilities. Such tariffs, for example, in Japan are regulated at the state level, so patients do not feel the difference when accessing a public or private health care facility [6].

Crucial in the experience of European countries, in particular in the UK, are the public administration mechanisms to protect human rights, especially vulnerable sections of the population: minors, disabled people, retirees and others. On this basis, it is advisable to develop and implement state medical programs to support retirees in order to increase life expectancy in Ukraine, as well as to support the activity of the Ukrainian population in the "third age" [6].

Health care reformation in Ukraine is practically impossible without prioritizing public administration of its system. Based on the experience of the British health care system, as well as, taking into account the experience and mistakes of other developed countries, the following priorities can be distinguished: introduction of a mechanism of payment for medical services on the principle of "money goes after the patient", availability of medicines and raising public awareness of government actions aimed at reforming public administration mechanisms of the health care system in Ukraine in the context of the European dimension.

The state, for its part, should change approaches to financing the health care system: not to focus, first of all, on the allocation of funds for the payment of the “walls” of health care facilities and public utilities, but on the provision of medical services that patients need. Usually, these are primary and emergency medical care. This should be the “engine” of change at the secondary and tertiary levels of health care delivery [7].

The strategy for “human-centered health care” is being implemented in the European region. The complex nature of care is provided through the existing wide range of treatment, rehabilitation and prevention services directly by primary care physicians or specially organized in other institutions. The essence of this strategy is ultimately reduced to such directions as [5, p. 82]:

- formation of the market of medical services and transfer to it of the basic regulatory functions with gradual departure of the state from administration processes of activity of health care facilities;

- strengthening of the regulatory functions of the state in the conditions of development of market public administration mechanisms of the health care system, which is especially important for limiting the negative influence of the market on the availability of medical care;

- formation of integrated structures that contribute to the economic growth of the medical industry and the like.

The strategy of “human-centered health care” is mainly realized in countries implementing market-oriented reforms of the social sphere as a whole, as is the case in modern Ukraine. In the context of such reforms, it is extremely important to strengthen the regulatory role of the state as the main guarantor of the accessibility and safety of medical care. Quality assurance remains a key challenge for health care providers and an indicator of their competitiveness.

The role of governing bodies in ensuring the quality of the health care system is to provide the conditions for the formation and rational use of appropriate resource potential (logistical, human, etc.), as well as to stimulate innovative models of quality management. The need to strengthen government regulation in the health care field has served as the basis for the implementation of the following specific strategies, including the formation of “regulated competition” between health care facilities, as well as between health care insurers.

For our country, the problem of integration of facilities with insurance organizations is not urgent due to the limited development of the insurance business and the actual absence of competition in the health care market [5, p. 82].

During 2012-2019, total health care expenditures in Ukraine accounted for 7.7% of GDP per year (approximately 4.1% of the state budget and about 3.6% of the private sector, mainly household and its expenditures components), which is, in fact, not very different from global and European trends in the financing of the medical industry. In the European region, overall health care spending is

8.9% and overall - 8.6% worldwide. However, due to low GDP, this per capita cost is only around \$ 200, well below the European Union average of \$ 3,340.

In order to address this issue, Ukraine is introducing a modern model of solidarity health insurance, taking into account the best current practices and experience of transforming health care systems in the world, especially in the countries of Central and Eastern Europe. The main source of financing for the renewed health care system is the State Budget of Ukraine, mainly from national taxes. However, payments for the treatment of an individual are not related to the amount of the individual contribution amount of the person [10].

It should be noted that in recent years, there has been a gradual transition of the Ukrainian health care system to the insurance model of its formation. However, the number of diseases is increasing, the level and quality of medical services are not significantly improving, the financial status of medical personnel leaves much to be desired, which requires the health insurance system reformation in Ukraine, as well as the study of foreign experience on its implementation in our country [14].

We agree with V. Stetsenko's opinion that among the positive aspects of the organization of the compulsory health insurance system in Germany, which should be used in Ukraine in reforming the public administration mechanisms of the health care system are the following [13, p. 63]:

- payment for medical services provided by physicians is made on the basis of a point system of assessing the level of services provided by them, which eliminates the possibility of abuse by medical professionals;
- ability of a person whose income exceeds a fixed amount to leave the compulsory insurance system and move to the private insurance sector;
- employee's ability to provide health insurance to non-working family members;
- possibility of free choice of insurance company, physician, health care facility, etc.

The high level of development of compulsory social health insurance, with the exception of Germany, is typical for countries such as France, the Czech Republic, the Netherlands and some other countries where the share of the costs of this type of insurance, in the total amount of health care costs, is approximately 90%. Unlike Germany, the insurer in France is the National Insurance Organization, so compulsory health insurance takes a centralized form. All major French health insurance programs are implemented in practice by the National Health Insurance Fund and relevant local structures.

Thus, summarizing the interim results of the study of the European experience in reforming public administration mechanisms of the health care system, it should be noted that in all countries different forms and types of health insurance are applied, both voluntary and compulsory, and only such economically developed countries, like the UK, Sweden, Canada, can afford to have a public health care financing system, the organization of which is covered



in more detail in the previous paragraph, but even in these economically advanced countries, there are health insurance systems. [11]

In Ukraine, the insurance market is not as developed as in other European countries, because in the last few years our country's economy is in a very fragile and uncertain state. That is why Ukrainians try to raise more money instead of making long-term deposits, even if it concerns their health.

But despite this, the insurance medicine market in Ukraine exists and tries to actively develop even in such difficult conditions. The most common is the so-called insurance of a person, which the client concludes personally with the insurance company. Sometimes health insurance is part of the social package of large companies, but it has a relatively small market share.

After all, even in our country, health insurance is a great benefit for clients of insurance companies. When an insured event occurs, it allows a person not to worry about the cost of medication and the examination they need. In addition, the client knows exactly the amount that he can expect to pay for certain health care services. If a health care facility violates health care standards, the insurance company may refuse to pay them in full or in part.

In our opinion, there are two major disadvantages of health insurance. First, if in a year (or some other time specified in the insurance policy) the insured event does not happen to you or you do not need medical help, then no one will refund the money.

Secondly, you need to clearly understand what insurance payments will be made according to the terms of your policy. If you become ill with something that is not specified in your insurance contract, the company will not compensate for the payment for medical services.. For example, often health insurance does not include a package of dental services provision, or they are very limited [18].

Therefore, based on the above review, we can only conclude that there is no alternative to health insurance. Health insurance is the only way out of the health care system of Ukraine from deep economic and social crises [11].

World experience shows that the best option for the practical implementation of the principles of medico-economic feasibility of functioning of the health care system is the Institute of Family Physician - General Practitioner. Its task is to formulate the most optimal way of examining and treating its patients and thus to manage the entire scope and process of care assistance. The benefits of the Institute of Family Physician are also that it enables the existing health care fund to clearly differentiate the functions and financial flows of primary care, secondary outpatient care and hospital care, ie to achieve the managed care effect. In addition, this new concept involves the use of modern information and management technologies [3].

As for Ukraine, it is known that family medicine has existed for over 15 years, however, it has not been fully realized due to a number of factors such as [17, p. 6]:

- inconsistency of state policy with European standards of development;

- imperfection of the legislative base, non-systematic approach to its organization;
- insufficient training of medical personnel;
- uncertainty about the amount of medical care and the level of development of the route or the procedure of referral of the patient to the family physician, etc.

In real-life examples, we provide feedback on the experience of using Ukrainian health care services for patients living in the United States, Germany, Britain, and France.

All respondents noted a huge difference, compared to Ukraine, in the physician's attitude towards the patient as a client. However, it is part of an established culture of social communication in all spheres of public life in developed countries - in the group, in the service sector, in private communication. Therefore, in clinics, regardless of their ownership, the attitude is friendly, starting with the lowest level of staff and ending with the highest management. People have long realized that they live in a shared space and there is no reason to create additional problems for themselves. Therefore, no ill-treatment or rudeness. As a result, physicians are trusted because, as the legislation in the field of medicine is very advanced, there are authorized bodies that constantly monitor the level of service delivery, compliance with professional ethics, and corruption as such is absent at all. In addition, physicians adhere to clinical protocols when prescribing treatment, so the influence of pharmaceutical companies on decision-making by doctors in European Union countries is minimized, unlike in Ukraine. That is why the implementation of mandatory protocols in Ukraine is of great importance for eliminating the adverse effects of pharmaceutical agents on physicians.

In Ukraine, in addition to the general principles of compensation for harm caused by a physician, there is no specific medical legislation. The rudimentary remnant of the Soviet Union is a division in which one physician diagnoses, another operates, and the other - treats. It is almost impossible to hold a physician accountable for making an unconfirmed diagnosis, prescribing improper treatment or making a surgical error [13].

Respondents who shared their experiences as patients in other countries were asked to express their wishes and suggestions that they consider necessary for implementation in Ukraine. The vast majority of people called for: introduction of state insurance medicine; approval of the basic package of medical services accessible to all citizens; adoption of a number of laws to strengthen physicians' accountability for corruption, negligence and ethical retreat; first and foremost, change of the physician's attitude towards the patient as a client. As it turns out, no country other than Denmark has a unified system of medical records of patients, although electronic cards exist to identify patients in the system of access to medical services and insurance, but there is no complete paper or electronic record of patients anywhere. But now all the countries listed are moving in this direction.

So far, particular concern about the medical policy reform in Ukraine raises the issue of access of Ukrainian citizens living in the periphery to professional medical services for diagnosis and treatment. Most people in Europe and the US own cars. Therefore, even those who live in remote areas, because for them the car is not such a luxury as for us, can get to the nearest hospital. Other problems are added to the problem of lack of funds for medical special vehicles - the state of roads, the cost of fuel, components and cars themselves, the price of which in Ukraine exceeds prices in Europe and America. Not to mention the other issues - the quality of hospital equipment that will be transferred to local budgets, difficulties with privatization and the creation of a professional and competitive market for health care workers, retraining and moral ethics are turning into a corrupt system of health care facilities, to business-physicians who can easily look for loopholes, for example, in further collaboration with pharmaceutical companies, despite clinical protocols.

Most importantly, there is a lack of positive experience with reforms implemented in many areas of public administration and effective public institutions that would ensure the consistency and irrevocability of these reforms. Moreover, it can be said without exaggeration that the success of the reforms depends on the society as a whole, and above all on the demand of the citizens of Ukraine for honest, transparent and professional medicine [12; 15].

Based on the analysis of the European experience in reforming public administration mechanisms of the health care system that can be used in Ukraine, the following conclusions can be drawn:

1. The experience of the US and European Union countries demonstrates the positive and negative aspects of forming organizational structures in the health care system. It seems that the key to implementing reform in Ukraine should be to emphasize the consistency of change and flexibility in finding optimal directions for the development of the national health care system. Ukraine should pay attention to the possibility of creating a full-fledged state compulsory health insurance fund instead of a mediation service.

