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State regulation of economy under globalization conditions

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Abstract. The article examines content and features of state regulation of the economy in a growing influence of globalization trends; considers the problems associated with transformation and emergence of new functions of state regulation of the economy. It is proved that increased globalization trends significantly affecting the role of state in economic processes. In these conditions, there are significant risks associated with the weakening of role of government in the regulatory process, because management decisions concerning a country rarely accepted outside its boundaries. Grounded necessity of wider application of instruments of state regulation of the financial and economic spheres. This, in particular, is due to the incidence of the crisis, which in the internationalization of capital in the global environment leading to a rapid deterioration of the financial system first, and then the whole economy.

Key words: *State regulation, state regulation of the economy, globalization, globalization factors, the index of globalization.*

Problem statement

Current trends in the global economy testify to the growing expansion of globalization. This process is directly connected with the necessity of transformation functions of the state in regulating the economy. Increased foreign trade liberalization, the growing influence of multinational corporations in the international scale and other factors lead to the emergence pressure on national economies, feeling that they lose the potential for further growth and development. Increasing of globalization trends make particularly strong impact on countries where domestic producers have limited opportunities to compete in international market.

In modern conditions the state as the main regulator of economic processes, loses its alone capabilities to control the economic processes in the country, due to the unification and erasing boundaries that significantly undermine the state regulatory policy. This demonstrates the need to change and adapt to new requirements which dictate globalization trends.

For Ukraine this problem is particularly acute due to the fact that the national economic system is not adapted to increased globalization. Seeking to quickly integrate into the world economic system should take into account that the process carries significant risks associated with the fact that opening the domestic market to imports, national producers will not be able to reach the similar markets abroad. To overcome these negative trends is possible only by changing the approaches used by the state in regulating the economy in conditions of globalization. The primary purpose of government regulation in this aspect must be achieving optimal balance between using all opportunities for economic development that makes the integration process, and on the other - to

limit the negative effects that it has. This is to balance the state regulation of the economy determines the urgency and the need for further study of the subject.

Analysis of recent research and publications. The problem of state regulation of the economy in the context of globalization trends are the subject of research by many scientists. Among foreign scientists question the data covering: Makhryu E., Soros G., Stiglitz J., Held D., Chelenn R. and others. Special attention to various aspects of state regulation of the economy in terms of globalization also given scientists in other countries, among them Grosheva T.A., Koshelev A.N., Lukasheva E.A., Stechenko D.M., Utkin A.I., Smitiyenko B.M. and others. Among Ukrainian scientists, the question of government regulation in the context of growing influence of globalization trends examined Borynets S.Y., Chechel O.M., Filipenko A.S., Hrytsiak I.A., Kovbasyuk Y.V., Kulishov V.V., Lukashevich V.M., Mazurok P.P., Odyahaylo B.M., Shnyepko O.S., Surmin Y.P., Voytovych R.V. and others.

Despite the versatile research issues of state regulation of the economy in the context of globalization, some of issues are still not addressed in the scientific literature. Thus requiring further review some aspects of state regulation to determine the balance between enough for the economic development of globalization on the one hand and the protection of domestic producers – on the other. Also necessary is expansion of understanding of the nature of government regulation for the domestic economy, given the integration processes.

Setting goals and objectives. The purpose of this article is to study the transformation processes which taking place in the state regulation of the economy in conditions of strengthening of globalization trends.

Presenting the main material. Today globalization process characterized by the fact that it has more affecting to state regulation of individual countries. Thus, the state itself, as the subject of regulation, can not influence the globalization trend, but only out of the decisions taken by other subjects at a distance. The main feature of globalization is that the geographical distance between countries is becoming less important as the

territorial limit. Thus, removed not only physical but also economic borders [1, p. 423].

The main factors of globalization which indicate the need of transformation approaches to state regulation of the economy can be given below:

- Transition from industrial to postindustrial (information) society in which the basic resource is information;
- A significant increasing the number of countries (at the global level), applying a market economy model;
- Increasing of globalization and internationalization processes in the economy;
- Losing the completeness of state control over the internal processes in economy by strengthening the impact of crisis at the global level;
- Increasing the number of institutions that can influence the regulation of the economy at the global level;
- Increasing the size and scale of impact the integration international organizations, leading to deformation of the territorial and/or economic boundaries of individual countries;
- Expanding the list of actors of international economic relations (regional entities, non-governmental organizations, multinational corporations, international organizations and other informal centers where taken decisions a global character) that can influence state policy on the regulation of the national economy;
- Significant limitation of the state monopoly on implementation of regulatory functions, which leads to displacement ratio of powers from national to sub-national level;
- The relationship of the state and private institutions on a global scale are becoming less imperious character, giving the cooperative [2, p. 150].

Thus, state regulation of the economy in the context of globalization, this is actually regulating the conditions of porous borders, strengthening of cooperation and communication between the different actors of international economic relations that also accept and implement its own management decisions. In this context, according to some scientists, government regulation with the

increasing globalization begins to be more conditional, because more subordinate to international institutions or other entities that have an impact on the international economic system and those legal standards imposed or proposed them [3, 4].

Globalization processes, penetrating the domestic sphere through economic, legal, information and other channels, transforming the nature of government regulation itself. As a result, traditional state regulatory functions in the economic sphere, which were characteristic before, undergoing significant changes. So the implementation of minimum functions of government regulation on the creation of the legal framework necessary for economic agents to protect competition in the market, maintaining at the appropriate level for economy the number of money, to overcome or at least reduce the impact of externalities, public goods provision is necessary, but under current conditions not sufficient condition of economic development.

To determine how a particular country is integrated into the globalization process since 2002 using the index of globalization of the world (KOF Index of Globalization). This

index of its content is combined indicator and allows to evaluate the extent of a country's integration into the global space and compare different countries for its components. The basis of this indicator assigned amount following components: economic, social and political. For each of the components set its weight, which makes accordingly 36%, 39% and 25%.

To better understand the meaning of economic globalization, should note that the index of economic globalization is characterized by two dimensions:

1. The real flows (material and financial);
2. The barriers that prevent movement of the real flows [5, p. 105].

Data on generalizing parameters of Index of Globalization (KOF) and its economic component are presented in Table 1.

Table 1.

The value of index KOF (Index of Globalization) and its economic component for some countries in 2016 (in %)¹

Name of country	Place the country in terms of Index of Globalization	Indicator Value of Index of Globalization	Place of the country by the economic component of Index of Globalization	Indicator Value of Economic Globalization
Netherlands	1	91,70	4	90,89
Ireland	2	91,64	2	93,08
Belgium	3	90,51	9	85,95
Austria	4	89,83	13	83,25
Switzerland	5	87,01	50	70,00
Singapore	6	86,93	1	96,06
Denmark	7	86,44	20	81,17
Sweden	8	85,92	24	80,56
Hungary	9	85,78	7	86,85
Canada	10	85,67	34	76,12
Great Britain	20	81,97	59	67,62
Australia	21	81,93	43	73,64
Germany	27	78,24	81	61,08
USA	34	75,71	89	59,40
Japan	48	67,86	124	50,77

¹ Note. Prepared according to data [6]

Considering the data presented in Table 1, attracts attention the fact that countries occupy a leading position as a general indicator KOF Index of Globalization, tend to have different values for its economic component. Also, remarkable that the most economically developed countries such as Great Britain, Germany, USA, Japan, occupy respectively 59, 81, 89 and 124 seats on the economic component of the index KOF [6].

Thus, we can make the conclusions that by declaring openness to globalization, leading countries often use measures of state regulation aimed at reducing the impact of globalization. This applies particularly to the economic sphere. As one of the factors

determining the economic component of the KOF index is to evaluate protective measures and restrictions can be stated that the policy of liberalizing world trade, which declared the developed countries, the practice quite often violated.

As for Ukraine, since 2013 there is a trend to increased scale integration with the world community. So in 2013, Ukraine ranked 47 place in terms of globalization, while in 2016 – 41. Data on components KOF index for Ukraine over the past 5 years is shown in Figure 1.

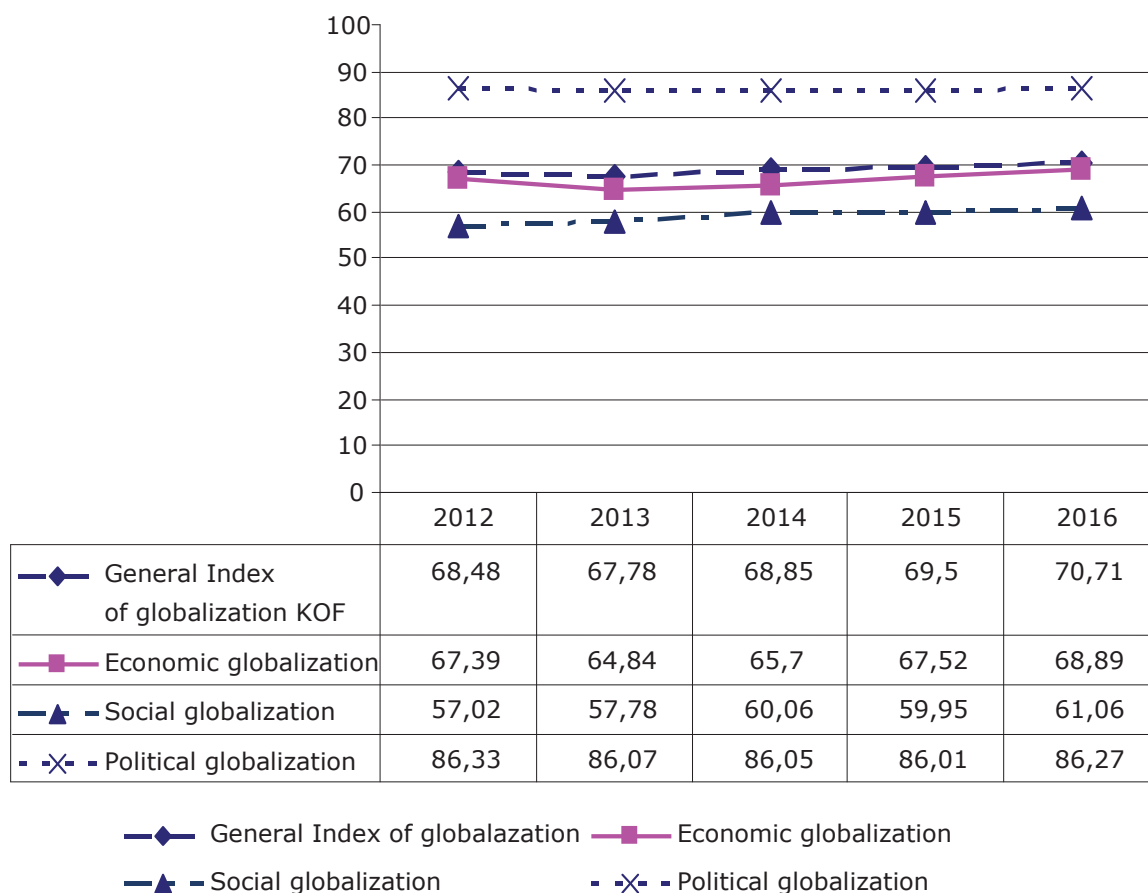


Fig. 1. Dynamics of change KOF index of globalization for Ukraine in 2012–2016. [7].

As seen from the indicators, in general, occurs their gradual increase in both general index KOF globalization, and for its individual components. By results of 2016 attracts attention the rapid growth rate of economic globalization. It can be justified by substantial expansion of international relations in the

economic sphere with other countries, especially the EU. Around the same time, we believe that this growth can also carry the threat. Given that in recent years Ukraine closely cooperates with international financial institutions, especially the IMF, there is a risk

of partial loss of opportunities the complete government regulation of the economy.

Ukraine, like most modern countries, faced with the fact that global change forced the state to fulfill her not inherent functions associated in particular with modernization of the economy, increase the competitiveness of national producers, increasing innovation potential and ensuring the stability of the financial system from crisis, including a global scale. The weakness of state – the main prerequisite of weakness the economy and its criminalization. From this perspective, the main reformers miscalculation was ignoring the truth that the formation of market mechanisms and political democracy is a process in which the state acts as the main guarantor of viability and effective functioning of the economic system [8, p. 19].

Along with the fact achieve the most effective results of state regulation in the economic sphere can be provided only if compliance with market conditions. Thus, one of the main tasks of the modern of state regulation is to ensure the market rights and freedoms of entrepreneurship, with the simultaneous implementation of tasks

designed to neutralize the negative impact of globalization trends on the national economy.

The process of transformation functions of state regulation of the economy under the influence of globalization reflected in Fig. 2.

As seen from the Fig. 2, both new and those functions of economic regulation that existed before undergoing constant transformation. This process of adaptation is objectively necessary and, given the general trends of the growing influence of globalization and the emergence of new forms of penetration into the economy of each country, shall be continue in the future.

Transformation of state regulation of the economy is reflected in the fact that the state often serves as a global financier, making management such institutions as banks, insurance companies and pension funds. Even in countries with developed economies, where the vast majority of financial institutions are in private ownership, the likelihood of recapitalization and transfer to state ownership is possible in case of aggravation of the crisis [9, p. 42]. This is especially true of institutions that are the backbone to financial system.

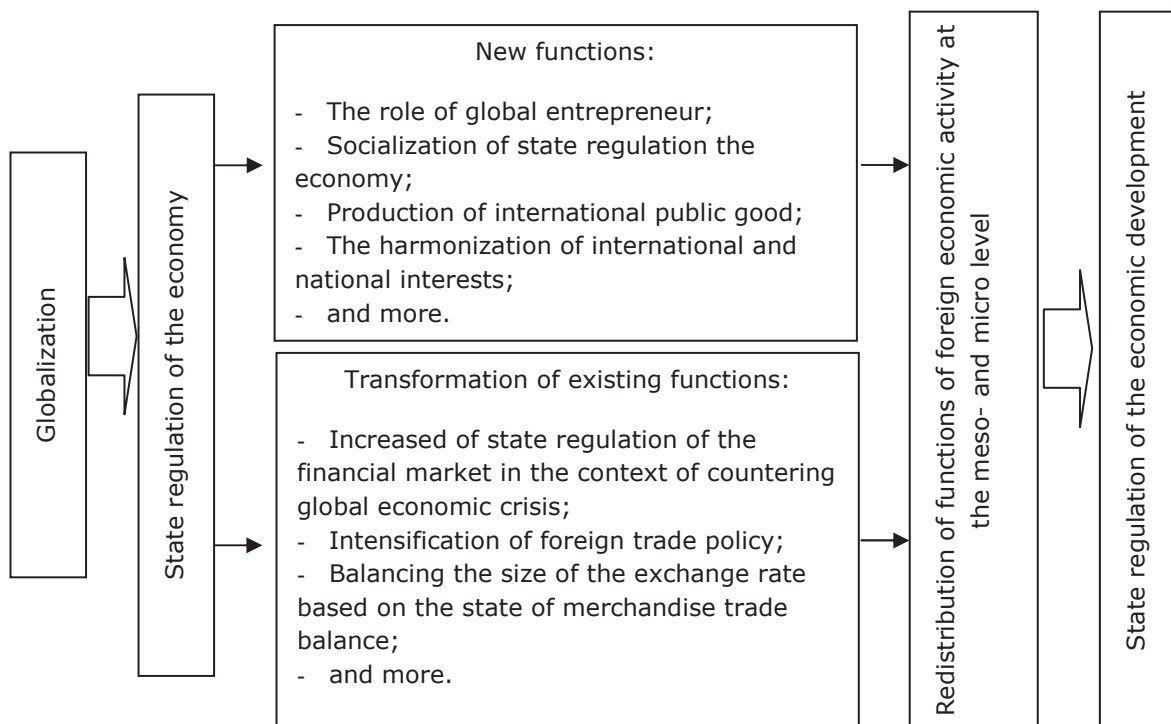


Fig. 2. Modern Transformation of functions of state regulation in the context of globalization.

In addition to the financial sector, the state, in the context of globalization, is also

entrusted a significant responsibility in the areas of: establishing foreign relations at the

global level, maintaining optimal trade policy of the exchange rate of the national currency, export control, not only of goods but also of capital. Thus, transformation processes also occur in state regulation other than financial, economic areas, especially foreign trade.

Thus it can be argued that globalization processes affecting the state regulation of the economy have, both positive and negative consequences. One of the most significant negative consequences of globalization is worsening problems in public finance. In recent decades, a clear tendency to unbalanced national budgets, and this applies as countries whose economies are only transition to a market and developed countries [10, p. 15; 11, p. 126].

One explanation for this situation may be that the growing influence of global economic processes. Empowering of integration structures, the development of global stock markets, the increasing number of international financial institutions, all this ultimately leads to the fact that some countries in the failure to balance public finances, in one form or another, seeking international assistance. The result of this policy is the growth of public debt and partial loss of sovereignty on state regulation of the national economy, as creditors get additional leverage on domestic economic processes in the country.

Conclusion

Globalization processes have a significant impact on state regulation of the economy of any modern country, integrated into the world community. Along with those in countries where approaches to state regulation is outdated and in need of immediate reform, the pressure of globalization is felt more acutely. That is why, in our view, the priority for Ukraine is the transformation of most approaches to state regulation that not only ensure the effectiveness of the restructuring of outdated bureaucratic system, but also will enable to integrate into the modern world community without additional risks.

The main areas that have a primary character in this context should be:

- Orientation when making in state and regulatory decisions in the economic sphere to the concrete results (effectiveness, efficiency, productivity, etc.);
- The introduction of clearly defined indicators that would evaluate the results of the invested financial resources at the end (program-target method of financing);
- Reducing expenses for state regulatory functions by optimizing the number of personnel, reduction of necessary resources;
- application of methods of deregulation, improving mechanisms for monitoring and control, increasing the openness and transparency of state regulation;
- An active implementation in state regulation of decentralization and using the principle of subsidiarity that envisages offset the center of management decision making and the redistribution of financial resources to the level that is closest to the consumers;
- Transformation of the internal structure of state regulation by creating modern, mobile, competitive semi-autonomous agencies that unlike existing cumbersome structures can more effectively carry out their functions;

Conversion of currently existing system of purchasing and provision of public goods (goods or services) by isolating the procurement function from the function of providing, through effective use of new systems that will ensure competitiveness in this area and optimize the government expenditures.

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 **WYŻSZA SZKOŁA
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Determinants of the innovativeness of Polish enterprises



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Abstract. Among the factors contributing to the growth of innovation in enterprises, the state should play a special role by defining the long-term directions of developmental policy. The basic factors that create the opportunities for the development of innovation include the removal of obstacles to the demand for goods and services, easing the fiscal burden, facilitating access to the sources of capital, as well as building new business structures. The article presents basic tools of support for the development of innovation and the factors that contribute to the restriction of this process in Poland.

Problem statement

Innovative activity means that economic entities engage themselves in all sorts of technical, scientific, financial, organizational and commercial operations which are aimed at or lead to the implementation of innovations. Innovative activities is seen as a source of competitiveness and economic growth. The innovation of Polish enterprises is usually assessed on the basis of three elements, i.e. the percentage of innovative enterprises, expenditures of entrepreneurs on R&D activities and patent activity in the Polish and European Patent Office. Innovation is considered to be the implementation of a new or significantly improved product (goods or service), or a process, a new organizational or marketing method in economic practice, or the organization of a workplace or relations with the environment. However, a new or significantly improved product is implemented when it is launched onto the market. New processes and organizational or marketing methods are implemented when they start to be used in the company's activities. The classic division of innovations implemented by the enterprises includes technological innovations of the product itself and the innovations concerning the production process. Product innovations consist in improving the existing product or launching a new product (goods or service) onto the market. The improvement refers to technical specification, components, materials, and other functional features. Process innovations mean the implementation of a new or significantly improved production or delivery methods, including changes in technology, equipment and software. Moreover, the types of innovation also include organizational and marketing innovations. R&D activities are considered to be

a special form of innovative activity of enterprises. Innovative activities are perceived as a source of competitiveness and economic growth. Fast development of markets and modern international competition are aimed at achieving high quality and modernity and therefore the importance of innovation in shaping the economy is great. The determinants of the development of enterprises and their innovativeness are, among others, investments in their research and development activities. Innovativeness of Polish business entities receives negative assessment on more than one occasion. The objective of this article is to assess the innovativeness of Polish business entities in relation to the innovative actions of the EU enterprises. Based on the results of a survey conducted in the selected group of entrepreneurs, innovation-related problems which restrict this process in Polish enterprises were listed in detail.

Assessment of the innovativeness of enterprises

Community Innovation Survey is a joint venture of Eurostat and the Innovation and SME Programme started in 1991 (CIS I) in order to strengthen the empirical bases of the European innovation policy. As innovations are regarded such economic units which launched a new or an improved product or technological process onto the market in the period covered by a survey. CIS I surveys are a source of data and information on innovative undertakings collected from enterprises operating in all EU countries. Information obtained from the analysis of these data allows to assess the level of development of the European economy and defining the directions of the research and development policy. One of the most

innovativeness of enterprises is the percentage of business entities implementing product or process innovations. According to the most recent Community Innovation Survey (2012), on average more than a half of enterprises in the UE countries can be classified as innovative (Figure 1). Among the 28 EU countries the most innovative business units were located in Germany (72%), Belgium (65%), the UK (66%), Ireland (57%) as well as Austria and Finland (both 53%). The lowest activity is characteristic of the entrepreneurs from Romania, Hungary, Lithuania, Latvia and Poland where the percentage of innovative enterprises does not exceed 30% of all business entities. The innovative contribution of the enterprises does not exceed 30% in total. Poland is one of the last on the list of the EU-28 countries in terms of the number of innovative enterprises to the total number of enterprises in the *Industry* (Figure 1).

In Poland, the largest number of regional innovative industrial enterprises is in

the Masovian [*Polish: mazowieckie*] (29%), Pomeranian [*Polish: pomor-skie*] (28%) and Lower Silesian [*dolnośląskie*] (27%) Voivodeships. The lowest number of actively operating innovative industrial enterprises was in the Łódź Voivodeship (16%) and the Lubusz Voivodeship (15%) (Figure 2).

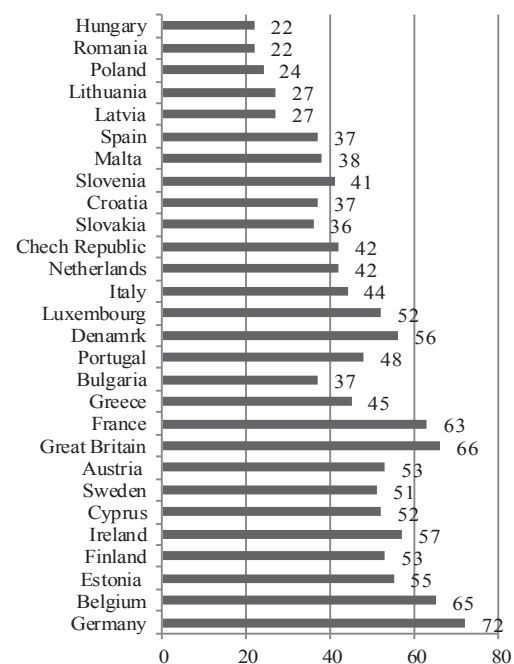


Figure 1 Percentage of companies by type of innovation activities in terms of products and processes in Industry in the EU countries (%) at the end of 2013

One of the main innovation problems of business entities is their difficult financial situation and too high costs of implementing the innovations. These factors were stressed in the Report on the innovative activities of enterprises for the years 2010 - 2013, i.e.

more than 40% of small and more than 30% of large businesses pointed to insufficient funds as a barrier to innovative activities. On the other hand, too high costs of innovation posed a problem for 39% of small and 35% of large enterprises. The barrier quite often pointed to was a difficult access to funding from external sources, particularly from the EU budget, as indicated by 30% of small and 26% of large enterprises. Proper support for innovative activities by appropriate national innovation policy associated with the EC policy is becoming the main aspect (Bukowski et al. 2012). The key role in creating a competitive advantage is played by the development of the R&D sphere of a given country. R&D activities mean systematic approach to creative work undertaken in order to increase knowledge and find new solutions. A distinct difference in the percentage of industrial enterprises running internal R&D activities can also be found in interregional comparisons (Figure 3).

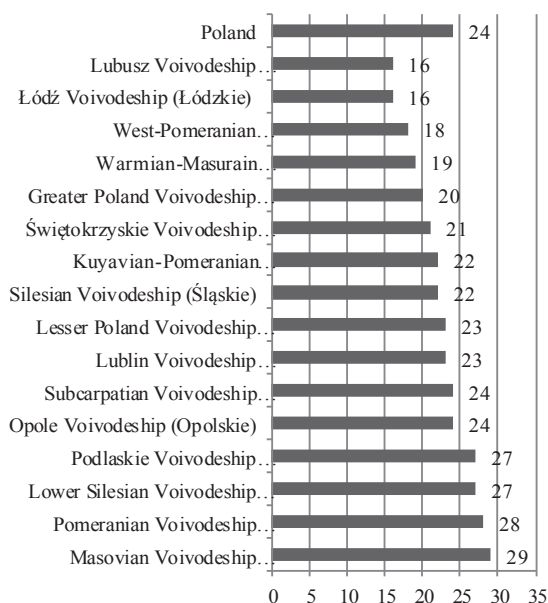


Figure 2. Percentage of innovative enterprises by voivodeship in Poland at the end of 2013 (%)

A relatively large number of companies willing to carry out internal R&D works is in the Silesian, Greater Poland and Masovian Voivodeships, i.e. 10%, and Lesser Poland, Lower Silesian, Pomeranian and Lubusz Voivodeships - 9%. The companies

from the last two voivodeships also showed the greatest tendency to conduct continuous R&D works - 4% of companies in each of these regions conducted such activities. The lowest percentage of companies conducting R&D activities was reported in the Warmian-Masurian, Świętokrzyskie and Opole Voivodeships - 5%. In the Warmian-Masurian and West-Pomeranian regions the lowest percentage of enterprises running internal R&D activities on a continuous basis was reported, i.e. below 1%.

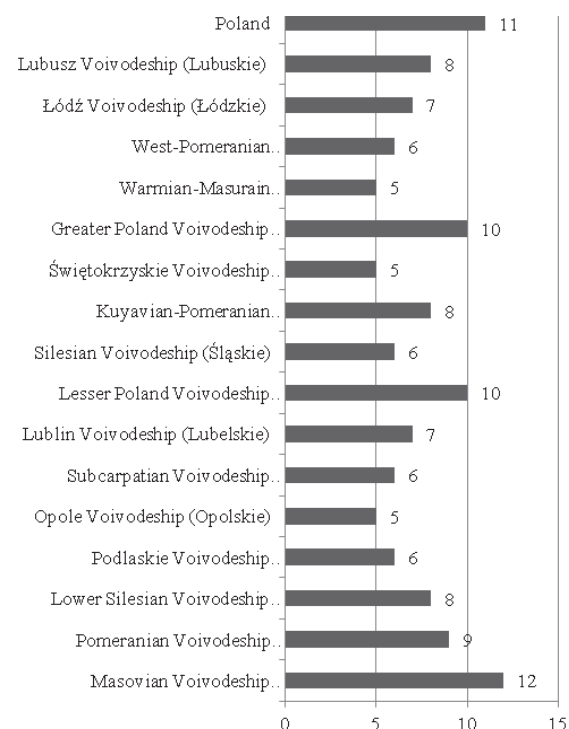


Figure 3. Percentage of enterprises running R&D activities by voivodeship in Poland at the end of 2013 (%)

Selected instruments supporting the innovative activities of Polish enterprises

The level and intensity of innovative behaviour depends on the potential which a given enterprise has at its disposal. The intensity of innovation activities changes depending on the factors such as: legal, financial and institutional environments (Okoń-Horodyńska et al. 2008). The determinants of the innovativeness of enterprises can be divided into the internal ones based on internal resources of the

enterprise such as: human capital, tangible assets, its own research and development facilities, knowledge and technological information as well as external factors created by the environmental resources at the disposal of the enterprise. Innovativeness becomes one of the key indices of competitiveness. Innovation activities generate significant added value for industry and services, and contribute to strengthening the competitive ability of the national economy on the international market. Innovativeness of Polish enterprises, measured by indicators, differs significantly from the levels recorded in most EU countries (Kosała et al. 2011). This applies not only to product and process innovations, but also to organizational and marketing ones the importance of which is increasing all the time in the world today. Polish companies are among those companies which are the bottom of the list in terms of average expenditure on innovation activities, the percentage of companies implementing innovations, or the average value of the sales of new or significantly improved products. Polish companies are also on a low position compared to other EU countries as far as the R&D activities are concerned, both in terms of expenditure and the number of companies engaged in such activities.

In Poland, the state policy in the field of innovation includes programmes, government documents, tools and mechanisms that are aimed at the state's direct or indirect influence on the level of innovativeness of economy, and hence its individual entities, sectors or regions. A strategic document "Kierunki zwiększania innowacyjności gospodarki na lata 2007 – 2013" [*Eng. Directions of Increasing the Innovativeness of economy for the Years 2007-2013*"], adopted in August, 2005, identifies four ways of the development of Polish economy. They include the use of new technologies to enhance the competitiveness of traditional sectors, creation of new enterprises based on innovative solutions and the development of small and medium-sized enterprises by means of modern technologies and methods of knowledge management, stimulating the development of cooperation between the enterprises and between the enterprises and business institutions in the field of innovation activities and motivating

large enterprises to conduct research and implement its results. "An increase in the innovativeness of enterprises in order to keep the economy on the track of a rapid growth and creation of new jobs" is considered to be the strategic objective of innovation policy. This objective will be achieved through the implementation of the following actions: human resources for modern economy, research for the economy, intellectual property for innovations, capital for innovations and infrastructure for innovations. At the same time, the National Development Strategy for the years 2007 - 2015 includes a wide range of system activities such as training and consulting activities, as well as a direct and indirect financial support for the newly founded enterprises. The largest array of instruments of support for innovative activities was provided in the Operational Programme Innovative Economy 2007 - 2013 (for short: OP IE/ in Polish: PO IG), the main objective of which is the development of Polish economy on the basis of innovative enterprises. This goal is being achieved through specific objectives concerning an increase of the innovativeness of enterprises and the competitiveness of Polish science, an enhancement of the role of science in economic development, an increase in the number of innovative products of Polish economy on the international market and the creation of permanent and better jobs. In order to achieve the above mentioned objectives actions which lead to an increase of the innovativeness of economy must be taken. The policy in Poland in the context of the European research and technical integration should be conducted in a way parallel to both an internal and external integration, i.e.:

- internal (national) integration must be pursued through market reforms in the field of science and technology which lead to the creation of an integrated national system of innovation,

- external (international) integration is a system of national reforms adapted to the course of actions taken pursuant to the EU documents.

Barriers hampering innovative activities of Polish enterprises

Nowadays, the implementation of innovations decides about the competitive advantage of enterprises. Innovations are a prerequisite for a more favourable position in the world economy also for Polish enterprises and Polish economy. This issue is of particular importance before Poland joins the European Union, the economy of which is on a much higher level than the Polish economy. The most important factor of the enterprise competitiveness is quality. Product innovations and other innovations introduced in the company were considered to be an equally important factor influencing the competitiveness. Other factors of competitiveness included economic and financial factors (such as costs, investments and prices) and competition by managerial staff, excellent organization and management (Danik et al. 2011).

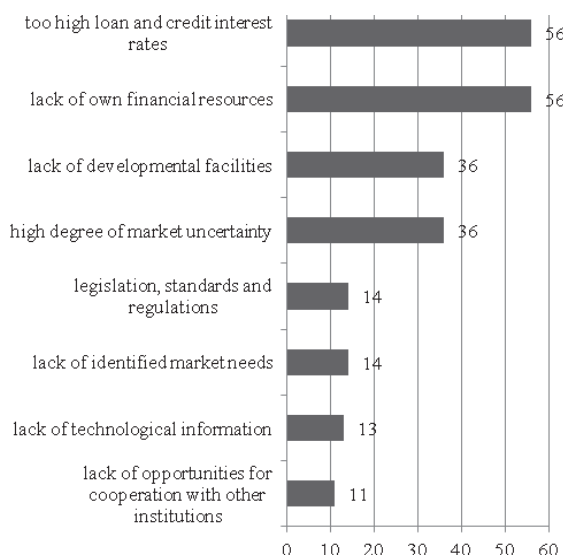


Figure 4. Barriers to the implementation of innovation in enterprises (response in %)

In order to strengthen their competitive position, the enterprises are planning a number of activities, among which the most important ones are the introduction of technical progress, expansion of the production potential and product promotion. Although Polish enterprises are aware of the need for continuous implementation of innovations, it is not directly reflected in practice. Comparing the level of the innovativeness of Polish economy and

enterprises, significant disproportion in relation to the highly developed countries can be observed. A relatively low level of the innovativeness of economy and enterprises can be illustrated with the information on the R&D expenditure, as well as the results of the research and development studies, production results and business results. In order to do this, indicators such as the percentage of R&D expenditure in GDP, innovation expenditure in enterprises, the number of patent applications, the percentage of the new and modernized products sold in industry and others are used.

In the years 2007 - 2013 the percentage of investments in R&D in GDP in Poland was on a very low level and did not exceed 0.73%.

In the EU countries most active as far as the R&D activities are concerned, this index was between 4.8 and 6.5%.

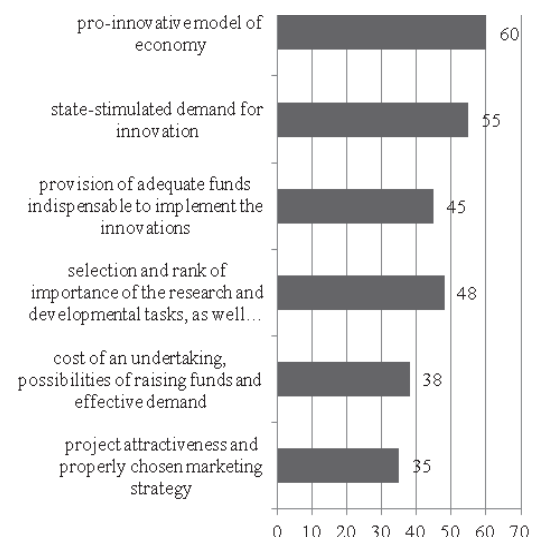


Figure 5. External factors conditioning the potential of innovative enterprises (%)

The results of empirical research (Figure 4.) point, at the same time, to the existence of many barriers to the innovativeness of Polish enterprises. These barriers are to be found both in the environment of enterprises and inside the enterprises. Among the barriers of the first group the most important is the general state of economy which does not release the mechanisms efficient enough for the enterprises to absorb innovations. Furthermore, the market demand which does not generate sufficient demand for technically

advanced products either, is also limited. The barriers to the growth of innovativeness must also be ascribed to the industrial policy. Although a number of programmes designed to stimulate innovation activities in enterprises have been introduced in recent years, it did not lead to a fundamental breakthrough in the increase of innovation. Another barrier to the increase of the innovativeness of enterprises is a financial one. The research carried out by various centres show that the lack of financial resources often prevents the implementation of innovations.

The results of the survey (Figure 5) indicate that the major obstacles to innovations are related to the environment and the influence the state has on innovation activities. However, a number of obstacles seem to be inside the enterprises themselves. This group of obstacles includes the lack of qualified personnel trained to conduct developmental research and studies and manage the innovations, and the lack of adequate technical infrastructure.

An insufficient offer from various scientific and research institutions, namely the lack of instruments of technological transfer, contributes to further deterioration of the conditions unfavourable for the introduction of the innovativeness of enterprises. The barriers to innovation occurring inside Polish enterprises, as well as in their surroundings,

call for the properly targeted economic policy, especially the industrial and pro-innovative one, friendly to the enterprises seeking innovations and implementing them. External innovative potential means a series of environmental determinants influencing the innovative possibilities of an enterprise. Innovations can be a primary source of building the skills of an enterprise. Their range depends largely on the amount of financial resources for R&D provided both by the state and by the entrepreneurs. According to the surveyed entrepreneurs, the most important determinants of the efficiency and effectiveness of the innovation processes should include the pro-innovative economy introduced by the state where innovation is a crucial developmental factor (60%), the stimulation of the demand for innovation (55%) and the participation in the costs of obtaining the capital for innovations (45%). Using the summary of results (Figure 5), one can prove that the state macroeconomic policy affects the creation of an innovative climate and supports business entities in enhancing their competitiveness at the same time.

Conclusion

The study presents the main arguments for the innovation as the main factor shaping the competitiveness of enterprises. The results of the research illustrating the level of the innovativeness of Polish enterprises were discussed and the main barriers and determinants of its growth were indicated. Despite the developmental processes observed in Poland, there are still barriers hampering the innovative activities. The barriers listed in the survey prevent the full use of the developmental potential of enterprises. Limited access to capital is the main factor hampering the innovative activities.

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Intellectual capital accounting as a component of economic systems development

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Abstract. Intellectual capital has a significant impact on enterprise value and is one of the most important criteria for assessing the effectiveness of a business entity. Intellectual capital is not a financial or tangible asset; its mostly non-material nature, a variety of its manifestations, features and properties make it difficult to choose the method of valuation and representation in accounting, financial and management reporting. However, its importance in ensuring the sustainable development of economic systems, as well as the formation of the value of companies require adequate accounting information about intellectual capital availability, use and capacity building.

Key words: *intellectual capital, accounting, recognition, evaluation.*

Problem statement

In light of today's global informatization of society and the formation of a knowledge-based economy, an idea is an impetus for the development of economic systems. Therefore, the ability to generate and implement ideas, which are a vital component of intellectual capital, is of special interest to scientists and practitioners. In order to make effective decisions in intellectual capital management, reliable and complete data is required, an important source of which is accounting. However, further research is needed, given the controversy and the lack of a common methodology for recognizing, evaluating and representing intellectual capital in accounting and reporting.

The intelligence is defined as a set of mental abilities or information potential of knowledge of a particular person, obtained as a result of the functioning of consciousness, thinking and reason of man. That said, the assertion that intellectual capital is associated exclusively with an individual is rather limited, since with new developments in the field of artificial intelligence this concept can become more general. However, everybody agrees that artificial intelligence is devoid of creativity, emotionally, motivation, imagination, in contrast to human intelligence, which is capable of solving non-standard tasks and offering unexpected solutions and ideas.

Information has no value per se; it obtains its exclusive value and utility from an individual, who makes decisions on its basis. Formation of accounting information about the intellectual capital of an enterprise is based on the task, collectively, that is, collectively evaluate what has different individual weight and value. In this regard, the identification and estimation of intellectual capital value are the key to strategic and current management decisions, as well as for representing the intellectual capital in the accounting and reporting.

Analysis of research and publications. Intellectual capital acts as a special category of economic analysis and management and is a specific object of accounting. This category is controversial and debatable, but at the same time extremely relevant in modern conditions, as evidenced by many publications. The issues of accounting for intellectual capital in an enterprise are covered in the works of L.V. Bilozor (2017, pp. 101-105). I.A. Deroun offers ways to improve the representation of intellectual capital components in accounting (2013, pp. 28-34). In his monograph on intellectual capital, M.V. Koryagin (2012, p. 389) describes ways of its accounting and gives an overview of its valuation methods. Approaches to the classification of intellectual capital as an object of managerial accounting are covered by I. B. Sadovska (2012, pp. 205-211); other aspects concerning accounting, definition and classification of intellectual capital are reflected in the writings of the following scholars: L. Niemczyk (2015, p. 356), Khavandkar Jalil (2013) and Khavandkar Ehsan (2016, pp. 213-231), N. Maluga and S. Legenchuk (2005, pp. 485-491), Stahle P., Stahle S. and Lin C. (2015, pp. 20-57), S. Petkov (2005, pp. 59-63) etc. Along with this, practical aspects of the division of intellectual capital into components specifically for accounting purposes have remained under-researched. The same refers to the selection of accounting objects for valuation and representation in financial and management reporting in accordance with international accounting and reporting standards and the current needs for managing the economic system's development.

The purpose of the paper is to determine the essence, characteristics and constituent elements of intellectual capital as an object of accounting, financial and managerial reporting, choice of valuation and cost measurement methods used for making effective decisions and ensuring sustainable economic growth.

Presenting main material. Intellectual capital is the intangible value of a business that covers its people (human capital), the value inherent in its relations (relational capital, or consumer capital), and all that remains when employees go home

(structural capital), including intellectual property (IP) as one of its components.

There are different approaches to defining intellectual capital, such as the ability of people to increase the enterprise value and to produce results of intellectual work with the help of material and non-material means. Besides, intellectual capital is regarded as a set of information and knowledge comprising scientific and everyday skills of employees, intellectual property and experience, the culture of communication and organizational structure, information networks and the image of the enterprise. Intellectual capital is also understood as the value of existing intellectual assets, including intellectual property, available and acquired intellectual abilities and skills, as well as the accumulated knowledge base and useful relations with other economic actors.

Intellectual capital can be considered at the micro level as a potential, knowledge and the ability of an individual. At the level of economic system or enterprise, intellectual capital is generally understood as the sum of knowledge of all the company's employees, which is associated with additional competitive advantages; it is also perceived as a set of intellectual resources and their implementation capabilities which determine the company's ability to develop on the basis of information and knowledge. This term is used in educational institutions to account for the value of intangible assets that are not directly shown on the company's balance sheet. Also, intellectual capital of higher educational establishments and scientific institutions is distinguished as a combination of intellectual resources and the ability to implement them, which conditions a long-term development based on the generation, accumulation and use of information and knowledge (facts and rules). At the national level, intellectual capital is called National Intangible Capital (Stahle P., Stahle S. and Lin C. 2015, pp. 20-57).

Let us consider in detail intellectual capital components of the economic system:

1. Human capital is the value that business workers provide through the application of abilities, know-how and experience. Human capital is evaluated through the sum of knowledge, skills, competencies, ideas, energy and motivation;

this is a joint ability of the economic system to solve business problems and use its intellectual property. Human capital resides in people and cannot belong to an organization. Therefore, human capital can easily be lost when employees leave a company for various reasons (if, for instance, top management has failed to ensure proper working conditions). Due to this variability, an enterprise can lose human capital or build it up attracting the most skilled and talented workforce. Human capital also indicates how efficiently an organization uses its intellectual resources measured by creativity and innovation. Human capital leads to the creation and modernization of new products and services that attract customers, increase revenues and stimulate long-term company's economic growth.

