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Reality of Politics

Estimates – Comments – Forecasts

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CONTENTS

From the Editors	5
------------------------	---

ARTICLES

Andrii Bakai, Dmytro Kupriienko

Improvement of the organizational and legal mechanism of medical support of the security and defense sector of Ukraine in crises based on NATO standards ..	13
---	----

Maksym Baranovskyi

Threats and challenges in the fiscal sphere of Ukraine and ways to overcome them	33
--	----

Roman Havrik, Svitlana Petrechenko

Legal and socio-economic problems that arise during the detection of signs of violations of customs rules, and identifying property which has no owner or owner who is unknown by border and fiscal authorities	45
---	----

Andrii Ihnatiev

Organizational principles of formation of the border security monitoring system of Ukraine in the context of European integration	58
---	----

Oleksandr Kornievskyy

Staff training of professional politicians in Ukraine: problem aspects and ways of solving	77
--	----

Vasyl Kostytsky, Victoria Sydor, Iryna Kostytska, Anastasia Sukhodolska

Challenges to the realization of human rights under the pandemic	90
--	----

Iuliia Magdych

Features of political manipulation of the value-worldview component of public consciousness	105
---	-----

Olena Milienko	
Administrative agreement as a component of the system of public governance tools	115
Mykhailo Mykhailov	
Methodological concept of the research of criminal and legal support against corruption bribery in Ukraine	123
Vasyl Nazarkov	
Modern internal political reforms in the arabian states: key reasons and implementation factors	134
Antonii Palamar	
The influence of the salafi movement on the political transformation of Egypt in 2011–2013	144
Roman Tomaszewski	
The battle of Warsaw and its projections in Polish-Ukrainian relations (1920–2020)	160

REVIEW

Radosław Sokołowski	
Andrzej Furier, <i>Gruzja Niepodległa. Od monarchii do republiki</i> , Adam Marszałek Publishing, Toruń 2020, pp. 538	189

FROM THE EDITORS

We are presenting to our Dear Readers another, 14th volume of “Reality of Politics. Estimates – Comments – Forecasts”. The interdisciplinary nature of the publication provides an opportunity for an exchange of views of scholars representing various fields of study, including political scientists, international relations researchers, sociologists, historians and economists, whose interests fall under the broadly understood mainstream of social and humanities research.

The presented papers which are theoretical, methodological or empirical in nature may prove useful in the integration of scholarly circles and used in social and administrative practice or teaching.

The manuscripts presented in this volume address diverse subject matter from the area of social studies, mainly security studies, international relations and political science, as well as law, economics, management and history.

The volume opens with a paper by Andrii Bakai and Dmytro Kupriienko, *Improvement of the organizational and legal mechanism of medical support of the security and defense sector of Ukraine in crises based on NATO standards*. On the basis of research, the authors analyse mechanisms of cooperation in terms of military medical support. They argue that the experience of NATO member states may be used in the organization and functioning of a system of medical security of a military contingent. According to the authors, the key element in this scope is, however, adaptation to the needs of Ukrainian doctrinal concepts of NATO. The article emphasizes that the implementation of NATO’s standards, principles, policies and doctrinal attitudes to supporting the health care system

into Ukrainian solutions must take into account the national specific characteristics of supporting the health care system in Ukraine.

This volume of “Reality of Politics. Estimates – Comments – Forecasts” also includes a paper by Maksym Baranovskyi, *Threats and challenges in the fiscal sphere of Ukraine and ways to overcome them*. In his article, M. Baranovskyi presents the main threats and challenges for the stable and effective development of the fiscal sphere in Ukraine and their reasons. In the author’s opinion, the multiple changes to Ukraine’s tax system introduced since its independence carry some consequences. They are expressed in the challenges and threats that inhibit a stable and effective development of this system. The author believes that the threats lie in the dogmatic character of the fiscal policy and its failure to relate to the economic reality of the country. Difficulties in the fiscal policy are further reinforced by high inflation. As a result, in the author’s opinion, such a diagnosis requires that a number of vital steps be taken that concern the functioning of the fiscal sphere. Reforms in enforcing the law, modernization and improvement of the efficiency of law enforcement agencies are a must.