2. It is established that a mixed model of organization of health care system is gradually being introduced in Ukraine, which will allow the state to officially guarantee every citizen the right to free medical care, to introduce additional mechanisms of financing medical care for those who need it, without increasing the cost of health care from the state budget [6, p. 351]. In this context, the German experience is useful in demonstrating the feasibility of setting up non-governmental insurance funds (such as German health insurance funds) that will purchase medical services from public or private health care facilities, which will increase competition between them.

3. Ensuring the proper pace of health care development in Ukraine and bringing it closer to European standards requires finding new approaches to the functioning of the industry, financing the system through diversification of sources of funding as an alternative to budget financing.

Firstly, irrespective of the legal and organizational forms of health care used, the problem of the effective functioning of the health insurance system in most countries of the world is urgent and needs reform and improvement.

Secondly, world experience confirms that the most vulnerable sections of the population in the first place need transformational changes in the medical sector to ensure effective social protection.

Thirdly, compulsory social health insurance needs to be implemented and developed to address social problems in society and to meet social standards.

Fourthly, voluntary health insurance is required to improve the quality of care.

Each state seeks to create the health care system that is the most ideologically, economically and mentally acceptable, so blind borrowing of ideas and copying of successful world systems for its development does not always have a positive effect. The goal of achieving the highest level of availability and quality of care assistance should be decisive for Ukraine. In doing so, it is imperative to take into account and balance public and private interests.

In this context, we consider the adoption of the Law of Ukraine "On compulsory social health insurance", which should clearly state the subjects of insurance, the mechanism of its financial security, sources of formation and directions of use of financial resources, as well as the list and categories of persons to be covered by this type of insurance.

It should be noted that the organization of financing health insurance means, as evidenced by the experience of other countries, fruitful cooperation in this system between the state providing compulsory health insurance and the private insurance sector providing voluntary health insurance services [13, p. 70].

**Conclusions.** Based on the analysis of the effective practices of the functioning of health care systems in European countries, we can identify the principles that are important for the formation of the national system of public administration mechanisms of the health care system in Ukraine, including:

- the established process of interaction between the state, the private sector and the citizens themselves;
- balanced distribution of health care responsibilities between state and local authorities;
- organizing a health care system based on high competition and consumer orientation;
- accessibility of medical services, convenience in obtaining them through efficient use of available resources;
- creation and development of the health insurance system.

#### **References:**

1. Vovk, S. M. (2019), "Mechanisms of public administration of systemic changes in health care", abstract of doctor dissertation, mechanisms of public administration, Donetsk state university of management, Mariupol, Ukraine, 610 p.
2. Honcharova, O. (2017), "Medical reform - a panacea or ultimate destruction?", *Pravona okhoronu zdorovia*, retrieved from: <http://khpg.org/index.php?id=1484060362>.

3. Hryhorovych, V. R. (2010), "Improvement of management mechanisms of state support of the health care system in Ukraine", *Derzhavne upravlinnia: udoskonalennia ta rozvytok*, №2, retrieved from: [http://nbuv.gov.ua/UJRN/Duur\\_2010\\_2\\_13](http://nbuv.gov.ua/UJRN/Duur_2010_2_13).
4. The Verkhovna Rada of Ukraine (2018), The Law of Ukraine "On the state financial guarantees of health care of the population", retrieved from: <https://zakon.rada.gov.ua/laws/show/2168-19>.
5. Karlash, V. V. (2020), "Mechanisms of state regulation of public health in Ukraine", abstract of doctor dissertation, mechanisms of public administration, National university of civil protection of Ukraine, Kharkiv, Ukraine, 307 p.
6. Knysh, S. V. (2019), "Administrative-legal relations in the field of health care in Ukraine", abstract of doctor dissertation, administrative law and process; finance law; information law, Ternopil national economic university, Ternopil, Ukraine, 632 p.
7. Kostyuk, V. S. (2017), "Reforming health care in Ukraine in a European orientation", *Naukovyi visnyk Mizhnarodnoho humanitarnoho universytetu. Seriya : Ekonomika i menedzhment*, №24(2), retrieved from: [http://nbuv.gov.ua/UJRN/Nvmgu\\_eim\\_2017\\_24%282%29\\_\\_11](http://nbuv.gov.ua/UJRN/Nvmgu_eim_2017_24%282%29__11).
8. The concept of the World Health Organization "Health 2020: Foundations of European Policy and Strategy for the 21st Century" (2020), retrieved from: [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0017/215432/Health2020-Long-Rus.pdf](http://www.euro.who.int/__data/assets/pdf_file/0017/215432/Health2020-Long-Rus.pdf).
9. Lytvynenko, M. V. (2015), "Principles of the national healthcare system in Ukraine", *Teoriia ta praktyka derzhavnoho upravlinnia*, №2, retrieved from: [http://nbuv.gov.ua/UJRN/Tpdu\\_2015\\_2\\_33](http://nbuv.gov.ua/UJRN/Tpdu_2015_2_33).
10. The official site of health care (2020), Newsletter "What was and will be", retrieved from: [https://moz.gov.ua/uploads/2/13773-transition\\_book\\_health\\_care.pdf](https://moz.gov.ua/uploads/2/13773-transition_book_health_care.pdf).
11. Nonko, V. (2020), "Foreign experience in health insurance", *FORYNShURER strakhovanye v Ukrainy. Novosti strakhovanyia*, retrieved from: <https://forinsurer.com/public/02/12/12/155>.
12. Panchenko, I. (2017), "Patients about medicine. World experience", *Tyzhden.ua*, retrieved from: <https://tyzhden.ua/Society/197814>.
13. Parkheta, L. V. (2018), "Health insurance and its role in financing the health care system in Ukraine", abstract of Ph.D. dissertation, money, finance and credit, State Higher Educational Institution "Kyiv Vadim Hetman National Economic University", Kyiv, Ukraine, 287 p.
14. Sokyрко, O. S. Kobzar, I. A. and Khanaliieva, I. S. (2018), "Development of health insurance: foreign experience and possibilities of its use in Ukraine", *Ekonomika i suspilstvo*, №19, retrieved from: [http://economyandsociety.in.ua/journal/19\\_ukr/171.pdf](http://economyandsociety.in.ua/journal/19_ukr/171.pdf).
15. Tkachova, N. M. (2018), "Areas of reforming public health policy", *Investytsii: praktyka ta dosvid*, №8, retrieved from: [http://www.investplan.com.ua/pdf/8\\_2018/19.pdf](http://www.investplan.com.ua/pdf/8_2018/19.pdf).
16. Turchak, D. V. (2019), "Mechanisms of public-private partnership in the field of health", abstract of Ph.D. dissertation, mechanisms of public administration, Institute of training of the state employment service of Ukraine, Kyiv, Ukraine, 315 p.
17. Iaremchuk, O. V. (2018), "Best foreign practice in family medicine: experience for Ukraine", *Derzhavne upravlinnia: udoskonalennia ta rozvytok*, №11, retrieved from: [http://www.dy.nayka.com.ua/pdf/11\\_2018/101.pdf](http://www.dy.nayka.com.ua/pdf/11_2018/101.pdf).
18. Health Insurance in Ukraine: Do You Really Need How to Choose a Package and Prices (2020), retrieved from: [https://zik.ua/news/2018/08/24/medychna\\_strahovka\\_v\\_ukraini\\_chy\\_diysno\\_potribna\\_yak\\_obraty\\_paket\\_i\\_tsiny\\_1392845](https://zik.ua/news/2018/08/24/medychna_strahovka_v_ukraini_chy_diysno_potribna_yak_obraty_paket_i_tsiny_1392845).

**Received: January 20, 2020**

## MECHANISMS AND STRATEGIC PRIORITIES OF STATE FLIGHT SAFETY MANAGEMENT

Ivan Korobka<sup>1</sup>

<sup>1</sup>postgraduate student, Department of Civil Service, Administration and Training under International Projects, Institute of Public Administration in the Sphere of Civil Protection, Kyiv, Ukraine, e-mail: jonbox@i.ua, ORCID: <https://orcid.org/0000-0002-5310-4917>

**Abstract.** *The article addresses an urgent problem related to determining the priorities of public management and administration of a safe component of the activity of state and civil aviation in general and aviation of the State Emergency Service of Ukraine in particular against the background of the dynamics of coordination of flights of all types of aviation in the airspace of responsibility of Ukraine.*

*The Ministry of Defence of Ukraine is the authorized central body of executive power for regulating the activities of state aviation, including the security context. The mechanism of realization of the state policy of Ukraine in the field of aviation activity of all types of aviation is the Authority for Regulation of Activities of State Aviation. This Authority is entrusted with a fairly wide range of powers and tasks. The regulation of these powers and tasks is carried out by administering the entire spectrum of state aviation activities for the intended purpose, and in a security context – strict adherence to the statutory indicators of acceptable risk of flight operations.*

*Overall, flight safety management is based on a systematic approach to identifying and eliminating sources of danger and controlling risks to minimize human, material, financial, environmental and social losses. But in the security context, no significant changes in the system of state regulation of state aviation activity have taken place, traditional approaches that were in place until Ukraine gained its independence still remain. The basis for defining a set of security measures on the basis of a unified approach to aviation activity management still retains a retroactive approach, the essence of which lies in the administrative response and determination of mechanisms of state influence on its state, which obviously leads to a decrease in the effectiveness of state supervision of flight safety of all aviation entities. It is obvious that all existing basic flight safety management concepts are focused on implementing measures after an aviation accident has occurred. Thus, there is no preventive, predictive approach.*

*The introduction of a modern approach to flight safety management requires the development of new regulations and the improvement of state policy on regulation of state aviation activities. The basis for the formulation of such a policy should be the prognostic assessment of tasks that can be assigned to state aviation at one time or another, the conditions for their implementation (state of emergency, emergency situation, martial law) and, of course, the human factor.*

*In this context, the author aims to determine the basic concepts, innovative mechanisms and strategic priorities of state aviation safety management based on proactive technologies within the tasks assigned to the aviation of the State Emergency Service of Ukraine (SES).*

**Keywords:** *flight safety, state aviation, public management and administration.*

**JEL Classification:** *H10, H56*

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

**Introduction.** State aviation safety policy, as a component of national security, has always been the focus of attention, the basic concepts, mechanisms of public administration and strategic priorities of which are clearly reflected in the two State Flight Safety Management Programmes [1, 2]. In this context, the

state programme is defined as the main mechanism of public administration, the essence of which is to comprehensively define interrelated regulatory acts and measures aimed at improving the level of flight safety.