2. Structural capital is a part of intellectual capital owned by a company, as secured by documents, systems, processes, databases, publications, reference books and organizational structure, which is a supportive infrastructure and ensures the functioning of human capital. Structural capital includes processes, patents and trademarks, as well as company image, organizational structure, information system, firmware and databases. Due to its various components, structural capital can be further classified into the capital of organization, process and innovation. Organizational capital comprises the value of an effective organizational structure that enables company staff to fulfill its potential and use all its abilities. The capital of processes is defined as methods, procedures and programs that implement and improve the logistics of information, goods and services within the economic system. Innovative capital includes intellectual property: patents, trademarks and copyrights, i.e. intangible assets owned by the enterprise. The distinction between structural and human capital lies in the ability of the former to be identified and separated. Structural capital as an object of intellectual property may be legally protected by patents, commercial secrets, copyright laws and trademarks.

3. Relational capital is a value consisting of the following elements: customer relationships, supplier relationships, trademarks and trade names, which preserve their value only with regard to customers,

licenses and franchises. This is the most valuable form of intellectual capital, as customers pay bills that directly contribute to the increased incomes. However, the relational capital is very intangible in its nature, so companies invest heavily in marketing to shape this form of intellectual capital into a "brand". The notion that customer capital is different from human and structural capital highlights its primary importance to a company's worth. The value of the relationships that a business maintains with its customers and suppliers is also called goodwill, which is valued according to specific accounting rules.

The intangible nature of the intellectual capital components, coupled with the growing importance of their worth's valuation and representation in the company's accounting and reporting, leads to the growing interest in intellectual capital management. In order to create, form and renovate intellectual capital, one requires strategic vision that combines all three aspects of intellectual capital (human, structural and relational) in the organizational context by identifying and exploiting, measuring and disclosing (Khavandkar Ehsan 2016, pp. 213-231).

In the classical economic sense, capital is money that generates money. From the accounting perspective, the definition of intellectual capital as a capital (that is, a liability, either one's own or borrowed source of asset funding) is controversial. The components of intellectual capital belong to the enterprise assets; therefore, it would be better to speak about intellectual assets or intangible resources, with their ability to bring future economic benefits.

Depending on whether all the asset recognition criteria are met, intellectual assets can be on balance, that is, disclosed in the financial statements, or off balance, that is, reflected only in the internal management reporting of the company.

The International Accounting Standards Committee has developed the International Accounting Standard 38 to determine the methodology for accounting intangible assets. IAS 38 defines an intangible asset as a non-monetary asset that has no physical substance and can be identified. In this case, the asset is a resource: (a) controlled by the entity as a result of past events; and (b) the

use of which is expected to bring future economic benefits to the entity.

In order to reflect the object (components) of the intellectual capital as an intangible asset in accounting and reporting, the following recognition criteria must be adhered to at the same time:

(a) future economic benefits associated with the asset are likely to flow to the business entity; and

(b) the cost of the asset can be measured reliably.

The norms of IAS 38 also apply to measures aimed at increasing intellectual capital, advertising, training, commissioning, development and research expenses. Research and development activities are aimed at building knowledge. Hence, although such activity may result in an asset with a physical substance (for example, a prototype), the physical element of the asset is secondary to its intangible component, i.e. the knowledge embodied in it.

Business entities often recognize the cost of resources or liabilities arising from acquisition, development, maintenance or increasing usefulness of intangible resources such as technical or scientific knowledge, development and introduction of new technologies and systems, licenses, intellectual property, market research and trademarks (including brand names and publication titles). Accounting includes such objects as computer software, patents, copyrights, films, customer lists, mortgage rights, fishing licenses, import quotas, franchises, customer relationships or supplier relationships, customer loyalty, market share and marketing rights.

Not all intellectual property objects meet the definition of intangible assets because of the inability to identify or control the resource and the difficulty in proving the existence of future economic benefits. If a component of the equity capital does not meet the criteria of an intangible asset, the cost of its acquisition or internal generation is recognized as an expense when it is incurred. However, if the item is acquired in a business combination, it becomes part of the goodwill recognized at the acquisition date.

By definition, an intangible asset must be identified so as to be distinguished from

goodwill. Goodwill recognized in a business combination is an asset that reflects future economic benefits arising from other assets acquired in a business combination if they cannot be individually identified or recognized separately. Examples of goodwill are: synergistic effects following a business combination, expansion into other markets and organizational capital. However, such an approach to the definition and valuation is not fully justified, since, in accordance with IAS 31 Interests in Joint Ventures, goodwill from the accounting perspective can only arise during acquisition. Furthermore, it is an estimated value that shows the difference between the market and book value of the enterprise at the time of acquisition. In this approach, goodwill calculation is based on the value of material non-current assets, which is illogical during the intellectual capital valuation. Goodwill is predominantly a generalized characteristic that does not show the value of each structural element of the intellectual capital that constitutes it.

Internally generated goodwill should not be recognized as an asset. If an entity makes expenditures to generate future economic benefits, but as a result does not create an intangible asset that meets the IAS 38 recognition criteria, such expenditures are described as contributions to the internally generated goodwill. Internally generated goodwill is not considered an asset, because it is not an identifiable resource (i.e. it is not separable and does not originate from contractual or other legal rights), which is controlled by a business entity and can be measured reliably at cost.

The difference between the market value of a business entity and the carrying amount of its identifiable net assets at any time may include a number of factors that affect the cost of the entity. However, these differences do not reflect the cost of an intangible asset controlled by the entity.

For accounting reasons, a concept of internally generated intangible assets is distinguished; their recognition and value formation depend on the stage of research or development. Therefore, to assess whether the internally generated intangible asset meets the recognition criteria, the business entity classifies the generation of the asset into (a) a research stage; and (b) a

development stage. If it is impossible to separate the research stage from the development stage of the internal project to create an intangible asset, such expenditures refer to the research stage.

It can be difficult to assess the generation of internal goodwill according to the recognition criteria while identifying an asset that will bring future economic benefits and the time moment for which it exists.

Another difficulty lies in reliable cost estimate for such an asset in accounting. Sometimes the cost of internal generation of an intangible asset cannot be separated from the cost of maintenance or increase in usefulness of the entity's internally generated goodwill or from current transactions. Therefore, entities establish additional recognition criteria for internally generated intangible assets as part of intellectual capital, as detailed in Figure 1.

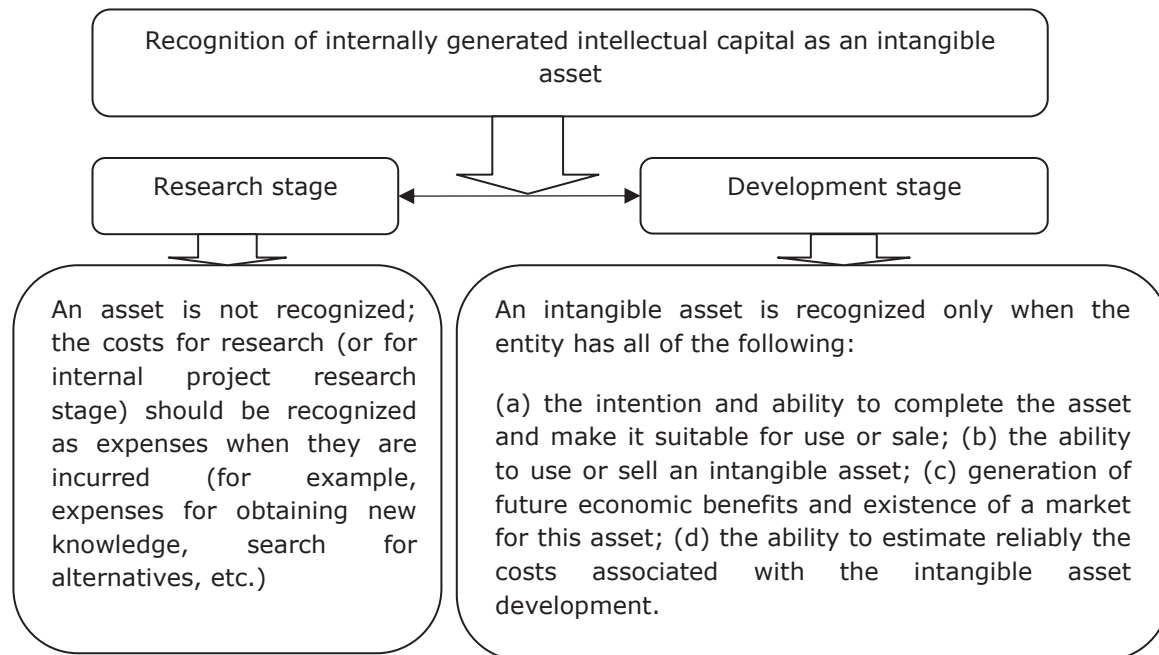


Fig. 1. Criteria for the recognition of internally generated intellectual capital as an intangible asset
Source: compiled on the basis of elaboration [4]

The future economic benefits generated by an intangible asset may include income from the sale of products or services, reduced expenditures or other benefits arising from the use of the asset. For instance, the use of intellectual property in a production process may reduce future production expenses instead of increasing future revenues, which is also considered an economic benefit.

The future economic benefits may arise from synergy of the acquired identifiable assets, or from the assets that individually do not meet the recognition criteria in the financial statements. The identification criterion means that an asset is considered identified in the following cases: (a) it is separable, i.e. can be separated from the entity and sold, transferred, licensed, leased

or exchanged either individually or with the related contract, identified asset or liability, regardless of whether the entity intends to do so, or (b) is the result of contractual or other legal rights, regardless of whether they can be transferred or separated from the entity or other rights and liabilities.

A business entity controls an asset if it has the authority to receive future economic benefits from the main resource and restrict the access of others to the benefits, in particular according to legal rights. Future economic benefits may be derived from market and technical knowledge. A company controls the benefits if, for instance, the knowledge is protected by legal rights such as copyrights, trademark restrictions or by a

legal obligation of employees to keep confidential.

With regard to human capital accounting, a business entity may have a team of skilled employees and determine their qualification growth that will bring future economic benefits from training. At the same time, it is possible that the staff will continue to make use of their qualification. However, a business entity usually lacks sufficient control over the expected future economic benefits flowing from skilled workforce and from training, in order to treat these objects as intangible assets. For the same reason, it is unlikely that a certain management style or technical talent may meet the definition of an intangible asset, unless their use and receipt of expected future economic benefits are protected by legal rights, provided they meet other definition criteria.

A business entity can have a customer portfolio or a market share and expect that the customers will continue to interact with the entity thanks to its efforts in improving customer relationships and loyalty. However, in the absence of legal protection rights or other means of controlling customer relationships and loyalty, the entity usually lacks sufficient control over the economic benefits stemming from customer relationships or their loyalty in order to treat these items (i.e. customer portfolio, market share, customer relationship and loyalty) as intangible assets. In the absence of legal protection rights for customer relationships,

exchange transactions with the same or similar customer relationships (other than part of the business combination) provide evidence that the entity is still able to control the expected future benefits from customer relationships. Since these exchanges also provide evidence that customer relationships can be separated, such customer relationships are consistent with the definition of an intangible asset. An entity's cost accounting system can often provide the reliable estimation of the cost for the intangible asset internal generation, such as salary or other expenses incurred in securing copyrights or licensing, or in developing computer software.

The methodology for intellectual capital accounting varies per each item, depending on whether intangible assets are recognized or not.

If an intellectual capital item is recognized as an intangible asset, it is initially valued at cost. In this case, the cost is the amount of cash or cash equivalents paid, or the fair value of other form of compensation granted to obtain an asset at the time of its acquisition or creation or, if appropriate, the amount attributable to that asset when initially recognized in compliance with the specific IFRS requirements. The offered method of intellectual capital valuation depending on its components and recognition is presented in the table 1:

Table 1
Methodology for valuating a company's intellectual capital as an object of financial and managerial accounting

Intellectual capital item	Cost estimating method	Representation in accounting and reporting
Acquired or created intangible assets (patents, licenses, permits, privileges) – innovative capital as part of structure capital	An initial cost estimate including direct expenses for the item acquisition and preparation for use. After initial recognition, an intangible asset is measured at cost with the deduction of any accumulated depreciation and impairment losses	Representation of intellectual capital through the recognition of intangible assets, their accounting and generalization in the company's financial statements
Internally generated intellectual capital as an intangible asset at the development stage	Systems for calculating labor costs, materials and services used or consumed when generating an intangible asset; fees for registration of legal rights; depreciation of patents and licenses used to	Recognition of capital investments at the development stage and of intangible assets at the stage of implementation in the relevant chart of accounts,

	generate an intangible asset	representation of information in the company's financial statements
Internally generated intellectual capital as an intangible asset at the research stage	At the research stage, an entity cannot prove the existence of an intangible asset that will generate probable future economic benefits; therefore, costs are recognized as expenses when they are incurred	Represented in the accounting and financial statements of the period expenses, on off-balance sheet accounts and in management reporting of internally generated goodwill
Internally generated or purchased brands, trademarks, headlines, publication titles, customer lists etc.	Not recognized as intangible assets; are shown as expenses, as such expenditures cannot be separated from costs for general business development	Represented in financial accounting and cost accounting reporting, on off-balance sheet accounts and in management reporting of intellectual capital's relational components
Expenses for employee training and other components of human capital (employees' motivation, ability and creativity)	Rating scoring system, Scandanavia Navigator indicators, balanced scorecard, motivation matrix	Represented in the accounting and financial statements of cost recognition, on off-balance sheet accounts and in management reporting of human capital representation and characteristics
Other components of structural capital (organizational structure, commercial secrets)	Direct measurement methods (via KPMG technology) based on the value of intangible assets used, as well as assessment of knowledge, skills, values, technologies and processes. Comparative and multiplicative methods, ranking, discounting of future cash flows	In financial accounting and reporting of recognition of expenses for business development, on off-balance sheet accounts and in the management reporting of the of intellectual capital components, organizational capital in particular
Relational capital (relations with partners and customers)	Methods of determining the profitability, weighted average cost of capital, estimated value of off-balance sheet components of intellectual capital	Represented on off-balance sheet accounts and in management reporting of relational capital status and dynamics
Goodwill	Methods based on the market capitalization of an enterprise, Tobin's Q ratio, the price-to-book value ratio of an enterprise	In accounting for the application of the acquisition method under IFRS 3; that is, the buyer recognizes goodwill at the acquisition date in excess of the compensation over the company's identified value in balance sheet

Source: compiled by the author on the basis of elaboration [1-14]

Therefore, when selecting a method of representing the intellectual capital in accounting, it is important to divide its constituent elements further into: (1)

intangible assets; (2) expenses for business development, which are reflected in the accounting and financial reporting system; or (3) the elements that are shown only in

company's internal reporting and valued to meet the information needs of the management decision-making process. In terms of accounting, if a business entity makes expenditures to generate future economic benefits, but as a result does not create an intangible asset, such expenditures are described as contributions to the internally generated goodwill. In accordance with IAS 38, internally generated goodwill is not recognized as an asset in accounting, because it is not an identifiable resource that is

controlled by the entity and can be measured reliably at cost.

The importance and role of intellectual capital in the company's economic growth require the consideration of all its elements in balance sheet and off-balance sheet accounts, in the form of financial, as well as internal management reporting, to determine its state and dynamics, factors of influence, interaction, the possibility of synergy effects and emergence.

Conclusion

It has been found that according to the accounting methods, intellectual capital should be defined as a set of intellectual resources in the form of knowledge, skills, abilities, potential for innovation, unique characteristics, commercial secrets, brand, intangible assets that contribute to the increased value of the enterprise, enhancing its competitive advantages, and are the basis for the economic system development. In accounting, intellectual property is recognized as an asset and reflected in the relevant accounting and financial statements when it meets the criteria for obtaining economic benefits, valuation, identification, controllability, that is, is owned by the enterprise. Not all the components of the intellectual capital can meet such criteria, in which case the assessment is carried out according to economical methods. Some difficulties may be caused by the application of methods for intellectual capital valuation based on market capitalization due to the complexity of determining indicators based on market value, and their dynamism. In addition, such approaches can only be applied to joint stock companies. Scoring methods are very subjective, since they are based on the expert opinion. The use of direct valuation methods is limited, because it is not always possible to determine the value of most intellectual capital elements in monetary form, and methods of determining profitability are too vulnerable to interest rate changes.

It is inappropriate to narrow the definition of intellectual capital to an intangible asset or merely to goodwill, which is quite common in scientific literature. Intellectual capital is the source of intangible assets, but the result of innovations may also have a material nature (for example, an innovative product); in addition, it contains many components that are not recognized as intangible assets. Intellectual capital of the company is expressed through the competence of employees who do not belong to it, whereas the results of their work often do. Intellectual capital generates internal goodwill, but is not limited to its indicator, since the results of intellectual work can go beyond its scope and form both intangible and tangible assets.

Despite its level of development, the accounting system is not yet ready for objective valuation of all components of intellectual capital with features that are too subjective: in particular, knowledge, abilities, potential, risks, factors, expectations, systemic interaction and synergy. However, the existence of intellectual capital is indisputable, and being a component of the modern economic system, it should be represented in accounting and reporting.

Today there is no unified approach to the assessment of intellectual capital both in financial and management accounting, something which requires further research and determines its perspective direction.

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The civil society development in the historical retrospective



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Abstract. *The article analyzes theories, stages, developments in the historical retrospective of the civil society formation, as well as the prospects for civil development in Ukraine. It is also indicated that civil society, accumulating healthy forces, can become the basis and means for implementing radical political and socio-economic reforms. Only its active representatives and carriers are able, realizing their responsibility to the present and future, to develop and propose a strategy of profound transformations for Ukraine.*

Key words: *civil society formation, historical retrospective, civil society development, political and socio-economic reforms.*

Problem statement

The specified period in the history of Ukraine, which shook the whole world, convincingly demonstrated that the process of formation of civil society in our country rapidly moved into the practical phase and, with all acuteness, made scientists face a number of problems that require not only deep understanding, but also relevant conclusions and recommendations.

Analysis of recent publications on issues. Source of information for writing are the results of scientific research [1 -11].

The purpose of the article. The purpose of this article is to analyze theories, stages, developments in the historical retrospective of the civil society formation, as well as the prospects for civil development in Ukraine.

The statement of basic materials. Analyzing the current development of Ukraine, one should recognize that the state itself is often not only reluctant, but also just incapable of ensuring the democratic goals, standards, and values, the need for which is increasingly felt in

society, on its own. In this sense, the main present-day problem consists not so much in further development and improvement of various institutions of the state as in the development of society, which should turn the state not into a sovereign master, but into an effective tool of ensuring general socially significant goals, needs, and values. One of the main foundations of the functioning of the democratic system, when democracy is interpreted primarily as a democratic process, is the participation of citizens in state government. Political participation, which not only guarantees citizens the opportunity to express their attitude to public policy, but reflects the

will of citizens to participate in political life, is the most important of them. The main feature of such citizens is the presence of their own political position and their own vision of ways of the social and political development of the state.

Only civil society, accumulating healthy forces, is able to become the foundation and a means of implementing radical political and socio-economic reforms. Just its active exponents and bearers are able (being aware of their responsibility to the present and the future) to develop and propose a strategy for profound transformations, a strategy for future choice that is a coherent ideology of development, relying on our own historical experience, on the best of our achievements, on our strength in conjunction with such main European and international values as democracy, freedom, human rights, and the rule of law. This is a historic opportunity that Ukraine has not yet lost to choose such a model of the development of democracy in which civil society and democratic constitutional state interact as equal partners. It is a return to the original meaning of the notion of the rule of the people and strong willingness to revive the Ukrainian democracy just as a possibility translated into action and an inalienable right of the community to influence its own life and the life of the country. Its social ideal is to build a well-developed civil society, a democratic, legal, prosperous, and successful state - an equal and respected partner in international relations. It is an ideology of creating new Ukraine, which is an incarnation of the nationwide, country-wide interest of a contemporary Ukrainian national idea that is focused on the future but related to the present, and that is based on the fundamental traditions, mentality, law, and culture.

Today, the path of the Ukrainian state, if it really does not want to be left behind, to find itself in a whirlpool of indifference, and at the same time does not want to get lost in the grip of "chauvinistic" dreams, consists primarily in adequate and clear understanding the condition in which we find ourselves. Real evaluation of what is now happening in Ukraine, no matter how unattractive it is, neither disgraces nor discredits nor humiliates Ukraine. It is the diagnosis - a statement of fact - that is necessary for the recovery of the

country, state, and society. As a result, each several citizen makes his own decision for himself. Acknowledging that further living in the same way is shameful and impossible encourages action to achieve positive changes.

The problem of contemporary Ukraine is not that society is lacking new goals and new values, but that it is extremely lacking specific goals and specific, clearly defined tasks that can be implemented and, most importantly, can give a result significant for the society, and not only for a narrow stratum, for which Ukraine is only a means of self-enrichment and realization of its own ambitions. In this sense, one should seek to formulate not something new, but, above all, something specific that is understandable to most citizens who have lost their faith in the authorities, that is supported by those citizens and can be implemented through joint efforts. This approach allows a fundamentally new way to look at the problems that have arisen and now are facing Ukraine.

Today, we often hear that the main thing is to find good, honest, and competent parliamentarians, good judges, good officials, etc, and this will allow the society to live better and quieter. The real objective of the reforms proposed is not changing individual personalities, but changing the system which always includes changing the procedure for formation and functioning of this system. For example, referring to the judiciary and its independence, the main goal is not to search for responsible and honest judges, but to change the procedure for formation of this branch of government which must necessarily engage the public.

The goal of the state is not to bring discipline with a powerful hand, but to constantly promote the development of civil society, because the stronger civil society, the stronger the state. However, this perception should not be interpreted as permanent management of society by the state. The state must provide society with only one thing - the opportunity to develop and to create means for this development.

This step is the first, but a necessary shift towards filling the concept of "the rule of the people" with real content. If the primary resources of a country are its people and society, then it is them who should decide

how the country should live and develop, how to fight against corruption, and what priorities should be chosen for the society. Therefore, the main conclusion to be made is that one should radically rethink, above all, the general approach to the development of Ukraine and to the consolidation of democracy. The essence of this approach is to turn regard to civil society, its strengthening and development. Society cannot be changed by decree or law; it cannot be quickly "rebuilt" like public authorities. In relation to society, fundamentally different mechanisms act (primarily educational, cultural, and ideological ones), the action of which manifests itself not even after years, but in the long run. There is no other path, because any attempts to follow the same path as

before will lead not just to another error, but the loss of a historical chance together with Ukraine itself as an integral and sovereign state. The limit of errors is exhausted! There can be no delays, either - the contemporary globalized world, in which the intensity and complexity of "challenges" only increases, simply does not allow to have such delays. What for a choice it will be is a matter of conscience and responsibility of every citizen, because this choice is not so much one of a dream as one of an everyday reality. Today's dream may in the future become an everyday reality through efforts of civil society. However, it should be emphasized that if today everyone does not realize this dream, it will have no chance to become a reality.

Conclusion

Intellectual understanding the origins of formation of civil society, its theory, stages, institutions, and prospects deeply convinces that overcoming a systemic crisis in all spheres of a country is possible due to its progress. This belief is based on an analysis of theoretical achievements of foreign and domestic thinkers of the past. No less interesting and important is current research of this urgent problem that intensifies the perception of a holistic image of civil society, understanding and vision of what one wants and what one should say about it. As experience conclusively proves, it is civil society that, accumulating healthy forces, is able to become the foundation and a means of implementing radical political and socio-economic reforms. Just its active exponents and bearers are able, being aware of their responsibility to the present and the future, to develop and propose a strategy for profound transformations for Ukraine.

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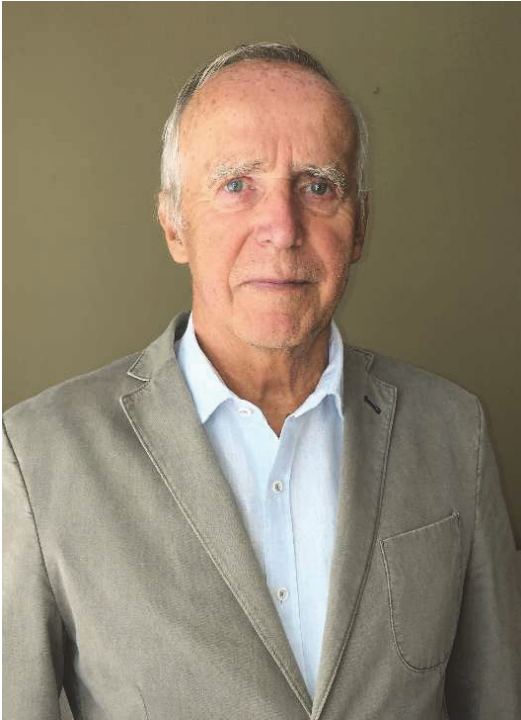
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Learning increasing the citizens 'relationship in their city



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Abstract. Every region and every city has its own history, that is kept up to date and even more attention it is paid to it nowadays. Every corner of our country has its own specifics, local and regional heritage, feasts, festivals and habits. The purpose of my presentation is to show how our region, especially Liptovský Mikuláš, is approaching to the role when citizens and especially young people learn as much as possible about the city they live in or they were born. In every activity and in every project, the town hall is trying to show information about the city, its past, and its ancestors in interesting way. It also develop the positive attitude of citizens towards the city.

Key words: *pride of citizens in their town, history of the town, famous ancestors.*

Problem statement

Education, socialization, or social learning is basically as old as humanity itself. History teaches us progressive and regressive factors that have influenced human life, the civilization process and the culture of action. Whoever knows the history of his city, he knows more about himself and creates personal and professional pride in him. Increasing pride and awareness of his city has taken the town hall as a primary role even this year. As the Mayor of Ing. Ján Blcháč (MIKULÁŠ, October / 2017, p.2)

1. The events we are proud of

These are undoubtedly the May 1, 1918, which was the day when citizens of Liptovský Mikuláš registered better working conditions and the right of the Slovak nation to selflessly demand the creation of the Czechoslovak state. It was a brave and significant step. The Mayor of the City emphasized that the remembrance of this important date in our history is to be a social, not a political event. (Figure 1)



Figure 1. Presentation of the children's folklore

Very historically significant event, the town of Liptovský Mikuláš was liberated on April 4, 1945. Both world wars touched the city. Each one, however, by their own pace.

The first world war - fathers and sons left. Many have not returned or been disabled

for the rest of their lives. In the great war of 1914 - 1918, a table at the evangelical church with names of those who have never returned from this war has been revealed on the memory of the fallen in the Great War (Figure 2)



Figure 2. Memorial plaque

Revealing a memorial board Man Jan Král has organized a memorial celebration and a meeting with Petrom Vítek, director of the state archive in Bytča –the Liptovský Mikuláš Branch and the author of the new book *The First World War and Liptov*. Through the narrative, presentation of contemporary photographs and historical documents, the inhabitants of our city lived on frontier lines and in the background, the largest wartime conflict that overwhelmed the map of the world and entered the history of the Great War. At this memorial ceremony, the city's mayor awarded the city's highest prize to brigadier General Ján Iľanovský. (Figure 3)



Figure 3. Brig. gen. J. Iľanovský

The Second World War hit the city more than nine weeks of fighting right in the streets

of the city. And the result? Human and material losses and eternally resting warriors on an extensive cemetery with a memorial located to the northeast of the town on the hill of Háj - Nicovô.

In this dominant place are buried those who fallen in liberation battles about Liptovský Mikuláš in March and April of 1945. The public was released on 9 May 1961. There are 1,386 members of the First Czechoslovak Army Corps buried on this military cemetery. Cemetery in Háj is the largest military burial ground of Czechoslovak soldiers in the Slovak Republic as well as in the former Czechoslovakia. (Figure 4)



Figure 4. The Haj Monument – Nicov

An important event in the history of the town is also the commemoration of the Ceremonies of the Slovak Nation at the Memorial in Liptovská Ondrášová (Figure 5) The Slovak Nation's requests were received at the first, indeed the National Assembly of the Czech Republic and attended by more than twenty of the most important men of the Slovak nation - Jozef Miloslav Hurban, Michal Miloslav Hodža, Štefan Marko Daxner, Ján Francisci-Rimavský, Ján Ferjenčík, Ctiboh Zoch, August Horislav Škultéty, Peter Kellner-Hostinský, Mikuláš Ferjenčík, Jozef Horváth, Ondrej Hodža, Juraj Hodža, Móric Samoslav Jurecký etc. In any case, however, it bears the stamp of the stylized manuscript Ľudovít Štúr, who also chaired the meeting, and attorney Štefan Marek Daxner.

The demands of the Slovak nation were the first national-political program of the Slovaks and were proclaimed in our town. It was the basic national revolutionary program of the Slovaks in the revolutionary 1848-1849, adopted and proclaimed at a nationwide meeting of representatives of the Slovak national movement addressed to the

Hungarian government of Prime Minister Batthyányi and the Hungarian Parliament in Pest. They have formulated them in 14 major national points.



Figure 5. The Memorial of the Slovak Nation in Liptovská Ondrášová

The generations of the generation of the pupils, and they were a basic step towards today's independent sovereign and autonomous state of the Slovak nation. Requests for content and democratization represented the maximum and most productive political agenda in the national liberation movement of the Slovaks. The Hungarian government rejected them and issued an arrest warrant to the leaders of the movement,

We fully share the idea that a nation that does not know its history is condemned to survive it again. It is therefore good to remember these important events in the history of the Slovak nation. We Mikulášania, Liptáci, can be proud of our history, of our famous natives, but also of the important personalities who worked and formed us.

Historical events also approached the tour (MIKULÁŠ, July / 2017, pp. 6-7), to which we returned to the time of Liptov Festiva. The famous bathrobes, the population in the period costumes and events in the Liptov region for 340 years flooded the streets of Liptovský Mikuláš during the traditional

Stoličné days. This year's celebrations were celebrated in the spirit of the anniversary of the Liptovská stolice, because 340 years ago (June 14, 1677), Juraj Ilešházi proposed that the town hall of Liptovský Svätý Mikuláš should become the seat of the churches.



Figure 6. Invitations on Session Days

The traditional Nicolas event took three days. (Figure 6) For the first time in history, the Town Hall commemorated an historic tour of the city, which stopped the historic atmosphere of the city and dragged them into a period of more than three decades. The escort was already in the spirit of the fact that Liptovská stolica had led and managed the matter of Liptov wisdom.



Figure 7. Ján Korvín

Historically, the city presented many important personalities of the Liptovská stolice and Liptovský Svätý Mikuláš, which shaped the history of the city. It included, for example, the first and only prince of Liptov

Ján Korvín (Figure 7), which was so-called "left-handed Mateja Korvin.

Ján Korvín (April 2, 1473, Budín, Hungary - † 12 October, 1504, Krapina, Croatia) was the illegitimate son of King Matej. Since Matthew's third marriage was free, he recognized John as his son. Matthew made great efforts to make him king in his life. He thought he had won Austrian and Czech territory. Well, he died before he could make his plans. When the eighteen-year-old Jan osirel, Štefan Zápoľský and Tomáš Bakóc intrigued him with all the possibilities and excluded him from the throne.*

Matej I. Korvín did not miss the accompaniment, (Figure 8) Hungarian and Czech king.



Figure 8. Matej I. Korvín

King Matej I. Korvín is one of the most remarkable personalities of Hungarian history. He was one of the few sovereigns of Hungary, who remained as a good king in the memory of the Slovak subjugate of the people. They characterized him as a king of quick, intelligent, talkative language and excellent memory. During his reign, the economic and cultural flowering of Hungary took place. Here I will remind you:

The founding of the University of Istropolitan Matej I. Korvin in 1465 began to write the history of higher education in the territory of present-day Slovakia. This year at the request of Matej Korvin, Pope Paul II. Ján Vitéz of Sredna, Archbishop of Ostrihom, and Jana of Chazma (Ján Pannónia), the bishop of Pears, founded the university in Hungary (at that time, the only one, though not the first). In 1467 the wealthy Bratislava townman Gmaitl died and his houses and accessories fell to the king. Matej Korvin decided to use them as a university building and placed the university in Bratislava.

Matej I. Korvín fought with George of Poděbrady and Fridrich III. He captured Silesia, Lusatia, and Moravia, and crowned the king of Bohemia (as an opponent). After the conquest of Lower Austria, Vienna made its seat.

Behind them went Ján Kružič bathrobe and other bathrobes like Jan Baptist Ilešházy or Martin Szentiványi. Organizer Dana Guráňová from the city office did not forget to include in our city even important city dealers, such as Mikuláš Evangelical parish priest Michal Miloslav Hodža, whose name is also borne by the local grammar school, which was the leading representative of the studio generation and national renaissance.

In the streets we could meet the founder of the amateur theater Gašpar Fejerpataky Belopotocky, the studio and the romantic poet Janko Kráľ, and neither writer and politician Martin Rázus did. Štefančík, Kružnica and Mlynarčík were also represented in the commented tour, and the Kurdish hornoliptov regiment was occupied in the square. (Figure 9)



Figure 9. The Kuruky hornoliptov regiment

The program of this year's Stolič days was rich in history, entertainment and even sports. The accompanying program of the Stolič days was the opening and remembrance of the historical facts that are connected with the establishment of Liptovský Mikuláš as the permanent seat of the Liptovská štíla. Janka Kráľa (Figure 10) of the City Museum Exhibition was opened until 6 September 2017. The St. Nicholas exhibition is the seat of the Liptovská štíla. In the exhibition hall were paintings of Liptovska župani from the 13th century.



Figure 10. Exhibition Hall of the Janka Kráľa Municipal Museum

The Last Day of Sagittarius (August // 2017, p. 10) closed the mini-football tournament of high school students, coupled with the Mini League's assessment of Basketball for elementary school pupils.

Increasing the pride and awareness of Mikulášanov to his city is also that our city has captured the European trend of defibrillator placement (Figure 11) in areas where there is a higher concentration of the public. Liptov belongs to the most visited regions of Slovakia.



Figure 11. Rescue Defibrillator

The district of Liptovský Mikuláš was visited by 117,721 Europeans (30.2%) in 2016. Asia came from 2584, America 799, Australia and Oceania 230, and Africa 73. According to the country of residence, the majority of foreigners were citizens of the Czech Republic with 11.9% of the total number of visitors to the district and the citizens of Poland with a 10.1% share. You gave me followed by tourists from Ukraine (1.9%), Hungary (1.1%), Germany (0.9%), Lithuania (0.5%). The same share of 0.4% had visitors from Israel, Russia, the United

Kingdom of Great Britain and Northern Ireland and Romania. (<http://www.teraz.sk>)

The Automatic External Defibrillator (AED) is a sophisticated, computer-controlled device that, based on the analysis of the electrocardiographic curve, instructs the vocal and visual guidelines of lay rescuers to safely perform defibrillation. The defibrillator is therefore a medical device used for heart rhythm disorders. Modern defibrillators can analyze, continuously control heart activity and evaluate the need for shock.

The defibrillator is attached to the body of the patient by means of electrodes, which are currently in the form of self-adhesive foils showing the exact place of attachment to the body of the patient. The use of a defibrillator is warranted in a life-threatening heart rhythm disorder. These irregular heart muscle contractions need to be restored in cardiopulmonary resuscitation. Cardiopulmonary resuscitation or cardiopulmonary resuscitation is a set of procedures, a standard that determines a sequence of first aid activities in an unconscious person who has no pulse and breathlessness. External heart massage ensures oxygenation of the brain.

Successful defibrillation decides an important moment from cardiac arrest to defibrillation discharge. Early application of the defibrillation discharge within 3 minutes increases the chances of survival with a full return to life by up to 70%. Each additional minute of delay reduces the probability of survival by 10%. After 11 to 12 minutes, the defibrillation rate is almost zero.

The defibrillator is able to restore the correct heart rate by means of an electric shock. An electrical discharge causes interruption of the uncoordinated signals sent to the heart muscle and allows for a return to the original rhythm. The truth, however, is that defibrillation is only relevant for rhythm disorders where the heart performs uncoordinated movements.

From October 2017, the town of Liptovský Mikuláš and Jan Kráľ Museum opened a scientific café, where they prepared a series of lectures on Slovak history and history of the Liptov region and the town. Every month, historians, pedagogues, staff from various Slovak universities, museums and scientific institutions will be presenting

them. In the premises of Jan Kráľ Museum at the Liberation Square, the city's citizens can learn something new about Slovak history, the history of the region and the city, and sip a quality coffee.

The first lecture was on October 18, 2017. Miroslav Nemeč from the town museum talked about the crime and punished the Liptov stolice court in the 18th century. On

Wednesday, November 15, 2017, the lecture will be transferred to the premises of the Old Protestant Brotherhood of today's Tatrín exhibition and the Slovak Nation's Demands. An employee from the Historical Institute of the Slovak Academy of Sciences will present a contribution on Marína Hodžová, who grew up in this house.

Conclusion

We are convinced that these activities of the city can create conditions and can participate in forming a positive relationship of citizens to their city, they can increase the pride and confidence of citizens in their city.

It is necessary not only for young people but for all citizens to educate themselves in the spirit of respect for the moral and ethical values that our fathers and fathers have left us. It is necessary to model the values of the citizens of the city, as the successors of which the city's proud citizens will be able to deliver the maximum number of ideas and realizations that will create conditions for the future of a modern and healthy city.

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Four capitals of Ancient Rus



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Abstract. A historical article – the author's reflection on the past of our homeland. Questions, secrets, hypotheses let each reader will feel like an explorer and pioneer of ancient mysteries. The initial stage of Rus' development is researched in the paper, and this very period of the princes' reign is defined as ancient in chronological understanding.

It is intended for all people who are concerned and searching, doubting and thinking, daring and walking along the road of knowledge.

Key words: *Slavs, Rus, the Varangians, Kiev, Byzantium, Sviatoslav, Bulgaria, prince, konung.*

Problem statement

Since the earliest times, rulers have tried to perpetuate their names in the memory of descendants: majestic monuments, low-reliefs and inscriptions are evidence of their deeds. Since the appearance of a written language, the authorities have been praised and ridiculed in verse and prose. Philosophers have tried to synthesize the mechanisms of equitable social order, and the chroniclers recorded the milestones of appearance and disappearance of states and ruling dynasties.

After the annexation of the Crimean Peninsula (The Autonomous Republic of Crimea), the President of the Russian Federation - V. Putin declared: «We are one nation. Kiev is the mother of Rus' cities.» Thus the archaic quotation became a political slogan.

The history of each state has many secrets. Sadly, politicians at all times tried to "rewrite" the history to their advantage. But historical myths are not mere history misinterpretation. The distorted history becomes the basis for confrontation between states and peoples and leads to armed conflicts.

Fascist and communist regimes are not the only ones that succeeded in the perversion of history. Their predecessors – the imperial courts of Europe and Asia, the kings and pharaohs of the Ancient World – were also very active here.

Therefore, the main task of the modern researchers is an impartial study of all historical facts. Moreover, intolerance towards everyone else's opinion and imposition of their own point of view is a characteristic feature of the totalitarian ideology. Objective assessment of events will allow finding the right decision of modern socio-cultural and political and economic issues.

Today, speculations around the history of Rus continue. The fallacy of the Normannic and Anti - Normannic theories excite the minds of politicians and the public. The states that emerged on the territory, which for a long time was part of the Russian Empire, locked horns in an ideological battle for the mental and spiritual heritage of the Eastern-Slavic Union – the Rus.

One of the myths, that pseudo-patriots from both sides of virtual and real barricades use, is the well-known phrase from the chronicles: «Kiev is the mother of Rus' cities.»

But does the ancient history have to do with the modern geopolitical processes?

What is the point of referring to out-of-the-way items of information and ambiguous phrases and facts to justify your actions?

And if we talk about the Crimea, it is indisputable that a large number of Russians live on its territory, and it is also evident that practically all the inhabitants of the peninsula speak Russian. Nobody will doubt the fact that these lands were conquered by the Russian Empire and for a long time, until its collapse in the course of the civil war, were its part.

At the same time, it should be emphasized that the native peoples who inhabited the Crimean Peninsula (Karaites, Greeks, Crimeans and Crimean Tatars), as well as representatives of other ethnic groups (Ukrainians, Russians, Gagauz, Bulgarians and Jews) migrated to the Northern Black Sea territory from ancient times. It should be also kept in mind that in the 1990s, after the dissolution of the USSR into 15 sovereign states, the inhabitants of the Crimean Peninsula became citizens of Ukraine.

But if we talk about the «the great and mighty Russian language,» it should be mentioned that it, like other Eastern Slavic languages, is a dialect of the Slavic language, the alphabet and written language of which are synthesized by Equal-to-the-Apostles Cyril and Methodius and their followers.

Trying to «build bridges between fraternal peoples,» politicians provoke the appearance and expansion of geopolitical conflicts between ethnic groups and states.

Let us leave the analysis of the current events to the discretion of future historians and without any speculations and assumptions focus on such questions:

Why, who and under what circumstances said the phrase «Kiev is the mother of Rus' cities»?

Who, when and under what circumstances founded Kiev? Were Kyi, Shchek and Khoryv Russians?

Rus, Normans, Vikings, Varangians: fiction or reality?

How and when was Rus added to Kiev, and how and when did Kiev become the capital of Rus?

Is Kiev the first capital of Rus and the «mother of Rus' cities»? What does the phrase «Kiev is the mother of Rus' cities» mean?

Where was the capital of Rus during the reign of princes Igor and Sviatoslav I?

Let us not theorize and hypothesize. Thomas Henry Huxley wrote:

«All truth is born as heresy and dies as a superstition. The eternal tragedy of science: ugly facts kill all interesting hypotheses.»

Thomas Henry Huxley

We will ask questions and try to find answers together. Of course it is not always possible to find a comprehensive answer to every question.

Perhaps a number of issues need to be revisited several times. And it will not be wrong to view some facts from different perspectives and angles, based on assumptions and hypothesis which will be made in the course of the search.

We will develop our findings, speculations, hypothesis, ideas, and assumptions relying on written and archaeological sources available for investigation. Let us try to get to the bottom of the answers to these and other questions that arise when studying the history of Rus.