The Ministry of Defence of Ukraine is the authorized central body of executive power for regulating the activities of state aviation, including the security context. To implement the state policy in the field of state aviation of Ukraine for execution of the joint directive of the Ministry of Defence and the General Staff of the Armed Forces of Ukraine dated 01.07.2013 №D-332/1/02, the Authority for Regulation of Activities of State Aviation of Ukraine (Authority) was created. The Authority, as a mechanism for public administration of state aviation, is entrusted with a rather wide range of powers and tasks [3]:

- exercising the powers of the central executive authority in the field of state aviation;
- participation in the development of draft laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, including issues on flight safety;
- development and implementation of legal acts on regulation of state aviation activities;
- generalization of the practice of applying the legislation on regulation of state aviation activities;
- participation in the organization and conducting state and other tests of aviation equipment samples, search and rescue facilities and facilities for ground based flight support;
- participation in the organization of adoption, the supply of aviation equipment, search and rescue facilities and facilities for ground based flight support;
- participation in the development of technical regulations and the implementation of the technical regulation function in the field of aviation technology, search and rescue facilities and facilities for ground based flight support;
- development, implementation of rules and procedures for the organization, execution and maintenance of aircraft flights;
- organization of the development and implementation of rules for granting (cancelling) addresses of aircraft to state aircraft of Ukraine;
- organization of the development and implementation of the procedure of certification of state aircraft (termination of the certificate), performance of a complex of works related to the verification (control) of the airworthiness of state aircraft for compliance with the requirements of normative documents on the issues of operation and repair of aircraft;
- organization of the development and implementation of the procedure for admission to operation of airfields, runways of state aviation;
- registration and admission to operation of airfields and permanent runways of state aviation, keeping their register;

- organization and provision of issuance of the Certificate on the admission to operation of an airfield or a permanent runway of state aviation of Ukraine (suspension or cancellation of its validity), which gives its owner the right to operate them;
- keeping a register of temporary registration of aircraft belonging to military equipment (experimental, property of the aviation industry of Ukraine, foreign customers which are being repaired (modernized) in Ukraine);
- organization, development and implementation of rules for approval of organizations for technical maintenance and repair of aviation equipment of state aviation;
- coordinating the interaction of aviation entities in testing and commissioning of new types of aircraft intended for use in state aviation;
- organizing and exercising control over the compliance of aviation entities with the requirements of regulatory legal acts in the field of state aviation;
- keeping the Register of state aviation personnel;
- organization, development and implementation of qualification requirements, procedures of validation, certification, training, retraining and professional development of aviation personnel of state aviation;
- organization, development and implementation of rules for the approval of organizations which train aviation personnel;
- organization, development and implementation of uniform requirements for the admission of aerodrome-technical, radio-technical means, conducting aviation search and rescue and search and rescue support for aircraft in state aviation;
- control over the dissemination of the necessary information to the entities of aviation activity of the state aviation regarding the organization of execution and provision of flights.

All the above-mentioned tasks form the basic paradigm for ensuring the safety of state aviation of Ukraine. The regulation of these tasks is carried out by administering the entire spectrum of state aviation activities for the intended purpose, and in a security context – strict adherence to the statutory indicators of acceptable risk of flight operations.

Overall, flight safety management is based on a systematic approach to identifying and eliminating sources of danger and controlling risks to minimize human, material, financial, environmental and social losses. But in the security context, no significant changes in the system of state regulation of state aviation activity have taken place, traditional approaches that were in place until Ukraine gained its independence still remain. Flight safety management system is defined as a set of measures to apply a unified approach to optimizing the organizational structure, allocation of responsibilities between public authorities and aviation entities, policy definition and operational procedures for ensuring safety of flights.

The basis of this systematic approach and determination of a set of security measures on the basis of a unified approach to aviation activity management still



retains a *retroactive approach*, the essence of which is the administrative response and determination of mechanisms of state influence on its state, which obviously leads to a decrease in the effectiveness of state oversight of the safety of all aviation entities.

A detailed study of the current mechanisms of the state flight safety management at the present stage of operation of the aviation system makes it possible to distinguish the following four retroactive basic concepts [4, 5]:

- the investigation of an aviation accident on the multi-vector principle;
- the organization of the investigation is based on a planned approach;
- the work of the commission of inquiry is based on the principle of impartiality;
- the investigation is conducted on the principle of openness.

From the above it is obvious that all of the above-mentioned concepts are focused on implementing measures after an aviation accident has taken place. That is, there is no preventive, predictive approach.

The introduction of a modern approach to flight safety management requires the development of new regulations and the improvement of state policy on regulation of state aviation activities. The basis for the formulation of such a policy should be the prognostic assessment of tasks that can be assigned to state aviation at one time or another, the conditions for their implementation (state of emergency, emergency situation, martial law) and, of course, the human factor.

**Literature review.** A lot of fundamental and applied researches are devoted to theoretical problems of both organizational and legal support of management of activity of state aviation as a special sphere of public management and administration, which was reflected in the Air Code of Ukraine, adopted on May 19, 2011.

According to this document, the main purpose of state aviation using state aircraft is to ensure national security and defence of the state and protection of its population (p. 4, page 4) [6]. The target setting and the range of entities of state aviation, which have legally established ways to achieve it, in theoretical and practical perception associate state aviation with military. However, state aviation also includes aviation military formations formed in accordance with the laws of Ukraine of the National Guard, the National Police, the State Emergency Service of Ukraine and the State Border Guard Service [6]. When considering the problem of flight safety as a single object of public and administrative influence in the context of multi-departmental subordination, it is important to clarify the limits of this influence on the status of the designated object by each of the above-mentioned central executive authorities.

Much research and publication of their results have been devoted to the search for mechanisms of coordinated public and administrative management for the safe execution of flights by aircraft assigned to them under acceptable risk conditions. A study of these publications shows that most domestic researchers agree that proactive methods of assessing flight risks under

appropriate conditions should be based on this. The new approach, based on the use of pro-active methods in the process of collecting and analysing typical risk factors, served as a justification for the further movement to create an effective flight safety management mechanism, which was reflected in the relevant regulatory documents [7-12].

Flight safety is a dynamic feature of the aviation system, but if proactively identified risk factors are reasonably controlled, flight safety can be managed. In contrast to civil aviation, risk is an integral by-product of state aviation activity. Therefore, risk management for state aviation is a key function of effective flight safety management [9]. However, the achievement of the desired efficiency, as noted by Y.V. Sikirda, B.V. Zubkov, V.L. Shevchenko is possible only if the process of flight safety management encompasses all norms, rules and procedures, which are envisaged by national laws and regulations as well as international standards [10-12]. In the works of the leading foreign scientists B. Lundvall, S. Metcalfe, R. Nelson, D. North, P. Romer, K. Freeman, the proactive approach is classified as innovative, which embodies the most up-to-date understanding of the prognostic process of the functioning of any system, including the security context. This reflects the important changes in the conditions and content of innovation activities that have taken place in the last decade, and research based on the concept of innovation system can create a fruitful basis for the development of technological and regulatory policy in the field of state aviation safety management [13-18].

**Aims.** To determine the basic concepts, innovative mechanisms and strategic priorities of public aviation safety management on the basis of proactive technologies within the tasks assigned to aviation of the State Emergency Service of Ukraine (SES).

Object of study: mechanisms and infrastructure of state aviation safety management. Subject of study. Innovative technologies for the development of the operation of the SES aviation flight safety management system based on the introduction of pro-active risk management methods and methods for identifying threats, predicting their development and the nature of the impact on flight performance.

**Methods.** Improvement of the state aviation management system at the SES in case of an emergency in the context of the coordination of civil and state aviation activities. Implementation of a unified algorithm for the determination of unacceptable risk prevention measures, which could lead to catastrophic consequences into the safety management system for all state aviation entities.

**Results.** One of the most important issues for ensuring the safety of flights is to establish and improve the mechanism for coordinating the activities of aviation of the SES involved in emergency response with civil and state aviation. The international standards set out in paragraphs 2.15 and 2.16 of Chapter 2, Annex 11 to the Chicago Convention on Air Traffic Services define the procedure for coordinating actions between military authorities and air

traffic services (ATS), as well as coordinating activities that are potentially dangerous to civil aircraft.

The main national mechanism for the coordination of aviation activity is the Air Code of Ukraine [6], which structurally divides the airspace of responsibility of Ukraine into areas, zones and routes for aviation activities. The whole system of coordination of joint activities of users of national airspace includes the following structural elements:

- 1 upper airspace flight information region (UIR KYIV);
- 4 regions of flight information (FIR Kharkiv, FIR Kyiv, FIR Lviv, FIR Odesa);
- dispatch areas and zones (UTA, CTA, TMA, CTR) in which air traffic services are provided by the bodies of air traffic services (ATS);
- military ATCA/MILTMA, ATCZ/MILCTR in which air traffic control is carried out by departmental air traffic control bodies (ATC);
- aerodrome flight information zones (AFIZ) –installed to provide flight information and emergency services at AFIS airfields;
- aerodrome traffic zones (ATZ) usually installed for runways;
- routes (ATS), including specially designated routes for crossing the state border;
- free route airspace (FRA);
- prohibited areas (P), restricted areas ®, dangerous areas (D) – established in areas where flights are prohibited or restricted;
- training areas (T) which have the status of temporarily separated areas (TSA) or temporary reserved areas (TRA);
- areas with a special regime of airspace use – installed along the state border of Ukraine and around the prohibited areas (P).

Within the structure of the SES, the coordination of search and rescue (SAR) aircraft flights are relied on the Main Aviation Search and Rescue Coordination Centre (MASRCC), which in its activity is guided by international, state and departmental regulatory documents governing the interaction with civilian and military elements of air traffic control.

Obviously, the reliable functioning of such a complicated system is a highly complex mechanism for coordinating the joint activity of all airspace entities, and in case of an emergency, the elimination of which involves the search and rescue (SAR) aircraft of the SES, it significantly affects the efficiency, effectiveness and safety of performing the tasks related to emergency response.

Obviously, such a structure for regulating flights, especially in case of an emergency, can hardly be considered rational. Perhaps it is for these reasons that on October 4, 2001, over the Black Sea, during the missile launches at the joint Ukrainian-Russian exercises of anti-aircraft missile troops, the Tu-154 plane was shot down, 66 passengers were killed. For the same reasons, on 17 July 2014, a Boeing 777 aircraft was shot down in the course of Russian armed aggression in eastern Ukraine by the Buk air defence missile, killing 298 people.

On January 9, 2020, a Boeing 737 passenger plane was shot down in Iran by two rockets of the Thor anti-aircraft missile system. 176 people were aboard, all of them killed.

All these aviation disasters could not have happened if at least one structural element of such a complex flight coordination system, regardless of its level and status, would have predicted a possible scenario for the development of an aviation situation in obviously dangerous conditions. Therefore, focusing on the above state of affairs, the Decree of the Cabinet of Ministers of Ukraine of December 6, 2017 No. 954, On Approval of the Regulations on the Use of Airspace in Ukraine and the rules of Use of the Airspace of Ukraine, approved by the joint order of the State Aviation Service of Ukraine and the Ministry of Defence of Ukraine dated May 11, 2018 No. 430/210, registered in the Ministry of Justice of Ukraine on September 14, 2018 under No. 1056/32508, were put into effect [19, 20].

The results of an analysis of the causes of aviation accidents and incidents over the last ten years indicate that approximately 80 per cent of such accidents and incidents have occurred due to misconduct and violations by aircraft crews of the rules of aircraft operation, as well as by the personnel of the air traffic control (human factor). At the same time, the number of incidents due to aircraft failure during flight has increased. Much of the state aviation fleet is technically and physically obsolete.

**Conclusions.** Thus, a study of the state of aviation accidents that have taken place in recent years shows that there are problems in the functioning of state aviation, the solution of which will significantly improve the security situation of aviation in solving its assigned tasks. Obviously, this is a matter of operation, repair of aircraft, maintenance of airfield infrastructure, training of aviation personnel, a number of social issues that are the subject of study and development of appropriate proposals for decision-making at both departmental and state levels.

### References:

1. Order of the Cabinet of Ministers of Ukraine dated March 5, 2008 № 506-p. On Approval of the Concept of the State Flight Safety Target Programme for the period up to 2020. URL: <http://zakon.rada.gov.ua/laws/show/273-2009-%D1%80>
2. Order of the Cabinet of Ministers of Ukraine dated October 30, 2013 № 944. On Approval of the Concept of the State Flight Safety Target Programme for the period up to 2023. URL: <https://zakon.rada.gov.ua/laws/show/944-2013-%D0%BF>
3. Order of the Ministry of Defence of Ukraine dated September 11, 2013 No. 605 On Approval of the Regulation on Authority for Regulation of Activities of State Aviation of Ukraine. URL: [http://www.mil.gov.ua/content/yrrday/605\\_11092013.pdf](http://www.mil.gov.ua/content/yrrday/605_11092013.pdf)
4. Order of the Minister of Defence of Ukraine dated 19.05.2010 No. 256 On Approval of the Rules of Investigation of Aviation Accidents and Incidents in Aviation of the Armed Forces of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/z0386-10>
5. Safety Management Manual (SMM) / Doc. ICAO 9859-AN 474. - 3rd ed. - Canada, Montreal: ICAO, 2013. - 300 p.
6. The Air Code of Ukraine dated May 19, 2011 No. 3393-VI // Bulletin of the Verkhovna Rada of Ukraine. 2011. № 48-49. Art. 536.
7. Normal Operations Safety Survey (NOSS) / Doc. ICAO 9910- AN 473. - 1st ed. - Canada, Montreal: ICAO, 2008. - 85 p.

8. Sikirda Yu. V. Importance of risk management in air traffic control / Yu.V. Sikirda, D.O. // Tkachenko Navigation and Traffic Management Issues: All-Ukrainian. Research Practice Conf., Kyiv, November 23-25, 2015: Abstracts. - K.: National Aviation University, 2015. - P. 38.
9. Korobka I. N. Innovative approaches to the flight safety management of the aviation of the state emergency service of Ukraine. Public management: collection. – No. 5 (20). - December 2019. - Kyiv: SE “Publishing House“ Personal”, 2019. p.142-153
10. Sikirda Yu.V. Estimation of the degree of danger of organizational factors in air traffic management / Yu.V. Sikirda, D.O. Tkachenko // Management of high-speed moving objects and training of operators of complex systems: V Intern. Research Practice Conf., Kirovograd, November 24–25, 2016: materials of Conf. - Kirovograd: Kirovograd Flight Academy of the National Aviation University, 2016. - P. 116-117.
11. Zubkov B.V. Theoretical bases of flight safety. - Moscow: Moscow State Technical University, 1987.
12. Shevchenko V.L. Methodological bases of formation and development of innovative system of safety of state aviation flights. Scientific Bulletin: Civil Protection and Fire Safety № 1 (3) 2017. P. 28-33. URL: file:///C:/Users/Lenovo/Downloads/sbcps\_2017\_1\_6.pdf
13. Lundvall B-A. National Innovation Systems: Towards a Theory of Innovation and Interactive Learning/ B-A. Lundvall. - London, Printer, 1992. – 317 p.
14. Metcalfe S. The Economic Foundations of Technology Policy: Equilibrium and Evolutionary Perspectives / S. Metcalfe// Handbook of the Economics of Innovation and Technological Change. – Oxford (UK)/Cambridge (US): Blackwell Publishers, 1995. – P. 409-512.
15. Nelson R. National Innovation Systems. A Comparative Analysis/ R. Nelson. – New York/Oxford, Oxford University Press, 1993. – 560 p.
16. North D. Institutes, institutional changes and economic performance / D. North; / Trans. from English by A.N. Nesterenko, foreword and scientific editing by B.Z. Milner. - Moscow: Foundation of Economic Books "Beginnings", 1997. - 180 p.
17. Romer P.M. Endogenous technological change / P.M. Romer // Journal of Political Economy. 1990, October. – V. 98. – № 5. – P. 71–102.
18. Freeman C. The National System of Innovation in Historical Perspective // Cambridge Journal of Economics. – 1995. – № 19 (1), February. – P. 5–24.
19. Decree of the Cabinet of Ministers of Ukraine of December 6, 2017 No. 954 On Approval of the Regulations on the Use of Airspace in Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/954-2017-%D0%BF>
20. The rules of Use of the Airspace of Ukraine, approved by the joint order of the State Aviation Service of Ukraine and the Ministry of Defence of Ukraine dated May 11, 2018 No. 430/210, registered in the Ministry of Justice of Ukraine on September 14, 2018 under No. 1056/32508

*Received: January 23, 2020*

## CHAPTER 2

### LEGAL RELATIONS: FROM THEORY TO PRACTICE

#### THE ROLE OF INTERNATIONAL COOPERATION IN COUNTERACTION OF TERRORISM, EXTREMISM AND OTHER MODERATE GROUPS

**Sarteep Mawlood<sup>1</sup>**

<sup>1</sup>postgraduate student, «KROK» University, Kyiv, Ukraine, e-mail: sarteep30@gmail.com, ORCID: <https://orcid.org/0000-0002-0663-208X>

**Abstract.** *The article emphasizes the standard methods and legal approaches to make healthy and strong relationship, coordination among countries, UN and its member of states, international organizations and other legal entities within bilateral, multilateral, international agreement, UN, General Assembly. Meanwhile to know what are the obstacles that prevent good relationship. Encountering terrorism, extremist groups and deal with them properly are the main targets of international community as it is international threat, thus needs international coordination, relationship. It is international issue more than national, so needs support each other, determine the conditions such as political or social repression, others that make terror and violent, tackle those violent acts, as well as deals with other moderate groups differently.*

*UN organization assists its member states to improve their abilities, build relationship and cooperation to implement their duties and strategy against global terrorism. As result there are several instructions and regulations issued by UN which can be easily practice on the ground by the states. In addition appropriate features and mechanisms added to make better relationship and coordination among communities after several various perspectives studied.*

**Keywords:** *security strategy, improvement of relationship among countries, UN role, encounter terrorism, anti-terrorism law, violent acts, coordination, security instability, international terrorism, law enforcement, international law.*

**JEL Classification:** K33, K38, K40, K41, K42, K49

**Formulas:** 0; **fig.:** 1; **tabl.:** 0; **bibl.:** 27.

**Introduction.** Terrorism is not new word to us, but nowadays our worldwide suffers from the extremist groups in all around the world which reached high level of risk and difficult stages that have never seen before. Terrorism is like an epidemic that no community and country is immune and far from, despite physical terrorism, they use different kinds of ways such as intellectual, religion, racism to exploit others. To some extent they could to divide the communities and countries into several lines and made gap among them.

**Literature Review.** It provides an analysis and gives general views of various articles, theses, documents and other statements. It mostly relates to the role of UN, Security Council, international organizations, continent, and multilateral agreements and other national and international laws and tools to deal with terrorism, to eliminate extremism ideas in one hand. In another hand

how to make good relationship and coordination among countries in the field of exchanging intelligence information as well as isolate terrorists from other groups who ask for their right with non-violent acts.

**Aims.** The main objective of the article is to tackle the extremism ideas and eliminate terrorism as well as to create better atmosphere for other moderate groups who struggle for rights and do not use violent acts. In addition unite communities, countries and international organizations to face challenges and deal with it in better way, make relationship and coordination in a good faith.

**Methods.** Different methods are used in the article such as collecting information and other facts on the ground, theoretical analysis, authored as well as using comparison and similarities methods are indicated.

**Results.** Terrorism is not a new phenomenon in human experience, Violence has been used throughout human history by different groups, organizations and others. Terrorism is characterized by the use of violence against civilians, with the expressed desire of causing terror or panic in the population, but the problem is with the definition of terrorism, indeed there is no precise definition of it [1].

Terrorism as is defined in the Oxford dictionary “the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims.” Despite the importance of the issue in terms of consideration and objectively, there is no internationally recognized legal definition of terrorism in an accurate and clear manner. It is difficult to distinguish terrorism acts from political violent or other violent [2].

Each country has a different view on the terrorism which fails the international community over a universally acceptance definition of terrorism. This is primarily due to diverging views on what constitutes terrorism, as opposed to exercising peoples' right to self-determination, as enshrined in the UN Charter. During working of General Assembly hold in November 2014, the Organization of Islamic Cooperation (OIC) requested to make difference between acts of terrorism and 'the legitimate struggle of peoples under foreign occupation and colonial or any alien domination in the exercise of self-determination accordance with the principles of international law. It makes a big ambiguous what acts constitute legitimate struggle and what acts constitute terrorism [3]. Hence, concept of terrorism is over-exaggerated and challenges the idea in both domestic and international law. Legal definitions of terrorism therefore should remain primarily concerned with the legal rather than political function of defining terrorism, no ethnic, sectarian or political cleansing is permitted under the name of terrorism [4]. Terrorism is not legally defined in all jurisdictions so it has been practiced by political organizations with both rightist and leftist objectives, by nationalistic and religious groups, by revolutionaries, and even by state institutions such as armies, intelligence services, and police [5].

Besides the phrase “either with us or against us” which addressed by the president George W Bush at the launch of his anti-terrorism campaign after

September 11 attack made the situation more complicated and added every nation in every region has a decision to make, it means if not joining the team is to be deemed as enemy. It still uses by some political parties or governments to hit the opposition or ethnic and sectarian cleansing under the name of terrorism especially in countries where freedom is does not exist or too dangerous to declare a statement against ruling party or authority [6]. In another hand scientific prosperities and developments led countries and international communities to be overly cautious more than ever especially during the Second World War that marked an important era of significant advances in the history of science in different kinds of fields. These developments were motivated by the problems encountered such as the need of better assign resources, to schedule routes, to keep inventory, to send coded messages, and to handle the complexities of these challenges in the face of great uncertainty [7]. With the speed of modern communications, it should be assumed that an attack technique developed several thousand miles away might speedily be used, that is why preparedness has to be proactive and why the responses prepared have to enable all the relevant organizations.

However, we should always be prepared for unexpected and needs to take constant consideration of development threats and evolving attack methodologies [8]. Last couple decades the threat of terrorism has been multiplied manifold and the terrorist acts have become more dangerous with the advancement of technology which caused a large number of victims.