Kyi, Shchek and Khoryv are rulers and founders of Kiev

Deeply ideological historians with imperial attitudes keep discussing the issue that in ancient times the Rus people inhabited almost all Europe and also Asia. In their opinion, the Etruscans are ancient Russians who lived in Italy. And the tribes «Rugii» or «Ruzhi» are undoubtedly Russians. Therefore, according to such fantasists from history, some Rosses, the ancestors of Russians, lived on the territory of Porossia, the basin of the Ros River and its tributaries. And these Ross-Etruscan had been roaming about the continent until they set up the state of Russia. The first prince of Ross, the adepts of this version think, was a certain Russ-Ross. They claim that he or his descendant founded Kiev. And that Oskold, whose name comes from the Oskol river, was the last prince from the Kievish dynasty. And so on and so forth. As a result, there is an alternative history.

Of course, it is difficult to challenge such arguments. No truth can spring from an argument with such statements. The answers can be found on the yellowed pages of the chronicles and on the bottom of archaeological excavations. But one has to work hard to find them. And there is always a simple and direct argument to the «noise» that prevents the research. For example, there was no such state as Russia, there was the Moscow kingdom, then the Russian Empire, and later the Russian Federation, initially as part of the USSR, and after the collapse of the Union – independently.

So, first of all, let us refer to the legend about the foundation of Kiev. The famous *The Tale of Bygone Years* written, according to the traditional opinion, by the Kiev chronicler, monk of the Kiev Pechersk Monastery Nestor, testifies that Kiev was founded by three brothers – Kyi, Shchek and Khoryv. Kyi, Shchek and Khoryv were princes, who are mentioned in *The Tale of Bygone* the founders

of Kiev. The chronicle also mentions their sister – Lybid.

Nowadays, some «leading political scientists» zealously defend the concept of «Rusians – Russians» in their online publications, with the opponents of «Rusians – Ukrainians» contradicting them, and thus, the question arises:

Were the founders of Kiev – Kyi, Shchek and Khoryv and their sister Lybid – Russians?

Since when were the Eastern Slavs «Russified» and became Rusians, or Russians, or was it vice versa?

What sources confirmed the Ukrainian origin of the first princes of Kiev?

And not to make wild guesses, let us refer to the primary sources. Of course, the online political scientists can protest: «What is the chronicle for us? The chronicle is not a dogma. Chronicles are falsified...»

Dear Sirs, the chronicle is the source, and your fantasies based on ignorance, lack of knowledge and reluctance are not worth a dime.

Here is how it is described in the chronicle:

«The Polanians lived separately in those days and governed their families; for even before these brothers (of whom we write further) there were Polanians, and they lived with their families in their places, and each was governed independently. And there were three brothers: one named Kyi, another - Shchek and the third - Khoryv, and their sister - Lybid. Kyi sat on the mountain where Borychev's climb is now, and Shchek sat on the mountain, which is called Shchekovitsa now, and Khoryv was on the third mountain, which was named after him Khoryvitsa. And they built a city in honor of the eldest brother and called it Kiev. There were a forest and a large pinewood around the city, and animals were hunted there, and those men were wise and clever, and they were called Polanians, and since then Polanians live in Kiev.»

The Tale of Bygone Years by Nestor the Chronicler

So, the Polonians were Kyi's kind, and they were ruling for a long time. And some of them were Kyi's descendants, and until the beginning of the XI century, when the first chronicles were written, they lived in Kiev.

Further the chronicler focuses on two important details: first, the fact that Kyi was not a ferryman, and, secondly, that he visited Constantinople where he was met with «great honors.» This Nestor's comment allows us to conclude that Kyi served the Byzantine emperor for some time. Many representatives of the noble Eastern European families did that.

It is interesting that the discussions of the fact if Kyi was a ferryman or was not continued for more than two centuries.

Is Kyi's origin really so important, and if so, why?

What meaning did Kyi's origin have for the Rurik dynasty?

When did Kyi rule and could he rule when the Varangians came to the Dnieper region?

The appearance of Kyi on the Dnieper refers to the times of the conflict between the Slavs, the Avars and the Byzantines. The forest-steppe part of the Middle Dnieper region was probably safe at that period. Perhaps, the prince left his possessions in care of his father or grandfather (unfortunately, their names are not in the chronicles), or his brothers Shchek and Khoryv.

Moreover, we can claim that Kyi and his family were connected with trade, they may have owned a number of customs stations and thus were involved in trade and economic relations between East and West.

«Some people say, without knowing, that Kyi was a ferryman; there was a ferry on one side of the Dnieper at that time, so they said, «To the ferry to Kiev.» If Kyi was a ferryman, he would not have visited Constantinople; and that Kyi was a prince, and when he visited the tsar, people say, he was met with great honors. On his way back he approached the Danube and picked a land spot, and built a town, and wanted to live there with his family,

but the people living around did not let him do that; the people living near the Danube still call the town Kievets. Kyi returned to his city Kiev where he died; and his brothers Shchek and Khoryv and their sister Lybid passed away here too. And after these brothers, their kind ruled the Polonians.»

The Tale of Bygone Years by Nestor the Chronicler

We will not say with 100% certainty that Kyi was a Polonian or a representative of some other ethnic group, or descended from a noble stem, for example, was a descendant of Attila, who had numerous offspring. But at the same time, as we see, the brothers were experienced and intelligent, they were held in respect of the Polonians on the land of which Kiev was built. It is also stated that Kyi went to Constantinople with a large army and was in favor of the tsar. Besides, Kyi victoriously fought on the Danube and founded a new town named Kievets. But later because of the conflicts with the local population he was forced to return home.

Let us assume that Kyi and his brothers – Slavs by origin – actively fought with the Avar Khaganate. They took the side of the triumvirate of the anti-Avar coalition: the Slavs, who founded the state of Samo, the Principality of Nitra, and Great Moravia; Bulgarians united by Kubrat I the Great into the state of Old Great Bulgaria and the main player in the Balkans and the Mediterranean – the Byzantine Empire.

The historian Boris Rybakov characterizes the activities of Prince Kyi in the following way:

«The ancient predecessor of Sviatoslav, the great Prince of Kiev, whose activities spread as far as the Danube banks, and diplomatic ties reached Constantinople.»

Boris Rybakov *The First Centuries of the Russian History*

Nestor names the date of the Khazar attack against Kiev – «after Kyi's death» which confirms the hypothesis of Rybakov – VI-VII century. Such famous historians as Alexei Shakhmatov and Alexander Presnyakov support the idea that the Prince Kyi really existed and speak about his reign.

Let us not join the discussions about the date of foundation of Kiev. This dispute is based on the meager archaeological findings scattered around the huge space of the modern metropolis. In their eagerness to prove their position, some authors, based on materials (remains of dugouts, objects from cesspools, remains of villages, treasures and other things of different cultures and eras) claim that Kiev surpassed Rome, Paris and London together and was founded in the III millennium... Let us refer to the primary source:

«And there were three brothers: one named Kyi, another - Shchek and the third - Khoryv, and their sister - Lybid. Kyi sat on the mountain where Borychev's climb is now, and Shchek sat on the mountain, which is called Shchekovitsa now, and Khoryv was on the third mountain, which was named after him Khoryvitsa. And they built a city in honor of the eldest brother and called it Kiev. There were a forest and a large pinewood around the city, and animals were hunted there, and those men were wise and clever, and they were called Polanians, and since then Polanians live in Kiev.»

The Tale of Bygone Years by Nestor the Chronicler

Let us consider the hypotheses of the origin of the three brothers and their sister who founded Kiev.

The first version:

The princes were of local origin and were able to subdue under their authority the territory of the Middle Dnieper region. The princes took an active position in the relationship between the Byzantine Empire and the Avarian Khaganate. Afterwards under influence of the Slavic culture of the population of national union, formed by the brothers, became the core of the formation of the East Slavic subgroup.

The second version:

The princes came from Danube. They were appointees of the Byzantine imperial court. The brothers subdue to their authority a local non-Slavic population on the Dnepr. It is also of immense complexity to talk about the ethnic heritage of the princes. The names of Kyi, Shchek and Khoryv are almost not

mentioned among the Slavs, but in Poland, Moravia and other Slavic lands we come across of region's names, populated places and so on that sound similar. And the name of their sister Lybid is rather of Hungarian origin.

The third version:

The East Slavic tribe «Polanians» is ethnically connected with the Polish tribe of «Polanians.» The disintegration of the polyethnic and polyreligious Hunnish empire and the creation of aggressive Avarian Kaganate nudged the Slavs to expansion from the territory of the under-Danube on the territory of Eastern Europe. Perhaps this explains the hypothetical similarity of the name Khoryv to the Croats, and Schick to the Czechs.

Questionless, the Slavic troops from under-Danube, which became the arena of collision between the Romans and the Huns, and then between Byzantines and Avars, began to advance northward, and subsequently were conquering the forest-steppe territories to the North-East of its original disposition.

Each of the versions has the right to exist. It is still too early to make it final in the discussion. We can state that Kyi and his comrades-in-arms in the Middle Dnieper region were more conquerors than autochthonous inhabitants. And on the subjugated territory rulers built the Kiev city.

A number of scientists believe that we are dealing with the names of families, and the family «Lybed» is of Hungarian or Bulgarian origin. According to the archaeologist S.I. Klimovsky, the author of the book «Where, When and Why Kiev arose,» the settlers founded a number of fortifications - «towns,» which later merged into one city called Kiev. In fact the names have collective character and mean that the Czechs, Kievish, Croats and Hungarians took part in the creation of state.

The Tale of Bygone Years does not contain information about the date of death of Prince Kyi about his heirs and about who continued the reign after his death. There is only an answer of city residents to Askold and Dir who came there:

«Whose city is this?» "The builders of it, three brothers, have long since passed away, and we are now paying tribute to the Khazars.»

The Tale of Bygone Years by Nestor the Chronicler

So, when the Varangians arrived in Kiev, its founders had already died, and the city was dependent on the Khazars. Nevertheless, some historians defend the versions about the successors of the first Kiev princes, and about whole Kiev dynasty – the Kievish.

The country of Kuyavia is mentioned in a number of Arabic chronicles. It was neighbor to Slavia and Artania, and those in turn - with the northern borders of Byzantium and Khazaria. But alas information about the ruling dynasties of these states was not preserved. Therefore, there are no compelling reasons to confirm or refute the hypothesis that the successors of Kyi ruled in Kiev before the arrival of the Varangians Askold and Dir.

An important fact of this story is that Kiev since the ancient times was the capital of the Slavic tribe and was called "Polanians." Herewith, Kyi, Shchek and Khoryv were not Russians. And certainly not Russians. It is obvious. Russians as an ethnos began to form after the collapse of the Golden Horde in the XIV-XV centuries based on the cooperation of the autochthonous Finno-Ugric population and the foreign passionate Slavic element from the Balkans and the Bulgar from the Volga region. We can talk about the formation of the modern nation only with emerging of the Moscow kingdom.

At the same period the formation of the Ukrainian ethnos has began. The core of it was the population of the Middle Dnieper region: Cherkasy, Mamai, Cossacks, Kovui, formerly called Torkil, Berendeys and Chorni Klobuky.

But for the political elite of the Post-Soviet states, the important factor was always the opinion that the princes belonged to the Slavic ethnos, and accordingly, the wise leaders, the predecessors of the Communist Party, knew where and why to go, and what to do. According to the party «chiefs,» the Slavic «eaders» already in those old times laid the foundations of collective farming and

public ownership of production, family and state relations.

However, it should be noted that the Slavic ethnos, at the times of Kyi, including the Eastern Slavic branch, were in the stage of formation. Assumptions and guesses, engrained stereotypes and myths, as well as politization of this question by Romanovski and Stalin scientists, created a whole dogmatic teaching about the Slavic empire that existed in the vast scope of Eurasia since the ancient times. Some devoted people are ready to seriously say that the Slavs lived during the Mesozoic era.

In this context, it is much more pragmatic to write a history using the approach, in accordance with which the history of the state is studied. At the same time, all cultures, peoples, events that took place on one or another territory are to be investigated without tendentious attachment to the «Titular nation», «state-forming ethnic group» and other discriminatory definitions. For example, in Turkey no one tries to identify the Turks with the ancient Trojans and at the same time does not hide in archives the artifacts of the ancient civilizations that existed on the territory of the republic.

But the fragments of empires that existed on the territory of Europe, inherited the peculiar to nations hypertrophied sickness of chauvinism. Until now the capitals of some states claim the role of the Third Rome. The first Rome is Rome. The second Rome is Constantinople (Tsargrad, Istanbul). St. Petersburg, Moscow and Berlin in different times called themselves The third Rome.

There are still discussions around the «Great Romania» – «from the sea to the sea,» «Great Ukraine» – «from the Sian to the Don,» «Great Russia» – «from the White to the Mediterranean Sea,» «Great Bulgaria» – «from the Volga to the Danube,» «Great Hungary» – «from the Alps to the Urals.» The absurdity of the claims is obvious. But the adepts of these ideas have been working tirelessly over their implementation for centuries.

And in order to continue our search for the origins of Rus, it is necessary to give answers to the next series of questions:

When and where did the state of Rus appear, and who was the first ruler of Rus?

Who are the «Rus» and from where did they come to the lands of North-Eastern Europe?

We will not dig deep into the analysis of the long standing argument between the Normanists and their opponents - the antinormanists. This discourse will be discussed in the future. A brief plot of events based on facts derived from authentic written sources is the basis of our searches.

It is evident that «Polanians» can't be identified with «Rus,» and Kiev initially could not be the first city in Rus, since at that time there was simply no Rus at these lands. And the nationality (or estate) «Rus» lived in the Baltic States. Therefore, fantasies on the subject that «Rus» is «Ros», and «Ros» – Roxolani or Huns, Scythians-plowmen and others, can be more easily classified as a fiction book than scientific research. And we will return to the question of the ancestral homeland of the Slavs at the pages of the following expeditionary intelligence to the Middle Ages.

Kiev appeared much earlier than Rus, as the state and afterwards as the empire. The city of Kiev was founded not by the Rus people, but by the Slavs. Kyi and his family were in no way connected with the Baltic states. Kyi established ties with the Byzantine Empire and even tried to settle on the Danube. Kiev was not the only city in the vast scope of Eastern Europe. Excavations of a number of cities: Belsky (Poltava), Pastyr (Cherkasy region) testify about close economical and trade connection between the local community and inhabitants of the Balkan Peninsula.

The first capital of Rus

«Varangians», «calling of the Varangians»... - these terms and phrases denote aliens who take over the rule. «Varangians» are foreign people that come without invitation and leave without thanking. Invaders, enslavers are not in

favor in all nations. And at the same time representatives of modern civilization traditionally admire the strength, skill and military art inherent for the winners. Scientists and politicians argue about the origin, tribe of the Varangians for over three hundred years.

So, it is evident that Kiev arose much earlier than «Rus» appeared in the Dnieper region as a certain community of people and as a state. It is also evident that Kiev later became the capital of Rus.

The competitors of Kiev in the struggle for primacy in Rus were always two cities - Chernigov and Novgorod. To prove claims for the primacy, the local chroniclers tried in every possible way to make the roots of the rulers more ancient. Everyone wanted to lead his race from Alexander the Great or «at worst» from Julius Caesar.

In Chernigov a legend about Prince Cherniy was developed. And in Novgorod, a legend about the ruler Gostomysle, who gave his daughter Umila for the Varangian Rurik and whose son Slaven founded Izborsk.

At the same time any of us hardly can name at least one of the states in the Northeast Europe before the appearance of Rus. Or remember at least one source in which would be described the earlier political events in the region, rather than *The Tale of Bygone Years*.

Therefore, we can certainly say that the first state formation that was created in the territory of North-Eastern Europe is the state of the Varangians Rurik, Sineus and Truvor. In history the formation of the principalities of Rurik is called «The Calling of the Varangians.» This term has already become a common name.

Rus, Normans, Vikings, Varangians: fiction or reality?

Did the Varangians have a capital on the territory from which they came from?

Where was this unknown capital?

The first version:

The Varangians are warriors of Scandinavian origin (Danes, Norwegians, Swedes) who barged in the territory of

Eastern Europe and founded their states here after subjecting local Finno-Ugric tribes.

The second version:

The Varangians are the most active part of the West Slavic population (the Polabian Slavs, Obotrites), who due to the military expansion of the Germanic tribes were forced to move to the lands of the kindred Eastern Slavs and on the territory of Finno-Ugric in Preilmen. And create there a base for the fight against the conquerors - the Germans from the Teutonic Order and the Swedes.

The third version:

The Varangians are an active part of the population (military class) from Baltic nations, which during the Age of Viking accomplished expansion to Eastern Europe, where together with the local population they created state formations. Subsequently the Varangian principality united in the state of Rus.

Each of the versions is not without some idealistic concept of little-known pages in the history of our continent. It is incontestable that in those old times in the North of Europe the history was created by the Baltic inhabitants (Vikings, The Varangians, Rus people). Nationhood in the territory of North-Eastern Europe was established by martial northerners. In accordance with the available written sources, as well as peoples legends recorded in later times, but still belonging to the era of the early Middle Ages, we can confirm that the Rus is the first state in the territory of the Southern Baltic.

At the same time it should be noted that on the lands to which «Rus» belonged, there was its own capital. Who knows was it in the Baltic or Scandinavia. Versions, hypotheses, assumptions... But this question also goes beyond the subject of our research.

After such divagation, which may help to penetrate deeper into the relationship in medieval society, we return to the main subject of the study.

When «Rus» has appeared in Kiev and who headed «Rus»? Was it a conquest or a peaceful migration?

**Which city was the first capital of Rus?
Who and when founded the first capital?
How many capitals were there in Rus?**

Often, based on the study of Old Norse languages, the researchers treat the word «Rus» as oarsmen. In this case it seems that Rurik brought his own race to a new place of habitation, as well as poor, free and common soldiers - oarsmen. If in Scandinavia and Baltic their perspective was only participation in endless treks, here they immediately had the possibility to obtain lands and power, to become high-placed and high powered people in society.

Deep rivers and endless lakes, primeval forests and impassable swamps with a rare population met their new rulers.

Three brothers: Rurik, Sineus and Truvor, along with his troop (the Varangians) came to Ladoga land. It is still too early to talk about Russian lands at this stage of history in the IX century. But we understand that later, in XIV century, these territories will become one of the centers of the formation of Russian state.

According to *The Tale of Bygone Years*, in year 862 the Northern Baltic tribes called Varangians for the «reign» – «Rus» headed by Rurik – the founder and first ruler of the state of Rus. It was Rurik who led the large grouping «Rus» into Baltic.

The Chronicler underlines that Rus is not the ethnic name of the Normans or Slavs, but the name that these peoples used (and others took from them) regarding the military group of society and princely troop itself.

Professional soldiers «Rus» due to cohesion and military training were able to subdue to their power several separated Finno-Ugric tribes which were living in the North-East of Europe.

Although this historical fact does not quite fit into the subject of this study, let's note that the chronicler especially emphasizes that the first population on the lands occupied by Rurik were «Slavs,» then the Rurik family came to these lands – «Rus», and the Novgorodians are of Varangian family. Complicated and convoluted. But it is still necessary to understand these ethnic-political intricacies.

At a time when the origin, attitude towards the clan, vassal dependence were not

only socially and politically significant, it was up to them whether a person had the right to live. Indeed, an outlaw (man of unknown antecedents) could be killed by anyone with impunity. The chroniclers very subtly differentiated generic and supergeneric relations.

Considering the complexity of questions connected to the history of Varangians, should be paid close attention to the pages of the next review.

On the conquered lands, the brothers Rurik, Sineus and Truvor set a number of fortresses. The main city was - the setting of older brother - Rurik.

Let's turn to the history of the appearance of Varangians in the Baltic lands. The Chronicle says:

«In the year 6370 (862). And three brothers were elected with their families, and they took with them all the Rus, and they first came to the Slovens, and they set the city of Ladoga. And the older brother Rurik sat in Ladoga, and the other Sineus in Beloozero, and the third Truvor in Izborsk. And from those Varangians the land was named Rus land. Novgorodians are the same people from Varangian race, but before they were Slovenes.»

The Tale of Bygone Years by Nestor the Chronicler

In order to take hold of still restless areas, Varangians built first city-fortress, its first capital Ladoga in the lower reaches of the Volkhov River, in the Ilmenslavs lands.

The city, known as Aldeigjuborg (Ladoga), according to Scandinavian custom, was located not on the shore, but ten miles from Volkhov, where the small town of Staraya Ladoga is now located. From Ladoga, Rurik controlled the «volost,» he executed the court, its walls served as a firm shelter for Varangians from the raids of local tribes. At the head of the state was the oldest of the brothers – Rurik (862-879).

Thus, the first capital of Rus was Ladoga (now Old Ladoga). Nowadays in this place the community of Staraya Ladoga is located. Remains of fortifications preserved to this days. From Ladoga the

first sovereign of Rus carried out his rule – Rurik.

Rus and Kiev

From ancient times the basis of nationhood was sovereignty. If the state is sovereign it is independent in its foreign and domestic policies. The loss of sovereignty is the loss of independence. Now the state-forming substance – the sovereign of the majority of states are citizens. They democratically determine the structure of the state. But in the Middle Ages, the sovereign of the state was the ruler or the ruling family. Commanders, soldiers and subjects identified themselves with him.

Together with Rurik, a large Varangian army came to the lands of North-Eastern Europe. Many of the Varangians did not share Rurik's policy, which was the gradual submission of local native tribes and the creation of the Varangian state. First of all, they were interested in spoils, which could be received during plunder treks.

Rurik was quite satisfied with the role of the powerful king-konung, who owns territories much more extensive than his colleagues-konungs who ruled Denmark, Sweden and Norway. But more ambitious and pragmatic personalities surrounded him. Like a magnet they were drawn to the golden domes of Constantinople and Mediterranean luxury.

Therefore, at a time when Rurik was strengthening the internal structure of his state, his two team-mate, not relatives of the konung, but «boyars» - soldiers of noble origin Askold and Dir, along with their troops, asked Rurik to go on a campaign against Constantinople.

Konung gave them his permission, thus stopping the beginning of mutiny and using his political opponents, who have considerable authority among the troops, for further advance of the Varangians to the South.

«...and above all those Rurik ruled. And he had two men, not his relatives, but the

boyars, and they asked to take off to Constantinople with their family.»

The Tale of Bygone Years by Nestor the Chronicler

How did Rus appear in Kiev? How did Kiev become the capital of Rus?

Who and under what circumstances pronounced the phrase «Kiev - mother of Rus' cities»?

Scientists, exploring the life of Askold and Dir, make a number of suggestions.

The first version:

The Varangians Askold and Dir were conquerors. They captured Kiev and made it the base for their pirate campaigns against the onshore cities of the Black Sea. And Prince Oleg, the representative of ruler of Rus, the regent of the young son of Rurik – Igor, freed the Kievans from the power of the robber.

The second version:

The voivodes Askold and Dir liberated Kiev and Polanians from the power of the Khazar Khaganate. The city became the capital of a small Varangian principality and afterwards connected to the state created by Rurik.

The third version:

The ruler of Kiev – Dir from the dynasty of the Kievish recognized the power of the Khazar Khagan. And his descendant Askold was freed from this dependence. But after an unsuccessful campaign against Constantinople and adoption of Christianity, he lost the support of the local elite. Voivode of Rurik – Oleg, used this opportunity and took over the power. After Askold's death, the usurper Oleg made Kiev the capital of the Varangian state in Eastern Europe.

And again in each version there is a certain grain of truth.

Thoughts that Askold and Dir were descendants of Kyi don't have actual confirmation. The similarity of names and geographical names, for example, Askold and the Oskol River, as well as some transcriptions with ethnonyms of Arab sources can be very cautiously considered as a basis for constructing of hypotheses and versions.

Let us see the annalistic facts which are ascribed by Nestor the Chronicler.

Moving up on the Lovat river, flowing from the South to the North, and then, dragging their ships to the Dnepr, and descending down on it, Askold and Dir came to Kiev, which was under the rule of the Khazar Khagan. Having seen the city on the Dnepr, Askold and Dir asked: «Whose city is this?» and the locals answered:

«In the year 6370 (862). And above all those Rurik ruled. And he had two men, not his relatives, but the boyars, and they asked to take off to Constantinople with their family. And they set off along the Dnepr, and when they were passing by, they saw a small town on the mountain. And they asked: «Whose city is this?» And they answered: "There were three brothers, Kyi, Shchek and Khoryv, who built this town and disappeared, but we are staying here, their descendants, and we pay tribute to the Khazars.»

The Tale of Bygone Years by Nestor the Chronicler

The short answer of the people of Kiev, depicted in the chronical, shows that during the appearance of the Vikings on the political arena in the Northern Black Sea region, the Slavic nationhood (the state of Kuyavia) was greatly weakened. Constant wars with the Sarmatian-Alanian steppe peoples of the Black Sea and the Azov Sea regions: the Ghetto (Goths), Huns (Proto-Bulgarians), Avars (Obri), Geruls, Gepids and others weakened Slavic peoples. As a result the Eastern Slavs were forced to recognize first the rule of the Khazars, and then - the Varangians ("Rus").

«Askold and Dir stayed in this city, collected a lot of Varangians and began to own the land of Polanians. Rurik reigned in Novgorod.»

The Tale of Bygone Years by Nestor the Chronicler

Judging from the chronicle narration, Varangians – «Rus» Askold and Dir arrived in Kiev and took over the power in the second half of the IX century. So, Kiev became Russian only from the moment of appearance of Varangians in the city – the voivodes of Rurik

and their troops. Rusian, but not a part of Rus as a state.

Askold and Dir during certain time were the lieges of Rurik, they did not belong to his «Rus» family, but were Varangians. Therefore, it is not quite correct to believe that the voivodes have annexed the Kiev land to Rus. At the same time, we have already found out what connected the history of Kiev with the history of Varangians – «Rus.»

With the arrival of Varangian troops of Askold and Dir Kiev did not become the capital of Rus.

The state of Rus with its capital in Ladoga at this time is situated in hundreds of kilometers to the North. Kiev at this stage of history is a town liberated from the Khazar domination, in which Varangian voivodes rule.

In this period of history it is difficult to talk about Kiev as the capital of the Polian tribal union. Rather, it can be stated that Kiev during the reign of Askold and Dir was the center of a separate district or voivodeship as part of Varangian state formation. It is even more correct to assume that Kiev, after being captured by the Varangian voivodes, who separated from the majority of «Rus,» is the advance outpost, the base where Scandinavian detachments and troops from among the local population gathered and prepared for military expeditions.

Looking ahead, we can define periods of history when Kiev could be considered the capital of statehood on the territory of Eastern Europe:

1. Kiev - the capital of the state of Kyi, and then follows a period when the Polianians become dependent on the Khazar Khaganate, and Kiev becomes one of the cities in all of the empire.

2. Kiev - the capital of Varangians Askold and Dir, a kind of state association, similar to the state of pirates –Libertal, living on trade and robbery.

3. Kiev - the capital of Rus, until the period of fragmentation, when it stopped to be the headquarter of an autocratic ruler, supreme commander-in-chief, but became the capital of the state.

The conglomerate of states in the territory of Eastern Europe during the period of «fragmentation» was in fact a federation of

principalities that had significant ethno-cultural and political-economic characteristics, but united by the relations of the dynastic ruling and the one official religion – Orthodoxy. Here it should be paid attention to the fact that headquarter of the metropole was Kiev.

Consequently, Kiev stopped function as the capital in Grand Duchy of Lithuania and in Polish-Lithuanian Commonwealth.

During the Liberation War and the formation of Ukraine as a Cossack republic led by the hetman, Cossack capitals were: Chigirin, Gadyach, Baturin, Glukhov. So, the capital of the state was located where was hetman – the elected ruler.

The capital of Zaporizhian Lower Army was the main city - Sich. Zaporizhian Sich is the first capital of the Cossack state. The main city, not a small fortress. Zaporizhian Sich on the island of Khortitsa occupied land area of all northern part of the island, as well as a significant territory – the Upper Khortitsa on the right bank of the Dnepr. Natural heights defended the capital of the Zaporizhian Lower Army from enemy attacks. On the Khortitsa island and the adjunct grounds earthworks were preserved. In the days of Hetman Petro Konashevych-Sahaidachny, some of them were reconstructed. Underwater archaeologists till this day find parts of the ships near the Cossack dockyards, where the ships were redone after passing the rapids and after returning from campaigns against Turkish fortresses which located on the shores of the Black Sea.

After Ukraine lost its independence, Kiev for a long period of time was one of the principal towns of province of the Russian Empire.

4. Kiev is the capital of Ukraine, during the Liberation fight of the Ukrainian people in the early twentieth century. The capital of the republic during the entry of Ukraine as part of the USSR. The capital of an independent Ukrainian state.

Thus, it should not be said that Kiev became the capital of Rus when captured by the Varangians Askold and Dir. During their reign Kiev was not the capital of "Rus", as an ethnos (class, troop) and as

a state, but was rather the advance outpost, territory which was colonized by the Varangians, a military base for robbery of local population, trade caravans and for campaign against Greek cities, located on the shores of the Black Sea. The city of Ladoga at this stage continues to be the capital of Rus, where ruled the founder of the Rurik dynasty – Konung Rurik I.

The second capital of Rus

Nation that doesn't know its history is doomed to oblivion. Every society is proud of the outstanding people who were born on its land. In tales and legends they glorify heroic events of the past times. For example, Turks proudly demonstrated the ruins of Troy and Greek cities. They are proud of their history which is connected with heroic deeds of Alexander the Great and the activity of powerful rulers of the Ottoman Empire. The Ukrainians who inherited the lands of the Northern Black Sea Coast, have a lot to be proud of. From ancient times there existed states: Scythian kingdom, Bosphorian kingdom, Hunnic Empire, Old Great Bulgaria.

Each of these states had its own history, rulers and capitals. This story is depicted on the pages of ancient chronicles by Herodotus, Mauritius Stratogus, Strabo, Jordan, Constantine Porphyrogenitus and many others. It is ignobly not to know your history, not to honor your forefathers who have built nationhood, laid the foundations of civilization.

But let us return to the questions about Ancient Rus.

How long Ladoga was the capital of Rus? Which city took palm of victory from Ladoga?

Where Rurik did transferred the capital of Rus and what events preceded it?

The following events occurred in Rus after the departure of Askold and Dir. The Rurik's brothers died. The prince subjected to his authority the ample territories of North-Eastern Europe, occupied by Finno-Ugric tribes.

For effective control of the territories, new capital was needed, in more convenient location than Ladoga. Such location undoubtedly should have been at the crossing of trade routes. The best one was a village on the Volkhov River. It is unlikely possible to find the original name of this village. Perhaps, Volkhov. The railway station of Veliky Novgorod is called Novgorod-on-Volkhov. It was located on Volkhov River, the only river flowing from Lake Ilmen into Lake Ladoga.

Here we will not keep intrigue, but we will name that city, which for a long time became North Palmyra of Rus and for a long time was the second most important city after Kiev. In fact, with the collapse of Rus on some apanage principalities and with the lost of their independence in the fight against the Golden Horde, this city became an independent state with a republican type of state power. Consequently, a new city became a capital of Rus – Novgorod.

Its independence and global political significance in the Baltic region, Novgorod or as its inhabitants called it: «Sir Novgorod the Great», lost after the seizure of the Baltic region of the Moscow kingdom, and the economic value of main trade and economic center in Northeast Europe with the construction and transfer of capital of Russian Empire to St. Petersburg.

More profitable location of Novgorod, unlike Ladoga, contributed to the growth of the power of Rurik I. The new capital was located at the crossing of Volga and Dnieper segments of «the Great Silk Road», that linked China, India with the Scandinavian countries, as well as Scandinavia with Byzantium.

To further increase the age of «Nova Grada,» some scientists use even older manuscripts. In accordance with this approach in the VIII century, Novgorod Prince Bravlin attacked Sudak.

As you known, the date of «birth» of location is the date of the first written mention of it. An attempt to deepen the history of

Veliky Novgorod to the times of the early Middle Ages, when the Novgorod prince Bravlin attacked Surozh (Sudak) is not well grounded. Here we are talking about Naples (Novgorod) located in the Crimea (Simferopol). The ruler of this city, the Tauri Scythae Bravlin, along with his troop, attacked the onshore Byzantine city Sudak.

Confusion in the understanding of sources is because medieval chroniclers gave their contemporaries and territories names, titles, etc., which the ancient authors used. But about that further more. Now we simply confirm the fact that Novgorod is neither the first nor the last capital of Rus. After all, we are talking about the state of Rus.

Rus as a state was not the only constant in the Northern Black Sea region. The greater part of Eastern Europe during the Middle Ages was occupied by states that had as their basis a steppe cattle-breeding economy and culture.

Speaking about the history of Ancient Rus, it should be emphasized that firstly, the term «Ancient Rus» is formal and reflects only the periodization: from the time of the appearance of the state and to the death of Prince Svyatoslav. And secondly, two main versions should be taken into account.

The first version:

The state of Rus really existed on the territory of Eastern Europe since ancient times and was the legal successor of long-standing states which located on these lands, in accordance with the written sources of Antiquity and the Early Middle Ages. Its basis consisted of autochthonous Slavic, Turkic and Finno-Ugric peoples.

The second version:

Rus is collective name of various principalities that arose on the territory of Eastern Europe in the Middle centuries. They had no connection with the disappeared states created by the Scythians, Sarmatians, Alans and other ancient peoples. The attempts of authors of Antiquity and the Early Middle Ages to prove the reality of the connections between different peoples, the legal succession of ruling dynasties and the rest is nothing but fiction and falsification.

And if one researchers, that base on the first version, reason on poor archaeological finds and materials of ethnographic

expeditions, others ridicule Herodotus's excursions about the connections of Egypt and Georgia, and Jordan about the Scythian roots of the Getae kings.

Truth, as always, is somewhere in the middle.

Was Rus, in the period of Rurik's rule, a state in the full sense of the term or it was a kind of proto-state?

What features did Rus have in the period of reign of the first princes?

What was the administrative-territorial structure of Rus?

Rurik aspired to form the state inspired by the empire of Charles the Great. Rus during the reign of Rurik was a state in full understanding of this definition. The konung divided the land into eight districts and put voivode at the head of each. The voivode was obliged to collect tribute from a dependent race and if necessary provide troop for the ruler. So the voivode over the Krivichi was a trusted person and in the opinion of a number of researchers, Rurik's relative Oleg.

It is believed that the main cities of the Krivichi were Izborsk, Polotsk and Smolensk. Every quotation from the chronicle causes discussions. Based on the descriptions, which were left by the chronicler, we can endlessly propose more and more versions and endlessly raise questions. For example, if Oleg captured Smolensk during the campaign against Kiev, then it was not originally a city of the Krivichi. And in this case, there will be a number of new versions: perhaps the Krivichi union was not so powerful or at that time the union split into several parts and Oleg managed to unite them for the fight with his rivals on the grand-ducal rule.

As for Polotsk, the chronicles mention the Polotsk tribe. Perhaps it was part of a larger tribal conglomerate of the Krivichi. Polotsk is also better known as the city of Prince Rogvold – the opponent of Vladimir the Great. Vladimir «took» this city before going against Kiev. He killed the Prince of Polotsk, and married his daughter Rogneda. Rogneda's son, Yaroslav the Wise, becomes the Grand Duke later. Together with the Novgorodians, he will also have to go to Kiev against his brother Sviatopolk I Vladimirovich (son of

Yaropolk I Sviatoslavich and the Greek woman, later on Vladimir's concubine).

In the chronicles there are no mentions of the relationship between Rogvold and Oleg, Rogvold and Igor, Rogvold and Svyatoslav I, and possibly Rogvold and Rurik.

In this case, we can state the presence of four Varangians proto-state associations in the territory of Eastern Europe:

- The state of Askold and Dir;
- The state of Rogvolda;
- The State of Tura;
- The state of Rurik (actually Rus).

At that time the other Slavic and Turkic states existed in the Northern Black Sea Region, the Volga region and the Northern Caucasus. But their history is not the subject of our study.

It is difficult to say at what period Rogvold became the ruler of Polotsk. But after the death of Svyatoslav I, Rogvold feels confident enough to enter into the conflict with Vladimir, the son of the Grand Duke. And he paid for it.

The city of Izborsk before Rurik «took the whole volost alone» was in the possession of his brother Truvor. If Oleg was a participant in the events that led Rurik to the individual authority, this explains why he became a confidant of the prince – the breadwinner, the regent of the young Igor.

It is impossible to exclude the fact of family ties between Rurik and Polotsk prince Rogvold and Tur prince Turov. Their activities in comparison with the twists of events connected with the clan of Rurik's are less known, but not less significant for the history of the formation of nationhood in the Baltic states.

There are a number of interesting facts related with the reign of Rurik, the campaigns of Askold against Polotsk and wars with the Volga Bulgaria. They are set forth in the Nikon Chronicle. But now we will return to the questions which connected with the transfer of the capital from Novgorod to Kiev.

The centers of the dependent territories were «put» by Rurik cities. The state began to acquire real shape. Borders were strengthened. The prince's power became more solid. New cities were built. But in 879 Rurik died. After his death his son Igor I

became the Novgorod prince and the ruler of Rus.

So, Novgorod was the capital of Rus at the time of prince Igor I, son of Rurik. That's why there was a need for legitimation of the future prince through making him the head of Novgorod. This procedure passed Sviatoslav I Igorevich, Vladimir the Great and Yaroslav the Wise. Later this city will play an important role in the history of Rus as its Northern capital. That is why Ivan the Terrible tried, at whatever the cost, to capture Novgorod.

During the reign of Rurik, from the time of the death of his brothers and to the death of the founder of the Rurik dynasty, the capital of Rus was Novgorod. In the first period of the reign of Igor I Rurikovich, under the regency of Oleg the Prophet, Novgorod remained the capital for «Rus», in the understanding of the «Varangians». And subsequently Novgorod played the role of the Northern capital of the state. Novgorod princes traditionally became rulers of the whole state. Novgorod is the second capital of Rus.

The Third Capital of Rus

The death of konung Rurik, the first ruler of Rus, could mark not only the end of the dynasty, but also the disintegration of the state. During the Middle Ages all power was concentrated in the hands of the ruler and with it weakening the power could fall and be torn apart between his attendants and successors. Empires were arising and disintegrating instantly. And only if the ruler succeeded in creating a state system and appointing worthy men to senior positions, which put the interests of the state above their own, it was possible to preserve and develop state principles for decades and even centuries.

Considering that Igor still was a child, Oleg I became warden and in fact the Grand Duke (later he was known by term «Prophetic»). Prince Oleg, whose name translates as «holy» or «great,» has an

outstanding personality: commander, ruler, religious figure. His patron was the supreme god of the Scandinavians - Odin. At that time the capital of Rus was Novgorod. And from this city Oleg began his expansionist campaign against Kiev. It was Oleg who said the famous chronicle phrase: «Kiev is the mother of Rus' cities.»

A faithful ally in the beginnings of Oleg was the tribe of Krivichi and with them he captured the city of Smolensk in 882, where he «puts» his voivode. We do not confirm that at this time the capital was moved from Novgorod to Smolensk.

However, it should be noted that in fact the capital was where the ruler was. But during the reign of Rurik I and Oleg I, in Novgorod were already acting certain state institutions, and it was perceived by the population as the main city of Rus.

Afterwards, the prince, who claimed to become the ruler of Rus, at first became a prince of Novgorod. Novgorod princes were Svyatoslav, Vladimir and Yaroslav.

The lucky leader raised his authority in the eyes of the Varangian warriors: now he controlled the trade route «from the Varangians to the Greeks» in the upper part of the Dnieper.

Descriptions of the morals and customs of the Scandinavian high-placed families help us to suggest that in any case, there was a fight for the Grand Duke's place. Is it true or not, maybe will become known with the appearance of new sources. But in any case, the fight with the candidates for power ended with a victory of Oleg.

We do not have precise data on whether there were other candidates for Rurik's inheritance, except for Igor and Oleg. But even if they were, then Oleg chose for himself a successful and in fact win-win role of such a zealot and guardian of traditions, a protector of the rights of a minor successor to his father's throne.

Thus, in the first years of the regency Oleg managed to restrain the separatist intentions of the Varangian's voivode, as well as to subject to his authority significant territories that previously were only nominally controlled by the Varangians.

Under what circumstances did Kiev become the capital of Rus? Who became the first ruler of Kievan Rus?

How was the capital of Rus moved from Novgorod to Kiev? What does the phrase «Kiev is the mother of Rus' cities» mean?

Oleg confirmed his superiority in Rus and decided to strike Kiev, where Askold and Dir were ruling and did not want to obey his authority. Collecting the army from the subordinate tribes, Chudes, Slovenes, Maris, Ves and Krivichs, he goes in a campaign against Kiev, starting it from the Northern capital - Novgorod.

«In the year 6390 (882). Oleg went to the treck, taking with him many warriors: Varangians, Chudes, Slovenes, Maris, the Ves, Krivichs, and came to Smolensk with the Krivichs, and took power in the city, and put his man there. From there he went down, and took Liubech, and also put his man there.»

The Tale of Bygone Years by Nestor the Chronicler

Taking the city of Liubech, Oleg leaves there his voivode. The prince understood that it would not be easy to take possession of an armed Kiev, in which there is a strong Varangian troop. To achieve his goal, the military leader used strategy. Oleg leaved the main part of the troops behind with Varangians and came closer to Kiev.

«And they came to the mountains of Kiev, and Oleg enquired that Askold and Dir are the princes here. He hid some of the warriors in the boats, and others left behind, and he started carrying the baby Igor. And he swam to the Ugra mountain, hiding his warriors, and sent to Askold and Dir.»

The Tale of Bygone Years by Nestor the Chronicler

Arriving to the Kiev mountains, the konung orders them to stay in the ships and with a small part of his soldiers goes to the Ugrian boundaries (at the bottom of the Pechersky hill, "near the mountain"), from where he sends the staffette to Askold and Dir with the words:

«We are venturers and go to the Greeks from Oleg and Igor princes. Come to us, to your relatives.»

The Tale of Bygone Years by Nestor the Chronicler

When Askold and Dir, suspecting nothing, approached Oleg's ships, the Varangians jumped out of their hiding places, cutting off their way to retreat. Oleg did not want to tolerate opponents of his power, and said:

«You are neither princes nor princely family. I am the prince's family." Igor was taken out, then a child, and Oleg continued: "And this is the son of Rurik!»

The Tale of Bygone Years by Nestor the Chronicler

And the swords pierced the bodies of the Varangian voivodes.

The deprived of leader Norman troop of Kiev found meaningless to resist its counterparts from the North. It is not excluded that in the murder of Askold and Dir also took part their comrades-in-arms, who took the path of conspiracy with the more successful and authoritative konung Oleg.

So, his famous phrase the ruler of Eastern Europe spoke over the bodies of defeated opponents. Motivation and action were instant, decisive and convincing. Then followed the program of further activity and it was no less stunning.

Oleg I actually said: «We are putting an end to the last bandit life and starting to build a new state!»

In the Greek manner at the level of the characters the phrase sounded: «Kiev is the metropolis of Rus.» Metropolis is the mother of policies (cities). And here arise other versions:

Version one:

The prince proclaimed that from now on, from his arrival in the city, Kiev is the mother – the main city among the cities founded by Varangians.

Version two:

Oleg I stated that Kiev has already become a metropolis, that is, from it have

already detached the Varangian colony in the Dnieper region.

Version three:

The prince was surprised. He saw the territory on which the conglomerate of policies was located. And this conglomerate of Varangians is united into one city.

The fourth version:

The prophetic Varangian predicted that in the future Kiev would become the main city of Rus.

The murdered Askold and Dir were buried: Askold on the mountain, which later will be called «Ugric» (at the tomb of Askold the boyar Olma will build the church of St. Nicholas), and Dir behind the St. Orino. The researcher of the history of Kiev, S.I. Klimovsky, in his book «Where, When and Why Kiev arose,» analyzes in details the special aspects of urban processes on the Pechersk hills.

As we remember, Rome arose on seven hills. The fortress of Askold and Dir, as well as other colonies: settlements, monasteries, sanctuaries, became one of the «hills» on which Kyiv arose.

Archaeological finds confirm that during the reign of Svyatoslav, and even more so of his predecessors, Kiev was a small strengthened city, to which were adjoined several towns, communities, villages and farms. It is not logical to unite all colonies, remains of dugouts, treasures and a number of insignificant finds by the fictitious borders of a gigantic metropolis. Just as it is not logical constantly make more ancient the development of the city before finding the remains of the settlements of primitive people in the suburbs of the modern capital.

Subsequently, the ideologists of Moscow as the «third Rome» will pick up the idea of the "seven hills" and will argue that the capital of the Moscow kingdom also arose on seven hills. But in this case "not all hills created equal."

In the Kiev version we are talking about the hills of Andrew the Apostle, Kyi, Scheck, Khoryv, Askold, Dir and Oleg.

Andrew the Apostle is the Apostle of Jesus Christ that erected a cross on the mountain and proclaimed:

«Here will be a great city.»

The Tale of Bygone Years by Nestor the Chronicler

Oleg began to reign in Kiev, making it his capital. "This is the mother of Rus' cities" said the new prince, ascending to the throne of Kiev. Having Captured Kiev and the lands of Polanians, Oleg puts new cities-fortresses on the subjected territory.

Now Oleg relies on Varangians and Polanians, and on ex-allies – tribes of Slovenes, Kriviches and Maris – imposes tribute. Novgorod should have given the Varangians three hundred hryvnias a year «for peace.» This order existed until the death of the Great Prince of Kiev Yaroslav the Wise.

Thus, Kiev could not be the only or the first capital of the Varangian state, since Oleg won it. But it truly became the capital of Rus, firmly established on the Dnieper banks. The Varangian – Rus, on the lands that they conquered, built up old fortified cities, established administrative, trade and economic ties. The best men of Oleg became zealous servants of the strong centralizing policy of the Grand Dukes.

Moreover, in the territories that became the core of the Kiev state, hydronyms similar to the «Rus» root «Ros» were widespread. Ros, Rosava, Rosyanitsa, rosa and others contributed to the establishment of a new brand. The princes that came have organically joined the traditional relations between the Turkic and Slavic population of the forest-steppe of Ukraine.

At the same time, the Khazar Khaganate, weakened by wars with Arabs, could no longer actively fight for its political and economic interests in the Dnieper region. In fact, Slavs: Polanians, Northerners, Radimichs and Vyatichs were able not to depend on the power of the Khazar Khagans and emerge from the influence of Itil.

But let us return to the main theme of our study. It has already been determined who and under what circumstances pronounced the famous phrase «Kiev is the mother of Rus' cities», and its significance in the history of Eastern Europe. It is established that the Grand Duke moved the capital to the South and expanded the borders of the state

to the limits of those occupied by Slavs. We paid enough attention to the question of how the migration of Rus took place, as a result of the widening of the territory of the Rurik dynasty. The movement of the capital has been investigated. But still, there remains the question which connected with retransmission of the legendary phrase.

If you carefully read the lines of the chronicle, the phrase spoken by Oleg sounded rather different.

«Became Oleg the prince of Kiev. And he says «This will be the mother of Rus' cities»

The Tale of Bygone Years by Nestor the Chronicler

So, other cities, fortresses, settlements, founded or conquered by Varangians, Oleg proclaimed dependent and subordinate to Kiev. And this order has remained unchanged up to the present time. Kiev is the city that became the capital by order of Prince Prophetic Oleg.

The superiority of Kiev repeatedly was disputed by Novgorod and Suzdal, Chernigov and Tmutarakan, Moscow and St. Petersburg. But the sacral significance of Kiev, the center of Christianity, was determined at the time of its blessing by Andrew the Apostle. And as the center of the state of Rus – by Prophetic Oleg.

Kiev is the third capital of Rus. It became the capital of Rus with the arrival of Prince Oleg, who proclaimed it the main city of the state. In fact, here in our study, it's about time for an end. Ancient Rus has acquired borders. The city of Kiev was the capital of Rus. In Kiev, Rurik dynasty was established. It seems that everything has been adjusted and entered into the standard framework: the European dynasty is writing the history of its home. But it was far from it.

The Fourth Capital of Rus

In the history of Rus was short but brilliant period, thanks to which Rus became not just known throughout the medieval world, but thundered so that the echoes of events, which are

connected to the name of one of the first princes of Rus, are still heard.

Since 882, Rus has become the name of the Kiev state in the full sense of the word. We will not deepen into the interpretation of such concepts as state, people, ethnoses, which in those old times did not completely coincide with modern definitions. Here we are considering questions which are related to the capital of Rus.

As we know, during the fragmentation, many cities could claim the status of the first city – the centers of specific principalities: Chernigov, Vladimir, Tmutarakan and Galich. But still, though for a short time, the mighty Ancient Rus, not yet infected by the virus of disunity and united into one state, had one more capital.

It was described above that the capital of Rus during the reign of Oleg I and Igor I was undoubtedly Kiev. But Kiev had somewhat different role during the reign of Igor's son - Svyatoslav I.

Were there any cities in the history of Rus that rivaled Kiev for the superiority?

Why and where did Svyatoslav I move the capital from Kiev?

Where was the capital of Rus during the reign of Prince Svyatoslav I?

Grand initiative of the Grand Duke Svyatoslav I led his interests directly face the interests of Byzantine emperors, who wanted to keep their primacy in the Black Sea region.

Prince Svyatoslav I conquered the Volga and Caspian lands, subjected to his own power Northern Caucasus and Crimea, annexed Pryazov and Black Sea steppes to Rus. And then he moved his troops beyond Danube. Following the great conquerors Attila and Asparuh, he tried to subject Pannonia and the Balkans to his authority. And it was grand prince Svyatoslav, who said:

«It is not pleasant for me to stay in Kiev.»

The Tale of Bygone Years by Nestor the Chronicler

When and under what circumstances was pronounced the phrase: "It is not pleasant for me to stay in Kiev"?

What did Svyatoslav mean by stating that Pereyaslavets became the center of his land?

Did the prince of Kiev have the right to lay claim to the territory of the Danube region?

Version one:

As a result of his upbringing, the prince-warrior did not feel his closeness with Kiev boyar elite. He was a Viking by his origin. Greed and thirst for adventure pushed him to conquer all new territories.

Version two:

The Varangian leader considered the territories of the Northern Black Sea area to be his own domain and strove maximally fixate in the Danube region in order to control the trade and economic potential of the European continent.

Version three:

The Grand Duke of Kiev continued the policy of his predecessors: the external vector, which was directed to expansion of the territories and fight against enemies, and the internal one to strengthen the trade and economic potential of state.

Whatever it was, Svyatoslav Igorevich made a series of campaigns against Balkans in the late 60's of the X century. At first he acted as an ally of Constantinople, but soon began his political game. In reply, the Emperor bribed Pechenegs.

In the spring of 968, while Svyatoslav I was in Pereyaslav, Pecheneg's horde came to Kiev, supposedly headed by the Khagan Kurya. By that time in the city was Princess Olga with her grandchildren: Yaropolk, Oleg and Vladimir. They were guarded by a small troop. Only thanks to the fact that the troop of the voivode of Pretich has come to Kiev, it was possible to raise the siege of the city. These events are described in legends and stories, steeped in romanticism.

After concluding peace agreement with Pretich, Kurya did not leave Kiev lands, but began to plunder the outskirts of the city and surrounding towns and villages. There was no one to oppose to Pechenegs. Then the people

of Kiev sent a staffette to Prince Svyatoslav with the words:

«You are, prince, looking for someone else's land and take care of it, but left yours. We were almost taken by Pechenegs, and your mother, and your children. If you do not come and will not defend us then they will finally take us. Or you do not have pity for your land, and the mother who has become old, and your children?»

The Tale of Bygone Years by Nestor the Chronicler

The chronicle phrase – a reproach to Svyatoslav by the Kiev people became the basis for the perception of the prince as a dashing conqueror who forgot about his land in search of glory and profit. But in reality everything was different.

Hearing the bad news, Svyatoslav I returned to Kiev with his troop, defeated the horde of Pechenegs, which was located near the city, and drove them to the steppe.

We'll emphasise «with his troop». The major part of the troops remained on Danube. Also allied detachments during this period probably left the occupied territory. And the allies of Rus in the war with Byzantium and Bulgaria were Torkils, Chorni Klobuky, Hungarians, and it is possible that also Pechenegs.

The phrase «The peace has come» is often used by the chronicler. But this was most likely not peace, but truce. Restless Rus' rulers did not imagine themselves without war.

So, the peace has come. But there was no peace in the soul of the prince. And Svyatoslav said:

«In the year 6477 (969). Svyatoslav said to his mother and his boyars: "It is not pleasant for me to stay in Kiev, I want to live in Pereyaslav on Danube because there is the middle of my land, all the benefits flow there: from the Greek land - gold, pavoloka, wines, various fruits, from the Czech Republic and from Hungary - silver and horses, from Rus - furs and wax, honey and slaves.»

The Tale of Bygone Years by Nestor the Chronicler

The prince calls his capital Pereyaslavets on the Danube. Pereyaslavets is the fourth capital of Rus.

«Olga answered him: «You see I'm sick; where do you want to go away from me?»», because she was already very ill. And she said: «When you bury me, go wherever you want.» After three days Olga died and her son, grandchildren all the people cried over her, and they carried her and buried in the chosen place, Olga settled not to make funeral feast, because she had a priest with her - he buried the blessed Olga.»

The Tale of Bygone Years by Nestor the Chronicler

Impressive coincidence which described in the chronicles, do not stop to surprise. Events seem to fit one another. Sequence is so irreproachable that you start to have doubts about their truthfulness. Actions, dialogues become illustrations to instructive biblical texts and hortatives.

The attack of Pechenegs – the arrival of Svyatoslav from the campaign – the reproach of the Kiev oligarchs to the prince – Olga's death – a new campaign against Balkans – the death of the prince.... How not think about all of it and do not look for catch.

What is the true reason for the return of the prince to Kiev? Why did Olga die suddenly?

Who called Pechenegs to Rus in the absence of the ruler? Who benefited the division of Rus between the sons of the prince?

It is difficult to give quick and convincing answers to these questions. But the discussion that took place in the palace of the Princess of the Equal-to-the-Apostles, confirms the fact that in the late 60's - early 70's Svyatoslav I considered Pereyaslavets on Danube as his capital.

Location of the capital

The capital of Rus from 968 till 971 years during the reign of Svyatoslav I was the city of Pereyaslavets on Danube – a strategically and economically important center. The Grand Duke in reasoning about the transfer of the capital to the South of the empire emphasized that the territory of Dnieper region is only a part of his land, and Kiev can no longer claim to be the first city of the empire. The prince's plans are much more global than ruling over the Eastern part of Europe. His goal is to firmly establish himself in the new capital on Danube, the main waterway of Europe. There is still a discussion about whether we can compare Pereyaslavets, Kievets, Dorostol and modern Silistra.

You can exalt or vice versa minimize the role of Svyatoslav in history. But in those times the ruler faced tasks, without the solution of which today we would hardly talk about the history of Rus.

Rus could «be long gone» as well as Byzantium, Khazaria and Volga Bulgaria. Perhaps the work of Svyatoslav mystically protected it from oblivion. And now three states are fighting for the right to be called its successors: Ukraine, Belarus and the Russian Federation.

It's funny that the Finno-Ugric territories, first colonized by the Slavs and then conquered by Varangians, compete in the right to primacy with the Turkic regions that mastered Slavic grammar and language. But let us not dig deep into the mysterious intricacies of philology and genetics.

«What is «Kievskia Rus»? For most of the people this is a huge and powerful medieval state, stretching from the banks of Black Sea to the misty and cold great lands of Baltic, from the Carpathian Mountains to Volga-Oka interfluve. And in common consciousness, and in historical literature, the term «Kievskia Rus» is so firmly rooted that its artificiality and anachronism are almost not realized. Meanwhile, a state called «Kievskia Rus» (and even «Ancient Rus») has never existed!»

A.P. Tolochko «Chimera of Kievskia Rus»

Most likely, this shaky education, which A.P. Tolochko called a chimera, would have disintegrated before it took shape of real European state. But the activities of Svyatoslav led to the fact that with Rus and its rulers – descendants of the prince, were considered on the world stage for a long time.

After the death of Princess Olga, in 970 Svyatoslav I carried out one more campaign against Balkans. Thus, we are confident about two campaigns of Svyatoslav against Bulgaria.

The second campaign is notable for the fact that Svyatoslav actually returned to the territories which already subjected to him, but at that time his ally Byzantine Empire began completely different game and openly opposed Rus.

So, let's remind that at the beginning of military operations the goddess Glory or Victoria (Victory) was on the side of the great Kiev prince. The Rus army, with the support of numerous allies, prevailed the enemy. The allies of Rus in the war against Byzantium and Bulgaria were Torkils, Chorni Klobuky, Hungarians and also Pechenegs. Svyatoslav annexed the territory of Danube Bulgaria to Rus.

Using opportunity of the absence of Svyatoslav in Kiev, the horde of the Pecheneg Khagan Kuri came to the capital. Svyatoslav was forced to return home. At that time Bulgarians, with the support of Byzantium, forced out the Rus people's military stations from Danube fortresses and only thanks to the incredible efforts and organizational talent of the prince, was possible to regain control of the Danube fortresses and then occupy the entire territory of Bulgaria.

Thus, Svyatoslav, not with words but with decisive actions, proved that the fourth capital of Rus is Pereyaslavets on Danube.

Where exactly was the capital of Rus at the end of the reign of Svyatoslav?

What modern locations can be identified with Pereyaslavets?

Version one:

The identification of Pereyaslavets – the capital of the state of Svyatoslav with the capital of Bulgarian kingdom, Veliki Preslav, is

pretty much explained. The prince conquered the territory of Bulgaria and could make its main city as his residence.

Version two:

Svyatoslav's headquarters were located in one of the fortified towns on Danube. This role is claimed by a number of Bulgarian and Romanian localities. Including Romanian village of Nufara, which was in ancient times called Preslav. In the sources there is a mention of 80 fortresses on Danube, each of them could be Kievets or Pereyaslavets.

Version three:

A number of scientists identify Pereyaslavets with Dorostol. It is indisputable that Dorostol had a great value in the times of the Roman and Byzantine empires. He played no less important role in the times of Bulgarian kingdom as patriarchal headquarter and advanced post on Danube.

Speaking of Dorostol as the most probable capital of Svyatoslav, we see a huge number of connecting threads between the history of Rus and this Danube city. Beginning from the clashes of the Scythian-Sarmatian troops with the Romans in the fight for Danube lands, moving part of the population from the Old Great Bulgaria which located in the Northern Black Sea Coast behind Danube, the migration from Danube to Dnieper region of the first princes, with Kyi as head and many other coincidences.

So, famous Roman general Aetius was from Silistra, the winner of the Hun (Protobulgarian) Attila's leader in the Catalan fields. For a while the headquarters of the Bulgarian patriarch was located here.

The failure of the first version is settled by the fact that in addition to the desire of the local population, there are no convincing facts for transferring the palm of victory over other cities to this or that village.

The second version also can not be dominant due to a contradiction with the logic of actions of Prince Svyatoslav. The ruler did not simply subject these or other states and destroyed their rulers and nobles. Svyatoslav I created an empire parts of which kept certain attributes of independence.

The state of Svyatoslav was built following the example of Hun Empire, in which, for example the king was ready to

remain a ruler over his nation. Similarly, the Tsar of Bulgaria, Boris II, retained all the attributes of royal power. And in Veliki Preslav there was military post of Rus people, with commander Sveneld as voivode.

The third version is the most believable. Pereyaslavets (Dorostol, Kievets, Silistra) – the city since ancient times had a great strategic importance in Dobruja. The one who owned Dorostol controlled the entire lower course of Danube, and accordingly, trade flows to and from Europe. That is to what Svyatoslav strove in the same way as his ancestors.

And the fact of the fury with which Svyatoslav defended Dorostol in 972 during the attack of Emperor John I Tzimiskes on Bulgaria, indicates that Dorostol was the main city of the Svyatoslav's Empire.

The remains of powerful fortifications have preserved to the present days. Here Rus people and Bulgarian people kept the last defense during the invasion of Byzantine army. Byzantium occupied Bulgaria after the fall of Dorostol.

In Dorostol there was headquarter of Svyatoslav. In other cities of Bulgaria were military posts of the Rus people. The largest, as mentioned above, in the Great Preslav. They were led by the voivode Sveneld. After a violent defense, the voivode retracted to Dorostol to the main forces of Russ people, «under wing» of Svyatoslav.

The circle has been closed. Attila «put in motion numerous nations» and as a result – the collapse of the Roman Empire. After the collapse of the Hunnic Empire, Slavic troops begin their expansion from Danube into North-Eastern Europe. Prince Kyi, during the early Middle Ages, reigned in Kievets on Danube. And Svyatoslav moved the capital of Rus to Danube...

But this is the subject of another historical expedition, here we can claim that during the reign of Svyatoslav I, Rus got its fourth capital – Pereyaslavets, in ancient times Byzantine Dorostol, and nowadays - Silistra.

It was Pereyaslavets on the Danube that became the fourth capital of Ancient Rus.

Why Pereyaslavets was the capital of Rus for such a short time?

How did Kiev become the capital of the state again?

This page of history is dramatic both for Rus and for Bulgaria. In connection with the geopolitical situation, Rurik as the ruling dynasty of Rus did not manage to fixate in the Balkans, and most of the Bulgarian kingdom was conquered by the Byzantines.

In fact, Svyatoslav I brought a devastating blow to the First Bulgarian Kingdom, in the territory of which battle actions began. After the invasion, Svyatoslav left the nominal power in the hands of Bulgarian Tsar Boris II. Bulgaria, as well as Khazaria and Volga Bulgaria, became a part of the Svyatoslav's Empire. But Svyatoslav did not manage to keep such vast territories in his hands.

The Byzantine emperor, taking advantage of the situation, began expansion into Bulgaria, which ended with the defeat of the state of Bulgarians, whose peak of power was during the reign of Simeon I the Great.

Then the events developed no less rapidly. The empire of Svyatoslav I fell apart. Some of the territories were freed from vassalage (Volga Bulgaria), others were conquered (Danube Bulgaria), others were divided between descendants of the ruler. So the capital of the oldest son Yaropolk I became the city of Kiev, the middle Oleg II - Ovruch, the youngest Vladimir I ruled in Novgorod.

There is an opinion that the treks of Svyatoslav I were the last attempts of the rulers of Rus to push the borders of the state to the South. This is not quite so. Vladimir I as well as his ancestors made a series of campaigns against Danube and Crimea. And later, during the reign of the sons of Vladimir I, under Yaroslav I the Wise, Rus was divided into two parts. The ruler of the first, Western, with the capitals – Kiev and Novgorod – became Yaroslav the Wise. The second, Eastern, with the capitals – Tmutorakan and Chernigov – was ruled by his brother Mstislav I. And if Yaroslav I is more famous for his diplomatic and legal achievements, then Mstislav I, in turn, became famous for his victories in the Caucasus.

Svyatoslav was not destined to return to Danube. Autumn caught him on Dnieper in

front of the rapids. Here the old enemy was already waiting for him – Khagan Kurya along with his army. And the prince retreated at the outfall of Dnieper. On the White Coast he spent the winter. Coldness, disease and hunger plagued the army of Rus people.

In the spring, a part of the army returned to Kiev on horseback with the commander Svenel as voivode. The prince with the main part on boats, laden with tribute, paid by the Byzantines, along with the wounded and sick, rose to the rapids. Here in a fierce battle, the whole army fallen with its brave prince. Scientists and local historians still dispute about the place of battle. To this topic will be dedicated another study.

But how not to talk about the amazing discovery which was made during the construction of the Dnieper Hydroelectric Station in the early twentieth century on the banks of Dnieper. We talk about a silver eagle from the Voznesensky treasure which was found on the territory of Zaporizhia. Scientists divided in the identification of this artifact. Some believe that it was under power of the son of Kubrat I the Great – Asparuh, the founder of the Bulgarian kingdom on Danube, who supposedly died in the battle with the Khazars near Zaporizhia, stopping their advance to the West. Others argue that this is an item from the grave of Svyatoslav, buried on the Voznesensky Hill.

Paradoxically, but both are right. After the capture of Great Preslav, Byzantine emperor John I Tzimiskes sent most of the treasures of Bulgarian kings to Constantinople. Part of the wealth was paid as tribute to Svyatoslav.

Among other items there was the silver eagle, holding in its paws a snake, from Byzantine standart – a symbol of Asparuh's victory over Byzantine army. Together with other treasures, it became the spoil of Pechenegs after defeat of army of Rus people.

Of course, steppe warriors did not bury their enemies with honors. The corpses of defeated in battle became food for huge catfishes who living in the Dnieper backwater. About these huge monsters tell local historians in their works. From the skull of the defeated knight the khagan Kurya ordered to make a cup and bragged with it at feasts.

And the high-placed Pecheneg warriors were buried at the highest point in the vicinity. Together with them, were put gifts for the Gods who granted victory over such a powerful and hateful opponent. All items including the silver eagle did melt in the funeral pyre. The second time the eagle was exposed to fire during the Great Patriotic War – a troop train with museum values was destroyed by German bombers. But, like they say, this is another story and it will be told in the next study.

Rus, after Svyatoslav's death, continued to remain an important player in the geopolitical field of Europe and a leader among the states of Northern Black Sea region, which was considered and respected by the rulers of the Byzantine Empire and the Holy Roman Empire, the Arabian Caliphate and Volga Bulgaria. But it was unable to achieve the power like in old times not with sons or with grandchildren of Svyatoslav who started fratricidal wars, which first led to the weakening of Kiev, then to the loss of territories, and later to the loss of independence.

The capital of Rus, its spiritual, cultural, economical and political center again becomes Kiev. And its rulers have tried many times to repeat heroic deeds of their glorious forefather – Svyatoslav I. So his son Vladimir I the Great tried to capture Danube Bulgaria and Volga Bulgaria, but left an ambitious plan after realizing that economical potential of Rus is not sufficient for this.

Later Vladimir-Suzdal princes repeatedly crossed their swords with the Bulgarians. And in the end, and Volga Bulgaria and Rus were conquered by the Chingissid's troops.

Svyatoslav's grandson – Mstislav I Udaloy, who divided Rus with his brother Yaroslav the Wise on Dnieper River, conducted rather successful policy in the Caucasus. But in time these lands were in the orbit of the influence of stronger states.

Union between Polovtsians and Danube Bulgarians enabled them to consolidate in Balkans and to be quite successful in the fight against Byzantine, could not stand against the stronger enemy – Turks. Thus, the great empires of the Middle Ages gradually faded into oblivion and new states replaced them. Everything has its beginning and its end. And our narration is also coming to an end.

Conclusion

Since ancient times, the concept of «Rus» has become indispensable in the vocabulary of Eastern European peoples. It was understood not only as Varangians-Vikings, but also the local Finno-Ugric and Slavic population who recognized the power of the conquerors. On the territory of Eastern Europe, Rurik dynasty was no longer perceived as foreign. Although the term «Varangians» still continues to denote foreign, visiting conquerors.

The Varangians-Rus advancing from the North to the South seized new territories. There was not enough room for them in the former capital. Thus, one by one, the towns which were located on the way «from the Varangian to the Greeks» received the status of the main city (metropolis) of Rus.

And in that regard if we speak about the formation of the state of Rus, there are four stages:

Stage I – Ladoga Rus (from 862 till 864).

«And they first came to the Slovens, and they set the city of Ladoga».

The Tale of Bygone Years by Nestor the Chronicler

Stage II – Novgorod Rus (from 864 till 882).

«And coming to the Lake Ilmen, he set the city above Volkhov. And he called it Novgorod. And he sat down to reign here.»

The Tale of Bygone Years by Nestor the Chronicler

Stage III – Kievan Rus (from 882 till 967).

«Oleg sat down to reign in Kiev, and Oleg said: "This will be the mother of Rus' cities."»

The Tale of Bygone Years by Nestor the Chronicler

Stage IV – Pereyaslav Rus (from 967 till 971).

«It is not pleasant for me to stay in Kiev, I want to live in Pereyaslav on the Danube because there is the middle of my land».

The Tale of Bygone Years by Nestor the Chronicler

Although other concepts of the periodization of the history of Ancient Rus are not unfounded, for example: Rurik's Rus, Oleg's Rus, Igor's Rus, etc.

After the death of Svyatoslav, Kiev, in fact, once again becomes headquarter of commander-in-chief, ruler and sovereign – the capital city of Rus.

And despite all ups and downs of history and fratricidal wars, Kiev for a long time remained the capital of Rus as a super-ethnic and supranational association of the Eastern Slavs, thereby confirming the famous chronicle phrase: «Kiev is the mother of Rus' cities»

Of course, this historical study will not put an end to the centuries-old controversy surrounding every event connected with the appearance on the international political arena of the state of Rus, and then its successors. Rather it will be periods of ellipsis. But we had no such task. The goal of this little research was the idea of trying to take a slightly different look at the ancient history of Dnieper region, ask questions and start to search for answers. In the search for truth, lies the truth itself.

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Medieval andalusia and its ideological climate



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Abstract. The article analyzes the spiritual infrastructure on the basis of which the intellectual life of the Muslim Spain in the Middle Ages developed. The ideological influence of Malikism in the Muslim West, which was determined by the very nature of this law school and the method of solving legal and moral issues from the lawyers represented by it, is considered.

Key words: *Medieval Andalusia, the traditions of the Muslim East, Muslim Spain, the ideological in the Muslim West.*

Problem statement

In 756, Abd ar-Rahman ibn Mu'awiyah, who survived in the slaughter perpetrated by the Abbasids, the heir to the Umayyad throne, routed the troops of the last caliphal governor in Andalusia (Al-Andalus) Yusuf ibn 'Abd al-Rahman al-Fihri on the bank of the Guadalquivir River and seized power in Córdoba. The independence of the Emirate of Córdoba (that became an independent caliphate in the 10th century) he declared marked the secession of that prosperous and, unfortunately for the Abbasids, uttermost province from the powerful Muslim state.

Analysis of recent publications on issues. Works by Hispano-Muslim scholars give a large body of data on the close ties of Andalusia with the broader Muslim world.

The purpose of the article. The purpose of the study is to analyze the spiritual development and intellectual life of Muslim Spain in the Middle Ages.

The statement of basic materials. Achievement of political independence by the Spanish Arabs did not mean a break with the traditions of the Muslim East. Despite the anti-Abbasid orientation of policies of the Umayyad Spain, emirs Hisham I (788-796) and Al-Hakam I (796-822) looked calmly at the influence of the Iraqi culture in their domain. The years of the rule of emir Abd ar-Rahman II (822-852) were marked by an increasing impact of the Abbasid caliphate on Andalusia. By the mid-9th

century, there arose in Córdoba an influential colony of migrants from North Africa, Egypt, Syria and Iraq. Mecca and Medina also played a significant role in strengthening of cultural ties of the Muslim West with the Muslim East, since many Andalusians regularly performed the Hajj pilgrimage to the holy places of Islam. In the 11th century, after the dissipation of the Emirate of Córdoba, those contacts continued.

One of the constant factors maintaining contact of the Spanish Arabs with their eastern fellow tribesmen was that they constituted in Al-Andalus although governing but a minority: prestigious reasons compelled them to preserve the cultural traditions imported from the East and develop them both on their own and by assimilating the latest advances of civilization in the broader Muslim world.

Muslim Spain was one of the economically most developed countries of Europe, as well as of the Muslim world. In addition to the excellent natural conditions, high-end agricultural techniques and practices and irrigation systems built or modernized along eastern lines favored a rise in agricultural production and its early inclusion into the sphere of market relations here. The high level of agricultural equipment enabled Andalusians to master new crops and plants -- cotton, rice, saffron, sugarcane, lemon, orange, pomegranate, and mulberry trees. However, unlike the other parts of Europe, the economy of Al-Andalus was not of a so strongly pronounced agrarian nature – crafts and trade thrived there. Andalusian craftspeople, often united in guilds, produced paper, parchment, textiles, furs, metal ware, glassware, leather ware, ceramic ware and jewelry; architects and constructors erected structures amazing till the present day by their exquisite beauty and craftsmanship: mosques, palaces, bath-houses, aqueducts, and fountains. Towns specialized in individual branches of craft industry. "Toledo and Córdoba were weapons production centers, Xàtiva/Játiva -- that of paper, Málaga and Calatayud – that of ceramic ware, Abbas ben Firnas produced glassware, Zaragoza manufactured furs, Córdoba and Sevilla – jewelry items and luxury goods, Almería and Córdoba – silk goods, Zaragoza – flax linen. All these commodities partly became articles of exportation to Middle Eastern countries and North Spain" [2, p.35].

One can assess the extent of urbanization by the number of town dwellers: Córdoba numbered under the Umayyads 113 thousand houses, 21 suburbs, and 250,000 to 1,000,000 inhabitants, Toledo - 37 thousand, and Almería 27 thousand (the largest west-European trade centers of the time comprised 8-10 thousand people). The development of Andalusian towns as centers of handicraft production and trade was stimulated by "shifts occurring in the economic relations in the country (growth of the class of small landowners and small land holders liberated from heavy forms of personal dependence)" and "inclusion of Spain into the sphere of economic relations of the Muslim world (with its relatively high level of

development of trade and commodity-money relations)" [2, p.34-35].

Material progress of Andalusian towns went hand-in-hand with the development of their spiritual life. In Al-Andalus, free schools for children of needy parents and special educational establishments for girls were set up. Young people graduated from their schools in Córdoba, Sevilla, Granada or Toledo oftentimes went to Mecca, Medina, Cairo or Bagdad to continue education; in their homeland, they had such a first-rate top-type training center as a kind of "university" under the Great Mosque of Córdoba, which could be matched perhaps the similar educational institutions Al-Azhar in Cairo and Nizamia in Bagdad. Students of that "university" learnt mathematics, astronomy and medicine in addition to theology and jurisprudence.

Accordingly, the thirst for books in Andalusians was great. Caliph Al-Hakam II (961-976) is considered an outstanding bibliophile in the history of Al-Andalus. This caliph ordered to bring fundamental works concerning ancient and modern sciences from Bagdad, Egypt and other places in the East. The library collected by Al-Hakam II comprised at least 400 thousand volumes, and its catalog containing only titles of the books and names of the authors comprised no less than 44 lists 50 sheets each. That Spanish monarch maintained a whole network of agents, brokers and copyists who carried out bibliographic searches throughout the Muslim world. In Córdoba itself, a numerous staff of scribes, binders and illustrators worked on enriching that excellent library containing rare manuscripts. Soon, all aristocracy of the capital came to imitate the sovereign forming well-stocked private libraries.

Such was the spiritual infrastructure on whose basis intellectual life of Muslim Spain developed. One would think that it was sufficiently prepared to ensure that Andalusians could promptly assimilate and enrich with their works the achievements of the Muslim East in the area of philosophical activities in the same way as they did in other fields of spiritual production. But in fact, everything was different. Philosophy and related science disciplines urged their way overcoming vehement opposition of the "theologized" society in the persons of faqihs-legal experts.

Zealots of al-huda (orthodoxy) of this category in the Muslim world generally were in bad repute as people of constricted intellectual outlook plus prone to self-advancement and intrigues. Al-Jahiz wrote with his natural sarcasm on account of the distinction between faqihs and ulemas: "We learn by experience that if someone studies hadiths and is engaged in interpretation of the Quran for fifty years, then he may not nonetheless be numbered among lawyers and cannot obtain a judicial appointment. He may achieve it only if he studied the works by Abu Hanifa and his ilk, learnt by heart practical judicial formulas, and he can do it in one-two years. Soon thereafter, such a man may be appointed a judge of a town or even of a whole province" [3, pp.144-145].

In Al-Andalus, official jurisprudence was represented by Malikis – the followers of Malik ibn Anas (died in 795), Medinian expert in law, author of "Al-Muwatta" – one of the earliest writings on Mohammedan law. Malik ibn Anas recognized the Quran, Sunna and in some instances common law of Medina too as jurisprudence sources. He also acknowledged the principle of *istislah* (i.e., the possibility to modify hadiths in case they conflict with the interests of the community) and the principle of *ijma'*.

The originality of the ideological influence of Malikism in the Muslim West was determined by the very nature of this law school and the method of solving legal and moral issues by the lawyers who represented it. According to G. F. Hourani, Andalusian and Maghrebian faqihs-malikis "did not feel the need for any system of theological dogmas, more clear than the one that should be sought in the Holy Writings themselves. The range of their interests is summarily outlined in the statement ascribed to their teacher Malik: "Knowledge is threefold: the clear Book of God, Traditions (Sunna) and "I am not knowledgeable"" [6, pp. 6-7].

Perhaps, the clearest illustration of intolerance of Andalusian Malikis to any form of independent thought – not only philosophical but also theological – can be found in one remarkable fact dated to the age of the rule of Almoravid caliph Ali ibn Yusuf (1106-1143): once, the inhabitants of Córdoba were notified of the forthcoming public burning of the treatise by Abu Hamid

Al-Ghazali "The Revival of Religious Sciences"; everyone who dared keep at home at least fragments of his works faced a death penalty with confiscation of property.

Speculative theology of *mutakallimūn* and the teaching of Al-Ghazali became the object of particularly fierce attacks on the part of Malikis during the period of the rise of the Almohad movement, the thought leader and organizer of which was the newly appeared mahdi – Ibn Tumart. It is just the activities of Ibn Tumart and the rise of the Almohads that led to certain liberalization of intellectual life in Al-Andalus and thereby contributed to the advent of a short period of intense work of philosophical thought of Spanish Arabs. But even under those circumstances Andalusian philosophers, to legalize their activities, had to seek support from enlightened rulers. Such support was, however, feeble, since given the absolute power of Maliki lawyers the position of the rulers themselves was highly unstable. The Andalusian rulers, who fell under the influence of secular urban literature, imbued with an appropriate value system, favored themselves its even greater blossom, but "having seen that the development of that literature went beyond the prescribed limits, at times took measures aimed at suppressing further diffusion of freethinking. At the same time, they were not in the least confused that such measures could run counter to their own convictions or destroy a philosopher they treated kindly" [5, p. 33]. There were times, Al-Maqqari writes, "when the sultan himself too, in order to win affection of the people, ordered to kill the poor fellow or issued a decree to burn philosophical books everywhere. That was one of the means used by Al-Mansur during the first years after seizure of the throne to gain popularity among the lower orders, although he did not deprive himself of a pleasure to pursue forbidden sciences in secret" [4, vol. 8, p.31].

In the same way that it was the case in the east of the Muslim world, spread of natural-science knowledge in Al-Andalus did not just precede but prepared and logically anticipated the emergence in enlightened people of a craving for philosophy as their worldview and methodological foundation. Philosophy in Al-Andalus developed based on efflorescence of medicine and astronomy, since caliphs catered to both. Some of

Andalusian scholars who won renown in either of the above-mentioned sciences were simultaneously brokers of philosophical culture; this regards, in particular, such physicians as Al-Kirmani, Abu Ja'far Ahmed ibn Khamis, and such astronomers as Ibn as-Samina, Maslama al-Majriti and Az-Zahrawi.

Contemporary researchers of Arab culture in Spain confirm the profound observation stated by Ibn Tufayl in the preliminary pages of his allegoric work according to which "gifted people who grew in Andalusia, before science of logic and philosophy spread there had devoted their lives to mathematical sciences and achieved in them a high degree of knowledge but could not do more than that. Afterwards, they were followed by another generation who somewhat surpassed them in knowledge of logic. Those people studied it but it did not lead them to true perfection... Then, one more generation superseded them, more skilled in research, closer to the truth" [1, p.333]. That generation also included our philosopher, whose creative work was immediately very highly appraised by the author of "Hayy ibn Yaqzan" noting that in his time there was "nobody else with a more inquisitive mind, a more sound view, and a more just opinion" [1, p.333].

Natural-science and philosophical knowledge reached Andalusia both through supplies of books and "brain exodus" from the Muslim East, and due to trips there of Andalusians themselves. It is known, for example, that "The Thought of the Brethren of Purity/Ikhwan as-Safa'" was brought to Spain by mentioned above Abu al-Hakam al-Kirmani (died in 1063), who made a trip to Middle Eastern countries and studied medicine and mathematics in Kharan. The trip to the East of Yahya ibn Yahya Ibn Taymiyyah well-versed in various branches of knowledge dates back to the time of Al-Farabi. Celebrated in Al-Andalus as an unrivalled physician, Muhammad ibn Abdun al-Jabali in 952-965 wandered Middle Eastern towns and studied logic under Abu Sulayman as-Sijistani. Sons of Yunus al-Harani Ahmad and Umar, having arrived in Bagdad in 935, studied sciences under the supervision of Thabit ibn Sinan (died in 975) – the grandson of famous scholar Thabit ibn Qurra.

We find the first manifestations of philosophical thought in Muslim Spain, however, in an earlier period preceding the bloom of the philosophical school of Middle-Eastern peripatetics. This is about the works by Ibn Masarra.

Muhammad ibn Masarra was born in Córdoba in 883, lived in North Africa and in the Muslim East where he studied the views and beliefs of Mu'tazilites and Sufis. Back in Córdoba during the rule of Abd ar-Rahman III, he began to popularize a philosophical system he developed; his audience consisted of a group of personally attached to him disciples with whom he had to hide from Malikis in one of the distant quarters of Sierra de Córdoba. There he died in 931. The ideas of the Pseudo-Empedocles going back mainly to the traditions of Neo-Platonism and Gnosticism formed the basis for his teaching. We find in the doctrine attributed to the Pseudo-Empedocles, along with the Plotinus' concept of generated spiritual matter, the idea of two antagonistic cosmic principles -- love (friendship) and hate (enmity) of which the first is represented by a deity maintaining the unity of the world, while the second one serves a principle importing manifoldedness and fragmentation into the universe. Both principles reside in primal matter, the deity, as an absolutely simple essence, permeating the world like a pure light. The Pseudo-Empedocles was accredited with discrimination of five kinds of substances: primal matter, intellect, soul, nature and secondary matter.

Developing this doctrine, Ibn Masarra erected the following propositions. God is a single and simple principle, which can be apprehended only through intuition. All things stem from it via a series of emanations forming the five above-listed substances. The structure of the world order is described symbolically: five substances represent five pillars on which the world rests; the divine principle is the roof of the universe; its creations showing the divine essence of the Universe are walls; this very divine essence constitutes the privy chamber. God's throne symbolizes primal matter giving rise to spiritual and material essences, which have dual being – hidden and obvious. Prior to the creation of the world, God abode in a shapeless cloud – in primal matter stemming

from the deity due to the fullness of its being; receiving the divine light, this cloud gives birth to the universal intellect endowed with unlimited knowledge of everything that was, is and will be; the universal intellect gives rise to the universal soul from which pure nature originates – the last stage of emanation of the divine light. The fullness of God-emanated being is so great that through nature it begets darkness and thus secondary matter as well that forms the basis of the corporeal world.

The activities of Ibn Masarra were a unique phenomenon in intellectual life of Al-Andalus of the 10th century. The works by Ibn Hazm, who lived in the next century, are also marked by certain uniqueness; his theological studies were infused with passion for belles-letters and political struggle. Ibn Hazm became especially famous in the field of Zahiri jurisprudence as the author of the interpretation of the prophetic tradition meant to "remove" contradictions found in sacred texts. Together with other Zahiriyah and Hanbalites who preceded them, Ibn Hazm accepted only that form of *ijma'*, which limited itself to the concordant opinion of the Companions of the Prophet. Ibn Hazm attacked Malikis because they loosely interpreted sacred texts conforming to a given political situation but when the political climate changed they advanced new interpretations conflicting with the previous ones.

A consistent fideist, Ibn Hazm was the principled opponent of philosophy standing against, in particular, the method of allegorical interpretation of the Quran (Batiniyah) it used. He denied the possibility of coming to know the essence of God, motives for his actions, will, their comparability with something in the world of his creations and at the same time claimed that the Most High subordinated nature to human knowledge having endowed people with feelings, first intelligible principles and sacred texts. Relying upon them, man's reason is able to prove consubstantiality of God, creation of the world by him and man's absolute subjection to his power. Ibn Hazm developed those ideas arguing against Mutazilites, Asharites, Dahrites, dualists and representatives of other ideological schools whom he subjected to critical review in special sections of his treatise "Kitab al-Fisal".

This book, similar in content to the famous doxographic work by Ash-Shahrastani, is of interest as an indicator of the scope of knowledge by Andalusian Muslims of beliefs and doctrines different from the religion they practiced.

The activities of Ibn Hazm as a poet and prose-writer are associated with the beginning of the period of Arabic-Spanish literature's gaining a foothold, i.e., the period of independent creative work, which succeeded in the 11th century to the age of imitation of eastern models and patterns. Similar stages can be also noted in the development of philosophical thought of Al-Andalus, and although the period of its rise corresponding to the period of renovation in literature, comes some later, nevertheless, its coming was prepared as far back as by the time of Ibn Hazm.