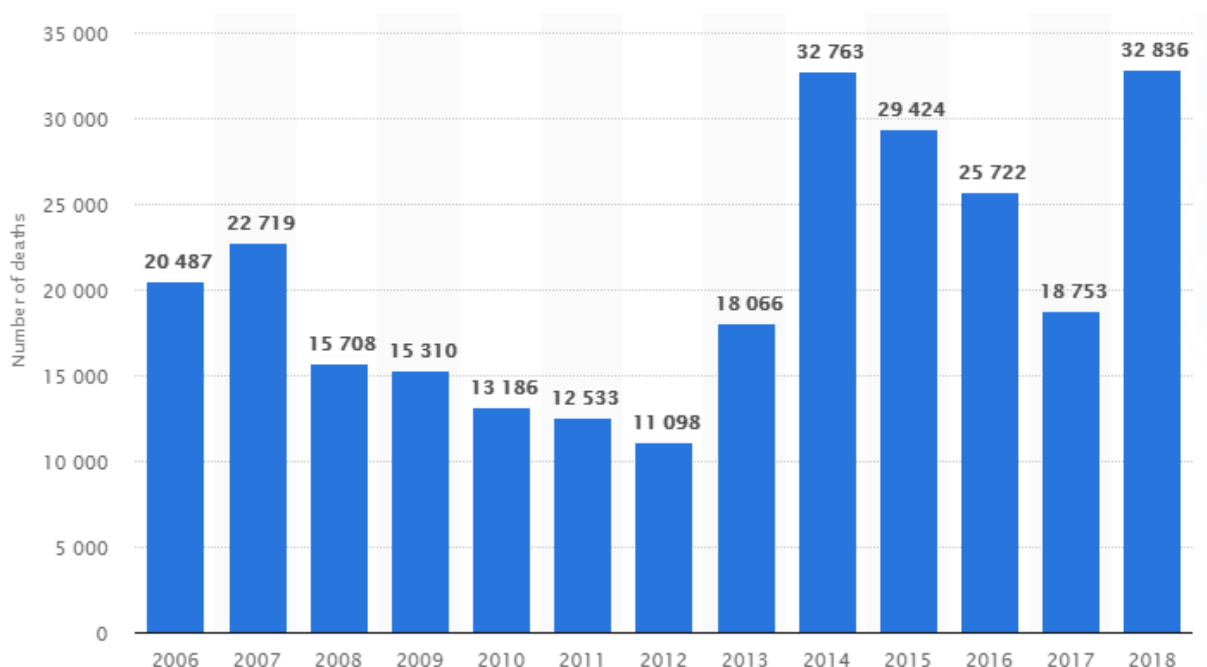


Fig. 1. Terrorism - number of fatalities worldwide between 2006 -2018

Source: Statista Research Department, 2020 [10]

Only the little part of the world remained untouched and unharmed by the contemporary beckon of terrorism. Terrorism involves violence against public with a political or religious desire so as to attract large attention, besides Many



Countries give aid and dangerous weapons to the terrorist groups in order to weaken the other country [9].

More than 90% of all terrorist attacks occur in countries that have gross human rights violations. These nations either have violent ongoing conflicts or notable social and economic setbacks. Greater social hostilities between different ethnic, religious and linguistic groups, lack of intergroup cohesion and high levels of group grievances. [11] Rather than seek the causes of terrorism itself in order to understand it, a better approach is to determine the conditions that make terror possible or likely. Sometimes these conditions have to do with the people that become terrorists, many of whom can be described as having worrisome psychological traits like narcissistic rage. Other conditions have more to do with the circumstances in which these people live, such as political or social repression and economic strife. In the 20th century, acts of terrorism became more prevalent throughout the world as political, religious, and social activists agitated for change [12]

Terrorism is not one person neither a single political regime, certainly it is not a religion but politically motivated violence or exploiting religion against noncombatant targets. Those who employ terrorism, regardless of their specific secular or religious objectives, strive to subvert the rule of law and effect change through violence and fear. These terrorists also share the misguided belief that killing, kidnapping, extorting, robbing, and wreaking havoc to terrorize people are legitimate forms of political action or religion. That's why the war and struggle against terrorism is different from any other wars [13] To face this global threat international cooperation is crucial, UN is placed to assist its members and states to prevent terrorism acts within borders and across regions, especially when terrorists have multiple citizenships so called foreign terrorist fighters which acts violence and terror not in their countries and region, and they play a significant role in creating and strengthening terrorist groups, and in radicalizing and recruiting terrorist networks. Another serious issue is the exploitation by terrorist groups of the Internet and social media not only to incite acts of terrorism, but also to facilitate a range of illicit activities, including recruitment, or to fund, plan, commit and facilitate terrorist acts. Although these challenges are not new, scrutiny is growing as companies and governments alike struggle to find a balance between securing an open environment and preventing abuse, so if there is no coordination among countries ,it will be semi impossible to prevent terrorist attack. [14] It should be done through international forums and international cooperation is the only way to effectively tackle a threat that cannot be dealt with on an exclusively national basis. In this regard, the main international organizations have taken on the fight against terrorism as one of their main tasks [15].

The United Nations Office of Counter-Terrorism was established through the adoption of General Assembly resolution 71/291 on 15 June 2017 and suggested by the secretary general of UN the capability of UN to its members and states in the term of counter terrorism strategy.[16] United Nations

Secretary-General Antonio Guterres launched a new Organization-wide framework and was on an agreement between the UN chief, 36 Organizational entities, the International Criminal Police Organization (INTERPOL) and the World Customs Organization, to better serve the needs of Member States when it comes to tackling the scourge of international terrorism and highlighted the need to ensure full respect for international human rights standards and rule of law in countering terrorism.[17] Still UNDP believes that the best way forward is by joining forces and working together, guided by the One-UN approach and should strengthen coordination, coherence and better equip ourselves to successfully respond and tackle the numerous and complex challenges that lie ahead, Terrorism is an international issue and needs the highest level of coordination [18].

Coordination among the concerned entities is therefore of the utmost importance and the thrust of the recommendations deals with how this coordination can be enhanced. The recommendations address prevention and preparedness, as well as the actions of UN and other international entities in response to terrorist attacks. [19] Our response to counter-terrorism needs to build on an approach that unites the public and private sectors, communities, citizens and overseas partners around the single purpose to leave no safe space for terrorists to recruit or act. [20] Security is an essential pillar that supports the peaceful cohabitation, plural and our democratic society. A common threat to which there is no other possible option than a common coordinated and cooperated countering. However, serious threats concern our security and terrorism is, indeed, one of the most important threats that our countries face and it is a common frame, we are all involved. [21] In order to achieve this goal, it is necessary to take a holistic view of our efforts. We are participating in the fight against terrorism along several different tracks, in cooperation with a variety of actors at the national and international levels, thereby, it is essential to improve the coordination of these efforts in a number of forums at the international level [22].

**Discussion.** Through of the previous articles, researches and other resolutions, reached to a point that all countries, communities, international organizations and other entities agree that terrorism acts are the most challenges thing face the worldwide and constitute a great violence against whole human being, but until this moment international community as well as UN and its member states have not agreed on precise definition on terrorist. The definition of terrorism is too elastically which makes another challenge to the states, international organizations and other institutions, not just that but some countries define terrorism according to their interests especially for the benefit of the ruling political party or ruling authority.

There is some agreement among academics that the term is highly malleable and is hence, open to many different definitions and interpretations, suggest that governments and academics avoid "general" definitions of terrorism and instead acknowledge the various meanings the term may occupy. [23]Other

states legalized terrorism laws just to strike the opposition or to achieve their illegitimate goals especially in regions where human rights and expression are not allowed or in dangerous. Hence, it concerns political issues more than legal function and the definition has been exploited as there is no global agreeable on the word terror, so the terrorism law from a country contradicts to another terrorism law in another country and then there will not be coordination among them.

There are governments determine some organizations, other groups as terrorist under their anti-terrorism law but others are not, meanwhile some organizations have more than one wings under different names which make the situation more difficulty for the governments and countries that cannot blacklisted them as a terrorist especially when the matter comes to internal conflicts based on political, sectarianism, religious issues then conflicts be more appearance on the ground in particularly when they ask for self-determination as it is a right that is embodied in the UN charter and every minorities, people, other entities can freely choose its political and system, but there are states still do not recognize this right but fight their subjects, civilians, nonviolent groups under the name of terrorism law, therefore, it should be equal right for all communities not for some is true and for others is not, otherwise it is a clear violation of international law and trespass on human right, sometimes led to torture or forced them to confess on something they have not done at all, taking such as measures do not help states to eliminate terrorism fully, vice versa, motivate people, groups and other entities to join extremist groups and it gives them much more ability or at least it makes their acts easier, in another hand weaken relationship and coordination among countries. Besides the phrase either with us or against us uses by the dictatorial authorities which do not leave other choices for people to have their ideas, different political views or opposition. The phrase did not prevent terrorist acts but vice versa terrorism acts increased after September 11, some organizations and states implicitly helped terrorists and yet but they did not publicly declare so as not be blamed by UN, other states and they feared from their favors.

Critics charge that phrase is an ideology of fear and repression that creates enemies and promotes violence rather than mitigating acts of terror and strengthening security. The worldwide campaign has too often become an excuse for governments to repress opposition groups and disregard international law and civil liberties [24].

In addition Advancements in technology, modernization and globalization have helped terrorist to use different kinds of ways and tactics which want to avoid countermeasures. Certainly, terrorist groups try to have new technology, weapons and new tactics to make huge loss of human lives and properties, makes huge obstacles before states to control the situation and protect their security. The presence of foreign fighters inside terrorist groups in countries where do not belong to, is one of the evidences in the current situation, transfers

experience, technology, weapons, new tactics...etc. from person to another which, means fighting terrorism and facing them is not that easy.

Unfortunately, terrorists exploited the weak points of societies and people during religion, political views, radical and various groups to attract them for joining terrorists. It usually happens in places where there is violation of human rights, conflicts among communities are going on, the social and economic situations are bad, no opportunity of jobs, high difference of levels among ethnics, religious, languages, political and security instability and other conditions push people to think in different way and makes wrong decision then goes to consequences that no one is agree or comfortable with. Terrorism acts is something not internal affairs and it is beyond the borders and needs relationship and coordination which are based on right, healthy and strong basis, stop supporting terrorists, exchanging intelligence information among states and countries. It concludes that indirect and underlying sources of conflict are significant to understanding specific incidents of terrorism and certain categories of terrorism as well as to delineate "root causes" into qualitative and quantitative variables that can be empirically tested in relation to contemporary terrorist activity. [25] The war on terrorism has, in a very short time, changed the underpinnings of the post-cold-war geopolitical arena. What is perhaps most significant about the changes is the genuine unpredictability of future events, and the extent of their significance on global politics and economics. We are witnessing a structural change every bit as significant as what occurred in 1945 and 1989. The difference is that these changes have already altered the way most people in the world live, and they promise to impact our lives in ways we have not even imagined. [26] Only the consequences for peace of an inter-State conflict could determine the evolution of international relations between powers. The "War on Terror" proclaimed by the Bush administration is now re-ordering the field of international relations, the unilateralist American choices are transforming in depth the entire multilateral system of international relations [27].

No doubt terrorism is international concern and no country can stand against the challenge a lone, needs other organizations, and states other entities under UN foundation. All countries and communities are in the same ship, if something happens to it no one be safe. Having proper relationship among societies needs safe world and far from violent acts, through creating an atmosphere conducive to peaceful coexistence among societies, mutual respect of each other. Certainly, the best way to encounter terrorism is international coordination and being together to push the most dangerous acts in our life, without it we give more victims, damages, destruction and instability and at the end only terrorists can benefit from that. The threat is one but for all countries, states, organization, humanity and makes no difference whatever the target is, but the difference is in tactics, using new ways of damage, killing many people, destruction huge private and public properties without paying attention of religious, ethnics, languages or anything else. The world now sees new type of

international relations of saying scratch my back and I will scratch yours, means no relationship and coordination can be done without something in return or compensation for it.