The latter mentions the names of two philosophers – Said ibn Fathun and Al-Mazhiji (whom he called his teacher) -- in one of his treatises praising the merits and values of Andalusians.

The creative work of two more scholars engaged in philosophy dates back to the mid-to-late 11th and early-to-mid 12th centuries. Ibn as-Sid al-Batalyausi (1052-1129) was one of them. The underlying principles of his philosophical views come down to the following: God is an absolute timeless and spaceless essence, which can be characterized either negatively, through denying it all imperfections inherent in the created objects, or positively, by ascribing it all human perfections in the superlative; all things come from God through emanation, and he precedes his creations just as unity precedes all other numbers; in the course of emanation, nine cosmic minds flow from God (associated with angels), the last of which – an active intellect – rules the sublunary sphere and begets human souls endowing them with the ability to cognize their own essence and other objects detached from matter; man is a microcosm; human knowledge has as its objects first mathematical objects, next -- physical ones, then the active intellect and the other cosmic intellects and, finally, God as the necessarily existing being and the cause of all things. In a small treatise "Kitab al-Masail," Al-Batalyausi suggests that religion and philosophy do not differ from each other either

in their subject matter or in their purpose – they seek the same truth but in different ways and addressing different human capabilities.

The other of those scholars was Abu-s-Salt Umayya ibn Abi-s Salt (1067- 1151), a poet and man of letters, who was also engaged in medicine, astronomy, geometry, music and logic. In his book "Taqwim az-Zihn," Abu-s-Salt gives a brief abstract of science of logic as a means "straightening out" the intellect in order to prepare it to study other sciences. The order of presenting the material in this work corresponds to the content of the "Isagoge/Introduction" by Porphyry of Tyre, "Categories," the book "On Interpretation" and "Analytics" by Aristotle.

Aside from some minor details, Al-Batalyausi and Abu-s-Salt did not bring anything particularly new to the ideas of Middle eastern philosophers that inspired them, mainly those of the "Brethren of Purity", Al-Farabi and Ibn Sina. However, those scholars, just as some of their Andalusian forerunners, went beyond simple acquisition of the philosophical tradition they inherited but tried to write independent works thereby anticipating creative development of philosophy, the initial stage of which they witnessed in their lifetime.

In Al-Andalus and North Africa, Sufism also received a significant development effort. At the beginning, it was represented by enthusiasts-ascetics having knowledge at best in the area of theology but by no means well-versed in philosophical issues. "Orthodox" Sufis, even if they were simply illiterate people (and possibly exactly due to this fact), were highly esteemed in theological circles.

In the late 11th century, a Sufi school emerged in Almería already with a certain theoretical platform. The ideas of that school spread from there all over Al-Andalus, especially in Sevilla, Granada and Algarve (Portugal). Abu al-Abbas Ibn al-Urruf (or Ibn al-Arif) was the most illustrious of the Almerian Sufis; Abu-l-Hakam Ibn Barrajan was that of the Sevillian ones, and Abu Bakr al-Mayurki – of the Cordovan ones. Ibn Barrajan and some other Sufis used the doctrine of Al-Ghazali to substantiate their views. With time, their speeches and statements raised suspicions of the Almoravid authorities: Ibn al-Urruf and Ibn Barrajan were summoned to Morocco and committed to prison where both of them died in 1141. Al-Mayurki took refuge in Bidjaya. The leader of Sufis in Algarve continued his activities until 1151.

Conclusion

The analysis of the spiritual infrastructure on the basis of which the intellectual life of Muslim Spain developed in the Middle Ages shows how the philosophy of the sciences that flourished in the Muslim East has taken root so late and in such a short period of time. It came there virtually in the last turn – later than natural-science disciplines before which local scholarship centered mainly on jurisprudence and philology.

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Some problems of judicial proceedings on domain disputes



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Abstract. The article deals with the main problems of judicial review of domain disputes. A complex of changes and additions to security measures on the Internet have been analysed. A method to overcome problems of judicial proceedings on domain disputes has been suggested.

Keywords: *domain names, domain disputes, judicial proceedings, judicial jurisdiction, proof, defendant, security for claim.*

Problem statement

Analysis of scientific researches dealing with the problems of the legal status of domain names on the World Wide Web testifies to the fact that modern civil law pays little attention to the judicial proceedings of domain disputes. Domain names have a complex legal nature for they are similar to trade marks (service signs), commercial (company) names, natural person's name and that often leads to legal collisions related to the rights for domain names and other similar objects of intellectual property law [1, p. 26]. This causes different application of legislation by courts in this sphere.

By registering a domain name the rightsholder of the brand can acknowledge the fact that it sounds similar to his brand, but is registered by another person. In this case, the parties engage in a domain dispute. Thus, a domain dispute is a dispute arising due to the legal nature (bad faith) of registration and using a domain name between the rightsholder of the domain name and another interested party (e.g. owner of the trademark certificate) (service mark).

One can say that domain disputes arise due to the infringement of the law called cybersquatting – seizure of domain names – registration of domain names that are the same or similar to brand with their further use in bad faith both for their own commercial aims and to resell them to the corresponding brand owners [2, p. 215].

In Ukraine, legal practice in the sphere of domain disputes is not yet widespread, however, every year the number is gradually growing. It may be related to the fact that solving domain disputes requires special knowledge in the sphere of exact sciences and information technologies. In fact, this is the most difficult issue for both the parties to the domain dispute, and the intermediaries trying to regulate it.

The position is open to discussion for even the court (or another person, or body) do not require an obligatory expert's opinion to prove the claims or objections of the parties when hearing cases of this kind. We consider that special knowledge in this case should be understood in a different way: what is meant is the technical understanding of the web site's functioning, differentiation of the technical functions of the registrant, registrar, and administrator of the Internet addressing space, technical possibilities to change the web site's owner, etc. A judge or a lawyer can have general technical knowledge, but it will be difficult to understand the technical details of some issues correctly.

Analysis of the latest researches and publications

Legal nature issues and the definition of domain names in the system of intellectual property law objects were researched by the following scientists: Boiko D.V., Bontlab V.V., Hrytsai V.I., Ennan R.Ye., Kalyatin V.O., Kodynets A.O., Korshakova O.M., Kulinich O.O., Maidanyk N, Milyutin Z.Yu., Nesterovych S., Sergo A.G., Kharitonova O.I. and others. However, the specific character of judicial proceedings of domain disputes was insufficiently researched. Still, some researchers investigated in their works cases of infringement of rights for domain names and the order of their protection: Volina T., Gorkusha M., Zerov K., Nagornyak G., Neznamov A., Nosik Yu., Sklyarov R., Tarasenko L. and others. A characteristic feature of researches of this kind is the fact that the problems the parties to the domain dispute face are described from the practical point of view and the authors attract the readers' attention to the deficiencies of national justice. Moreover, numerous problems on the specific character of judicial proceedings on domain disputes remain still unsolved.

The **aim** of this article is to determine the main problems of judicial proceedings on domain disputes and to offer ways of their settlement.

Statement of basic materials Despite the availability of two forms of protection of infringement of rights (jurisdictional and non jurisdictional), the most widespread and the

most effective mechanism of protecting intellectual property rights in the context of domain disputes are judicial proceedings. However, one can apply Alternative Dispute Resolution methods as well.

Taking into account the novelty of cases related to domain disputes, Ukrainian courts are practically not ready to hear them for the national legislation does not regulate the concrete procedure of hearing domain disputes by any of the mechanisms of protecting infringed rights (including judicial protection), and there is no Uniform Dispute Resolution Policy (UDRP) to resolve domain disputes for the .UA domain zone.

Thus, judicial protection of rights related to the use of domain names has some problems that are manifested in many aspects. Let us dwell on some of them.

Let us define court jurisdiction of domain disputes. Most often, such disputes in Ukraine arise on the basis of protection of rights for a trade mark (service sign) and commercial (company) name, that is why they are heard in commercial courts, as a rule, at the location of the registrant of the domain name. Other cases of this kind are heard in courts of general jurisdiction.

It might be easier to prove that somebody illegally uses another person's commercial (company) name in the domain name because the intellectual property right for the commercial (company) name is valid from the moment it is first used and is protected without obligatory application for it

or its registration irrespective of the fact whether the commercial (company) name is part of the trade mark (service sign).

However, in this case the court can ask the person who claims his rights were infringed to prove he really uses the commercial (company) name. The evidence to prove the validity of using the commercial (company) name is determined separately in each particular case. For instance, Kyiv Commercial Court of Appeal in its resolution of 14.12.2009 p. № 20/590 ruled that

“On the territory of Ukraine the plaintiff uses the shortened commercial name “MICHELIN” and it is proved by the materials of the case [evidence], namely: copies of the account for the delivery of tyres to the territory of Ukraine, Analytical report from the project “Surveying the level of awareness of the “MICHELIN” trade mark” of the company IFAK in June 2009, articles from mass media and an Internet article that the appellate court’s board of justices considers proper and ample evidence.

Thus, the plaintiff’s right for the commercial name *Compagnie Generale des Etablissements Michelin – MICHELIN & Cie* and correspondingly for the shortened commercial name “MICHELIN” that is a derivative of the full name is protected on the whole territory of Ukraine.

One should also pay attention to the people participating in domain disputes. Usually, they are the administrator, the registrant, and the registrar of domain names.

Administrator is the company administering the addressing space of the Ukrainian segment of the Internet network. It is understood as: “... a complex of organizational and technical measures necessary to provide for the functioning of technical means of maintaining addressing including servers of domain names of the Ukrainian segment of the Internet network, .UA domain register in coordination with the international system of administering the Internet network directed at systematization and optimization of use, accounting and administration of second level domains, as well as creation of conditions to use the domain name space on the principles of equal access, protection of the rights of Internet service customers and free competition” (part

1 of article 56 of the Law of Ukraine “On telecommunications”) [3].

However, some researchers claim that administrator’s functions are now performed by Hostmaster Ltd. – a company founded by natural persons [4]. Yet, according to legislation in force (part 3 of article 56 of the Law of Ukraine “On telecommunications”) [3]: “Administering the addressing space of the Internet network in the .UA domain shall be performed by a non-governmental organization that is formed by self-governing organizations of Internet operators / providers and shall be registered according to international requirements”.

Registrant is a person that has exclusive right for the domain name for a period it is registered for. Registrant’s data are in the “admin-c” field of the “WHOIS” protocol and its main application is to obtain registration data on the owners of domain names, IP addresses and autonomous numbers in the Internet network.

It should also be mentioned that the field “admin-c” often includes another person, not the one who obtained the right to use the domain name, for instance, it can be a company employee who registered the domain name, hosting company, etc. In this case, they have the right to use the domain name and to avoid possible domain disputes it is recommended that the registrar be the person using it.

According to paragraph 2.7.2. of the .UA domain Regulations a registrar is a business entity rendering services to the registrant that are necessary for the technical provision of delegation and functioning of the domain name. Registrars function on the basis of a contract with the administrator of the public domain. The official list of registrars in the domain names .UA, .COM.UA, .KIEV.UA is on the site of the administrator of the domain zone .UA – Hostmaster Ltd. According to the principles of activity of Hostmaster Ltd., the service realization scheme of .UA ccTDL and public 2DL must be two-level, the registrars are in economically equal conditions, fairly compete with each other and work directly with the end user. Thus, a registrar is a person the registrant directly addresses to register a domain name. Moreover, this person may also re-delegate (transfer usage right as specified in paragraph 2.19 of the .UA

domain regulations) a domain name to another registrant.

It should be noted that these specified people form the parties to a litigation on the rights for a domain name. A separate issue in domain disputes is the choice of defendants for the majority of domain disputes are aimed at cancelling the delegation of the domain name with its further registration on the legal rightsholder.

Thus, with the proper parties to the litigation arising due to registration and the use of domain names, the participants are:

- *Plaintiff*: a person whose rights are infringed (in most cases – the owner of the trade mark (service sign) that is the same or easily confusable with the name used in the domain);

- *Defendant*: 1) user of the delegated domain names, i.e. a person in whose interests the domain name was registered with the use of disputable trade marks (service signs) – registrant; 2) registrar in case registrant and registrar are represented by one person;

- *Third party*: registrar as a subject who in case of claim adjustment shall perform actions to execute the resolution (cancellation of registration, change of domain holder, etc.).

There are discussions to involve the administrator as a defendant or a third party to participate in the disputes.

However, acquisition by a person of a processual status of a defendant, according to the law, is related not to the availability of jural relationships between the parties and the corresponding obligation of the defendant to perform certain actions in favour of the defendant or to forbear from their execution to protect and realize the rights and legal interests of the plaintiff, but only to the fact of bringing of a suit to the person.

At the same time, a proper defendant in the case is only a person having obligations to the plaintiff under the circumstances that form the subject of the claim. In other cases, claim adjustment is impossible for the defendant has no obligations to the plaintiff to stop infringing his rights and legal interests for he is not the person to be accountable for the disputable jural relationships.

Thus, in case the court ascertains that an action was brought in against the wrong party that has to be liable to the plaintiff in a material and jural relationship, then the court with the claimant's approval changes the wrong defendant for the competent one or disallows the claim due to absence of legal foundation.

Court rulings of the Superior Commercial Court of Ukraine testify to the fact that competent defendant in cases on the protection of intellectual property rights infringed as a result of registration and usage of domain names is the registrant, i.e. the person in whose interests the domain name was registered with the use of disputable signs for goods and services.

Thus, to properly settle disputes related to the infringement of intellectual property rights for goods and service signs by using their names in the domain names one needs to determine the immediate holder of disputable domain names, i.e. the person in whose interests the domain name was registered by means of using disputable goods and service signs. (The legal position of the Superior Commercial Court of Ukraine, resolution of 14.03.2006 in case №21/71).

Thus, administrator of the domain .UA Hostmaster Ltd. (or other administrators) are not the people to be responsible to the owners of trade marks (service signs) in cases on the protection of their intellectual property rights due to the registration and use of domain names that are easily confusable or the same.

According to part 2 of article 56 of the Law of Ukraine "On telecommunications" the domain's administrator is also not obliged to control the activity of registrars and registrants during the registration of a domain by means of checking each case of registration whether the rights of third parties have been infringed [3].

That is why the administrator's role at the stage of performing the decision is not completely understandable. Thus, Kyiv Commercial Court in its ruling of 30.11.2010 № 12/25-20/334 enacted that "under the given circumstances the court comes to the conclusion that the plaintiff's references to the Regulations of the .UA domain are unsubstantiated and unreasonable in the plaintiff's claim for the plaintiff and the

Hostmaster Ltd. have no contractual relations with the Regulations appended to them”.

Moreover, the court states that according to the Law of Ukraine "On telecommunications" defendant-2 as an authorized organization has no authority to make the decision on cancelling the delegation of private domain name in the public domain and to cancel the specified domain name [3].

Therefore, administrator's role as a defendant in domain disputes is still not fully determined.

Besides the parties, procedural participants of the court hearing include third parties without independent demands and with independent demands (are equal to a plaintiff) on the subject of the dispute. Moreover, third parties without independent demands include people whose rights and obligations in relation to one of the parties can be influenced by the court's decision.

The domain administrator, as it has been mentioned above, does not directly register domains. In case of claim adjustment on the transfer of the disputable domain the rightsholder of identical or easily confusable trade marks (service signs) / retention of the domain with the current owner (registrant) / cancellation of the domain registration for the current owner of the domain name (registrant) / etc., the administrator shall have no obligations towards the parties to the dispute (the right of the owner of the trade mark (service sign) and registrant) and such resolution shall have no influence on his rights.

Considering this, there is also no legal justification to include the domain administrator in the case as a third party without independent demands for the matter of dispute on the side of one of the parties.

What concerns domain registrars, they can be involved by third parties in the case, however, just like the administrator, they are not qualified defendants in cases of this kind.

Commercial courts usually apply provisions of the procedural legislation properly, taking into account the content of jural relationships of the administrator, registrar, and the registrant.

Thus, in case № 12/25-20/334 Google Inc. sued GOU OGLE Ltd., Hostmaster Ltd. to stop infringing intellectual property rights for

the commercial name and Kyiv Appellate Commercial Court in its resolution of 21.02.2011 opportunely called attention to the following:

according to part 2 of article 56 of the Law of Ukraine "On telecommunications" an authorized organization administers the addressing space of the Ukrainian segment of the Internet network [3].

Hostmaster Ltd. is an organization authorized to administer .UA domain and that can be verified by Agreement № 1/2001 on the transfer of administrative powers of 25.03.2001 concluded between Kokhmanyuk Dmytro Sergiyovych and Svrydov Ihor Anatoliyovych who were authorized to administer .UA domain according to ICANN rules and that fact is verified by information from the IANA/ICANN registration database in the record on the .UA domain and that information was part of the materials of the case on the side of one party and Defendant 2 on the other and are not disclaimed by Defendant 2.

In conformity with its statute, Hostmaster Ltd. determined its object of activities including the creation of organizational, technical, economic, informational and other conditions to provide for the registration of domain names by subjects of the Ukrainian segment of the Internet network as well as maintaining the functioning of these domain names in the global network.

Thus, part 4 of article 56 of the Law of Ukraine "On telecommunications" specifies that creation of addressing space, distribution and giving addresses, data routing between addresses shall be done in conformity with international requirements [3]. Thus, Hostmaster Ltd. as the domain administrator of the Ukrainian segment of the Internet network must keep to the international standards in the sphere of Internet.

The court ascertained that the rights of Google Inc. for the commercial name was infringed because GOU OGLE Ltd. used the plaintiff's commercial name in the domain name google.ua that was delegated to GOU OGLE Ltd.

Satisfaction of the Plaintiff's claim to GOU OGLE Ltd. to stop using the commercial name "Google" in the domain name google.ua

means restitution of rights of Google Inc. to use its commercial name in the domain name google.ua for discontinuance of usage includes discontinuance of delegation of the specified domain name to Hostmaster Ltd.

At the same time, the appellate court considered that the actions of Hostmaster Ltd. derived from the actions of those people who directly use the .UA domain name. That is why Hostmaster Ltd. did not infringe the rights of Google Inc., for it did not use disputable domain names and did not help others to do it. It only performed its duties mentioned in the contracts concluded with its contractors. Neither in the appeal, nor in the course of its hearing did the plaintiff prove that Hostmaster Ltd. infringed the rights of Google Inc. by its actions.

What concerns registration of the domain "Google" to Google Inc., it is only possible on the basis of the contract concluded between the Plaintiff's registrar and the administrator of the .UA domain and that is not a matter at issue in this case.

Thus, the finding of the trial court to dismiss the plaintiff's claims towards Hostmaster Ltd. is well grounded. Under the circumstances, the appellate court found no grounds to reverse or change the court's decision and to satisfy the appeal of Google Inc.

Secondly, there arise difficulties in the process of presenting evidence in domain disputes. Preparation of argumentation for this type of disputes has a lot of specific peculiarities and details.

The systematic analysis of the norms of the legislation in force and court practice testifies to the fact that the circumstance in proof in disputes, arising due to the registration and use of the domain names, includes the following circumstances:

- the domain name of the registrant of the disputable domain that is identical or easily confusable with the trade mark (service sign) for which the plaintiff has rights;

- the domain registrant has no rights for the trade mark (service sign) that corresponds to the domain name he registered in other classes of the international classification of goods and services;

- a disputable trade mark (service sign) was used in a disputable domain name on a

web site it is related to without sufficient legal justification, thus infringing the rights of the owner of the trademark (service sign), whose name corresponds to the disputable domain.

To settle the claim directed at the protection of the rights of the owner of the trademark (service sign) it is necessary to determine all the specified circumstances in general. Absence of at least one of the mentioned circumstances gives grounds to dismiss the claim.

Thus, in the process of hearing domain disputes by the national courts it is very important to pay special attention to the fact that the analysis of legislative provisions leads one to the conclusion that taking into account the legal matter of the trade mark (service sign), an obligatory condition of using the sign is its use with reference to the goods and services it was registered for.

Placement of a verbal sign, similar to the trade mark (service sign) for some goods and services, even in the .ua domain and on web site pages without producing goods and rendering services, for which the disputable trade mark (service sign) was registered, cannot evoke associations of the designation with goods and services of the person owning the relevant trade mark (service sign). Moreover, the use of the disputable designation in the Internet network for Ukraine can only be accepted in case of registration of the site that reproduces the trade mark (service sign) in the .ua domain. (The legal position of the Superior Commercial Court of Ukraine, resolution of 18.073.2006 in case №20/500).

In the process of collecting evidence for cases of this kind one needs to take into account the interpretation given by the Superior Commercial Court in paragraph 46 of the Resolution of the Plenum № 12 of 17.10.2012, according to which web pages in the light of the provision of part 1 of article 5 of the Law of Ukraine "On electronic documents and electronic documents circulation" are considered electronic documents that cannot be delivered to court, however, they can contain significant information on the circumstances of the case if they are objects of copyright or adjacent laws). Thus, taking into account part 1 of article 32, part 1 of article 36 as well as provision of part 1 of article 39 of the Code of

Commercial Procedure of Ukraine, the court takes into account the concrete circumstances of the case and is not deprived of the right to inspect and study the evidence in the place of their location with the record of corresponding procedural actions in the minutes that shall meet the requirements of article 811 of the Code of Commercial Procedure of Ukraine.

Correspondingly, the specific nature of the Internet as a sphere of functioning of domain names, as some researchers claim, leads to the fact that traditional means of evidence often become non-effective to record significant facts to resolve disputes; and vice versa, non-traditional means of evidence (e.g. documents in electronic form, e-mails) can characterize the state of jural relationships of the parties to the dispute in the best way [6, p. 311]. However, courts are very careful with this kind of evidence.

Thus, video and audio records of the investigation process can be used as evidence by any of the vested interests of the site that is known to be infringing copyright or adjacent laws; this record on an electronic or other medium (computer hard drive, floppy disk, laser sensing system disc, other information medium) is submitted to the court specifying when, who and under what circumstances made the record and then it can be used as a *corpus delicti* in the case. Written evidence can also be certificates obtained from providers and network search services.

Print-outs from Internet web sites cannot serve as evidence in a case. However, if the relevant documents were issued or attested by an institution or a specially authorized person having the power to do so according to an established form, adhibited by an official stamp on the territory of one of the member states of CIS, then in compliance with article 6 of the Treaty on the order of resolving disputes, related to performing economic activity of 20.03.1992 they have the evidential force of official documents on the territory of Ukraine.

T. Volina states that courts of general jurisdiction accept print-outs from the site. Commercial Courts do not regard it as evidence. That is why, in a commercial process the judge himself can view the information on the site (however, it can disappear until the court hearing), or one needs to turn for help to an expert. However,

expertise of this kind can be long-term and expensive. It would be cheaper to record the information on video and the Superior Commercial Court will consider it a proper evidence in the case [5].

Taking into account the number of issues that are to be cleared up, one may conclude that courts in the course of settling disputes do not have to restrict themselves to expert reports in the expertise they prescribe, but also determine in each particular case whether the court expert trespassed beyond his powers.

Court practice testifies to the fact that court experts often undertake the resolution of legal issues, though only the court has the power to do so.

Thus, incase № 21/462Kyiv Commercial Court on 25.11.2008 ruled that the defendant's actions referring to the use of .pegintron.com.ua and.schering-plough.com.ua domain names infringed the exclusive rights of SCHERING PLOUGH LTD for the goods and service signs, as attested by the Certificate for the goods and service signs № 5448 of 15.06.1994 and the Certificate for the goods and service signs № 22558 of 15.01.2002. The court accepted as main evidence the conclusion of the court expertise in the sphere of intellectual property according to which relevant designations that are protected by the plaintiff's Certificates are used on the corresponding site situated at a disputable domain address, and the information on the site with such a domain address can be confused with the activity of the plaintiff.

Moreover, the court did not analyse the content of the specified Conclusion, and based its decision on it.

Furthermore, in the process of hearing domain disputes to prevent the evidence of infringement of rights being destroyed the plaintiff should present a statement of claim and apply for a security for a claim.

The majority of Ukrainian courts do not apply international regulations. It is conditioned by the fact that according to article 4 of the Code of Commercial Procedure of Ukraine such norms are not introduced into the list of references that Commercial Courts base their decisions on when hearing disputes [8].

Only owners of registered trade marks (service signs) can protect infringed rights related to the use of the domain name. Therefore, Nahornyak H. and Sklyarov R. claim that Ukrainian courts tend to consider that protection should only be given to owners of registered trade marks (service signs), however, this does not include cases when a commercial name is well-known. Court decisions obliging to transfer the domain to the owner of the trade mark (service sign) have a reverse side as well. Taking into account the position of the court, a mala fide user has the possibility to "take over" the domain by registering a trade mark (service sign) with the same name, for the availability of a trade mark makes it highly probable the court will rule in favour of the certificate owner. Unfortunately, this course of events is possible not only in case the domain emerged prior to registration of the trade mark (service sign), but also before the sign emerged. In this case, the court will be governed by law, and the law forbids to illegally use trade marks (service signs). Moreover, the time of registration of the sign and the domain is irrelevant. Popular site owners cannot be sure of the safety of their domain name if the domain is not registered as a trade mark (service sign). Taking into account recent court decisions any person may demand transfer of the domain name it likes by simply registering a trade mark (service sign) with the same name [9, p. 224].

To overcome the above-mentioned and other problems of court hearings on domain names we suggest the following complex of changes and additions to the now available security measures in the Internet network.

1) *as to the anonymity of parties and their identification* – to introduce an obligatory check by registrars of domain names (web addresses) of data from the "whois" service that are used to direct requests to obtain information on the registration of the domain name as well as on the actual delegation of the web address to the client, thus checking the given information for registration in the context only, whether this information exists at all, but not the adequacy of the specified data;

2) *to protect the rights of owners of trade marks (service signs), whose names*

contain elements that can be used by evil-doers to advertise their products:

- to create a service monitoring identical domain names that can be similar to the registered trade marks (service signs) and inform the owners of the exclusive rights for the relevant names and designations about the revealed coincidences; it will improve the speed of reaction to the infringement of rights and will solve the problem of recording such similarity as far as the system itself will be able to inform the rightsholders in both electronic and written form with appropriately attested conclusion on the identity, known information on the owner of the similar web address;

- side by side with the provisions of the Internet Corporation for Assigned Names and Numbers (ICANN) and by introducing into the national legislation, the owner company of the .ua domain should create for web addresses in this and regional domain zones an electronic registry of web sites on the basis of the "whois" database with a further possibility for the web site owner to print out the relevant certificate extract that would serve as proof of the valid rights for the address specified in it and the validity of which (certificate) would be possible to check in court by comparing the certificate registration number and the entry of the web address in the register, full access to which would have only registrars and courts, as well as other authorized institutions. This approach simplifies the possibility to obtain a document certifying corresponding rights and simplifies the demonstrability of the specified data;

- enable regional registrars to settle domain disputes individually according to ICANN regulations provided both parties agree to this kind of settling the dispute, and to leave the alternative possibility to turn to court;

3) *with the aim of establishing the fact of reaching certain agreements which give rise to rights and duties of the parties to the jural relationships* – to introduce a separate service of "public protocol" with the help of which the person using the network would agree to recording the information on his stay on some web resources, and later on, if needed, could get an extract of the protocol of his actions on the Internet as well as attested print screens of his actions (agreements of the parties to

conclude a contract, discussion of the terms) as proof of the fact of entering internet jural relationships. Moreover, people participating in such jural relationships would be warned of the use of such a protocol by one of the participants and would then agree to use their certificate in this form, would get access to such information on the actions performed by them;

4) *to improve the efficiency and speed of evaluation of the evidence by court* – to guarantee the possibility for the court to study the evidence that is only electronic in form, to create system support for the court to check electronic signature certificates, to submit relevant materials only on the basis of their prior registration in the base of the Accredited centre of key certification as well as authentication by a signature with an enhanced certificate; to supplement part 1 of the article 111 of the Civil Processual Code of Ukraine with paragraph 8 in the following formulation: “storing electronic evidence submitted by the parties” and with paragraph 9: “check certificates verifying electronic signatures in the documents of the electronic circulation of documents submitted by the parties” [10, p. 3-4].

The authors of the research share the view on the suggested ways to overcome the problems of judicial proceedings on domain disputes. However, they consider that it is

more efficient to overcome these problems at the stage of registration of the domain names, the procedure of which can be improved by introducing the following ideas:

1) to introduce the procedure of checking the domain name that the registrant mentions during registration whether it is the same or similar to the registered trade marks by means of an automatic analysis of the Registry of trade marks that are in force on the territory of Ukraine and of the Database of international trade marks (service signs) functioning on the territory of Ukraine;

2) this procedure should be conducted by the Registrar. In case of registration of a domain name similar to the trade mark (service sign) the Registrar must bear responsibility together with the Registrant;

3) to introduce changes to the domain regulations and specify the order of involving the registrar as a defendant to cases related to illegal use of the trade mark (service sign) or a commercial (company) name, the rights for which belong to third parties [11].

Conclusion

In the process of the research we have come to the conclusion that neither native legislation, nor native justice are ready to hear cases related to domain disputes. In practice, courts face the problem of determining judicial jurisdiction and fail to apply the norms of international law. The plaintiff faces the problem of identification of the defendant, there are difficulties in evidence and the necessity to apply for a security for a claim. Most often, the plaintiff is only the owner of the registered trade mark (service sign).

One can overcome the available problems of judicial proceedings on domain disputes by improving the procedure of registration of domain names, thus making it impossible to infringe the rights of brand owners, of civil circulation participants, goods and services, and in case these rights are infringed it will lay the legal foundation to involve the registrant as a defendant together with other offenders.

This article dealt with the most problematic issues arising in the process of hearing domain disputes. No doubt, absence of adequate legislative regulation, incompetence of judges and other participants of the trial in the technical aspects, delegation, re-delegation, as well as functioning of domain names complicates the efficient hearing of cases. National courts, especially trial courts most often do factual errors having no necessary special technical knowledge that is essential in this sphere. That is why it seems plausible to introduce to court hearings on domain disputes relevant IT

specialists who will give qualified findings on the case. Furthermore, judges have to ascertain in each particular case whether an expert goes beyond his powers.

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Essence and structure of the settling of public offenses

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Abstract. The article deals with the concept, content and features of public misconduct. It has been determined that a misdemeanor is a guilty, intentional act or inaction of a person that is contrary to established norms of public conduct and leads to negative moral and material consequences. The following features are characteristic of a misdemeanor: unlawfulness; guiltiness; action or inaction; object of attack; subject of misconduct; guilt; causal link between act or inactivity and negative moral and material consequences.

It is emphasized that the elements of the public misconduct are the object, the objective side, the subject, the subjective side. In addition, it was found that the composition of specific offenses ensures the same application of the law, the proper qualification of misconduct, and also guarantees the prevention of unjustified bringing of a person to administrative liability.

Key words: *administrative responsibility, Code of Ukraine on Administrative Offences, state authorities, public misconduct, composition of the offense.*

Problem statement

Public legal relations in the state are crucial for its existence. Of course, sometimes there are cases of violation of the established mechanism of interaction of different subjects – public misdeeds are committed. And then there is a necessity of compulsory return of relations in the legal direction and the punishment of the guilty in incidents. The modern theory of administrative law sets its task to determine the legal nature of public violations, the subject structure and their correlation with other types of offenses.

The replacement of the terms "administrative offense" and "administrative liability" for "public offense" and "public liability" has great theoretical and practical significance. The basis for the administrative activities of public authorities for accountability of misconduct should be the current Code of Ukraine on administrative offences.

Analysis of recent researches and publications. The questions of administrative delicacy and administrative responsibility were studied in the works of V.B Averyanov, N.O. Armash, D.M. Bahraha, K.S. Belsky, Yu.P. Bytiak, S.M. Bratusya, I.P. Golosnychenko,

E.V. Dodin, L.V. Koval, A.T. Komzyuk, V.M. Kudryavtseva, D.M. Lukyanets, S.V. Petkov, S.G. Stetsenko, V.A. Tarkhova, Yu.S. Shemshuchenko and many others.

Formulation of the purposes of the article. The purpose of the article is to clarify

the nature and characteristics of public misconduct structure.

Presenting of the main material. In the theory of law, there are constitutional, disciplinary, administrative, material, tax, civil-legal misconducts. In addition, today scientists have a special group of financial offenses. Generally, offenses are regulated by the norms of the administrative, financial and other branches of law. For example, violation of the rules of fire safety; illegal use of special technical means of secret reception of information; recently – violation of customs rules: non-delivery to the customs of goods and documents for control, damage to customs warehouses, unloading, issuing and use of imported goods without the permission of the customs, breach of transit obligations.

So, today the division of public misconduct in the social and political sphere in which they are committed is more relevant. There was already a transfer of norms from the Code of Ukraine on Administrative Offenses (further - CUoAO) [1] to the Customs Code of Ukraine. But these offenses are called administrative and customs offenses, while it is a question of customs misconduct. This process is appropriate to call a transfer. Transfer of norms is shifting of norms from one normative act to another. At the moment, such a transition is necessary. It will make possible to avoid collisions, duplications and significantly reduce the number of normative acts that regulate the legal relationship in various spheres of public life.

It is of fundamental importance to systematize legislation on public health. The structure and content of the Medical Code are given in the studies of S.V. Petkov, S.G. Stetsenko and others. Leading scientists and practitioners emphasize the need of creation of the Road Transport Code and the Registration Code. The main difference between the updated legislation will be its compliance to modern standards and algorithms of the theory of law. Thus, in the structure of each normative act it is necessary to adhere to the principle of norm renewal, that is, the hypothesis, disposition and sanction will be in one codification act. Separate developments of this direction in systematization of administrative legislation in the form of its codification, have repeatedly

been mentioned in the works of leading and young scientists [2].

The model of public-legal relations, based on the axioms of building relations between the authorities and citizens, defines misconduct as a guilty, intentional action, inaction of the person, which is in contrary to the established norms of public behavior and leads to negative moral and material consequences. Based on the above definition, we can distinguish the following signs of a public misconduct: wrongfulness; guiltiness; action or inaction; object of attack; subject of misconduct; penalty; causal link between act or inactivity and negative moral and material consequences.

It is necessary to distinguish groups of misconduct by certain features, to divide it into species, but it must be remembered that a number of features that attribute errors to one or another species can intersect each other. The misconduct can be both insignificant and have great negative consequences. For example, passing the road in an unidentified location, the person actually made a small road offence, but suddenly seeing the pedestrian, the driver of the car began a sharp braking and, unable to cope with driving he crashed into oncoming vehicle.

Therefore, it is expedient to classify offenses by their objective and subjective features, namely: for the publicity that it had: it became known to a small number of persons, or a large group of persons, or became widely publicized; in the form of property of a material object: state, non-state in communal or private property; in what conditions an unlawful act was committed: during celebrations, during mass events or during sport events. You can consider these events or conditions as aggravating or mitigating the fault of the person who committed the offense.

However, the main area for the division of offenses should be the sphere of social relations to which they belong: medical, sanitary-epidemiological, public order protection, etc. There is no contradiction in this classification system. It is simple, understandable, consistent with the axioms of the theory of law and sociology; one law (code) regulating social relations in a certain sphere; one agency, the activity of which is regulated by one law (without implementing

regulations, instructions, statutes, etc.). A clear hierarchy of laws and implementing regulations will provide an opportunity to optimize the national legal system.

Misdemeanor is a fact of reality. The composition of the offense is a logical construction, a legal concept of it, which reflects the essential peculiarities of real phenomena, meaning certain anti-social phenomena. The legislator does not create signs of misconduct, but only selects essential, distinctive and makes structure for them. The logical concept is fixed in the law and becomes obligatory. The list of features in it is necessary and sufficient condition for qualifying an act as a misdemeanor. A real act is only considered an offense when it contains all the signs prescribed by law, the absence of at least one of them means the absence of a structure in general [3, p. 215].

Elements of the offense are the object, the objective side, the subject, the subjective side. The object of a misdemeanor is on what is aimed at. The object of the misdemeanor, as well as any offense, is social relations. Defined actions are therefore called anti-social and prohibited, because they cause damage to existing social relations. Recognition of the last as object of the offense helps to reveal the social nature of the offense, the moral nature of legal liability [4, p. 56-58].

The problem of determining the object of administrative misconduct today concerns not only the science of administrative law and closely related criminal law science, but also the theory of state and law, where the object of the offense is ambiguously determined. The majority of scientists dealing with administrative problems characterize the object of administrative abuse as the administrative relations protected by administrative law, which are subject to an administrative offense.

In connection to this, the object of offense has one of the central places in the research of domestic and foreign scientists. M. O. Korzhanskyi considers that the establishment of signs of the object of misconduct has an important practical significance for legal qualification. The object of the offense is determined by the nature of social harm, as well as those social values that are protected by a specific legal norm [5, p. 173-174].

The classification of objects of misconduct is of a great importance. It is the classification that makes it possible to more clearly define the object of each act, its place in the general system of relations protected by administrative sanctions, its value. Depending on the degree of generalization, the level of abstraction distinguishes general, generic, specific and direct object of misconduct. However, the classification of objects of misconduct, the final result of which is to obtain concepts such as: "general object", "generic object", "specific object", "direct object", formulated to contrary to the basic logical rules of separation. The lack of proper logical and methodological justification, in turn, leads to logical errors in the construction of the corresponding definitions.

In our opinion, it is necessary to consider issues related to the definition of an object and the classification of its constituents from the position of definition of the object of the offense. In this case, the general object of the offense is social relations. The generic object is highlighted in the sphere of social life in which it is committed. Specific object can be distinguished according to this number of factors related to the characteristics of the objects of committing the offense, and in our case of misconduct: public morality, health of citizens, property, etc. – all factors affect the nature of the misdemeanor. An important factor for classification and, consequently, for regulation of the relevant authorities are the probable consequences that could lead to misconduct.

The objective side of a misdemeanor is that in what a misdemeanor is revealed outside, the corresponding behavior of a person, the consequences of damage to the object of the attack; it is the appropriate process of action for a specified time. The objective side is characterized by the following signs: an act (action or inaction); harmful consequences of misconduct; causal relation between the act and socially harmful consequences. These are mandatory signs of misconduct. Along with them there are optional (non-binding) signs of the objective side of the offense – place, method, time, means, circumstances of committing a misdemeanor.

Act is action or inaction, volitional actions. Action is an active person's behavior.

Inaction is the passive behavior of a person, failure to perform the corresponding duties, which is entrusted to it by the relevant legal and other normative acts. The harmful consequences of a public misconduct are those negative changes that occur, are inflicted on the object of the attack, and relationships which are protected [6, p. 23-26].

The legislator identifies two groups of harmful consequences of misconduct: material and formal. Therefore, offenses are identified as with the material composition and with a formal composition. Misconduct with the material composition is such offenses, for the objective side of which the law requires the establishment of not only the facts of the act, but also harmful consequences. Misdemeanors with a formal composition are such offenses, for the objective side of which the law requires the establishment of only the fact of the actual act. The harmful effects of these offenses, although they may come, but they are outside of the scope of the misconduct. It should be noted that most of the misdemeanors are with a formal composition.

The causal connection between the act and the socially harmful consequences that has arisen is established only in the misconduct of the material composition. The reason is a necessary condition for the occurrence of the consequences, without it the occurrence of effect is impossible. It must precede the consequences in time and, most importantly, must cause this consequence.

The analysis of the relevant articles of the CUoAO gives an opportunity to conclude that the subject of a misdemeanor is a convicted person who has reached a certain age and committed the offense described in the law. Thus, the subject of the offense is the one who committed it. The subject itself as a real existent person is not included. The composition contains only some of the features that this person is characterized by. The subjective side is the fault, that is, the mental attitude of the perpetrator to his act and the harmful consequences of the act. Guilt is a necessary condition of responsibility.

Conclusion

Based on the foregoing, should be made conclusions that the model of public-legal relations, based on the axioms of building relations between the authorities and citizens, defines misconduct as guilty, deliberate action, inaction of the person, which is to contrary to the established norms of public behavior and leads to negative moral and material consequences. For a public misconduct, the

If in the actions of the person the guilt is not installed, and the harmful effects are the result of accidental circumstances – there is no subjective side, no misconduct, no responsibility.

Accordingly, a misdemeanor is recognized as committed intentionally, if the person who committed it was aware of the unlawful nature of its action or inaction, foresaw its harmful consequences and wished them or deliberately allowed the onset of these consequences. In the past, it was widely believed that in administrative law, unlike in criminal law, fault is not always a mandatory element. To a certain extent, it was an uncritical perception of the views of pre-revolutionary Russian scholars who believed that administrative penalties could be applied regardless of fault. Consequently, the subjective side of the offense is related to the mental state of a person who committed it [7, p. 50-51].

Specifically, the human form of action is a volitional action, and in fact only an action in the human meaning of the word, that is, a conscious act aimed at the realization of a certain purpose. In most cases, the formulation of a misdemeanor implies that it is carried out in the form of intent. Instead, the motive and purpose of committing a misdemeanor are optional signs of the subjective side of the offense. The motive is understood as the internal awareness of the person which he was guided by during the commission of a misdemeanor. The purpose is an unlawful result, the result of which a person seeks to achieve by a misdemeanor. The motive and purpose most often are not included in the offense, although in some cases only the commission of an act with a certain motive or purpose constitutes the offense. Some articles of CUoAO provide for the responsibility for committing actions in the absence of a specific purpose. In some articles of the CUoAO, the motive and purpose of the misdemeanor are not named, but are implied.

following features are typical: unlawfulness; guiltiness; action or inaction; object of attack; subject of misconduct; penalty; causal connection between act or inactivity and negative moral and material consequences.

Elements of a public misconduct are the object, the objective side, the subject, the subjective side. Composition of specific misconduct has an important function, since it establishes legal grounds for legal liability and provides for the possibility of applying administrative measures. They ensure same application of the law, the correct qualification of misconduct, guarantee the prevention of unjustified bringing of administrative action against citizens, limit the responsibility of the offender by what was committed.

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Possibilities of using international experience in the research of public order issues



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Abstract. The article deals with the search of optimal models of international experience usage in researching the issues of ensuring public order. The key factors became the conditions for the effectiveness of legal norms.