**Conclusions.** During our study to the topic, we found out international relationship and coordination are not at the required level as well as terrorism acts increased due several points below:

1- Although we are in 21 century but international community could not reach an agreement of precise definition on terror and terrorism, the definition has an elastically meaning, it gives authorities, organizations, other institutions to define terror with their interests and as they want. The role of UN in general and General Assembly is weak regarding this issue and needs to contribute more.

2- The current relationship among countries is totally different from that post second world war, in that time communities, states, others had a great coordination and wanted to face terror altogether, but now states, people and governments are almost left alone to encounter terrorism and not that relationship or almost none, it is a big gap and terrorists exploited it.

3- There are moderate groups, nonviolent people who ask for their right and self-determination which is embodied in UN charter but authorities still do not recognize their right and sees them as terrorist and saboteurs, for others is right and do not list them as terrorist, then relationship not be in the same level. UN, states, countries should differ moderate groups who ask for their rights from other extremist groups and terrorism, fighting moderate groups makes the situation more complicated in both domestic and international level.

4- Now relationship based on interests more than supporting others to encounter terrorism and tackle violent, in another word states gives information, support some interests in return.

5- States, authorities, governments and other parties cooperate with terrorists, other extremist groups for political goals, to pressure other parties to accept agreements or to weaken other countries to cause security instability and some kind of chaos.

6- UN in general and security council in particular failed to issue several decisions and instructions due to political background, polar power, because some were with and some were against, which made opportunity to the terrorist to organize their acts better.

7- Terrorism acts has changed, exploiting the development in various fields made them to use new technology and tactics, nowadays have more capability than before which some countries cannot face them alone with its army, so the best way to encounter terrorism is to have international relationship and working together.

8- Foreign fighter terrorists, extremists and presenting in other regions and states are another problem to the states and communities, some states do not accept to retrieve prosecute them. In one hand domestic law in some countries mentions citizens have to prosecute within its territorial even if they are in other

states, in another hand the states where the terrorists caught in demand from national states that the terrorists came from to retrieve their terrorists and then tension starts in relationship and coordination among countries.

9- Terrorism acts spread in all around the world and no community is safe from sudden attack, so in all cases states and communities need to have relationship and coordinate, so as to be far from it as much as possible. Secondly, most acts happen in regions, states where there is no space to express views of people, carry out their religious rituals and so on, these things push people, group to act violently, therefore, states should give its people their right which is embodied in both domestic and international law.

### References:

1. Teaching Guide on International Terrorism: Definitions, Causes, and Responses (2020), retrieved from: <https://www.usip.org/sites/default/files/terrorism.pdf>.
2. Ritchie, H. Hasell, J. Appel, C. and Roser, M. (2013), "Terrorism", *Our world in data*, retrieved from: <https://ourworldindata.org/terrorism>.
3. Understanding definitions of terrorism (2015), retrieved from: [http://trivalent-project.eu/wp-content/uploads/2018/06/2015-EPRS\\_ATA2015571320\\_EN.pdf](http://trivalent-project.eu/wp-content/uploads/2018/06/2015-EPRS_ATA2015571320_EN.pdf).
4. Greene, A. (2017), "Defining terrorism: one size fits all?", *International & Comparative Law Quarterly*, Volume 66, Issue 2, retrieved from: <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/defining-terrorism-one-size-fits-all/0E707CD33E7F656573C777BE23C27168/core-reader>.
5. Jenkins, J. P. (2020), "Terrorism-definition of terrorism", *Encyclopædia britannica*, retrieved from: <https://www.britannica.com/topic/terrorism>.
6. Khan, N. (2017), "'Us Vs. Them' Leaves The Whole World Divided", *Huffpost*, retrieved from: [https://www.huffpost.com/entry/us-vs-them-leaves-the-whole-world-divided\\_b\\_59483364e4b0f7875b83e508](https://www.huffpost.com/entry/us-vs-them-leaves-the-whole-world-divided_b_59483364e4b0f7875b83e508).
7. Abbas, A. E. Tambe, M. and Winterfeldt, D. V. (2017), "Improving homeland security-introduction", retrieved from: [https://books.google.com.ua/books?id=5ek4DwAAQBAJ&pg=PR4&lpg=PR4&dq=improving+internal+security&source=bl&ots=eerLbBwCz8&sig=ACfU3U2c5Xsgr9kQQLBcaHD\\_VHg8F995Kg&hl=en&sa=X&ved=2ahUKewiUvZT4jo7oAhXDXJoKHcxMBG8Q6AEwAnoECAgQAQ#v=onepage&q=improving%20internal%20security&f=false](https://books.google.com.ua/books?id=5ek4DwAAQBAJ&pg=PR4&lpg=PR4&dq=improving+internal+security&source=bl&ots=eerLbBwCz8&sig=ACfU3U2c5Xsgr9kQQLBcaHD_VHg8F995Kg&hl=en&sa=X&ved=2ahUKewiUvZT4jo7oAhXDXJoKHcxMBG8Q6AEwAnoECAgQAQ#v=onepage&q=improving%20internal%20security&f=false).
8. Harris, L. T. (2016), "London's preparedness to respond to a major terrorist incident", retrieved from: [https://www.london.gov.uk/sites/default/files/londons\\_preparedness\\_to\\_respond\\_to\\_a\\_major\\_terrorist\\_incident\\_-\\_independent\\_review\\_oct\\_2016.pdf](https://www.london.gov.uk/sites/default/files/londons_preparedness_to_respond_to_a_major_terrorist_incident_-_independent_review_oct_2016.pdf).
9. Terrorism: meaning, types, causes and effects-an Introduction (2020), retrieved from: [https://shodhganga.inflibnet.ac.in/bitstream/10603/208975/6/06\\_chapter%202.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/208975/6/06_chapter%202.pdf).
10. The official site of Statista (2019), retrieved from: <https://www.statista.com/statistics/202871/number-of-fatalities-by-terrorist-attacks-worldwide/>.
11. A Snapshot of Terrorism in the World Today-At Risk Countries (2014), retrieved from: <https://www.businessinsider.com/the-state-of-terrorism-in-the-world-today-2014-11>.
12. Zalman, A. (2020), "Top Causes of Terrorism-Conditions of Terrorism", retrieved from: <https://www.thoughtco.com/the-causes-of-terrorism-3209053>.
13. The official site of Central Intelligence of America (2003), retrieved from: [https://www.cia.gov/news-information/cia-the-war-on-terror/Counter\\_Terrorism\\_Strategy.pdf](https://www.cia.gov/news-information/cia-the-war-on-terror/Counter_Terrorism_Strategy.pdf).
14. Coninx, M. (2018), "Tackling the World's Multiple Challenges Simultaneously: The Role of the United Nations", retrieved from: <https://www.un.org/en/chronicle/article/tackling-worlds-multiple-challenges-simultaneously-role-united-nations>.
15. Fight against terrorism through international forums (2020), retrieved from: <http://www.exteriores.gob.es/Portal/en/PoliticaExteriorCooperacion/Terrorismo/Paginas/LuchaContraElTerrorismoDesdeLosForosInternacionales.aspx>.
16. The official site of United Nations (2020), retrieved from: <https://www.un.org/victimsofterrorism/en/node/4153>.

17. The official site of UN News (2020), "UN launches new framework to strengthen fight against terrorism", retrieved from: <https://news.un.org/en/story/2018/12/1027861>.
18. The official site of United Nations Development Programme (2020), retrieved from: [https://www.undp.org/content/undp/en/home/newscentre/speeches/2019/global\\_counter\\_terrorism\\_compact.html](https://www.undp.org/content/undp/en/home/newscentre/speeches/2019/global_counter_terrorism_compact.html).
19. Interagency Coordination in the Event of a Terrorist Attack Using Chemical or Biological Weapons or Materials (2011), retrieved from: [https://www.opcw.org/sites/default/files/documents/PDF/CTITF\\_2011\\_Report.pdf](https://www.opcw.org/sites/default/files/documents/PDF/CTITF_2011_Report.pdf).
20. The United Kingdom's Strategy for Countering Terrorism (2018), retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/714404/060618\\_CCS207\\_CCS0218929798-1\\_CONTEST\\_3.0\\_PRINT.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714404/060618_CCS207_CCS0218929798-1_CONTEST_3.0_PRINT.PDF).
21. The official site of National Security Council (2019), "The National Counter Terrorism Strategy", retrieved from: [file:///C:/Users/optimos%20prime/Downloads/Estrategia%20contra%20Terrorismo\\_EN.pdf.pdf](file:///C:/Users/optimos%20prime/Downloads/Estrategia%20contra%20Terrorismo_EN.pdf.pdf).
22. Foreign policy strategy for combating international terrorism (2006), retrieved from: [https://www.regjeringen.no/globalassets/upload/kilde/ud/rap/2006/0124/ddd/pdfv/291587-terrorstrategi\\_eng.pdf](https://www.regjeringen.no/globalassets/upload/kilde/ud/rap/2006/0124/ddd/pdfv/291587-terrorstrategi_eng.pdf).
23. Definitions of Terrorism and the Canadian Context (2015), retrieved from: [https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr09\\_6/p3.html](https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr09_6/p3.html).
24. The official site of Global Policy Forum (2011), "War on Terrorism", retrieved from: <https://www.globalpolicy.org/war-on-terrorism.html>.
25. Newman, E. (2006), "Exploring the "Root Causes" of Terrorism", *Studies in Conflict & Terrorism*, volume 29, issue 8, retrieved from: <https://www.tandfonline.com/doi/abs/10.1080/10576100600704069?src=recsys&journalCode=uter20>. DOI: <https://doi.org/10.1080/10576100600704069>.
26. Wagner, D. (2003), "Terrorism's Impact on International Relations", retrieved from: <https://www.irmi.com/articles/expert-commentary/terrorism-s-impact-on-international-relations>.
27. The official site of Baripedia (2020), "Terrorism and international relations", retrieved from: [https://baripedia.org/wiki/Terrorism\\_and\\_international\\_relations](https://baripedia.org/wiki/Terrorism_and_international_relations).

**Received: February 06, 2019**

## INTERNATIONAL LEGAL MEANS AND PROCEDURES TO SETTLE INTERNATIONAL DISPUTES

**Mykhailo Vainagii**

*<sup>1</sup>postgraduate student, "KROK" University, Head of Protocol Section of the Criminal Cassation of the Supreme Court, Kyiv, Ukraine, e-mail: mykhaylow@ukr.net*

**Abstract.** *The article highlights the norms and provisions of the international legal documents within the League of Nations, the United Nations Organization, the Organization for Security and Co-operation in Europe, the Council of Europe, the Organization of American States and the Organization of African Unity (African Union) in terms of the means and procedures for the peaceful settlement of disputes. In the process of studying the international legal acts, there are analysed provisions stipulating the use of means and procedures for the settlement of international disputes. There are also described characteristic features of applying these tools and mechanisms. Besides, it is conducted an analysis of their peculiarities and perspectives for the use in practice.*

**Keywords:** *international legal document, international organization, peaceful settlement of disputes, good services, mediation, reconciliation, negotiations, arbitration, judicial settlement.*

**JEL Classification:** K33, K40, K41, K49

**Formulas:** 0; **fig.:** 0; **tabl.:** 0; **bibl.:** 22.

**Introduction.** The history of formation and development of international legal mechanisms of dispute settlement goes back to the beginning of the twentieth century. However, unwritten means and procedures existed long time before they were formed in writing at the level of international organizations. Their early form looked as traditions and customs that have come to us through the ages via historical descriptions and mentioning.

**Literature Review.** Analysis is mainly conducted based on official legal acts within various international organizations. Mostly, it relates to the League of Nations, the United Nations Organization, the Organization for Security and Co-operation in Europe, the Council of Europe, the Organization of American States and the Organization of African Unity (African Union).

**Aims.** The purpose of this article is to describe and analyse the norms and provisions of international legal instruments within various international organizations for the purpose of implementing the principle of peaceful settlement of disputes and the existing means and procedures.

**Methods.** During the research there were used various methods. In particular, the method of analysis and synthesis, structural and logical methods, comparative method and generalization.

**Results.** One of the first international legal documents for the peaceful settlement of disputes was the Convention on the Pacific Settlement of International Disputes of 18 October 1907 (hereinafter referred to as the Convention of 1907). [1]

In the preamble to the Convention of 1907 it is written that the contracting states will promote by all the efforts in their power the friendly settlement of international disputes.



And in accordance with Article 1 of the Convention of 1907 with a view to obviating as far as possible recourse to force in the relations between States, the Contracting Powers agree to use their best efforts to ensure the pacific settlement of international differences.

Although a word – negotiations – is not found in the text of the Convention of 1907, it is often emphasized the pacific settlement, resolution of disputes, differences and it is referred to good services and mediation of the third parties.

The Convention of 1907 also stipulates the setting up of the international commissions of inquiry. In accordance with the Article 9 of the Convention of 1907, in disputes of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of facts, the Contracting Powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

In addition to the international commissions of inquiry, the Convention of 1907 foresees the functioning of the Permanent Court of Arbitration. Appeal to the Permanent Court of Arbitration entailed the obligation to honestly obey the arbitral award.

The difference between Court of Arbitration and Commission of Inquiry is that Court of Arbitration acts customarily, and the Commission of Inquiry investigates the facts of the case and submits them to the parties without taking a mandatory decision for both parties.

It is interesting that, in accordance with the Article 91 of the Convention of 1907, it replaced in the relations between the Contracting States the Convention for the Pacific Settlement of International Conflicts of 29 July 1899.

It follows that a similar convention was already adopted at the First Hague Peace Conference in 1899.

If to look in the chronological sequence, one of the following such international instruments was the General Act for the Pacific Settlement of International Disputes of 26 September 1928 (hereinafter – the Act of 1928), adopted within the League of Nations. [2]

This Act was amended by UN General Assembly on 28 April 1949.

The so-called innovation of the Act of 1928 was the establishment of a conciliation procedure. The act provided for the formation of a standing or special conciliation commission.

Pursuant to the Article 1 of the Act of 1928 disputes of every kind between two or more Parties to the Act of 1928 which it has not been possible to settle by diplomacy shall, subject to such reservations as may be made under the Article 39, be submitted, under the conditions laid down in the Chapter I of the Act of 1928, to the procedure of conciliation.

The Conciliation Commission shall be composed of five members. The commissioners shall be appointed for three years. It shall be constituted by the

third party at the request of one of the parties to the dispute for three (special) or six (permanent) months. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of the third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties. They shall be re-eligible. The parties shall appoint the President of the Commission from among them. The commissioners appointed jointly may be replaced by agreement between the parties. Either party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand. Decisions on the substance of the dispute shall be taken by a majority vote if all its members are present.

The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

The proceedings of the Commission must be terminated within six months.

At the close of the proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.

In addition to the provisions on the functioning of the conciliation commissions, the Act of 1928 contained provisions on judicial settlement and arbitration in terms of dispute resolution.

Today, the UN documents play a key role in approving the principle of peaceful settlement of disputes. These are the UN Charter, the UN General Assembly resolutions and declarations, documents of other bodies and institutions of the UN system. This list also includes regional agreements that confirm the provisions of this universal principle in regional relations. [3]

According to the article 33 of the UN Charter, the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means. [4]

We can see how it was widened and detailed the list of tools and procedures that can be used by the conflicting parties to resolve the dispute between them.

Concerning the UN internal documents, on November 15, 1982, the UN General Assembly adopted the Manila Declaration on the Peaceful Settlement of International Disputes and approved it by resolution No. 37/10. [5]

In accordance with this Declaration, the UN General Assembly has solemnly declared that all states shall act in good faith and in conformity with the purposes and principles enshrined in the Charter of the United Nations with a view to avoiding disputes among themselves likely to affect friendly relations among States, thus contributing to the maintenance of international peace and security. They shall live together in peace with one another as good neighbours and strive for the adoption of meaningful measures for strengthening international peace and security. At the same time, every state shall settle its international disputes exclusively by peaceful means in such a manner that international peace and security, and justice, are not endangered.

The same Declaration calls states for seeking in good faith and in a spirit of cooperation an early and equitable settlement of their international disputes by any of the following means: negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements or agencies or other peaceful means of their own choice, including good services. In seeking such a settlement, the parties shall agree on such peaceful means as may be appropriate to the circumstances and the nature of their dispute.

Besides, this Declaration encourages the UN Member States to conclude agreements for the peaceful settlement of disputes among them. States should also include in bilateral agreements and multilateral conventions to be concluded, as appropriate, effective provisions for the peaceful settlement of disputes arising from the interpretation or application thereof.

It is also stated here that direct negotiations are a flexible and effective means of peaceful settlement of disputes. And when states choose to resort to direct negotiations, states should negotiate meaningfully, in order to arrive at an early settlement acceptable to the parties.

Starting from 1983 and till 1989, the UN General Assembly has been adopting resolutions on the peaceful settlement of disputes between states at the end of each year.

On December 19, 1983, at the 101st plenary meeting, the UN General Assembly adopted resolution No. 38/131 on the peaceful settlement of disputes between States. [6]

On December 13, 1984, at the 99th plenary meeting, the UN General Assembly adopted resolution No. 39/79 on the peaceful settlement of disputes between States. [7]

On December 11, 1985, at the 112th plenary meeting, the UN General Assembly adopted resolution No. 40/68 on the peaceful settlement of disputes between States. [8]

On December 3, 1986, at the 95th plenary meeting, the UN General Assembly adopted resolution No. 41/74 on the peaceful settlement of disputes between States. [9]

On December 7, 1987, at the 94th plenary meeting, the UN General Assembly adopted resolution No. 42/150 on the peaceful settlement of disputes between States. [10]

On December 9, 1988, at the 76th plenary meeting, the UN General Assembly adopted resolution No. 43/163 on the peaceful settlement of disputes between States. [11]

On December 4, 1989, at the 72nd plenary meeting, the UN General Assembly adopted resolution No. 44/31 on the peaceful settlement of disputes between States. [12]

**Discussion.** All these resolutions are characterized by a fact that their contents mostly are repeated without introducing anything new from year to year. The UN General Assembly reaffirmed its adherence to the principles of international law; urged Member States to resolve disputes exclusively by peaceful means in accordance with the UN Charter; drew attention to a fact that the issue of peaceful settlement of disputes shall be considered by Member States as one of the central ones; encouraged states to implement to the full extent the provisions of the 1982 Manila Declaration and their fair implementation by all parties; and emphasized the necessity to continue efforts to strengthen process of the peaceful settlement of disputes through progressive development and codification of international law.

Another feature is that in 1990 such a resolution was no longer adopted within the framework of activities of the UN General Assembly. It seems that issue of peaceful settlement of disputes between states was especially relevant within the United Nations in the period from 1982 to 1989. Drawing a parallel with historical events, the USSR war in Afghanistan continued during this period, and the Cold War between the USA and the USSR ended.

In order to consolidate the principle of peaceful settlement of disputes and to detail the conditions for preventing and eliminating cases that threaten international peace and security, on December 5, 1988, the UN General Assembly adopted resolution No 43/51, approving the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the UN in this Field. [13]

Almost for the first time, at the level of an international legal document, it was written that states should consider the use of bilateral or multilateral consultations in order better to understand each other's views, positions and interests.

Besides, there was made an emphasis on approaching the relevant organs of the United Nations in order to obtain advice or recommendations on preventive means for dealing with a dispute or situation.

In addition, the Security Council should consider sending, at an early stage, fact-finding or good offices missions or establishing of the UN presence, including observers and peace-keeping operations, as a means of preventing the further deterioration of dispute or situation.

This Declaration of 5 December 1988 contains the reaffirmation of the Declaration on Principles of Internal Law concerning friendly and cooperation among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations.

On November 15, 1989, at the 56th plenary meeting of the UN General Assembly, there was adopted Resolution No 44/21 on enhancing international peace, security and international cooperation in all its aspects in accordance with the UN Charter. [14]

This Resolution called for improvement of international cooperation in resolving international problems detailing their political, economic, social, cultural and humanitarian character. The document also called upon Member States to intensify their practical efforts towards ensuring international peace and security in all its aspects through cooperative means to settle disputes peacefully. In addition, Member States were again encouraged to consult and cooperate within the framework of the UN system, the Security Council, the General Assembly and their appropriate subsidiary bodies in order to find multifaceted approaches to implement and strengthen the principles and the system of international peace, security and international cooperation laid down in the UN Charter.

Based on the Pan-American Union, which has existed since 1890, the Organization of American States (OAS) was formed. One of the main goals of the OAS is preventive diplomacy and the peaceful settlement of disputes between Member States. [15]

As part of the regional agreements on the peaceful settlement of disputes within the Organization of American States on April 30, 1948 in Bogota, Colombia, there was adopted the Inter-American Treaty on the Pacific Settlement of Disputes, the so-called Bogotá Pact. [16]

According to the Bogotá Pact, in the event of a dispute, the parties, firstly, seek to resolve the dispute through direct negotiations via usual diplomatic channels. And only after that if a controversy cannot be settled the parties bind themselves to use the procedures established in the present Treaty, in the manner and under the conditions provided for in the Bogotá Pact. Among them there are good services and mediation, procedure of investigation and conciliation, judicial procedure and procedure of arbitration.