As a result of the analysis of the legislation of foreign countries, we can conclude that «public order» – a widely used legal term, its application is related to both state policy, the basis of which is laid down in constitutional acts, and to the standards of morality and social behavior in society, which are reflected in the internal legal norms.

Key words: *public order, legal order, legislation, responsibility.*

Problem statement

In the course of its existence, the civilized international community has developed a number of norms and standards, the conformity of which is a pass to the relations on parity in such a society, to the authority and recognition of the state. «For this purpose, in the society itself, commonly accepted rules and standards of cohabitation are formed, the fulfillment of which guarantees the achievement of the common goal for all members of the community – public order. Well-being and order are the foundation of a civilized (civil) society. » [1, p.14] In solving the problem of developing a model of public order provision, the state a priori faces the need for its legal support and reform of the current legal system. [2, p.100; 3, p.44]

The purpose of the article is to find the best models for using international experience in the research of issues of ensuring public order. The key factors here are the conditions for the effectiveness of legal regulations.

The degree of development of the topic. In existing legal literature, there are currently a number of studies on the effectiveness of law enforcement in the state. Works of O.M. Bandurka, S.V. Petkov, M.V. Loshitskyi, O.G. Komisarov is the foundation

of search works in this sphere. However, today we are talking about the purity of terminology, the search for algorithms for the application of legal phenomena in the new conditions of state establishment. And so, we are dealing with a number of related terms and phenomena – social order, civil order and public order. What is behind each term? How do they relate and how can we effectively apply them?

Main results. The protection of the population, the state of guaranteeing the

rights and freedoms of citizens is a key indicator of the existence of a law-governed state and civil society. We emphasize that at present we are forced to serve legislation based on the post-Soviet approach. The norms that served the relations of Soviet society sketchily adapted to the modern requirements of democracy. Finally, the built-in system of legislation does not correspond to the theory of law and does not satisfy law-enforcement practice. As an example of such inconsistency in the literature is precisely mentioned the administrative rules: «normative acts regulate relations that within the legal system belong to one branch of law, and responsibility for their violation is regulated by a normative act from another branch of law. At the same time, the spheres in which this interpenetration takes place are so different in their legal nature that such interaction contradicts the very essence of modern development of society. » [3, c. 49] We can observe something similar about the current legislation in the field of public order.

The results of a sociological survey conducted by the Institute of Sociology of the National Academy of Sciences of Ukraine are interesting in this regard. So, to the question: «Do you have enough order in society?» 73,5% of the respondents gave a negative answer, for 18% – it is difficult to answer, 2,3% – this question is not interesting and only 6,2% enough order in society. In turn, the question: «Do you have enough laws to comply to in the country?» Resulted in a negative answer from 72,1% of the respondents, for 19,1% it is difficult to give an answer, 2,6% – this question is not interesting, only 6,1% of the respondents gave a positive answer. These indicators quite clearly reflect the attitude of society to the issues of ensuring public order in the state. [4]

Considering the issue of improving the legal framework of the administrative and legal provision of public order, it is relevant to pay attention to the legal concepts of public order in the legislation of foreign countries that already have a positive experience in guaranteeing it.

For example, in France, the term «public order» is one of the key concepts of public safety that has been formed over a long period of time. Actually, this resulted in the

presence of a number of specific characteristics in the phenomenon of public order in this country. This term appeared in the French Constitution of 1789, followed with the continuation of next constitutions and the Civil Code of Napoleon. Although France's legislation does not currently contain a precise definition of the term «public order», according to P. Mazeaud, member of the French Constitutional Council, the court responsible for interpreting the Constitution, the basis of public order can be found in principle of security, guaranteed by the Declaration of 1789: freedom is not possible if individuals fear their own security [5]. Consequently, in accordance with the normative understanding of French law rules, public order is a state of peace in society. It must prevent and eliminate the inappropriate factors beyond the limits of acceptable or permissible inconveniences in society (for example, excessive noise, obstacles in moving, the threat of attack by drunkards, threats of injury, etc.). [6, p.3] On the other hand, the French legal dictionary defines the term «public order» in the broad sense as a concept of social life in the political and administrative spheres. Civil law considers public order as rules that, from the point of view of morality and security, are necessary for the existence of social relations. [7]

In Germany, legal category «public order» has an important place in law and in most cases is used in connection with the term «public security» or «security» [8]. Public security (security) determines the inviolability of the supremacy of law, subjective rights and legal positions of the individual, as well as the existence of institutions and bodies of the state, as well as other repositories of sovereign power [9], while the public order is a collection of unwritten rules of conduct of a person in the public sphere, which in the light of general ideas within a certain period of time are considered necessary to ensure the orderly life of people in society [10, p. 316]. Taking into account the above definitions, we can conclude that these terms are mutually exclusive: if the basis of «public security» is established exclusively by law, then the forms of public order are not contained in the legislation. In practice, the same public order in Germany as the unwritten rules of conduct

is constantly narrowed to the benefit of public security, because almost all the rules that must be respected in society are regulated by law [11].

In Switzerland, the legal category «public order» is set in both federal and cantonal legislation levels. The Constitution of the Swiss Confederation refers to public order and internal and external security, along with this the existence and concept of «constitutional normality» is provided [12].

Consequently, the notion of public order is distinguished by scholars and legislators in all the investigated countries, but it has certain differences in the title and meaning that fits into these concepts. Very often, the term «public order» is used in connection with the notion of «security» («public order and security») as an integrated legal term, the exact definition of which is not included in the current legislation. However, this term is used as a generalization in connection with the legal protection provided by administrative law. In this context, the concept of «public order» covers the whole legal order, as well as a set of unwritten rules that are considered necessary for the formation of essential conditions of life in society [13].

Along with the experience of the above-mentioned countries of «stable democracy», attention should also be paid to the European states of «young democracy», where in the current legislation the legal category «public order» applies, in particular, in connection with the notion of «peace» («public order and peace»).

In particular, in the Republic of Slovenia, in accordance with the Law on the Protection of Public Order and Peace (2006) [14], public order and peace are recognized as a state in which is ensured free exercise of

rights and fulfillment of the obligations provided by the Constitution and legislative acts.

In turn, in the context of the Law of the Republic of Montenegro on public order and peace (2011) [15], public order and the world are understood as the state of relations between citizens in public places and operating institutions, organizations and state bodies, in which there are equal conditions of realization for constitutionally guaranteed rights and freedoms.

Instead, the legislation of the Republic of Bulgaria does not contain the definition of the term «public order». However, in accordance with the point of view of the Constitutional Court of Bulgaria, set forth in the decision No. 7 of 04.06.1996 on the constitutional case No. 1 of 1996, the public order means an order regulated by normative legal acts that provide peace and normal ability to realize civil rights [16].

Along with the above, study the experience of the countries of the former Soviet Union wouldn't go amiss. Thus, in the Constitution of the Russian Federation the notion of «public order» is used in the context of the powers of the Government of the Russian Federation (Article 114) and the powers of local self-government (Article 132) [17]. At the same time, the term «public order» has no legitimate definition, its use in codified acts, federal laws, usually is associated with public events and public places, that is, in fact, public order is understood in a strictly narrow sense.

Conclusion

As a result of the analysis of the legislation of foreign countries, we can conclude that «public order» – a widely used legal term, its application is related to both state policy, the basis of which is laid down in constitutional acts, and with the standards of morality and social behavior in society, which are reflected in the internal legal norms.

By studying international experience, in order to ensure public order, we can gradually, step by step approach its essence, as the basis of the existence of society, find inaccuracies or innovative ideas in domestic approaches. In this sense, the public order is an ideal which the community seeks to achieve and, for this purpose, it delegates its powers to the government, which creates certain

mechanisms in the form of legal norms designed to become constructions, based on which authorities will regulate relations in the field of rights and freedoms of an individual and a citizen.

Law and order, or the order in legal regulation or provision, is the basis for the proper formation, activity, use of legal norms and postulates. That is, the public order is a multi-faceted phenomenon that includes aspects of morality, psychology, law, economics, and so on. The law and order are the basis, the social standard of relations in society. These are general theoretical foundations that should be applied in the analysis of parts, institutions, laws of the development of society and relations between citizens and the state. In this case, we can correctly understand and characterize, and accordingly, make adjustments not only in the conceptual apparatus, but also in the algorithms of the use of the rules of law, which are intended to ensure public order.

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Philosophical and legal analysis of the discursive concept legal «legal order/social order»



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Abstract. In the article legal order is studied through the discursive concept "social order/legal order". It has been established that legal order and social order have the following differences:

- 1) social order — is mainly natural self-organization of society and legal order — is an accurate organization, orderliness, consistency created by such an institution as a state;
- 2) scope of control of social order is much wider than of the legal order since it regulates not only legal relations but also family, religious, moral relations, etc;
- 3) legal order, unlike social order, depends on the current power, legal ideology, legal regime in a particular state. Social control is known to the humankind since creation of the first social institution – family.

Problem statement

Reference to the notion «legal order» is not accidental since this notion is fundamental and decisive in the issue of achieving welfare, gaining stability and security in society. In addition, in order to define this multifaceted notion, it is necessary to address and understand many theoretical issues, in particular: determination of similarities and differences in social and legal order. This research will allow to gain insight into the problems of legal order and look at them more widely.

Status of the research. The following scientists have been studying social order and legal order: D.V. Andreev, T.G. Andrusiak, V.V. Borysov, L.A. Morozova, G.L. Monarstyrskyi, V.S. Nersesiants, N.V. Panaryna, V.I. Poklad, S. S. Senchuk, O.N. Sysoeva, A.L. Stupak, V.N. Kazakov, A.F. Kryzhanovskyi, I.P. Krysiuk, K.V. Kondovta, I.I. Khomyshym etc.

The purpose of the article is a study of legal and social order, their correlation.

Presentation of the main research material. Legal order is the core of the social order and characterizes in it those qualities of orderliness which are the result of action

(realization) of law. Legal order is a part and at the same time a legal form of a way of life, meaning legal mediation (legal aspects) of certain forms and methods of life. Such understanding of legal order allows us to construe legal order as something right, fixed, organized. The prevailing position is that the term «legal order» is used to characterize the state of organization, orderliness of legal relations which arises as a result of their regulation by legal rules and the implementation of such rules [1, p. 457].

The same point of view have Y. A. Vediernykova and V. S. Grekula who believe that «... the legal order is an important

structural element of social order which means well-established state of the whole set of social relations, regulated not only by legal but also by all other social rules. If strengthening and maintenance of legal order is associated with implementation of the legal rules, then in the maintenance of social order an important role belongs to other social rules – morals, corporate rules, traditions and customs» [2, p. 195].

V. D. Andreyev distinguishes two main theories of comprehension of legal order as an element of social order:

1) Based on the theoretical principles of the XVII-XVIII centuries and was grounded on the fact that natural state of a human is the basis for transition to a legal status in general and to public authority and public law in particular. According to this theory, order is a regulator of interpersonal relations which creates a possibility of a philosophical understanding of a person as a citizen, his rights and obligations. It means that this legal phenomenon is a projection of the generic individual, of his natural and social qualities, and is associated with a political body, a community of united individuals, which consists of state and private institutions, rules and laws governing social life.

2) It was formed in the middle of the XIX century the representatives of which are A. Comte, G. Spencer. Essential social ties that determine the life of society as a social whole were distinguished in the structure of the order. [3, p. 43].

Despite close affinity of legal order and social order, legal order should be distinguished from a similar but not identical phenomenon – social order. Social order, like legal order, is characterized by organization, orderliness of social relations but social order, unlike legal order, is formed under the influence of not only legal but also other social norms: rules of morality, customs, corporate rules, *etc.*

Social order is the state of regulation of social relations, based on implementation of all social rules and principles and is mainly provided by the power of social influence. At the same time, connection between social order and legal order is bilateral: on the one hand, legal order is the most important part of social order, and on the other – the state of

social order determines in many ways the state of the legal order [4, p. 383].

It is necessary to agree with the researcher of legal order S. S. Senchuk who believes that «to achieve a stable legal order exclusively by legal means – is a difficult, to be more precise, an impossible task. Legal order must be based on a stable social order, on the system of available, effective, demanded by society at a certain stage of its development of social relations and means their regulation. Only under such conditions, a stable legal order in the state is possible, and the state's duty, in this case, is to guarantee provision of these social regulators by the power of the state» [5, p. 44].

At the same time, I would like to draw attention to the differences between legal order and social order. Such differences are as follows:

Firstly, legal order and social order do not coincide in their genesis, origin, evolution. Historically, social order arises together with the emergence and formation of human society as its organic part and condition of existence and legal order as a legal phenomenon originates much later, namely, when the law, laws and the state arises.

Secondly, legal order and social order have different legal frameworks. Legal order is based on the law and is ultimately the result of its implementation, and social order is a consequence of compliance not only with the legal but also with all other social rules of society.

Thirdly, legal order and social order are provided differently. Legal order is based on a special apparatus of coercion which is provided by the state, and social order – by the force of public opinion, measures of non-state influence which is provided by social institutions and the whole society.

Fourthly, in case of violation of legal order and social order, various consequences arise since in the first case legal sanctions are applied, and in the second case – only measures of a moral character.

Fifthly, legal order and social order are not the same in their scope, content, elemental composition since the last is wider than the first due to the above reasons [6, p. 213-214].

The following differences between legal order and social order should be added to those mentioned above:

1) social order — is mainly natural self-organization of society and legal order — is an accurate organization, orderliness, consistency created by such an institution as a state;

2) scope of control of social order is much wider than of the legal order since it regulates not only legal relations but also family, religious, moral relations, etc;

3) legal order, unlike social order, depends on the current power, legal ideology, legal regime in a particular state.

When analyzing the differences between social and legal order, V. I. Poklad states that «legal order, in contrast to the natural self-organization of society, is always artificially created, deliberately projected. Secondly, if social order is formed by a majority, then legal order is created by a minority: «laws that impose a ban on certain forms of behavior and oblige citizens to act otherwise, are adopted by legislators who have received a place with the support of the groups lobbying their interests» or to be franker: «laws are the rules defined by the authorities as principles that citizens must follow». Thirdly, social order is maintained only by the influence of public opinion, voluntary conformity of a majority and legal order — by power of state coercion» [7, p. 76].

Despite these differences, I would like to underline that social order and legal order cannot exist without each other. And there are several reasons for it:

1) legal order arose on the basis of social order;

2) legal order is a subtype of social order;

3) legal order depends on the observance of social order;

4) legal order should not contradict social order since such a conflict will sooner or later undermine the authority of legal order in society;

5) the purpose of legal and social order should be the same;

6) legal order and social order must intertwine and the point of intersection must be bilateral social control. On the one hand, legal order must apply legal means of influencing people, *id est*, legal control but, on

the other hand, society must also influence the state and it should do so through legal self-organization (by certain authorized there to individuals, organizations, institutions).

Consequently, emergence and implementation of legal order act as a regularity of social development since society has an urgent need to organize the most important spheres of human coexistence which is achieved mainly by legal means. Any disorder and lack of system, unfettered force and arbitrariness, that is chaos, immediately prejudices the interests of society and a human causing serious harm. Therefore, only a precise organization, orderliness, consistency can ensure the success of the case [8, p. 310-311]. We should agree with V. V. Borysov who emphasizes that society needs to regulate the most important spheres of human coexistence by legal means since any disorder and lack of system, anarchism and immorality immediately prejudices the interests of society and a human, causing significant harm [9, p. 189].

The notion «legal order» reflects «intellectual searches for social and ideological foundations of integrity of society, integrative values and rules that allow harmonizing social relations to overcome chaos, get out of crisis, crisis, obtain stability and predictability of social relations» [10, p. 719].

A. M. Vasylijev states that «legal order» belongs to the categories of basic concept list of the theory of law along with such the categories as «law», «system of law», «legal rule», «legitimacy», «form (source) of law», «law enforcement» and «legal relations». Legal order which acts as the final unit of the basic concept list means to be a consistent «disclosure» of the essence of law and illustrates the process of ascension in cognition of law from abstract to concrete. Category «legal order» logically summarizes social results of legal regulation and gives an answer to the question about the state of regulation of social relations through the law. Thus, legal order is a general legal criterion of effectiveness of legal regulation since the results of the latter become apparent during comparison of legal requirements with the general state of legal order [11, p. 179-180].

From the point of view of V. V. Borysov, legal order is a complicated socio-legal category in which the motives of legal and

non-legal nature of governmental and generally social content closely intertwined, and social content are closely intertwined, and interests of different groups, layers, citizens of society interact; it is objectively and subjectively conditioned state of social life, characterized by internal coherence, regulatedness of the system of legal relations, based on regulatory requirements, principles of law and legitimacy, as well as on democratic, humanistic and moral requirements, rights and obligations, freedom and responsibility of all subjects of law [8, p. 310-311].

In modern conditions, objective necessity of legal order consists in the fact that it is impossible to solve the tasks set before the society without it, namely: successful implementation of economic reforms, formation of market relations, development of production; formation of civil society and a law-governed state; effective operation of the institutes of democracy, political system; enjoyment of the human rights and freedoms, strengthening of their guarantees; systematic work of the state apparatus, all of its units, bodies, structures, officials; fight against crime, legal arbitrariness, corruption, terrorism; provision

of the law-making, law-enforcement and administrative process; achievement of political and legal culture and increase of legal consciousness of an individual and society as a whole [6, p. 204].

Legal order is objectively necessary for any state-organized society since people anyway enter into legal relationships with each other. These may be relations of coordination of their joint activities which are governed by the relevant legal rules. Any interaction requires a clear organization, control and establishment of a certain subordination between its participants. These are the so-called subordination and control relationships [12, p. 9-10].

The following factors influence strengthening of legal order and social order: level of legal knowledge of an individual, social groups, the whole society, level of their legal consciousness legal and general culture, attitude to the values of society, moral consciousness, etc. The issue of strengthening of legal order must be solved in together with the issue of social order because without social order there will be no legal order, without a stable, strong legal order it is impossible to establish social order [13, p. 252].

Conclusion

Social and legal order – are two complementary notions. Despite the differences in social and legal order (arising from the fact that social order is mainly a natural self-organization of society and legal order is a clear-cut organization, orderliness, consistency created by such an institution as a state), attention should be paid to the fact that legal order and social order must intertwine and the point of intersection must be bilateral social control. On the one hand, legal order must apply legal means of influencing a human which means legal control but, on the other hand, society also must influence the state and perform it through legal self-organization (by certain authorized thereto individuals, organizations, institutions).

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Concerning the essence of public service activity as a type of administrative activity of public administration subjects

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Abstract. The article clarifies the essence of public service activity as a type of administrative activity of public administration subjects, analyzes the connection between the concept of «public service activities» and the notions of «legal service», «public services», «service state». Public service activities are considered as a type of administrative activity in which a service approach is implemented, in which the public administration authority in the interaction with the individual is noticeable as a provider of services, and the person – as a client that receives the relevant service.

Key words: *administrative activity, public administration, acts of will, public service activity, administrative service, subjects of provision of services, state administration, service state.*

The consolidation in the Constitution of Ukraine of human rights and freedoms, its life, health, honor and dignity as the highest social value for the state [1] determined the main priority of its activities – serving the people and national interests. This provision is reflected in the Concept of Administrative Reform of Ukraine, which purpose is to form a system of public administration, which will become close to the needs and requests of people. This system of public administration will be controlled by the people, transparent, effective and based on scientific principles [2].

So, the state, in accordance with the proclaimed idea, becomes influenced by democratic social transformations, oriented on a person, which manifests in serving its interests. At the same time, the activity of government agencies is, on the one hand, in protecting the rights of citizens through the creation of appropriate conditions for the realization of their subjective rights, and on the other hand, in the protection of the rights

of citizens related to the satisfaction of their personal interests by providing various public services from the side of government agencies. It is a social state that is an upholder, a partner in providing quality public services, as well as their performer, may be a service aimed at the realization of the rights and freedoms of every citizen.

In this case, it can also be said about giving the new meaning of the term «administrative activity», which should also be consistent with the concept of a social state.

The analysis of various issues of administrative activity was carried out in the works of V. Averyanov, V. Bakumenko, D. Bakhrach, Y. Bytiak, R. Kalyuzhny, S. Kivalov, I. Koliushka, T. Kolomoets, A. Komzyuk, S. Martynova, G. Pisarenko, S. Sokurenko, V. Tymoshchuk, M. Tishchenko, S. Shatavi and other scientists.

The purpose of the article is to find out the essence of public service activities as a

type of administrative subjects' activity of public administration.

Determining the essence of public service activities should proceed from the fact that it is a kind of administrative activity carried out by the subjects of public administration. So, the study of the issue should begin with an analysis of such components as «public administration» and «administrative activity».

The scientific term «public administration» was borrowed from the countries of the continental system of administrative law and became widespread in the administrative-legal science of most countries of the world. It should be noted that today there is no unified understanding of this term, although it is widely used both in the science of administrative law and in the legislation of Ukraine.

About its interpretation in the law of European countries, it should be noted that, based on the usual separation of powers to the political (president and parliament) and administrative (government and all other public authorities, except for the courts), the term «public administration» denotes the whole authorities that belongs to the administrative state authority. Furthermore, this term also has a functional content and is used to indicate the activities carried out by this administration in the public interest [3].

However, the use of this concept in domestic legal science is not its simple borrowing and translation of the existing term «state administration». Its use was primarily due to a change in the meaning of «state administration» in the formation of a new legal administrative doctrine on the basis of human centered ideology [4, p.106].

In domestic science there are several approaches to the definition of this concept – organizational-structural, functional, as well as their combination.

Thus V.B. Averyanov describes the term «public administration» from the organizational and structural point of view as a set of executive authorities and organs of executive self-government, which ensure the implementation of the law and exercise other public functions [5, p.117].

O. P. Svetlichny defines public administration through the notion of «activity»

as a legislative and organizing activity of public authorities, their officials, carried out with the aim of practical realization of the state's goals and objectives in all spheres of public life [6, p. 193].

In the definition given by T.M. Kravtsova combines two approaches – the term «public administration» should be understood as a system of authorities of state executive power and executive authorities of local self-government, enterprise, institution, organization and other entities with administrative and managerial functions that act to ensure both the interests of the state , as well as the interests of society as a whole, as well as the totality of these administrative and managerial actions and measures established by law.

It is clear that all these views have the right to exist. The only drawback to them, in our opinion, is the lack of definition of public interest as a goal of public administration. Such a criterion is necessary in view of the assessment of the effectiveness of its activities, which is primarily aimed at directing the public administration to the successful resolution of government-designated tasks, as well as to resolving public problems within its competence.

The analysis of scientific sources allows us to determine the principles of public administration organization, which can be divided into two groups: principles relating to the creation of a system and authorities of public administration (centralization and decentralization, concentration and deconcentration, publicity) and the principles of its actions organization (rule of law, legality, openness, transparency, accessibility, accountability, responsibility).

For example, the principles of centralization and decentralization are the basis of constructing vertical relations within the public administration. Thus, the links between the government and the ministries, ministries and their subordinate agencies are characterized by the centralization principle, which is the basis of the hierarchy of public administration bodies. At the same time, the principle of decentralization is characterized by the transfer of powers from central authorities to the local level. In contrast, the principles of concentration and deconcentration characterize the horizontal

relationship between the government administration agencies that belong to one management structure. Thus, the principle of concentration implies the affiliation of powers to one authority and the inability to make decisions by other authorities without his consent [7].

Separately, one should emphasize the principle of the supremacy of law, since its declaration, according to V.B. Averyanov, significantly influences the definition of priorities in the legal regulation of human relations with public authorities and officials of executive authorities and local self-government [8].

Concerning the subjectivity of public administration, it is a system consisting of bodies of state executive power, executive bodies of local self-government, and subjects of delegated authority. All of them carry out administrative activity, that is, executive and control activities, regulated by the norms of administrative law and aimed at the realization of the rights and freedoms of citizens [9].

The system of state bodies of executive power consists of: The Cabinet of Ministers of Ukraine as the supreme authority in the system of bodies of state executive power; ministries, state committees, central bodies with special status – central executive bodies; local state administrations – local bodies of state executive power. In this article, we will not describe them in detail, as this is not part of subject under our consideration.

So, summing up the above, it can be emphasized that public administration is a system of bodies, which includes state executive bodies, executive bodies of local self-government, enterprises, institutions, organizations and other entities with delegated powers that have administrative and managerial functions and direct their activities to the successful resolution of government-defined tasks as well as public problems within their competence.

As S.V. Petkov observes, the term «administrative activity» is not new in the science of administrative law, but the study of this concept and the allocation of signs of such activity causes some difficulties, since this term is not used in the current legislation, and in modern scientific literature it is used in different meanings, but mainly is identified

with the term «public administration» [10]. However, such identification is a consequence of the widespread in Soviet times approach in the administrative law as to administrative and jurisdictional rule, which meant the use of administrative liability and coercion in relations with citizens.

In the case of the public administration, it is defined as the activity of the public administration bodies, in particular the governing bodies, state officials, executive bodies and officials of local self-government bodies, state and communal agencies, as regulated by the norms of administrative law, on the basis of the relevant laws and subordinate normative legal acts of Ukraine in special administrative-legal forms and using special administrative-legal methods of power-public regulation, preservation and protection of social relations[11].

The study of the administrative activities of the public administration bodies makes it possible to distinguish its main features. Firstly, it is subordinate, that is, it is implemented in compliance with the laws of Ukraine. In addition, regulatory acts issued by public administration bodies within their competence are also aimed at the implementation of these laws. Secondly, this activity is carried out by bodies of state executive power, executive bodies of local self-government, and subjects of delegated authority. Thirdly, administrative activity is a powerful activity, during which the power and public credentials of administrative bodies are implemented. Fourthly, it is governed by the norms of administrative law. Any other activity of public administration bodies is not administrative. Fifthly, administrative activity is carried out with the help of special administrative and legal methods of influence on social relations, provided by the norms of administrative law [11].

Administrative activity of public authorities can be carried out in two forms – external, that is the implementation of laws, regulatory acts of management, the application, where necessary, of administrative measures, the issuance, within the limits of the authority delegated acts of management, and internal, related to the organizational activity of the apparatus itself.

A separate type of administrative activity of the public administration bodies is

the public service – activities of the relevant state bodies, bodies of local self-government and subjects of delegated power to ensure, in the course of their interactions with the population, specific physical and legal persons, the conditions under which the latter are capable effectively implement and protect their rights, freedoms and legitimate interests [4].

The peculiarity of public service activity as a type of administrative activity is that it implements a service approach in which the public administration body interaction with the individual is perceived as a provider of services, and the person – as a client receiving the relevant service. In this case, the effectiveness of the body is evaluated from the point of view of the person's satisfaction with the quality of the service provided. In this sense, we can talk about the relationship of public service activities with such concepts as «legal service», «public services», «service state», which is characterized as a special political form of organization of political power, with a special management apparatus directed on the provision of public services to individuals, as well as a system of legal guarantees of decent living standards, human rights and freedoms [12].

It should be noted that public service activities are directly related to the implementation of public administration in the provision of administrative services. In this sense, should be emphasized such criteria for its implementation as performance, while the effectiveness of this activity should be spoken not only in case of obtaining a positive result (for example, refusal to carry out certain activities for objective reasons); timely implementation of public service activities, which is implied by the terms defined in the legislation; accessibility; the convenience of providing administrative services, which includes the possibility of choosing an alternative way of applying for administrative services; openness of information on administrative services, which provides for free access to information on the procedure for the provision of administrative services; politeness and respect for a citizen, which is equal treatment of all services' consumers; professionalism, which implies the availability of relevant knowledge and skills of the

employees of the administrative authorities, which manifests itself in the precise performance of duties [13].

Public service activities should be considered, on the one hand, as a process consisting in the power of the public administration body to create conditions for the implementation of the rights of individuals and legal entities, and as a result of such activity, aimed at the implementation of the subjective rights of individuals and legal entities [14, p.7]

Bases for providing public administration authorities with the conditions for the exercise by a natural or legal person of their rights, freedoms and legitimate interests in the exercise of public service activities is the statement of a physical or legal person, the creation of the necessary conditions for the exercise of their subjective rights, the legal consolidation of the right of the public administration body for the provision of public services.

The analysis of literary sources [15, 16] made it possible to determine the signs of public service activities of public administration bodies, which should include subordination – we have already emphasized that the right of the public administration body to carry out the relevant public service activities should be provided by law; power, since this activity is carried out by administrative authorities through the exercise of power; effectiveness – the result of public service activities, on the one hand, satisfaction of the needs of a physical or legal person in the implementation of their subjective rights, and on the other – an administrative act, which satisfies the appeal of a person; openness and transparency characterized by accessibility for citizens, as well as convenience and clarity for control purposes; accountability which is in the impossibility of dismissal of one public administration authority from performing tasks entrusted to it and reviewing its decisions; utility that is characterized by the correct relationship between the resources used and the results obtained; the effectiveness which is primarily that public administration activity is successful in achieving government-defined goals and solving of public problems within its competence.

The subjects of public service activity, the essence of which is the interaction of the public administration body with the individual are, on the one hand, public administration bodies, to which we include executive authorities of state power, executive authorities of local self-government, as well as subjects of delegated authority. On the other hand, the subject party is represented by a physical person (a citizen, a stateless person, a foreigner) or a legal entity that is the recipient of the service.

Therefore, when defining the essence of public service activities, it should be noted that it is a type of administrative activity; is directly related to such concepts as «legal

service», «public services», «service state»; is governed by the norms of administrative law; is aimed at efficient and effective provision of public services to physical individuals and legal entities.

Based on the above, public service activities are regulated by the norms of administrative law, subordinate, act of will of state executive authorities, executive bodies of local self-government, subjects of delegated authority to create conditions for the provision of administrative services to physical individuals and legal entities for the purpose of effective implementation and protection of their rights, freedoms and legitimate interests.

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The modern teacher's professional image



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Abstract. In the article the main requirements for the modern teacher's professional image are defined on the basis of its structure that involves gabitic image, subject-technological competence, I-concept, professional nature, speech and communicative behaviour, image competence and creative potential.

Key words: *professional image, modern teacher's professional image, future teacher's professional image, development of professional image, requirements to the professional image.*

Problem statement

Reconstruction and improvement of the pedagogical education system are caused by social and economic reality, which requires modern teachers to take into account fast upgrade of scientific knowledge and technologies, the rapid growth of the information, social and economic tendencies of the development of the country and the whole world; they are also caused by those significant changes that take place at comprehensive schools: adoption of new state educational standards, creating new curricula, syllabi, and correspondent educational and methodological support, the dissemination of computerization in the educational process. The future teachers should realize from the first year of their study that their professional success, career growth, and personal self-realization depend only upon their own efforts and professional competence.

V. Andrushchenko and I. Tabachek say that the teacher's social ideal is inextricably linked to the teacher's development of his/her own positive image that should be constantly improved. The scientists think it is a part of the professional competence and a significant indicator of individual teaching skills. Today's labour market and its instability result into the necessity of increasing the competitiveness of university graduates that will ensure a desire to work in a specialty, that they have got at the university and successful professional activities.

Analysis of recent research and publications. The scientific solution of the problem of improving teacher training was promoted by studying trends of the higher education development; reforming and upgrading education content in Ukraine and abroad (V. Andrushchenko, O. Abdullina, I. Ziazun, M. Yevtukh, N. Kuzmina, V. Kremen, N. Nychkalo, L. Pukhovska); trends of the system of university education (A. Aleksyuk, V. Saharda, O. Hluzman, L.

Koval and others); the organization of studies at pedagogical tertiary institutions (O. Antonova, A. Verbytskyi, S. Vitvytska, S. Honcharenko, O. Dubaseniuk, M. Yevtukh, V. Kozakov, N. Sydorchuk, O. Spirin and others); the concept of teaching skills (Ye. Barbina, I. Ziazun, I. Kryvonos, V. Slastonin and others); the theory of pedagogical interaction (I. Bekh, O. Bodalov, A. Boiko, V. Kazanska, V. Kan-Kalik, O. Leontiev and others).

More and more works on the issues connected to forming an image emerge in the pedagogical study because in pedagogical view the concept of image is closely intertwined with the issues of upbringing, teaching, forming a harmoniously developed personality, and personal and professional development. The works by Yu. Andrieieva, A. Biriukova, V. Zhebit, M. Yelahin, O. Yemelianova, N. Tarasenko, O. Pikuliova are devoted to studying the issue of forming the professional image.

Researches often analyse the essence, components of managers', businessmen's and politicians' professional image by providing guidance on its forming. The professional image of specialists in education field is studied by L. Inozemtseva, A. Kaliuzhnyi, O. Kamysheva, L. Kachalova, O. Kovalova, I. Razmolodchykova, M. Speranska-Skarha, N. Tarasenko, O. Tkachenko, V. Cherepanova, O. Shcherbakova and others.

Identifying previously unsolved parts of the general issue to which this article is dedicated. While acknowledging the studies of the problems of professional training we should note that in domestic pedagogical literature there are no systematic studies of theory and practice of forming modern teachers' professional image where theoretical and methodological approaches to the content of this training, pedagogical technology development, organizational and pedagogical forms and methods of teaching and upbringing are disclosed.

The purpose of the article is to determine the main requirements for modern teachers' professional image taking into account its structural elements.

The main material of the research. Image is a phenomenon of the twentieth century, but its history goes back to the remote past. The image can be considered as the source of information about a person's social status, his/her material condition, values and the degree of self-realization. The image of the profession is a combination of the person's own perceptions of himself/herself, self-perception as a representative of a certain social group through the prism of stereotypes of perceiving him/her by surrounding people.

The emergence of the concept "image" is preceded by psychological research the

subject of which was the image. Studying the different aspects of an image has a long tradition in psychology. The scientists who studied an image are B. Ananiev, P. Anokhin, G. Brunner, A. Zaporozhets, I. Kon, O. Leontiev, B. Lomov, J. Piaget, E. Titchener and others. For the first time, theoretical conception of the image was made by the Anglo-American representative of structuralism, Edward Titchener (1867 – 1927) who thought that images represented the elements of ideas and reflected experiences that were not related to the current moment, for example, those that occurred in our memory [4].

Nowadays we can observe the development of imagology as a new scientific and applied field of knowledge that forms at the interface of psychology, economics, sociology, philosophy, culturology, pedagogy, political studies and other sciences, that is proved by, on the one hand, increasing number of scientific and popular science publications on image issues, and, on the other hand, by introduction of the category "image" into conceptual framework of different sciences [10].

The problem of the teacher's individual and professional image has not been studied in pedagogy before. At the end of the XX century – at the beginning of the XXI century developing such a pedagogical direction as pedagogical imagology started. Works on psychology, sociology and pedagogy appeared in which the authors revealed theoretical and practical results of their research on development of image of teachers, teacher training institutions, educational system in the country, and heads of educational institutions. So the teacher's professional image turns to be a subject of foreign and native scientists' researches: M. Apraksina, M. Vardanian, A. Kaliuzhnyi, H. Kuzmina, H. Kodzhaspirova, T. Piskunova, V. Cherepanova and others. Recently the works, devoted to more specific aspects of forming pedagogues' professional image, have emerged, namely: a head of educational institution (S. Bolsun, O. Marmaza), a future philologist (M. Speranska-Skarga), a teacher at vocational educational institutions (M. Subocheva), a counselor (I. Nikolaiesku), a future Physical Education teacher

(N. Haiduk, L. Kovalchuk), a future university lecturer (V. Isachenko) [4].

A. Diesterweg claimed that the most important phenomenon at school, the most instructive subject for observing, and the most vivid example for students is a teacher. He/she is a personified method of teaching, it is the embodiment of the educational and upbringing principle. His/her personality gains respect, influence, force [7, c. 136–203].

Recipients of the teacher's image are students, colleagues, students' parents, school administration and other participants of the educational process. N. Antonova thinks that the natural self-disclosure of the individual teacher's personality plays the most important role in the process of an educator's positive professional image [2].

The teacher's professional image is an integral and holistic phenomenon. Moreover, each element of image structure is also multidimensional, composed of a number of components and represents a certain integrity.

The analysis of the professional image raises the question about its more or less important components. It's impossible to highlight the most necessary elements as an image is a holistic phenomenon and absence of any structural components can cause the destruction of a holistic image. But we can single out those elements that contribute to developing a positive image in a shorter time frame and more efficiently. If it concerns a teacher who works with the students in secondary and high school, in our opinion, it is the first impression about a teacher, the teacher's sincerity, his/her enthusiasm, and interest in his/her profession [4].

Let's consider each of these components in more detail.

The first impression emerges on the perception of the appearance, elocution, and visual contact. The first impression may be incorrect and this incorrectness depends on personal characteristics of an image recipient, as well as on characteristics of a person being evaluated on the first impression.

Researches show that view of a teacher begins to form at the first minutes of his/her acquaintance to a group, a class, and learning, the desire to study a subject, and making contacts with the teacher depend on

the teacher himself/herself [5]. At the first lesson students get an impression about the nature of relationship between a teacher and students, about his/her insistence, attention and honesty while assessing students' behaviour and sense of humour.

The American sociologist and psychologist Erving Hoffman wrote when a person meets the group of people at the first time, as a rule they try to get the following information about him/her: about his/her social and economic status, his/her "Self-concept", his/her attitude towards them, his/her competence, and reliability. There are practical reasons that make recipients of an image look for information: it helps to focus on the situation, giving an opportunity to know in advance what an image carrier expects from them and what they can expect from him/her [6].

L. Kaidalova's advice seems to be useful: while forming an image it's necessary to have more influence on people's subconscious than on their consciousness. The person's thought which emerges under the influence of the subconscious information is assessed as his/her own because the source of its emergency isn't obvious. The people usually trust themselves more than others, so they trust subconscious impression more than conscious [9]. Taking into account this mechanism of human perception, it's difficult to overestimate the importance of the first impression.

The first positive impression makes the following stages of human communication with people easier. It might be very difficult to overcome the negative first impression, to do this much effort is needed. There is no doubt that to reveal and understand the personality, one should see the person in all its main connections with reality, that is, in labor, cognition and communication. As the teacher's first acquaintance with children occurs at the secondary school age that can be complicated, the first impression can play a crucial role in establishing trust between a teacher and schoolchildren.

Carefully selected suit, neat hairstyle, good posture, confident walk, thought out position help to make the first positive impression. The teacher's appearance should be perfect, everything should be "to the extent". It is necessary to avoid any excesses

in appearance. The teacher should give every appearance of drawing children's and adults' attention to himself/herself. The children should learn a rule from the teacher: look smart means respecting people around. Greeting and the first phrases of conversation should be also carefully chosen and thought to ingratiate the children to himself/herself and present yourself in a positive light.

Building a relationship of trust with students, sincerity is a person's quality that students feel intuitively. Its absence can nullify all efforts to create a positive image. No technology means can ensure the sincerity, it will be felt when created professional image presents a person's inner world and corresponds to his/her nature. An image should not disagree with the instructions, the teacher's values that correspond to his character and views. D. James notices that an image should work for us, but not against: "It has to reflect our best qualities truly and be simple, sincere, not false and well-rehearsed ..." [8, c. 9].

Speaking about the enthusiasm and the teacher's interest in his/her profession, the undeniable fact is that only an interested teacher can cause children's sincere interest in his/her subject. Enthusiasm is sometimes compared with an illness: it infects others. When he teacher treats his/her job, each teaching activity, which he/she does together with students, with pleasure and love, such an attitude will pass to the children too.

Having analysed a large number of scientific views on professional image structure, we find it reasonable to develop such a structure that can be the most functioning and convenient to use from the standpoint of practice of developing future teacher's professional image at the pedagogical university.

In our opinion, the teacher's professional image includes some interrelated components: gabitic image, subject-technological competence, I-concept, professional nature, speech and communicative behaviour, image competence, creative potential.

We find it necessary to emphasize that the future teacher's professional image is a holistic system that is characterized by stable connections that exist between the components and can be considered as the

programme for a person's improvement in his/her professional work.

Outlined components are multidimensional formations that are divided into some constituents. Let's analyse them in detail.

The gabitic component of an image is defined ambiguously in the contemporary science. The concept "gabitus" (from Latin habitus – appearance) is widely used in medicine, psychology, sociology etc. In medicine and psychodiagnostics habitus has a diagnostic meaning. In psychological and sociological studies habitus can be considered as wider concept that means amount of external data about a person that include face expression, physique, posture, position, neatness, clothes, accessories and other features of appearance.

An image realizes in the process of self-presentation primarily through the visual channel of information perception, so the appearance has a great importance in developing the teacher's image, as generalization of the most diverse information realizes through the visual image. Moreover, the teacher works with teenagers and he/she should become a standard, their role model, but at the same time they can be quite critical of his/her appearance.

Development of the teacher's image for students as its recipients begins with the first meeting where the visual evaluation precedes other ones. That's why teacher's appearance is to be perfect. The teacher should integrate himself/herself to students and their parents through his/her appearance. Modern teachers have to respect people around him/her. In our opinion, the key criterion of the teacher's appearance correctness is to be a sense of measure that will enable us to combine reasonably the desire to look modern, taking into account fashion trends, his/her age, constitution, specifics of the professional activity and the situation.

The requirements for the gabitic component of the teacher's professional image, correspondence of the clothes to the situation (business style for theoretical classes, parent meetings, educational events, meetings of the pedagogical council, etc., the use of special clothing for practical classes, the use of means of protecting eyes, hands, etc.); the culture of appearance (presdieth,

cleanliness, proper use of accessories, restraint in the use of makeup, manicure), cleanliness of hairstyle, its correspondence to the safety requirements, the use of protective headgear; the attractiveness of the teacher's appearance from the point of students' view (age correspondance, as well as contemporary style trends, elegance, style); culture of movements – walk, posture, gestures, face expressions, pantomimetics.

Subject-technological competence, in our mind, includes mastering theoretical knowledge in a certain field of practical activity; motivation for doing a certain activity, deep and continuing interest in it, the desire to involve students in it, having an experience in the appropriate activity and its results in which teaching skills are embodied.

The modern teacher should have the developed positive **I-concept** that correspond to the future professional activity. The psychologists note positive I-concept is characterized by three factors: a strong belief in that you appeal to other people, confidence in ability to do a certain type of activity and feeling of self-importance.

Within the humanistic frameworks in foreign psychology triple model "I-concepts", developed by R. Berns, is the closest to our scientific beliefs. He defined "I-concept" as a number of an individual's perceptions of himself/herself, combined with their assessment. Descriptive part of "I-concept" is often called an "I" image or "I" picture. The component that includes an attitude to himself/herself or to the certain qualities is called self-esteem or self-acceptance. "I-concept" defines not only what an individual is, but also what he/she thinks about himself/herself, how he/she estimate the activity and opportunities to develop in the future [3, c. 30]. People do a lot to correspond to the society structure successfully. A person learns the estimated content of various characteristics presented in his "I-concept". And learning new facts estimates can change values assimilated earlier.

For the convenience of theoretical analysis R. Berns structured the "I-concept" and divided it into cognitive, affective and behavioral components. He considered "I-concept" to be a number of attitudes aimed at himself/herself, which was specified by him:

"I" image – an individual's understanding of him/herself; self-esteem – an effective estimation of this understanding that can be of different intensities as specific features of "I" image can cause more or less strong emotions associated with their acceptance or condemnation; potential behavioral reaction, that means those concrete actions that can be caused by "I" image and self-esteem [3, c. 32].

There is no doubt about R. Burns's statement that the positive "I-concept" can be compared to a positive attitude toward him/herself, self-worth, self-acceptance, and self-esteem; the synonyms of the negative "I-concept" are the negative attitude towards him/herself, a rejecting him/herself, a feeling of inferiority.

The teacher's **professional character** includes a strong motivation for teaching activity, an interest in teaching activities, a tendency to teaching activity, understanding and acceptance of his/her teaching mission.

Learning new skills in communicative and speech behaviour, as well as non-verbal communication is of particular importance. Nonverbal signals, as a rule, are not controlled by consciousness, and therefore they manifest the person's subconscious instincts, and the degree of trust in the teacher and the information that he/she carries is based on these data.

The requirements for the modern teacher's speech behaviour are literacy, adherence of all language norms: pronunciation, stress, the word use, the use of linguistic means that provide attention and interest, realize such important communicative qualities as expressiveness and emotionality, observance of socio-ethical linguistic norms, clear diction, pleasant tone of voice, the use of intonational means of communication, pauses, changes of the pace in speech to focus students on critical points, logical structuring of expression.

The requirements for the modern teacher's **communicative behaviour** are democratic style of the communication with students, flexibility in communication, teaching tact, observance of ethical norms of interpersonal interaction of teaching staff and children's group, in communicating with children's parents, adherence to standards of

etiquette and relationships of teaching staff and children's group, ability to cooperate.

We think **image competence** consists of the following elements: the content one (theoretical knowledge about the essence of the professional image, its functions, types, structure and tools for development), the reflexive one (mastering methods of self-knowledge, self-observation, self-estimation, self-education, self-development etc.), and the activity one (implementation of the received knowledge into practice, experience in creating his/her own professional image).

The teacher's activity is impossible without using creative approaches, so we think that it is very important to have the creative potential, creative abilities, the need for creative self-realization, the use of teaching technologies that promote the identification and development of children's creative abilities; creating favorable atmosphere in classes, encouraging students to use creative approaches to making work products at lessons [4].

Conclusion

In the conclusion, we note that the teacher's professional image is a complicated holistic formation that has several components, which can be combined in the following groups: elements of appearance, personal qualities, social characteristics, and professional competence. Awareness of the professional image structure and the requirements to its components can make the process of its development manageable and purposeful.

The teacher should be a remarkable and bright personality who shows sincere interest in everything he/she does, primarily in his/her subject that causes a strong motivation for children to study. The core of the teacher's positive image is his/her self-realization as a person and as a specialist. Only if the need for self-realization is met, a person feels him/herself a self-sufficient person, that makes him/her more confident and in his/her actions, and, as a result, – more influential on the consciousness of the people around.

The prospects for further research are in the field of revealing features of developing the professional image of specialists of different specializations, highlighting common and specific regularities.

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Analysis the peculiarities of the project approach application in innovative development management of socio-economic self-organized systems

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Abstract. The issue of increasing of project-oriented structures and organizations competitiveness through the use of management strategies of innovative development is the focus of this article. The primary types of innovations with the purpose of defining the development features and realization of various innovative projects are analysed. The emphasis on the positive influence of internal innovations on management processes is made and the main components of innovation activity are reviewed. The components, involved of the system of institutional forms of strategic management of innovative development of project-oriented structures and organizations is defined and the need for full interconnection of their strategic capabilities with the involvement of their internal potential and unused reserves, are established.

Key words: *innovative development, project-oriented organization, structure, strategy, project team, intellectual capital, internal innovations.*

Problem statement

Solving large-scale tasks of modernizing the national economy requires intensification of efforts at all levels of public administration and the broad involvement of other stakeholders in the planning and implementation of developmental projects. At the same time, it occurs at the regional level that a significant number of problems are associated with existing imbalances in the economy and the social sphere. Under such conditions, there is a need for the establishment of regional structures responsible for both the formulation of a development strategy and its implementation in specific projects.

The project is designed for the innovations implementations that solve the problems of a particular socio-economic system. But the results have consequences on other systems and also affect the interests of other systems, which are collectively determined by the project stakeholders. Therefore, it is very important that the benefits that are gained from it have been harmonized with the interests of all interested parties. Innovations cannot be implemented without taking into account the uniqueness and exclusiveness of the innovations. To do this, you need to implement a specific activity that requires a special coordination of interconnected events, which, in turn, are carried out under unique conditions [3, p. 48].

The need to transform the Ukrainian economy from resource-oriented to innovative-oriented is understood today at the highest level of the national economy management. This manifests itself not only in the form of political declarations and rigorous discussions, but in certain, not always consistent and often unjustified decisions. The state spends a lot of money on the development of high technology and the creation of large innovative clusters. There is a need for all types of solutions. It should be mentioned that their effectiveness would be much greater if these decisions were based on scientific research of the regularities and institutional forms which manage the innovation activities. Up until now, the theory and best practice of strategic management of innovation has accumulated enough arguments in favour of the fact that the technological and industrial components used in innovation development are far from the most critical. The real transformation of the Ukrainian economy into innovation is impossible without increasing the innovation of public institutions and society as a whole. Without increasing innovativeness, institutional forms of economic and social life created innovative clusters which would be at best good investments in real estate and create innovative technologies which could be commercialized outside the Ukrainian economy.

Review of the pertinent research and publications. A significant contribution to the knowledge of project management is contained in studies of international financial organizations (The World Bank, European Bank for Reconstruction and Development), specialized professional organizations bringing together experts on this issue (International Project Management Association, professional national associations for project management of various countries, etc.). The greatest interest is represented by the works of S. Bushuiev, C. Bredillet, D. Gerd, S. Dziuba, P. Zablin, V. Kalyuzhnyi, I. Mazur, P. Martin, O. Medvedeva, N. Olderooge, O. Rossoshanska, G. Tarasyuk, K. Tate, A. Tovba, G. Tsines, V. Shapira and others. In most of the project management papers, this issue is studied and researched in the aspect of managing business projects in the business area, solving certain business tasks. The use of the project approach in public administration and local government offices has been proposed by a number of authors, among which worth mentioning works by T. Bezverkhniuk, N. Bushuieva, V. Morozov, V. Polyshashva, V. Racha, A. Rybak, Y. Teslia, O. Fedorchak, Y. Sharov and others. However, increasing innovativeness of the Ukrainian economy requires an increase in the society innovativeness as a whole, and requires the development of new innovative institutional forms of the management of socio-economic self-organized systems.

The purpose of the research is to analyse the peculiarities of the project approach application in the management of the socio-economic self-organized systems

innovative development on the basis of methods and tools of the project management methodology and the provision of relevant scientific and practical recommendations.

Results. The interconnectedness of technological and economic innovations with innovations in the socio-institutional sphere is now recognized by theoreticians as the innovative development of socio-economic systems. Detected N. Kondratiev, following J. Schumpeter, long waves of economic development reasonably associated with no monotonic development of innovations in socio-economic systems. Long economic waves are accompanied by a change in the technological paradigm of society, since investments in technology of one paradigm for a specific time; restrain the penetration of new technologies into the socio-economic system. At the same time, an important role is played by the socio-political institutional structures, which maintain the existing structure in the form of the dominant political elites, systems of social interaction, stratification of society, etc. But the most complete link between socio-political institutions and innovative development, were found in the work of C. Perez, who drew attention not to the periods of change, usually accompanied by crises, but by periods of relatively stable and monotonous economic development. C. Perez, and followed by C. Freeman and other scholars, arrived at the conclusion that the roots of economic crises and the unevenness of innovative development lies in precisely in relatively affluent economic periods. In these periods, emerging socio-political institutions are

«frozen» in forms that are adequate to the initial stages of a long economic cycle, but later they stop their development and restrain the penetration of innovations into society. Consequently, the effectiveness of innovative development is determined by the effectiveness of institutional forms, in which management is carried out both directly by economic processes, as well as social and political processes that actively influence the economy.

In spite of many obstacles, the crisis is an opportunity for development of production, innovative technologies, the opportunity to strengthen positions at the expense of mergers and acquisitions, and the use of sharply depreciated assets and labour. It is then possible to overcome the global financial crisis using modern innovative management methods. One of these methods is project management, which has proven itself well in many areas of activities and industries in various countries. However, in order to increase the innovativeness of the Ukrainian economic development, it is necessary to increase the innovativeness of the society as a whole. In order to do that, it is necessary to develop new innovative institutional forms of management of project-oriented structures and organizations that have economic, social and political significance.

The strategic management of innovative development is the dominant activity of project-oriented organizations. Activities of project-oriented organizations can be viewed in the context of the business processes regarding the primary activity and also the processes of development (innovation projects and programs) [5, p. 156].

In the classical definition, the project has distinctive features such as: uniqueness, temporality, resource constraints, and uncertainty. The project is a long process, and the introduction of these procedures and the effectiveness of the project, to a large extent, depends on the quality of the project management process at all stages. These include: initialization of the project (definition of the concept), planning and development, implementation, achieving results and outcomes. Project management is considered as a management process regarding the implementation of a specific project at all

stages. These consist of a set of mechanisms, actions, means and tools.

Project management is a synthetic type of activity and uses knowledge gleaned from other fields. Among them there are three branches of scientific knowledge [3, p. 49]:

- managerial knowledge relating to planning, organization, control, statistics, logistics, forecasting;

- applied knowledge that describes the applied area of the project; this knowledge of the applied areas should reflect unique or unusual aspects of the project environment, as well as general practical results, which will improve the effectiveness of the project;

- methodology of effective project management, which consists of a complex set of unique mechanisms, actions, means and tools.

The centralized organizational structure, designed to improve the methods and results of project management, allows one to make the most efficient use of the company's resources and the accumulated experience is called the "project management office". The responsibility regarding the correct orientation of the project management office for managing the development environment of an innovative multi-project, implies the existence of balanced feedback between the project management office and the strategic units that are important for the organization. A functional-matrix, combined with the project-organizational structures involved in managing the project portfolios and other departments that are included into project management office, constantly interact with the strategic services of project-oriented organizations, which allow for the possibility of timely adjustments of the organization strategy and other priorities in the various projects.

The basic concept of the work involving the project management office creates the following foundation principles [5, p. 156]:

- projects and portfolios must be developed in accordance with the organization's strategy;

- the participation of functional units in the development of the project's implementation should be coordinated in accordance with the organization's strategy;

- projects and portfolios implementation should be accompanied by the presence of

constantly operating immediate feedback from project managers and program managers, and, respectively, the heads of the functional units, with the management of the organization that controls the strategic compliance.

The purpose of developing this direction is to optimize the flow of information between the objects of the project-oriented organization through the improvement of business processes, and the development of a flexible unified project management office adapted to various organizational structures of projects, which would further promote the strategic innovative development at a higher level.

However, the practical results of this activity are not yet visible. The results of the projects are significantly different from their goals, because scheduled timing and budget are violated. The main reason for this problem lies in the very definition of a project – a temporary endeavour undertaken to create unique products, services or results. In other words, the main difference between the project and the organization is, according to the founders of the project management methodology, that the project is limited in time, and the organization is not. Therefore, the management of the organization is interested not so much in the successful implementation of a project, but in the successful achievement of its strategic goals, which do not always coincide with the objectives of the projects. This inevitably leads to a conflict of interest between the project management office and the management of the enterprise.

Innovative projects both modify and transform scientific and technological achievements. For this to be accomplished, it is necessary to apply creative approaches and taking activities into account alternative solutions. The development of innovation projects is a complex multifactorial task that can only be solved with the integrated approach of the innovation team of researchers and designers of different levels of specialization in the specialty [2, p. 65].

In order to determine the peculiarities of the development and implementation of various innovative projects, the primary types of innovations are identified and analysed. It is fundamentally important that different

types of innovations require specific approaches to the management of innovative projects, the corresponding structures of innovation activity, its methods and styles.

As the main criteria for distinguishing types of innovations, it is necessary to note the following [7, p. 106]:

- economic industries and sphere of activity in which innovation is created and implemented;
- degree of novelty, radicality of innovation;
- character of practical activity in which innovation is used;
- technological parameters of innovation.

First, innovations are allocated in various industries, agriculture, different areas in social spheres, culture, and education.

The objects of intellectual property can be used by enterprises and organizations in order to generate income. They are included in intangible assets. Thus, innovation management is an integral part of a project that needs to be thoroughly considered. In the presence of internal innovations, the project contains what was previously not performed. At the same time, internal innovations have a positive effect on the main management processes that occur in virtually every project [4, p. 4]:

- change management processes – identification, adjustment, approval and acceptance to perform of corrective actions and coordination of changes throughout the project;
- resource management processes – making changes in the composition and designation of resources for project work;
- objectives management process – making adjustments to the objectives of the project by the results of analysis processes;
- quality management processes – development of measures to eliminate the reasons for unsatisfactory performances.

The result of the innovation activities is confidential knowledge, involving experience and skills that include information regarding a technical, economic, administrative, financial and other aspect that were validated during the projects.

In recent years, new approaches have emerged in project management: multi-

project management, and program and portfolio management. Contradictions between the needs of individual projects and the portfolio of projects can cause misunderstandings in the company's work. As a rule, something similar occurs if top management does not pay enough attention to the formation of the general views regarding the goals of the company, the division of priorities between projects and the delivery of strategic initiatives to all managers and performers. Each organization operates on the basis of its own business theory, in other words, on the basis of a number of ideas about what its business is, what its goals are, and how the results are determined, who are its consumers, and what these consumers value and pay for [8, p. 252]. Their individual strategy is a way to implement their individual theory of business and put it into practice. By defining its main strategic goals, the organization thus forms its own-dimensional target space, in which the current values of the strategic indicators of the organization correspond to its state in any given space.

Modernity puts forward fundamentally new requirements to the intellectualization of the process of management activities, the quality and effectiveness of which depends, first of all, on the intellectual support and professionalism of the members of the project team. Improvement of the system of motivation and promotion of human resources, team building, corporate values, effective use of the intellectual potential of the project team members involved in project-oriented organizations, should become the main task of managers in the process of managing and innovating activities [6, p. 73].

The success of project implementation depends on many factors among which are the qualification and competence of the team. In addition, the project manager plays an important role in the conditions of a post-industrial society. Managing innovations in these projects requires up-to-date knowledge, and skills of the project managers. Failure to take into account this aspect, leads to failure of the project, or to a significant reduction of the effectiveness of creating value when using the unique properties of the obtained product [1]. Therefore, the project team is the most flexible element of the internal environment of a project-oriented organization. Innovative

activities contribute to the commercialization of knowledge and are based on the effective use of intellectual potential.

One of the decisive priorities for successful state development is the creation of conditions and mechanisms for the effective transformation of the intellectual potential of the people into intellectual capital. This tendency can be traced not only to the macro level, but also to the level of the individual organization. The main driving force behind the economic development of a design-oriented organization nowadays is intellectual resources, which is confirmed by global tendencies [6, p. 74]:

- an intellectual product is the most important part of national public wealth;
- economic activities are increasingly turning into a process of continuous intellectual innovations;
- competitiveness of business entities, the survival of entire industries directly depends on the ability to perceive and produce an intellectual product;
- the phenomenon of intellectual property acquires special significance in overcoming the crisis and recreating the economy.

The commercial effectiveness of innovation is a derivative of three components: long-term innovation; sustainable development which is provided by economic stability and the self-sufficiency of the organization; and lastly the ethical attitude of managers and employees.

In terms of novelty, radicalism, basic and improving innovations are allocated. By the nature of the practical activities in which the innovations are used, industrial and managerial innovations are distinguished as the main types. Through the main technological parameters, product and process innovations are distinguished.

It is important to note that the implementation of these basic innovations has a significant stimulating effect on the creation of conglomerates and the associations of within these organizations. The dynamics of basic and improving innovations in the organization essentially depends on the place occupied by this organization in the structure of the industry, and its role within it. Technological leaders in the industry or large

organizations in their activities tend to focus on improving innovation. Small organizations or industry outsiders often seek to create radically new products and technologies, that is, to make radical innovations. Thus, large classical universities often focus on improving educational innovation, while small, new educational institutions frequently initiate radical educational innovations.

Industrial innovations are embodied in new products, services and technologies in the production process. Managerial innovation is knowledge that was recently developed and that is embodied in new managerial technologies, in new administrative processes and within the organizational structures.

Industrial innovation in the field of education can be both product and process innovation, while managerial educational innovations are predominantly process innovation.

In studying the dynamics of product and process innovation, two models are used [7, p. 107]:

- the lag model – an approach in which product and process innovations are seen as cyclically influencing each other;
- synchronous model – an approach that involves the simultaneous implementation of both product and relevant process innovations.

In the first approach, two models are considered: the product cycle model and the reverse product cycle model.

According to the product cycle model, the first two phases of the development of the new products class are periods of radical change, when the main product innovation are introduced in the first stage, and during the second, the main process innovations. These phases change through a period of incremental changes, when less significant innovations are introduced at a moderate pace.

Business practices increasingly require the consideration of intellectual and human resources during innovative activities. Development of internal innovations in these conditions becomes one of the main factors of the efficiency of the project-oriented organization, as it allows moving to modern technologies. The process of managing internal innovations becomes an important

factor in the wealth creation and provides competitive advantages, and therefore, is of strategic importance.

In order to effectively manage innovative activities within the framework of new institutional forms, it is necessary to adapt the methodology of project management. The rationale for this proposal begins with the identification of the peculiarities of the innovative development of design-oriented organizations, the differences from the traditional forms and tools of ordinary management of economic and socio-political activities. The management of established institutions always tends to use models based on rational choice, risk reduction, sustainable development, and optimization under the existing equilibrium. All these models, if viewed in the general theoretical management perspective, relate to the traditional functional and process management, which was formed in the framework of the paradigm of stable organizations as the main actors. This managerial approach is inherently conservative, aimed at maintaining the current state of affairs, or on a progressive development within a predetermined trajectory.

The strategy of managing the innovative development of project-oriented organizations primarily relates to the project management, the management of the activities of transferring the system from one state to another within the strictly limited terms, objectives, budgets and results of the initiative, rather than within the overall progressive process.

Effective strategic management of innovative development of project-oriented structures and organizations is carried out within the framework of a general system based on transferring the theory and practice of managing technological innovations into the practice of managing complex economic, social and political innovations that are developed and implemented by independent entrepreneurship networks. This system involves the creation and operation of project-oriented centres for innovative social and politically active entrepreneurship, in a sense analogue of technology parks and business incubators, instead working in the wider and more mobile institutional space of the national economy.

The variability of the results of the operation of innovative projects, taking into account technological and other processes of production, depends on a large number of factors, but the key ones should be mentioned such as, – the features of the infrastructure, and the type and condition of all components of the project – from technology to employee qualifications. In addition to this, for each chain of a separate operation there is an individualized set of features based on which are possible to predict various deviations and actions for innovative corrections.

Within the framework of the strategy of innovative development of design-oriented organizations, it is suggested to distinguish four main blocks of activities: – intellectual and analytical providing; – interaction of stakeholders and formation of social

networks; – project management; – socio-political entrepreneurship projects.

In order to increase the efficiency of the strategy of management of innovative development of project-oriented structures and organizations, the factors regarding the success of innovative social and politically activities entrepreneurship are revealed:

1. Readiness to self-correcting.
2. The ability to share success.
3. Readiness to confront the resistance of stable institutional structures.
4. Ability to apply an interdisciplinary approach.
5. Readiness for inconceivable difficult work.
6. The presence of strong ethical incentives regarding activities.

Conclusion

Proceeding from the above, the theoretical generalization and proposed solution of the scientific problem, consisting in the analysis of the peculiarities of the project approach application in the management of socio-economic self-organized systems innovative development on the basis of methods and tools of the project management methodology and the provision of relevant scientific and applied recommendations. The research results obtained during the investigation allowed for formulation of the following theoretical positions, conclusions and recommendations:

- substantiated the mechanism for achieving the main strategic task of managing the projects and programs of the organization through the establishment of a balance in the system goals of the organization, development program, project portfolios, individual projects, teams of managers and individual managers, by analysing the causal relationships between parts of the company as a separate system, and through the prism of the factors of the proactive management methodology;
- the components of the system of institutional forms of strategic management of innovative development of project-oriented structures and organizations were characterised, and they should include: methodology of project management; functional model of the project-oriented center of innovative entrepreneurship; factors leading to the success of innovative social and politically significant projects;
- the main blocks of activity are allocated within the framework of the strategy of innovative development of project-oriented organizations was outlined;
- factors of the success of innovative social and politically active entrepreneurship was systematised.

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The synthesis of scientific results researches of public administration mechanisms of the outstripping development in the economy of Ukraine



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Abstract. This article summarizes the results of previous works analysis on the directions of scientific research on the mechanisms of public management of the outstripping development in the Ukrainian economy.

Key words: *Public administration mechanisms, outstripping development, economy of Ukraine, the outstripping development in the economy of Ukraine.*

Problem statement

The analysis of scientific research on the mechanisms of public administration of the outstripping development of the Ukrainian economy shows a large number of works devoted to the foreign policy of the state, oriented firstly to foreign economic activity in the context of Ukraine's integration into the world economic space under conditions of innovative development, secondly to domestic policy state on the outstripping development of the Ukrainian economy, namely: investment potential in Ukraine, public-private partnership, and innovation economy of Ukraine, economic stability, co-evolution of economy and education as a social institution, the economic basis of local self-government in Ukraine on the basis of a decentralized model of governance, social and economic (development) depressed areas, the welfare of the population of Ukraine.

Analysis of recent research and publications. This article presents the author's vision of the results of the preliminary analysis in the areas of scientific research on the mechanisms of public management of the outstripping development in the Ukrainian economy.

Setting goals and objectives. The purpose of the article is to synthesize the results of analysis in the areas of scientific research on the mechanisms of public management of the outstripping development in the Ukrainian economy.

Presenting the main material. In the field of science "Public Administration" over the past five years, the main areas of research for researchers are the analysis and

improvement of public administration mechanisms that are oriented towards:

- the development of the transport system in Ukraine (the international transport consortium of the multi-level holding is offered in order to attract foreign investments, management of the transit potential of Ukraine, taking into account the world's and European integration of the country, the priority directions of implementation of transit potential are determined);

- the development of industry: food, light (by creating a competitive internal market through the construction of scientific and industrial clusters with a view to leaving the world's foreign markets);

- the development of agrarian entrepreneurship (on the basis of the

interaction of agrarian entrepreneurs at the national level, the integration of agribusiness entities in the conditions of economic clustering, which includes programs for the integration of agrarian entrepreneurship, agrarian tourism, etc., as well as state support for innovation in the agroindustrial complex, which envisages an assessment of the regional resource, the potential and mechanism of pricing, the financial and credit mechanism, the mechanism of cooperation and integration in the agro-industrial complex. A separate direction of the development in agrarian business is the grain market in Ukraine by introducing a state agent for the export and import of grain, processing products to the market for the purpose of creating a pricing policy for the regulation of prices on the domestic market and towards the integration into the world markets);

- the development of the banking sector (in the conditions of globalization involves the interaction of economic agents, the state institution and society; the anti-crisis aspect of the banking system is based on multidirectional development with a focus on anti-crisis measures, implementation of automation tools, measures to prevent corruption among the staff of the National Bank of Ukraine, as well as the innovative development of the banking services institute (on the principles of syndical lending and public-private partnership, free movement of capital, Maastricht criteria and cooperation of central banks, which gives impetus to the eurointegration of the banking sector of Ukraine));

- the development of the stock market (in the conditions of modernization in the national economy and eurointegration implies a new depository system in Ukraine with new powers and functions of the National Bank of Ukraine, as well as a European model, where the banking system takes the main place in the redistribution of financial flows in the country. Deafshoring is considered as Instrument of the economic mechanism of public administration for the development of the stock market and assists the business and capitalization of the stock market);

- the development of the securities market (on the principles of the integration approach, a state mechanism of coordination relations and subordination between subjects

of the state financial development policy is proposed);

- the development of small and medium-sized businesses (the model of the state-business system is proposed), which creates a coordination council on entrepreneurship development in Ukraine in order to lobby for the interests of small and medium enterprises and interact with state authorities, state support to small and medium enterprises. It is also proposed to build a network of business incubators on the basis of universities for the purpose of employment of students, the construction of a regional center for supporting the development of small entrepreneurship to support and develop small business in Ukraine;

- the development of the energy sector (proposed to reform the energy sector as a natural monopoly based on the developed alternative energy programs, Also considered the state energy saving mechanisms that represent the interests coordination of state, regional, local authorities, energy supplying and energy consuming enterprises and organizations);

- the development of the market for petroleum products (the proposed transition from reactive to the preventive policy of the state in relation to the market development policy in Ukraine, the new model of the market in Ukraine, provides for a close relationship between production, import, export and consumption of petroleum products, Also, the mechanism of a flexible strategic energy reserve, as a combination of stocks of various types of fuel and energy and taking into account the structure of energy consumption and seasonal loads, is proposed);

- the development of ferrous metallurgy (implementation of the ecological priorities in the system of public administration, increase of other branches growth level in the economy due to the development of the steel industry, provides sustainable development of the national economy);

- the development of the coal mining industry (the innovative development of the industry with the participation of venture financing is offered, the renewal of fixed assets of the extractive enterprises is offered on the basis of a new modernization methodology taking into account the

experience of the leading countries in the world and innovation and investment state support);

- the development of the mining and metallurgical complex (the proposed increase in the competitiveness and export of domestic metal products on the basis of mini- millil technologies, and also offered initial public offerings for attracting investments in the mining and smelting complex of Ukraine and the accession of Ukraine to the Kyoto Protocol);

- the development of the shipbuilding complex (in the context of the restructuring in the Ukrainian economy, introduction of the state-owned holding companies and other types of integrated corporate structures into the shipbuilding complex is considered in order to regulate structural shifts in the shipbuilding complex of the national economy);

- the development of the tourism sector (priority tourism destinations in mountainous regions of Ukraine, mechanisms of state support for the development of the tourism industry on the basis of public-private partnership for building a developed tourist infrastructure);

- the development of the construction sector (in the context of the economic crisis and the development of free competition in the construction market on the principles of public-private partnership, an anti-crisis mechanism for stimulating the investment activity of the construction complex as an organizational and economic mechanism of public administration with the aim of supporting business activity is proposed).

Thus, research in the field of science "Public Administration" over the last five years for Ukraine has identified the priority directions of economic development, that is, the outstripping of economic development:

- 1) the agrarian sector of the economy - the productivity of the agrarian sector of the economy is a source of economic growth. Realization of the state's investment policy in the agrarian sector of the economy enables to ensure domestic demand for quality agricultural products and increase the competitiveness of agrarian products in world markets. The mechanisms of state regulation of the sustainable development in the food market in Ukraine are also proposed on the

basis of the concept of a state policy of sustainable development;

- 2) the banking sector, stock market and securities market - in the context of globalization, the development of a multi-vector banking sector involves the interaction of economic agents, state and society institutions, the introduction of automation tools, measures to prevent corruption and the innovative development of the banking services institution. The development of the stock market implies modernization of the national economy, a new depository system in Ukraine as well as a European model, where the banking system occupies the main place in the redistribution of financial flows in the country.

In view of the foreign policy direction of the state regarding the outstripping development of the Ukrainian economy, the great attention of researchers from the public administration is paid to aspects of foreign economic activity of Ukraine in the conditions of European integration and integration into the world economic space:

- the foreign trade activity in Ukraine (concerning development of export-import policy of the state taking into account separate groups of goods in priority directions);

- the foreign economic policy of Ukraine (definition of priority commodity markets, support by the state of priority enterprises with the help of the motivational mechanism of state program-targeted financing);

- the foreign economic strategy of the state as a means of ensuring the competitiveness of the national economy (in the form of comprehensive strategies for the development of national production, as well as regulation of foreign economic relations on the basis of competitive advantages with the definition of state priorities);

- the foreign economic activity in the conditions of Ukraine's integration into the world economic space (on the principles of balanced system of state and sectoral program-target management, sectoral priorities of the production and economic subsystem of the foreign economic complex of the state, as well as export regulation);

- the foreign economic activity of Ukraine in conditions of innovative development (it provides on the basis of functional

interconnections, using existing and taking into account potential resources and attracting the necessary resources to Ukraine, realization of foreign economic activity, introduction of cluster innovation development of foreign economic activity on the principles of coordinated interest of cluster participants).

From the point of view of the internal political course of the state on the outstripping development of the Ukrainian economy, a large number of studies from state administration are devoted to development of:

- the investment potential in Ukraine (taking into account the interests of the investor, as a priority orientation of the governing bodies of a certain territory and the introduction of investment state policy through the state insurance system, public control, implementation of crowdsourcing technology, technological modernization of the national economy);

- the public-private partnership (through cluster interaction of business entities with state authorities);

- the innovative economy of Ukraine (on the basis of public consensus between the state, the private sector, educational and scientific organizations, the public);

- the economic stability of Ukraine (as an integrated system that interacts with the subsystems of public administration in the conditions of globalization of a market economy with mechanisms of self-regulation and prevention of threats to the economic stability of the state);

- the coevolution of the economy and education as social institutions (which presupposes the prevalence of the goals of technological development in the national economy through the introduction of an activity-competence approach for the

implementation of the policy of integrating education and science of Ukraine in the system of innovative economy involving innovative programs and projects, integrating business potential and scientific and educational potential in Ukraine);

- the local governments under decentralization in Ukraine (from the perspective of the economic basis of local government in Ukraine by strengthening resource support local government. In a decentralized management model is necessary to create a resource self-sufficiency of local budgets and reducing the tax burden for the modernization of production, stimulate entrepreneurship, agriculture, as well as favorable conditions for public-private partnerships in the form of concessions, such as BOOT and BOO projects three parties: the state, representatives of Ukrainian and foreign business entities. For the development of territories and local communities proposed methodology for local policy using the concept of «New Public Service»);

- the socio-economic development of depressed territories (proposed application of the algorithm for forecasting and scenarios governing the socio-economic development of depressed territories based on the laws of uneven socio-economic development of individual regions);

- the ensuring the welfare of the population of Ukraine (the impact of global economic relations on the country's internal economic policy implies implementation of the model of economic relations, integration of Ukraine and the elimination of the consequences of the global financial crisis).

Conclusion

The results of research on the mechanisms of public management of the outstripping development in the Ukrainian economy for the past five years in Ukraine with regard to foreign policy priority is the foreign trade in the integration of Ukraine into the world economy in terms of innovation. The internal policy of the state regarding of the outstripping development in the Ukrainian economy is oriented towards development: the investment potential in Ukraine, public-private partnership, innovative economy of Ukraine, economic stability, co-evolution of economy and education as social institutions, economic basis of local self-government in Ukraine on the basis of a decentralized management model, socially-economic development of depressed territories, provision of welfare of the population of Ukraine.

The approach to the disclosure of the self-ordering phenomenon in public administration

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Abstract. The article generalizes the development directions of self-ordering mechanisms in the processes of public administration. These areas included: the implementation of the model selection and the evaluation characteristics system in the public administration system; consideration of the widespread self-ordering mechanisms in the processes of public administration (strategic planning, state policy, program-target management, state regulation, state control, sustainable development); determination of their role and place in overcoming the target, functional, structural and evolutionary disorganization; highlighting the main problematic issues of their application.

Key words: *governance, mechanisms, trends, processes, development, self-ordering.*

Problem statement

The application of the synergetic approach in the public administration processes has placed on the agenda issues of research not only on their self-organization, but also on such phenomena as self-ordering. This article attempts to highlight this issue in the context of a generalized review of the relevant mechanisms development.

Analysis of recent publications on issues. Various aspects of the application of the synergetic approach in the studies of public administration were considered in the works of V. Bakumenko, R. Voitovich, V. Martynenko, I. Oliychenko, M. Orel, A. Puhkal, N. Khokhlova, O. Chervyakova, I. Cherbennyak, S. Sturgetsy and others [1-9].

The purpose of the article. The purpose of this article is to review the approach to the phenomenon of self-ordering disclosure in public administration.

The statement of basic materials. The paper summarizes the results of research on the author of self-ordering mechanisms in public administration.

Self-ordering phenomenon exposed in public administration as the development of mechanisms for self-ordering its structures and processes. The research is based on a synergistic approach. It is found out that from the content components of the synergetic approach most often refers to the self-organization of systems and processes. At the same time, another self-ordering processes are rarely considered as an important component of self factor.

The content of self-ordering mechanisms in the public administration system integrates the content of all the terms specified in the topic title. Thus, under the "development of mechanisms for self-ordering

in public administration" implied decimal actions or processes, resulting in them becoming new qualitative state of practical tools influence of public authorities through which they are able to systematically implement their inherent properties through its internal factors provide ordering the system of society and processes in it in space and in time, aimed at creating better conditions for the fulfillment of state functions.

It is shown that a generalized system of public administration is a complex system of multilevel government bodies. It was established that one of the priority tasks of ordering the system of public administration is to bring its structure into line with the functional field determined by the social needs and needs of the subject in public administration on the selected time period, and establishing a clear subordination (subject-object) and coordination (subject-subject) interaction. In the system of public administration, numerous entities of subject and object-object interaction models are constantly being implemented. For Ukraine, they are regulated by the current legislation. Typical of them are highlighted in the paper and analyzed. The basic actions in processes of such interaction are determined. It is revealed that self-ordering should be regarded as a continuous process of change, that is development. And this should be done both for structures and processes in the system of public administration. The first is connected with the formation of organizational structures and relations, as well as their institutionalization, and the second - with the functioning and development.

To analyze the state of the development of self-ordering mechanisms in the structures and processes of public administration, as well as to justify the choice of the research topic, the analysis of the national scientific heritage of public administration is carried out. Due to the large amount of material, the analysis was limited to the period 2012 - 2016. Out of a total of 776 dissertations (129 doctoral and 647 candidate dissertations), the 553 dissertation: 92 doctoral and 461 candidate dissertations, were defended from the directions of development of self-ordering mechanisms in structures and processes. The share of research in the national branch of

science "Public Administration", devoted to the mechanisms of self-ordering in the system of public administration, amounted to 71.3%, incl. 71.32% of doctoral and 71.25% of candidate's theses. The field of defense of dissertations covering all protected dissertations and formed from eight directions of development of mechanisms of self-ordering in structures and from eight directions of development of self-ordering mechanisms in public administration processes is allocated. It should be noted that in 2016 the number of defenses in general and the development of mechanisms for self-ordering decreased significantly, which, in our opinion, was caused, first of all, by significant changes in the order of defense of dissertations and the transformation of the scientific branch "Public Administration. At the same time, such situation does not allow us to fully rely on the results of the analysis to assess the relevance of the defender's theses directions and requires additional analysis involving experts from the public administration system.

The basis of the analysis is the idea that the comparison of the number of defenders of theses in separate areas in a certain period can be considered as a qualitative criterion for their relevance. Among the areas of development self-ordering mechanisms in public administration structures, the most urgent were: "reforming and / or modernizing the system of public administration (48 dissertations, including 10 doctoral and 38 candidate dissertations); improvement of the efficiency of the public administration system (35 theses, including 2 doctoral and 33 candidate's theses); institutional development at the regional and local levels of state power (24 theses, including 2 doctoral and 22 candidate's theses). Among the areas of development of self-ordering mechanisms in public administration processes, the most relevant were: state regulation and support (180 dissertations, including 21 doctoral and 159 candidate's theses); development and implementation of state policies in various social spheres and relations (101 dissertations, including 21 doctoral and 80 candidate's theses); other works devoted to the state administration of social spheres and relations (58 theses, including 15 doctoral and 43 candidate's theses).

Taking into account the direction of our research on the development of self-ordering mechanisms in the public administration system, qualitative indicators for its evaluation are defined as rapid development; moderate development; stability at a high level; stability at an average level. Moreover, such phenomena as: stability at low levels; moderate and fast recession are antipodes of development. Rapid development was observed only for the direction of "reforming and / or modernizing the public administration system", high-level stability - for the direction of "improving the efficiency of the public administration system", and stability at the medium level - for the "institutional development at the regional and local levels of state power". It is important that the topics of self-ordering in comparison with all dissertation researches in recent years confidently develop in doctoral dissertations, that is, at a level that requires more knowledge of the subject of research and a better ability to generalize them.

It is determined that self-order in the system of public administration is a complex open system, it should be viewed as the establishment of its orderly state from the initial disorder of the structures and processes of functioning and ensuring its evolutionary development (modernization, reform, transformation, prevention of crisis situations, etc.). Two main approaches to overcoming the initial disorder in the public administration are singled out, the first of which is related to the process of functioning, and the second - with its stable gradual development.

The classification of the main types of disorganization (disorderly) on the basis of target, functional, structural disorganization, as well as disorganization of the evolutionary development in the public management system is proposed. The essence is explained, models of cause and effect conditionality are given and the reasons of all types of disorganization in the public administration system are analyzed.

The review and analysis of various mechanisms of self-ordering is carried out and the modern paradigm of their development in the public administration system in Ukraine is formed. For its separation, the matrix is proposed and filled with content, the columns of which are the form and content of the

representation of basic knowledge on the development of self-ordering mechanisms in the public administration system, and level strings (eight levels) - the specification of a certain type and content of this knowledge (the essence of self-alignment, the essence of the mechanisms self-ordering development, self-ordering types, basic approaches, mechanisms, principles, criteria, priority areas of modernization). The types and peculiarities of self-ordering mechanisms implementation in subject-subject and subject-object models in processes of institutionalization, functioning and implementation of strategies of evolutionary development in the public administration system are generalized. The principles, criteria and priority directions of self-ordering in the public administration system are singled out and characterized.

The problematic issues of the development of self-ordering mechanisms in the in the public administration system in subject-subject and subject-object relations are determined. The methodological approach based on the choice of three main directions of such development, namely: institutional, functional, evolutionary. The most significant problematic issues are those that, in our view, fundamentally affect the implementation of self-ordering mechanisms in these areas of action in Ukraine.

The objective and subjective reasons for the target disorganization in the public administration system of modern Ukraine were assessed using the expert survey method. Objective reasons are divided into two groups - political and technological. A significant number of experts are of great relevance to provide political reasons for the target disorganization, in particular: political instability in the country (4.15 points); change in the political course of the country (3.9 points); lack of development strategies for the country, spheres and sectors of public relations (3.9 points); lack of national idea (3.75 points); lack of desire for changes in the population of the country (2.85 points). Among the technological reasons for the targeted lack of organization by experts, these technological backwardness from the advanced countries of the world (4.05 points); low level of innovation and creativity of the public administration system (3.7 points); inconsistency of the system's objectives with

the conditions, it was called (3.3 points); lack of sufficient resources (3.1 points); ideological gap from the advanced countries of the world (3.0 points).

Among the subjective reasons for the target disorganization are identified: inefficiency planning (4.15 points); low motivation of the staff in public administration (3.95 points); unclear definition of priority tasks (3.88 points); lack of desire for changes in the political leadership of the country (3.85 points); inefficient communication (3.6 points); insufficient interaction between management objects (3.5 points); irrational organization of organizational relations (3.45 points); insufficient staff training (3.4 points); weakened control (3.15 points); inadequate readiness of management objects in the implementation of tasks (3.1 points).

According to the results of the evaluation of the state of self-ordering mechanisms in the public administration system in modern Ukraine, it has been established that the prospect of the development of this system is seen only in its complex reformation by introducing certain strategic changes in structure and functions. The most appreciated experts received: the functional strategy "orientation towards the provision of services aimed at consumers' needs" (3,05 points); functional strategy "responsibility for results (the success of management is determined by the results for consumers of public services)" (2,9 points); structural strategy "decentralization (shift of the center of program implementation to lower levels of management system)" (2.85 points). At the same time, it should be noted that all strategies are not very high and their ratings are scattered in a rather small range from 2.75 to 3.05 points..

Among the experts identified as the main mechanisms of administrative reform: ensuring real independence (functional and financial) of the judiciary (4.6 points); the exclusion of functions duplication of executive authorities (4,35 points); elimination of functions duplication of executive authorities and local self-government (4.2 points); the distinction between political and administrative positions (4.2 points); a clear definition of the duties and powers of the respective state authorities, their structural divisions and individual officials (4,35 points).

The results of expert evaluation of the needs for the development of the main self-ordering functional mechanisms in the modern system of public administration in Ukraine are obtained, among them: resource allocation (average score of 4.43 points); planning (average score 4.2); scientific and analytical support (average score 4.15 points). In general, we have a low rating by the experts of the need to develop institutional mechanisms for the self-ordering of the modern system in public administration in Ukraine (average index of 3.4 points, in the range of 3.0 to 4.0).

It is established that the ability of the public administration system to effectively self-order to adequately respond to environmental circumstances is not so much structural or functional reform as in the ability to flexibly apply government mechanisms that are accessible to the system. Experts' assessments, in general, confirmed that the directions of reforms identified in Ukraine are correct, but their successful implementation depends on the correct choice of the mechanisms for reform itself. Among the problematic issues of reforming modern Ukraine are: inconsistency of the directions and tasks of the reforms, incomprehensibility and validity of the expected results (4.5 points), lack of sufficient resources for conducting and successful completion of reforms (4.5 points) objectivity of public policy assessment (4.25 points) complex and systematic implementation of reforms (4.2 points).