Pursuant to the Article 58 of the Bogota Pact the following treaties, conventions and protocols shall cease to be in force, namely:

- Treaty to Avoid or Prevent Conflicts between the American States, of May 3, 1923;
- General Convention of Inter-American Conciliation, of January 5, 1929;
- General Treaty of Inter-American Arbitration and Additional Protocol of Progressive Arbitration, of January 5, 1929;

- Additional Protocol to the General Convention of Inter-American Conciliation, of December 26, 1933;
- Anti-War Treaty of Non-Aggression and Conciliation, of October 10, 1933;
- Convention to Coordinate, Extend and Assure the Fulfilment of the Existing Treaties between the American States, of December 23, 1936;
- Inter-American Treaty on Good Offices and Mediation, of December 23, 1936;
- Treaty on the Prevention of Controversies, of December 23, 1936.

As we can see from the above list of legal normative acts, an issue of using the negotiations for the peaceful settlement of disputes and other peaceful means and procedures was of great interest to the Member States of the Organization of American States.

On 29 April 1957, the European Convention for the Peaceful Settlement of Disputes was adopted in Strasbourg on the European continent by the Council of Europe. This Convention provides for judicial settlement, conciliation, arbitration and general provisions. [17]

Like the Inter-American Treaty of the OAS of 1948, the European Convention of the CoE of 1957 emphasizes the need for a peaceful settlement through similar procedures (conciliation, court, arbitration), without calling for an active bilateral negotiation process and without particularly elaborating on the effectiveness of negotiations.

Convention on Conciliation and Arbitration within the OSCE was adopted by the Council of Ministers on 15 December 1992 in Stockholm as part of the Decision on Peaceful Settlement of Disputes. [18]

In this Convention, the States parties reaffirm their solemn commitment to settle their disputes through peaceful means and their decision to develop mechanisms to settle disputes between them.

This OSCE Convention of 1992 provides for the establishment of a court of conciliation and arbitration from among world mediators and arbitrators; conciliation commissions and arbitral tribunals.

Just like in all the other regional agreements on peace settlement referred to above, the submission of a dispute to the Conciliation Commission provided for in the OSCE Convention of 1992 occurs after the dispute has not been settled within a reasonable period through negotiation (Article 18).

As of today, the OSCE has the following mechanisms for peaceful settlement of disputes within the framework of the OSCE: the military anti-crisis mechanism (the Vienna mechanism), mechanism of consultations and cooperation for emergencies (the Berlin mechanism), the human dimension mechanism (the Moscow mechanism), the early warning and early actions mechanism of the OSCE High Commissioner on National Minorities, mechanisms for the peaceful settlement of disputes. In addition to the above mechanisms, there are also certain procedures (conciliation, arbitration) and an early warning system before the OSCE Governing Council. [19]

Within the African continent, and more specifically within the African Union (from 1963 to 2002, the Organization of African Unity), a Protocol relating to the Establishment of the Peace and Security Council of the African Union was adopted on 9 July 2002 in Durban (Republic of South Africa). [20]

The Protocol stipulates that the so-called Cairo Declaration on the Establishment of a Mechanism for Conflict Prevention, Management and Resolution adopted on 28 June 1993 shall cease to be in force and the Protocol shall become effective instead.

The content of this Protocol included calling Member States for settlement of disputes peacefully, for ensuring peace, stability and security, for creation of conditions for sustainable development. The Peace and Security Council was established as a standing decision-making organ for the prevention, management and resolution of conflict, as a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crises situations in Africa. In its activities, this Council shall be supported by the Commission, Panel of the Wise, Continental Early Warning System, African Standby Forces and Special Fund.

Among the bodies that support the efforts of this Council are a Panel of the Wise which shall be composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent. They shall be selected by the Chairperson of the Commission after consultation with the Member States basing on regional representation and appointed by the Assembly for three years. The main task of this Panel is to advise on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa.

Among the principles of the Constitutive Act, solemnly affirmed by the Member States there is the principle of the peaceful settlement of disputes through negotiation, mediation, conciliation or arbitration. [21]

Returning to the United Nations as the largest global international organization, on 23 June 1992, the UN Secretary-General Butros Butros-Gali, on the initiative of the Security Council, presented his report entitled "An Agenda for Peace". The main topics of this document were: preventive diplomacy, peace-making and peacekeeping. The document consisted of an introduction and ten parts that covered a considerable range of peace-making and peacekeeping tasks. New key definitions were proposed. For example, preventive diplomacy means actions purposed to prevent disputes between the parties and counteract the escalation of disputes into conflicts (sending fact-finding missions, creating demilitarized zones, preventive deployment of the UN peacekeeping forces). Peace-making means actions purposed to reach an agreement between the warring parties through peaceful means provided for in Chapter VI of the UN Charter. Peacekeeping means to ensure the presence of the UN in a certain area, which has so far been carried out with the consent of all

stakeholders, which is usually associated with the deployment of military or police personnel, and often civilians. [22]

It should be emphasized that the definition of "peacekeeping" leaves a room for debate over the agreement of the parties to the conflict upon the military presence of the UN peacekeeping forces.

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

1. The principle of peaceful settlement of disputes is firmly established in virtually all international legal instruments worldwide. Most often, peaceful means and procedures for settling international disputes include negotiations, mediation, inquiry, good services, intermediary, reconciliation, judicial procedures, arbitration and various commissions on dispute resolution;

2. However, the institution of negotiations as a dispute settlement mechanism has not received a detailed description at the level of international legal documents. Features that contribute to, or vice versa, hinder the success of the negotiation process have been ignored by authors and participants of international meetings;

3. In virtually all the means and procedures of settling international disputes, the emphasis is made on a necessity to engage the third neutral party, person which can approach the situation more objectively and can help the parties to resolve it;

4. Since the end of the twentieth century, a new "trend" has emerged in the area of peaceful settlement of disputes – preventive approach, that is, to prevent situations that may lead to conflicts and open confrontation with use of weapons;

5. Despite such a wide variety of international legal instruments and procedures for the settlement of international disputes, the number of collisions, disputes and conflicts worldwide is not diminished, and none of the existing instruments and mechanisms can guarantee their quick and peaceful settlement.

### **References:**

1. *Convention on the Peaceful Settlement of International Conflicts of 18 October 1907*. Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_938](https://zakon.rada.gov.ua/laws/show/995_938) [in Russian]
2. *The Universal Act for the Peaceful Settlement of International Disputes of 26 September 1928, as amended by the UN General Assembly of 28 April 1949*. Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_f68](https://zakon.rada.gov.ua/laws/show/995_f68) [in Russian]
3. Proskurina, O.O. (2012). *Political Conflictology*. Luhansk: LNU named after T. Shevchenko. 351 p. [in Ukrainian]
4. *United Nations Charter*. Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_010](https://zakon.rada.gov.ua/laws/show/995_010) [in Russian]
5. *The Manila Declaration on the Peaceful Settlement of International Disputes of 15 November 1982 adopted by the UN General Assembly Resolution No. 37/10*. Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_568](https://zakon.rada.gov.ua/laws/show/995_568) [in Russian]
6. UN GA Resolution of 19 December 1983 No. 38/131 "Peaceful settlement of disputes between States". Retrieved from <https://undocs.org/en/A/RES/38/131> [in English]
7. UN GA Resolution of 13 December 1984 No. 39/79 "Peaceful Settlement of Disputes between States". Retrieved from <https://undocs.org/en/A/RES/39/79> [in English]
8. UN GA Resolution of December 11, 1985 No. 40/68 "Peaceful Settlement of Disputes Between States". Retrieved from <https://undocs.org/en/A/RES/40/68> [in English]
9. UN GA Resolution of 3 December 1986 No. 41/74 "Peaceful Settlement of Disputes between States" <https://undocs.org/en/A/RES/41/74> [in English]



10. UN GA Resolution of 7 December 1987 No. 42/150 "Peaceful Settlement of Disputes Between States". Retrieved from <https://undocs.org/en/A/RES/42/150> [in English]
11. UN GA Resolution of 9 December 1988 No. 43/163 "Peaceful Settlement of Disputes Between States". Retrieved from <https://undocs.org/en/A/RES/43/163> [in English]
12. UN GA Resolution of 4 December 1989 No. 44/31 "Peaceful Settlement of Disputes between States". Retrieved from <https://undocs.org/en/A/RES/44/31> [in English]
13. Declaration on the prevention and resolution of disputes and situations that may threaten international peace and security, and on the role of the United Nations in this field, adopted by UN General Assembly resolution No. 43/51 of 5 December 1988. Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_573](https://zakon.rada.gov.ua/laws/show/995_573) [in Russian]
14. UN GA Resolution of 15 November 1989 No. 44/21 on "Strengthening international peace, security and international cooperation in all its aspects in accordance with the UN Charter". Retrieved from <https://undocs.org/en/A/RES/44/21> [in English]
15. Official website of the Ministry of Foreign Affairs <https://mfa.gov.ua/en/about-ukraine/international-organizations/oas> [in Ukrainian]
16. American Treaty on Pacific Settlement "Bogotá Pact" (A-42) from 30 April 1948. Retrieved from [http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-42\\_pacific\\_settlement\\_pact\\_bogota.asp](http://www.oas.org/en/sla/dil/inter_american_treaties_A-42_pacific_settlement_pact_bogota.asp) [in English]
17. European Convention for the Peaceful Settlement of Disputes from 29 April 1957. Retrieved from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680064586> [in English]
18. Convention on Conciliation and Arbitration within the CSCE, December 15, 1992. Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_a11](https://zakon.rada.gov.ua/laws/show/995_a11) [in Ukrainian] and <https://www.osce.org/cca/111409?download=true> [in English]
19. Kubievich, S.P. (2014). Stages of Formation and Features of Dispute Resolution within the Organization for Security and Co-operation in Europe (OSCE). *Journal of the Kyiv University of Law*. № 4. p. 292 - 296. [in Ukrainian]
20. Protocol establishing the African Union Peace and Security Council of 9 July 2002. Retrieved from [https://au.int/sites/default/files/treaties/37293-treaty-0024\\_-\\_protocol\\_relating\\_to\\_the\\_establishment\\_of\\_the\\_peace\\_and\\_security\\_council\\_of\\_the\\_af\\_rican](https://au.int/sites/default/files/treaties/37293-treaty-0024_-_protocol_relating_to_the_establishment_of_the_peace_and_security_council_of_the_af_rican) [in English]
21. Charter of the Organization of African Unity (African Union) of 25 May 1963. Retrieved from [https://au.int/sites/default/files/treaties/7759-file-oau\\_charter\\_1963.pdf](https://au.int/sites/default/files/treaties/7759-file-oau_charter_1963.pdf) [in English]
22. Polishchuk, P.A. (2017). Participation of Great Britain in UN International Peacekeeping Missions (1990-2010), *Journal of Political Life*. № 3. p. 114-120 [in Ukrainian].

**Received: January 06, 2019**

# *Public Administration and Law Review*

*Issue 1, 2020*

*Copyright © 2020, Scientific Center of Innovative Researches OÜ*

*Printed by: Scientific Center of Innovative Researches OÜ, Peterburi tee 47, 11415, Tallinn, Estonia*

*Number of copies: 300*

*First printing: March 25, 2020*

*Distributed worldwide by Scientific Center of Innovative Researches OÜ - [office@scnchub.com](mailto:office@scnchub.com)*

*Full text available online at <https://scnchub.com/>*

*DOI: 10.36690/2674-5216-2020-1*