In the context of the development of self-ordering mechanisms in the public administration system, a number of model approaches have been proposed that represent a schematic representation of approaches using certain models. The model-approach to administrative reform of the public administration system is provided and described, it provides a sequence of the following stages: certain actions, occurrence of certain problems, choice of measures for their solution, identification and analysis of hypothetical problems to the next stage. The model-approach to forecasting the results of the public administration reform has been formed, both at each stage (improving the investment climate, increasing the efficiency of budget expenditures, improving the

competitiveness of the economy, ensuring the growth of the quality of life of the population, ensuring its security, strengthening public consent, improving government control); and reform in general. The model-approach to establishing the institutional structure for ensuring reform and further self-ordering of the public administration system in Ukraine is provided, which provides for the leading role of the special government body in providing organizational arrangements, coordinating scientific and analytical support and monitoring the results of the reform.

To overcome evolutionary disorganization, four possible strategies have been identified: "hole punching", "expedient necessity", "proceeding from the needs of social life" and "advanced management". The first strategy is the easiest and most natural. This is the evolutionary development of the public administration system in Ukraine with the overcoming of its constantly arising problems on the principle of "patching of holes". The second strategy - provides for the evolutionary development of the public administration system in Ukraine, based on its current state, with a focus on the modern European level requirements for such systems and the quality of their characteristics. The third strategy is the evolutionary development of the public administration system in Ukraine, proceeding from the needs of social life, focusing on the development of society, of all its spheres, branches, regions, territories and relations on the basis of the principle "strategy defines the structure". The fourth strategy is the evolutionary development of the public administration system in Ukraine on the basis of the principle of "advanced management", that is, with the constant tracking of new trends both in the public administration systems of the advanced countries of the world and the needs of the

domestic public administration and the introduction of appropriate changes in its own model of the public administration system and practice of its application. This innovation strategy requires a lot of forecasting and analytical work, substantial information and scientific support and the organization of public-management experiments. The first and second strategies for overcoming evolutionary disorganization are actively being implemented in Ukraine. There is a transition to the third of them, which is due to the implementation of the path of European integration. At the same time, it is now necessary to prepare the country for the implementation of an innovative strategy with the ideology of advanced development.

It is noted that the system of public administration should not only respond to the challenges of the time, but also forecast future needs, be ready not only to respond quickly to socio-economic changes, but also to program them. Certain hopes are pervaded by a change in the nature of the political regime and its official orientation toward Western-style reforms typical of the new countries of the European Union. Therefore, the prospect of further scientific research in the context of a specific task, in our opinion, consists in: developing and substantiating effective mechanisms for predicting, forecasting, programming, and evaluating the ability of the public administration system to effectively self-order; further improvement of approaches, principles, methods and models of the state personnel policy on the basis of processes and aspects of self-ordering in the system of public administration; emphasis on the introduction of more flexible coordination mechanisms associated with the standardization of norms, processes and results.

Conclusion

The article summarizes the results of the study of the phenomenon of self-ordering in the public administration system as the development of the corresponding mechanisms by its structures and processes. The essence of this phenomenon is revealed. An analysis of the scientific heritage on the development of self-ordering mechanisms in the structures and processes of public administration is carried out. The most relevant areas of research are identified. Types of disorder, in particular target, functional, institutional, evolutionary, are defined and classified. The causes of their occurrence are established. A number of means for overcoming it have been proposed, in particular certain model-approaches and a set of strategies. The prospects for further research are outlined.

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Selection of the model and evaluation characteristics system in public administration system as guidelines for its development



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Abstract. The article identifies and analyzes well-known models and evaluation characteristics of the public administration system, both domestic and foreign. On this basis, a model of a pan-European public administration system has been formed, which contains eight of its main blocks. For the block "bringing to the general standards of quality in public administration" a corresponding specific system of actions is given.

Key words: *public administration, choice, model, system, benchmarks, evaluation characteristics, development.*

Problem statement

The choice of development benchmarks for the public administration system in Ukraine is one of the main tasks of its scientific substantiation.

Analysis of recent publications on issues. Various aspects of that topic considered in works of V. Bakumenko, L. Kalganova, L. Smoruhova, P. Fedorov and others. [1-5].

The purpose of the article. The purpose of this article is to justify the choice of the model and the system of valuation characteristics in the public administration system as guidelines for its development.

The statement of basic materials. The main means of forming an idea of the desired system in public administration, which is widely used in the world, is the model definition of this system, containing a set of specific blocks-directions of activity. As a rule, this model further develops modernization in accordance with the new needs of society and state management itself.

Typically, either the formation of their own models in the public administration system, or the choice of them from existing and adapting to the conditions in the country.

Today, different models are known, as well as evaluation systems and criteria for assessing the system of public administration in countries.

There are many studies devoted to this topic. For example, in the work of L. Kalganova, we find the definition of the public administration model as the interconnection between the basic concepts of the ideological system (political regime) and the type of state structure and public administration [1].

In P. Fedorov's work, the public administration model is understood as a unique set of characteristics that distinguish the public administration system of a certain country (group of countries) from others [2].

For comparing public administration systems, [1] uses the following characteristics, such as: the form of government, the structural form, the ratio of centralization and decentralization, the culture of administrative behavior, the degree of political influence of the administration, the

paradigm of public administration, the system of law, local self-government.

In the work of the well-known Ukrainian scientist V. Bakumenko [4], for comparing the systems of public administration, the following characteristics were distinguished: the form of government; state regime; state-territorial system; main goals and functions of the state, their priority; division of powers between the supreme bodies of state power (between branches of government); state development strategy; structure of state authorities; state policies on the main activities of the state; the need for adjusting the goals of state authorities; the need to adjust staffing; system state of programming achievement of goals; budget financing; implementation state of functions in public administration (operational and tactical management).

Also, taking into account the European integration path of Ukraine, it is advisable to turn to the experience of the advanced countries of the world, including the countries of the European Union and the United States, where the consideration of these issues and the corresponding problems is preceded by the choice of a certain model of the public administration system and systematic assessment of its condition by certain criteria systems is recognized by most countries in the world.

As noted by L. Smorugov, in Europe there are four models of public administration: Anglo-Saxon, Napoleonic, German and Scandinavian, which respectively are inherent in different groups of countries. At the same time, this classification with the assignment of certain countries to these groups today is considered ambiguous, because there are significant features and differences in each of these groups of countries [1-3].

The aforementioned models of the public administration system differ in the basic approaches used in them.

In the Anglo-Saxon model of the public administration system, the basis is the managerial approach, the main values of which are efficiency, effectiveness and economy. In the German model of the public administration system, the emphasis is on the values of the rule of law and the protection of the rights of citizens. In the Scandinavian model of the public administration system,

there is a combination of legal, managerial and negotiating (compromise) management aspects at all levels of the state. There is a tendency of the European federal models of public administration systems to centralize decision making, and unitary models to decentralization, that is, the evolution of unitary systems in the federal direction, and the federal ones in the unitary system [1].

In connection with the processes of European integration in the format of this work the great interest is in a pan-European model of public administration.

In work [2], such a model appears to be formed according to the requirements of European integration of the EU member states, except Great Britain, where the model of the public administration system differs substantially from them. In this work, the most characteristic features of the European model of public administration are singled out, which gave the opportunity to form a model of public administration pan-European system, as shown in Fig.1.

It was found out that a number of blocks of this model, with careful consideration, are inherent in the model of public administration that is involved and developing in Ukraine.

Thus, the reformation of the presidential-parliamentary republic has already taken place in the parliamentary-presidential way by introducing appropriate amendments to the Constitution of Ukraine, which corresponds to the block "Parliamentary system of governance" (Fig. 1).

There is a process of working out a new model of public administration system connected with a significant reduction of the Presidents of Ukraine powers and an increase in the powers of the parliament and the head of government. They can confidently say that this is not yet the final version of this model. It will be upgraded with the acquisition of experience in its application.

The block "Transmission of increasing powers and functions from the central to the regional and municipal level" is now being implemented in Ukraine as a system of actions for the decentralization of the powers of the central government by transferring them, together with the corresponding funds, to lower levels of government.

The implementation of the block

"Legislative regulation, social protection and decent financing of state and municipal services" is actually envisaged by the new Law of Ukraine "On Civil Service", which was recently adopted.

In the context of the block "Independence and clear work of courts of all types and instances", the reform of the whole judicial system is being carried out, albeit slowly.

It is urgent to prepare the

implementation of the blocks "The prevalence of proportional electoral systems and multi-party coalition governments", "Consensus mechanism for the formation of the executive branch", "Bringing to the general standards of quality of public administration".

For the model block "Bringing to the general standards of public administration quality», there is a certain system of actions, the main ones of which are grouped in Table. 1.

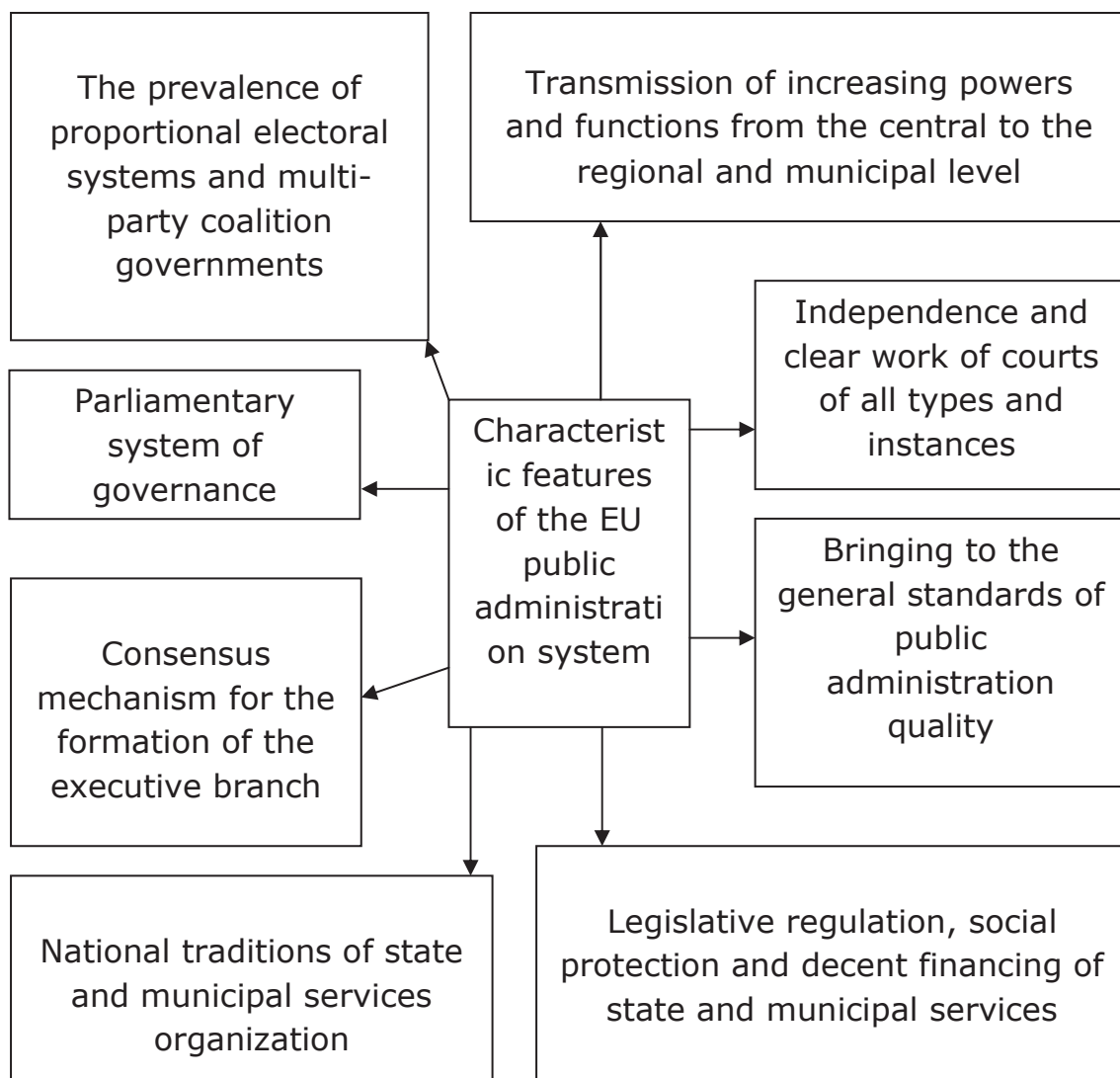


Fig. 1. Model of public administration pan-European system

Table 1.

The system of actions for bringing to the general standards
of public administration quality

1	Improving the efficiency of spending by means of results orientation
2	Democratization of civil service
3	Transfer of more powers to non-governmental organizations
4	Transparency of administrative activity
5	Reducing corruption through regulation
6	Prevention and improvement of conflict resolution methods
7	Partnership focus
8	Interactive relationships with citizens as recipients of public services

Ukraine has a strong regulatory framework for implementing this bloc. One problem - from their adoption to unconditional implementation is still a long way. Maybe this is because this legal framework has to significantly reduce this path.

It remains to add that, in the transition to a pan-European model in the public administration system, its "quality will grow not instantaneously and non-linearly" [2].

In our opinion, it is very useful to use the situational approach when choosing or changing the model of a public administration system, as proposed in [1]. It is advisable to take into account the situation assessing such situational variables as:

- state leadership (status, style, personal characteristics, experience of effective problem solving, experience of crisis management, etc.);
- the status of the country (sovereignty, geographical location, financial and political opportunities, entry into political blocs, the presence of a strong army, etc.);
- quantitative characteristics of the country (territory, population in general and employed in industry and agriculture, and others);
- the legal system and the quality of its work;
- historical development (origins and the way of its formation);
- the population mentality (religion, degree of influence, traditions, customs, etc.);
- the economic development level in the country;
- the economic openness level;

- the population income level and its uniformity on the territory in the country;
- the socio-economic stratification level;
- level of technological development;
- tax system and social transfers;
- availability of resources, opportunities for their mobilization;
- national culture;
- the state of education and science;
- the public administration context: informal contacts and structures, how do processes really take place; the correspondence of the declared and actual actions, the level of public confidence in the government, etc.

To improve efficiency in public administration systems, after choosing a particular model, one should strive for continuous and consistent improvement of its characteristics in time. At the same time, to assess the compliance with the desired state of the public administration system should be distinguished system of basic characteristics and criteria for assessing the state of such system.

In our opinion, the developed and well-developed evaluation system based on expert assessments of the public administration quality by its experts is provided by the World Bank.

The World Bank has established a classification with a certain set of characteristics and their ranges and compares the countries that fall on the selected characteristic in the same range. An example of the most significant characteristic is the level of income per capita in the country. And

then there is a comparison of other characteristics that gives a fairly complete picture of the quality of public administration in the country [1].

For comparison of public administration models, the World Bank has developed the Governance Research Indicator Country Snapshot (GRICS), which is calculated annually for more than 200 countries. It defines 6 main indexes, each of which is calculated taking into account numerous indicators. Among these indices [5]:

- Voice and Accountability, which takes into account the various aspects of political processes, civil liberties, political rights, in particular the possibility of citizen participation in elections and the independence of the press;

- Political Stability and Absence of Violence, which includes a group of measures to measure the destabilization of the government and its forced resignation as a result of terrorism, etc., which may lead to abrupt changes in the political course;

- Government Effectiveness, reflecting the quality of public services, the quality of bureaucracy, the competence of civil servants, the level of public service independence from political pressure, and the level of trust in government policy;

- Regulatory Quality, which is checked, first of all, for compliance with market relations, in particular: availability of control over the level of prices, control over the activities of banks, excessive regulation of international trade and business development;

- Rule of Law, which measures the level of citizens' trust in legislative acts and their attitude towards their implementation; the attitude of citizens towards crime, the effectiveness and predictability of the legislative system, the attachment to the contractual system;

- Control of Corruption, reflecting the perception of corruption in society, the impact of corruption on business development, the existence of high corruption at a high political level, and the participation of elites in

corruption.

The World Bank also uses other characteristics that are more focused on evolutionary changes, such as:

- the socio-economic stratification level of the population, which is calculated on the Gini coefficient;

- the unemployment rate, calculated as a percentage of the number of economically active population;

- government expenditures as a percentage of the consolidated budget of the country, calculated using indicators of "services of state administration", "public order and safety", "social security", etc.

Summing up the above, one can conclude that the development of the public administration system requires understanding of the discrepancy:

- parameters of its current and expected state in the expected period, as well as a situational vision of the priority objectives system at all levels and in the entire range in the process of the anticipated period of public administration impacts;

- the state of its functioning (directions, processes, means) to certain goals, and bringing it into line with it;

- its current and desired structure at the time of goal-setting, proceeding from certain tasks and expected functioning processes, as well as the need to carry out structural changes (structures and organizational relations in them) corresponding to them;

- characteristics of the public administration system of the best European models and bringing them in line with the latter, and, on the other hand, requires the objectification of the operation of such a system by bringing it in line with the needs of domestic public life, covering all spheres, sectors, regions, territories and relations of society;

- selection and implementation of certain strategies, as well as their information, analytical and scientific support.

Conclusions

In the article in the justification context of the choice of guidelines for the development of the public administration system identified and analyzed known models and evaluation characteristics, both domestic and foreign. On this basis, a model of public administration pan-European system,

comprising eight of its main blocks, has been formed. For the block "bringing to the general standards of public administration quality" a corresponding definite system of actions is given.

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Slovyansk

Adding toxicity characteristics to facade fire evaluation and testing



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Abstract. The amount and toxicity of smoke released during the burning of facade materials are generally not restricted. This greatly restricts the conditions of escape and also increases the risk of firefighting interventions. The author of the article considers it timely to include the quantitative and qualitative data of toxic gases in the scope of qualification performance criteria, the timing of their concentration, and the importance of their potential role in the dangers of the fire environments. The European methodology under development does not include examining this parameter.

Key words: *facade fire, smoke spread, risk, toxicity*

Problem statement

Not only the accidents recently happened (often resulted in death) are account for the importance of the control and regulation of fire spread on building façades with openings but also the changed building structures and building usage habits. Nowadays, not only the inflammable coatings and coating systems applied on the façades of buildings, but also solar panels and solar collectors can contribute to the spread of fire and may hinder the escape and escape conditions through heat and toxic gas and smoke formation. Even the construction of façade solutions of natural material (e.g. boarding) as well as façades planted with vegetation appears as a requirement.

The quantity and character of combustible materials and electronic devices accumulated in the building has also been changed: in case of flats (and offices) the time from the generation of fire until the full development of combustion phenomena reduced to a fraction of amount. The "natural" fire spread barriers, which are typical of our buildings erected in the past, are often unavailable due to lowered levels of elevation, increased size of doors and windows as well as spreading of flammable façade solutions. (Takács, 2007)

Following the flashover (phenomenon of bursting into flame) in the rooms the doors and windows with non-fireproof glazing break out and the inner fire flashes back to the façade. Depending on different parameters of the structural design of the façade the fire may spread over different paths as well as may strongly damage or moreover shatter the coverings and claddings applied around the opening. In certain cases the fire spread extremely fast on the façade, during which the building burst into flames and burned at the full height in minutes. (Nishio,2016)(White & Delichatsios, 2015)

The façade fires of the recent past that got a lot of publicity involved occasionally several dozens of fatalities. Especially dangerous are the high buildings, the façades provided with combustible heat insulation without air gap or the aerated façades designed with combustible composite coverings and claddings,(Jensen, 2013)(White & Delichatsios, 2015), and the incorrectly prepared façade insulation systems. (Bánky & Mezey, 2009)

The fire protection regulations for building engineering take into account by various stipulations that the possibilities of rescue and extinguishing are limited especially in case of high buildings.(Miskey 2013) (Morvai 2014)

The quantity and toxicity of the fume released during the combustion of the façade materials is generally not limited, although it also strongly restrains the conditions of survival and escape, as well as increases strongly the risk of firefighter interventions.(Urbán 2015)The deaths of the victims of the façade fires are more likely caused by the toxic fumes accumulating in the rooms than the direct flame effect(the ratio is about 80% in case of „general” building fires).

A significant part of the façade fires is caused by external causes (e.g.: trash bin fire), against which even the built-in extinguishers have proved to be ineffective, therefore these solutions cannot replace the implementation of façade designs with the required resistance.

The examination and evaluation of hazardous substances generating during the combustion of façade solutions and their spreading are completely outside the work of the new European Procedure Working Group. In this article, we examine the characteristics and possibilities for further development of the test procedure applied in Hungary according to MSZ 14800-6: 2009 standard. It is possible and necessary to deal with the physiological effects of the combustion of the façade materials despite that we have to calculate on almost infinite variation of toxic substances. Reasonable limits and thresholds are also necessary in this area, much more than before.

Briefdescription of the test procedureas per MSZ 14800-6:2009 Hungarian Standard (Móder et al. 2016)(MSZ 14800-6:2009) The test aims at determining the vertical and horizontal fire spread characteristics (fire-spread limit value Th) for coatings on building façades with openings, for coverings and claddings mounted with or without air-gap, for external thermal insulation systems (ETICSs). The test rig made of non-combustible materials is a three-storied building. The fire room is in downstairs, the second and third levels are observation levels. The main façade fields of the test building are unbuilt; their development method depends on the test model.

On the test model building the different façade solutions can be tested according to the actual development. The ETICSs and the

ventilated cladding systems are tested on non-combustible porous concrete most often made with standard windows. The façade solutions with special openings can be tested mainly by transforming the infilling brickwork, so that the height of the solid wall section between the openings as well as the window built in the opening of the fire room meet the technical solution to be qualified. Prior to the test a wooden window with standard glazing, opening outwards is built in the opening infilling brickwork sized 1.2×1.2 m in front of the fire room.The test can be made in both indoors and outdoors, if the required environmental conditions are met (see pictures Nos. 1 and 2).

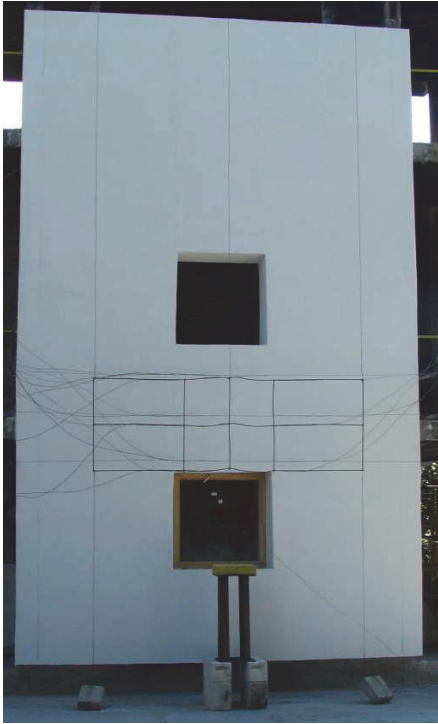


Figure 1.

Sample of ETICS on façade prepared for test to be made in the Fire Protection Testing Unit of ÉMI

(Source: ÉMI. Fire Protection Testing Unit)



Figure 2.

Test of ETICS on façade according to MSZ 14800-6:2009 standard. (Source: ÉMI Fire Protection Testing Unit)

The test procedure simulates a fully-developed indoor fire and inspects the resulting fire-spread from the aspect of the level(s) above. The application of the standard "temperature-time" fire curve in the fire room as per ISO 834-1:1999 international standard means indisputably a stable starting point against the fire effects with a not realistic test background applied in other test procedures.

The specified fire exposure is ensured by lumber pile made of pine wood crib of 650 kg, compiled according to standard specifications, placed in the fire room. The air-dry pine roof battens have a nominal size of 25×50×1500 mm, as well as 25×50×2000 mm. The distance between the ribs placed discontinuously in the lumber pile is ~50 mm.

The thermal energy of ~3.25 MW released during the test represents the combustion of a fully furnished room (flat or office) and ensures the following fire curve (as per ISO 834-1:1999 standard) during the test (the standard test is scheduled to last up to 45 minutes):

$$T - T_0 = 345 \times \lg(8t + 1) \text{ [K]} \quad (1)$$

To ensure and regulate the conditions of burning, furthermore to ensure the uniform exposure to fire in case of different tests the wooden frame window of the fire room shall be opened in the 5th minute after ignition. The air supply of the fire room can as well as should be regulated by manually adjustable shutters. The standard specifies the tolerances of the fire curve that should be maintained during the test.

Temperature data collection is carried out at the following places:

- at 5 specified places in the fire room (T_{tt}),
- in front of the façade, in a distance of 10 and 50 cm from the façade plan at 9 – 9 places (T_{tz}),
- in the observation room, in a distance of 10 cm from the inner wall plane at 16 (T_{any}) by means of a measuring panel of 1.20 × 1.20 (m).

Additional thermocouples can be placed where higher temperature is expected.

PERFORMANCE CRITERIA AND CLASSIFICATION ACCORDING MSZ 14800-6:2009 The façade fire-spread limit value (T_h) of the façade coating, cladding and

ETICS means the length of time measured and specified in minutes when any of the following phenomena occurs:

- The damage caused by the surface combustion of the coating, cladding and heat insulating system spreads up to the upper plane of the breast-wall.

- The surface combustion of the façade coating, cladding and heat insulating system spreads from the side of the window opening in the fire zone in horizontal direction, in entire height of the model at places up to 1.50 m;

- The difference between the temperature (T_{Iz}) measured in the flame zone coming out the fire room and the temperature (T_{any}) measured behind the window on the observation level is not higher than 300 K for longer than 2 minutes:

$$T_{Iz} - T_{any} \leq 300 \text{ K (2)}$$

- In case of burning or not burning falling droplets of cladding systems are heavier than 5 kg.

According to the standard the tested façade solutions can be categorized based on their performance generally as follows: „has no fire propagation limit value“, $T_h \geq 15$ minutes, $T_h \geq 30$ minutes, $T_h \geq 45$ minutes. In several cases the National Fire Protection Code make claims on the façades with openings (in addition to further requirements) concerning the façade fire propagation limit value depending on the number of building levels and structural design. (OTSZ)

The MSZ 14800-6:2009 standard is advanced among the “competitive” national standards due to its special conditions (Smolka et al, 2013) (Yoshioka et al, 2012). These are as follows:

- Full-scale inspection, which directly connected to the fire exposure specified in the international and European standards, serving for determining the fire resistance performance of the building structures;

- Both openings can be inspected by means of realistic intersection design;

- Above the opening in fire room a fire effect close to the “external fire” curve can be experienced;

- Duration of the test fits well to the actual occurrences of fire;

- The status features of the protected space can be well tested;

- Clear, minute-based assessment method fitting to the European classification system;

- „Specific” façade solutions can also be tested.

The computer simulation of the phenomenon of the fire-spread on façade that cannot be described either with the classic combustion theory or with the characteristics of the fire class is still in initial stadium. It can be seen from the results until now that these simulation procedures can effectively be applied when selecting the test models and spreading the results. From the aspect of our study the most important test *condition* is that the status characteristics of the protected space and the toxic substances that can be generated can be studied under realistic conditions.

In the observation space, smoke and toxic gas analyzes, as well as supplementary temperature measurements not required by the standard, but which are very important to us, have been part of the domestic laboratory tests for a long time. From the introduction, ÉMI Non-profit Llc. carried out around 100 standard tests. The majority of the structures studied were façade heat insulation system, but there were also fitted, glued covers and claddings, and special structures.

The tests demonstrate very well the different and unique behaviors of different systems and types. Certain structural designs only provide appropriate performance with the precise design of the details, while other solutions are less sensitive to this. During façade inspections of constructions it has become apparent that the junctions of the insulating systems to be implemented are often made incorrectly. The coverings and claddings of combustible material and thermal insulation often produce very strong heat and smoke.

EFFECT OF SMOKE FROM FIRE EVENTS ON HUMANS (Heizler 2004) (Beda, Bukovics 2004)

It is well-known that, depending on the composition, the smoke originating from fire events can have a number of unfavorable effects on humans. It is most conspicuous that during imperfect combustion a large amount of smoke is produced in a short time, their components (soot, flying ashes, liquid hydrocarbons, additional gaseous components) greatly limit the visual distance. The strong decline in

visibility (under ~10 m) may also cause a sense of uncertainty or panic. Concerning the consequences, the composition of the gas may have more serious after maths. The three main effects of smoke are: throttle effect (causes asphyxiation), poisonous(toxic) effect and aggressive (caustic) effect.

The *suffocatives substances* are not toxic in themselves, but they extrude the oxygen from the air. When the oxygen concentration falls below 12%, oxygen deficiency occurs in the human body. This will

cause permanent damage in a few minutes. Suffocative substances are i.e. the hydrogen (H₂), the methane (CH₄), the noble gases, the nitrogen (N₂) und the carbon dioxide (CO₂). The *toxic substances* damage the blood and the nervous system. They may get into the human body through there spiratory tracts and the skin. Such material is the carbon monoxide (CO), the hydrogen cyanide (HCN), dioxins and furans (PCDD, PCDF), the polychlorinated (PCB), the phosgene (COCl₂), the polycyclic aromatic hydrocarbons (PAK).

Table 1.

Typical physiological effects of toxic materials(Own editing)

Toxic material	Characteristic effect
CO	It inhibits oxygen delivery of blood. It accumulates in the blood as stable CO hemoglobin. The absorbed CO degrades slowly. The symptoms of CO intoxication depend on the concentration. Survivors of poisoning may suffer from neurological injury, epilepsy, Parkinson's disease.
HCN	It passes directly to the cells, where it blocks the oxygen use and may cause central respiratory paralysis.
Dioxins and furans	It causes skin and liver damage (half-life period is 5 to 10 years) long-term effects.
PCB	Prolonged exposure leads to hepatic and immune damage as well as spleen injuries
COCl ₂	After several hours of latency it may cause pulmonary edema. High concentrations may lead to direct suffocation.
PAK	Carcinogenic and inheritance-altering. It hampers reproductive ability. Health damage will only be discovered after a long time.

The *aggressive (corrosive) toxics* irritate and image the mucous membranes of the airway; furthermore they destroy the lung tissues. In the 24 to 48 hours after inhalation of the gases pulmonary edema may develop.

Table 2.

Typical physiological effects of aggressive toxins (Own editing)

Aggressive (corrosive) toxics	Characteristic effect
Cl	It strongly irritates the airways, eyes and skin. After latency, it causes lung damage and cardiac damage.
NH ₃	It attacks the eyes and upper respiratory tract (laryngocatarrh), as well as it may cause headache, coughing and sickness.
Formaldehyde	It attacks the eye's conjunctiva, the skin and the mycoderm of the upper respiratory tract. Coughing, tearing and drowsiness may appear. Heavy breathing in case of higher concentration.
NO _x , most often NO ₂	After 3 to 24 hours of latency it can be resulted in breathing difficulties and pulmonary edema
Acid fumes	ingesting respiratory and digestive organs

It is obvious from the above tables that the inhalation of the smoke developing from the combustion of different substances may

result in extremely serious and complex consequences. The toxicity depends not only on the type of the burning substance but also

on the relating combustion stage. In the different combustion stages (developing fire, full fire, extinguishing phase, and chilling phase) the combustion product of the same substance has different compositions. Depending on the concentration the smoke of every fire may be fatal.

The toxic effect should also be considered in spaces where there is no combustion, but smoke occurrence is

possible. In case of smoke developed with flame-burning (this is characteristic also for façade fires), the application of the effective dose ratio (HDH) can be used to characterize the toxic hazard of the burning substance. The HDH is dimensionless number, which is the ratio of the dose actually suffered and the dose produced the tested effect (i.e. 50% death).

Table 3.

Conditions of survival according to domestic literature

Criterion	Limit	Limit with safety factor
Heat radiation on floor level (in protected space)	< 20 kW/m ²	< 10 kW/m ²
Oxygen concentration	> 12 tf%	> 14 tf%
CO ₂ concentration	< 6 tf%	< 5 tf%
CO concentration	< 1400 ppm	< 700 ppm
Height of the smokeless layer	> 1.5m	> 1.8m
Temperature of hot flue gas layer	< 600°C	< 300°C
Temperature of the lower gas layer	< 65°C	< 50°C

Table 4.

Conditions of survival according to foreign literature (Toxicology, Survival and Health Hazards of Combustion Products 2015)

Criterion	Survival criterion	
	Short-term exposure	Longer exposure
Heat radiation (kW/m ²)	4.0 (< 3 minutes) 6.0 (< 1.5 minutes)	1.6 (10 < minutes) (without heavy clothing)
Air temperature (°C)	140 (5 minutes)	75-80 (60 minutes)
CO ₂ concentration (ppm)	30000 (3%) (15 minutes)	20000 (2.0%) (30 minutes)
CO concentration (ppm)	1000 (5 min)	500 (30 min)
Oxygen content (%)	15 (5-10 minutes)	17-18 (60 minutes)
Hydrogen sulfide (ppm)	300 (5 minutes)	200 (30 minutes)
"C5" carbonic hydrogen	3000 ppm (10 minutes)	N/A



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MEASURING RESULTS ON OBSERVATION LEVEL OFFAÇADE MONITORING During the previous fire spread tests the certain characteristics of the condition of air were tested by a TESTO-type gauge on the observation level of the testing

tower (on the level above the combustion chamber) in a height of 1.50 m above the floor line. The maximum characteristics of the condition of air measured on façade solutions of various types were strongly different:

Table 5.

Conditions of measured on the observation level of the testing tower. Examples of different façade solutions.

	CO ₂ %	CO ppm	T [°C]
Mounted façade covering and cladding system, with rockwool thermal insulation, with steel plate cover	~ 2,5	~ 1100	~ 100
Mounted façade covering and cladding system, with glued, combustible paneling, with air gap, aluminium frame and rockwool insulation	~ 4.5	~ 1800	~ 155
Well-formed polystyrene based insulation system	~ 6	~ 1000	~ 145

In case of defective formed heat insulation system the CO concentration exceeded 3000 ppm.

Conclusions

The measurements performed in the observation space of the testing equipment according to MSZ 14800-6:2009 standard, at least according to the characteristics examined so far and in relation to them, deliver valuable information on the extent of the risk of the given façade solutions with openings in case of façade fire:

- The non-combustible systems with appropriate geometry have the smallest risk. The basic conditions of survival may exist even on the level directly above the fire (especially close to the floor and with closed windows);
- The heat insulation systems with properly selected flammable materials and careful junction design can be established at *astill acceptable* risk level for the parameters under consideration;
- Systems where the quick and direct burn of the combustible heat insulating foams and coverings may occur within the duration of the fire spread limit value, produce a quantity of toxic material so that the conditions of survival in the room on the level above the fire are in no way available.

Based on the above conclusions, an extension of measurements may be proposed in the context of further research. It seems advisable to perform parallel measurements at a height of several observations (0.5, 1.0 m, 1.5 m, 2.5 m) to get the temperature and concentration profiles known. It is also necessary to expand the examined parameters. Supported by parallel laboratory research, a complete exclusion of certain materials or solutions may be recommended for façade use.

The toxicity of façade solutions, at least in some components of the test method and the development of the corresponding minimum requirements could be forward-looking even at European and international level.

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Transformation of a marginal personality in the modern world



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Abstract. In the article it is analyzed a marginal individual as a social phenomenon that forms the basis for the deployment of the global crises which consequences are unpredictable from the standpoint of the modern science. The above mentioned actualizes the social and philosophical analysis of the peculiarities under the conditions of globalization, determinants and mechanisms of the social transit of the marginal communities into the integrated sociocultural space.

Key words: *margin, social medium, lumpen, social contradictions, marginal communities.*

The statement of basic materials.

The phenomenon of margin is always relevant, because through marginality new models of life, moral values, a different outlook emerge. The marginal personality is important for any society at all stages of its development and in various forms of its manifestation.

With the growing scale of margin in the society there deepen the social contradictions that form the basis for the deployment of global crises which consequences are unpredictable from the standpoint of modern science. The above defined updates the socio-philosophical analysis of the peculiarities of margin in the context of globalization, determinants and mechanisms of social transit of the marginalized communities into the integrated socio-cultural space.

Philosophical reflection on the public attitudes to individuals who in their worldview do not fit the prevailing social norms can be found in the treatises of thinkers of the Ancient World, Ancient Greece, the Renaissance, the times of Modern and Contemporary History. As a result of the seizure of foreign territories, the slave trade, geographical discoveries and the development

of trade it occurred the fragmented socio-cultural diffusion, and the phenomenon of margin began spreading not to individuals but to entire social groups. However, the most obviously the formation of the marginalized communities occurred under the influence of large-scale transformations specific to each historical epoch. However, the most obviously the formation of the marginalized communities occurred under the influence of large-scale transformations specific to each historical epoch. Thus, in Ancient Rome the mass migration to the cities of the peasants who lost their ability to farm on land, led to a significant increase of the urban poor whose axiological orientations were expressed by the slogan "bread and circuses".

The epoch of the Middle Ages was marked by the development of monotheistic religiousness [4, p. 50]. Fierce competition between the doctrines of Christianity and Islam as the main dominant ideology in the Western European and Arab societies determined the need in justification by the philosophical thought the necessity of the complete subordination of individuals to the ideals of a particular doctrine.

In particular, A. Maslov points out that "in the writings by Augustine ... by the concentrated way it is expressed the main worldview paradigm of the relationship of the individual and society of the Western Middle Ages – the complete absorption of the individual by the Total, Absolute [2, p. 9 – 10]".

Together with it, the history of the Middle Ages was enriched with the examples of the formation of the marginalized communities from among the military mercenaries who were involved by the monarchs to conduct long feudal wars and crusades. Since the ancient times the extensive model of society has been accompanied by the seizure of foreign territories and the slave trade, geographical discoveries and dissemination of trade, resulting in the fragmented socio-cultural phenomenon of diffusion and the phenomenon of margin spread not on individuals, but on certain social groups.

By the 20th century the phenomenon margin was not stood out as a separate element of social theory, but seen in the integrity of the common problems of the social development. However, with the acceleration of the human development, deepening of the inequality and therefore social contradictions in the society it was formed a scientific approach to study margin. The term "marginal man" was first introduced by an American sociologist R. Park [5, p. 881 – 893] in 1928. Together with this R. Park indicates that a marginal man is characterized of a new type of cultural relationships that is formed during the global ethno-social processes. "A marginal man is a personality type that appears at the time and in the place where from the conflicts of races and cultures begin to arise new societies, people and cultures. The fate dooms these people to exist in both worlds simultaneously, forces them to choose in their attitude towards these worlds the role of a cosmopolitan and the role of a stranger. Such a person becomes (compared to the surrounding cultural environment) an individual with a broader horizon, more subtle intellect, more independent and rational views. A marginal man is always a more civilized creature [4, p.11]".

Therefore, R. Park first formulated the concept of a "marginal man" trying to

interpret the results of his own studies concerning the behavior of the members of certain ethnic groups of the urban population. At the same time against the background of the enormous heuristic potential, the conceptual frameworks of the theoretical positions by R. Park were limited to the subject of his studies, leaving wide scope for the further study of the phenomenon of margin.

If R. Park considers a marginal individual as a man on the verge of two cultures and two societies, who will never be accepted in the new society, staying in it a personality with split consciousness and destroyed psyche, E. Stoukvisk points out that during the adaptation it can be formed a personality with new features, and tries (as R. Park) to emphasize the positive features inherent to a marginal personality and those which should be used in social projecting. According to the scientist's thought, the process of the transformation of the social, mental and emotional aspects of a personality can last about 20 years. Thus, E. Stoukvisk defines three phases of evolution of a "marginal person": 1) the individual is not aware that his own life is covered by the cultural conflict, he only tries to adapt himself to the dominant culture; 2) the individual experiences the conflict consciously (at this very stage a personality becomes a "marginal"); 3) successful and unsuccessful attempts to adapt to the situation of conflict [1, p. 92-93].

In the early 20th century, the growing scales of the socio-economic changes in the society covered larger masses of people, resulting in increasing the quantity of the marginalized communities in the society. As R. Barnet underlined "the life of every generation, by definition, is an era of transition, but our time marks more significant changes in the organization of the planet compared to those that took place during, at least, the last 500 years [4, p. 24]." Against the background of the rapid development of the society the distance between the vanguard and outsiders began to be seen more clearly. This negatively affected the paces of the social development and formed the basis for the crisis events that determined the need to conduct the relevant research to offer solutions to new social problems.

If until the 20th century philosophical reflection did not single out the phenomenon of margin as a separate element of social theory, considering it together with the common problems of social development, but with the quantitative growth of the marginalized groups scientific thought was increasingly paying attention to the specificity of their role in the society. The above mentioned actualized the necessity of forming a scientific approach to the study of the phenomenon of margin.

In particular, in the first half of the 20th century, after some economic growth caused by the active participation of the US companies in the material provision of the allies in the military-political bloc in World War I, the cyclical crisis, the Great Depression, involved Ukraine. The industrial society met with the fact that together with the resolution of economic issues the social problems came to the fore. Epidemiological nature of spreading social nihilism among the population, neglecting values and social norms and laws affected the growth of crime to catastrophic scales and threatened to preservation of the social formation.

For the inhomogeneous from the racial and ethnic sides Ukrainian society with traditionally intense migration it was necessary to gain more knowledge about the individual as an object of manipulation. As unlike the industrialized countries of Europe, Ukraine's economy was destroyed by war and demanded a proper reconstruction, it is on this very wave it was formed Ukrainian scientific tradition in the study of margin, to understand which it is necessary to make a chronological overview.

But the anthropological realities till this time are not defined in the processes of the

transformation of the spiritual and cultural values, which, on the one hand, are exposed to the integration and harmonization, and, on the other, – retain their authenticity and belonging to the ethno-cultural system. It can be stated that marginality is one of the markers, the leading mechanism of globalization, the cultural expansion of the powerful states that form a globalization space of cultural influences. However, this statement in the 21st century is already becoming problematic. Marginality is not only the focus on the average consumer but not primitive adaptive complexes that look like transformed mythologems of the theories of Z. Freud, Carl Jung and other researchers.

The problem of margin has always existed in the society. The question of the anthropological limit, perception of a human by a human, his microcosm, his achievements has been existing in large spatial intervals of the being of the cultural forms of communication.

It can be concluded that the lack of social dialogue in the society concerning determining the dominant way of the socio-cultural development hinders the socio-economic progress, which is reflected in its economic state, which does not allow to provide the decent level of the social standards for its members (that is why the part of the latter migrate in search of a better life) and to properly finance science (which makes the part of researchers seek opportunities for self-realization in other communities).

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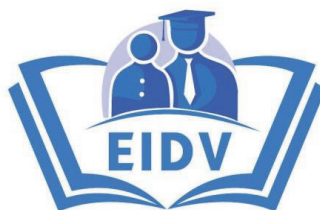
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