Roman Havrik and Svitlana Petrechenko, in their paper *Legal and socio-economic problems that arise during the detection of signs of violations of customs rules, and identifying property which has no owner or owner who is unknown by border and fiscal authorities*, analyse the activity of the State Border Guard Service and the State Customs Service of Ukraine in ensuring uniformity of customs and border control. The matters of cooperation are regulated under the updated Procedure No. 849/828, approved by a joint ordinance of Ukraine’s Ministry of Internal Affairs and Ministry of Finance. In the authors’ opinion, even though there are procedures in place that specify interrelations between said institutions, there are still difficulties in enforcing them, which is why they offer a number of relevant solutions.

The next article in this volume comes from Andrii Ihnatiev with the title *Organizational principles of formation of the border security monitoring system of Ukraine in the context of European integration*. The author believes that specifying an organizational framework for the establishment of the system of monitoring security of Ukraine’s borders with the CIS

countries is extremely important. He emphasizes the need to intensify activity in this regards, also at sea, invoking the interoperable equivalent of the European EUROSUR system. The results of the author's research included in this paper may be used by both three institutions responsible for managing borders and the scholarly circles for further investigation of the efficiency of the system of monitoring border security.

Oleksandr Kornievskyy, in his paper *Staff training of professional politicians in Ukraine: problem aspects and ways of solving*, addresses the issue of assessing the factors that determine political competence. The subject matter of the analysis is the assessment of the degree to which future politicians are prepared to exercise authority. The author emphasizes the importance of organizing staff training for professional political activity, mainly on the basis of leading universities that educate civil servants, but also political parties and public organizations whose objective is to educate future political leaders. The author believes that the use of the experience of other countries is crucial in this respect.

Vasyl Kostytsky, Victoria Sydor, Iryna Kostytska and Anastasia Sukhodolska present their paper *Challenges to the realization of human rights under the pandemic*. The article fits within the debate on human and citizens' rights against the common abuse of rights, egoism of the individual and the conflict between the right of an individual and the rights of others determined by community life. According to the authors, in certain exceptional situations some rights and freedoms may be restricted. Referring to the research conducted during the fight against the COVID-19 pandemic caused by SARS-CoV-2, the authors emphasize that there are valid reasons for the existence of an institutional system responsible for society's health and epidemiological condition.

Iuliia Magdych addresses an immensely interesting issue in her paper *Features of political manipulation of the value-worldview component of public consciousness*. The subject matter of the analysis is the essence of political manipulation of world-view values. The author argues that the relevant research confirms the interrelations between activities of political manipulation and the functioning of a political system. In effect, changeability of values and of political significance in postmodernity contributes to further formal improvement of the technology of political manipulation.

The latest volume also includes a paper from Olena Milienko entitled *Administrative agreement as a component of the system of public governance tools*. As a result of a problem analysis, the author postulates that the Ukrainian draft “Administrative proceedings” law be expanded.

Mykhailo Mykhailov, in his paper *Methodological concept of the research of criminal and legal support against corruption bribery in Ukraine*, presents the said notion of methodological support for investigating the criminal law fight against corruption bribery in Ukraine. The author believes that in order to develop a new concept of shaping behaviours in the anti-corruption sphere, positivist principles of shaping criminal law in Ukraine must be partially rejected.

Vasyl Nazarkov, in his paper *Modern internal political reforms in the Arabian states: key reasons and implementation factors*, presents an interesting issue that takes the reader of this volume of “Reality of Politics. Estimates – Comments – Forecasts” to a research area that is not often covered in it. The author argues that globalization was the process that triggered transformations in the Arab states. In the author’s opinion the countries of the investigated region have seen cardinal reforms and transformations in their policy relating to gender, education, social and economic activities, etc. And although, as he highlights, these changes are often declarative only, not system-related, they need to be seen as highly beneficial to the region. The significance of problems occurring in these countries is emphasized by the fact of their growing importance for the policy of today’s Ukraine.

Antonii Palamar contributes to the volume another paper that addresses problems of the countries of the Middle East, Egypt in particular. In his paper *The influence of the Salafi movement on the political transformation of Egypt in 2011-2013*, A. Palamar presents an analysis of the political impact of the Salafi movement on Egypt. The paper analyses the process of forming the movement, its dynamics and relations with the Muslim Brotherhood as well as the ideological differences between them. The article also examines Saudi Arabia’s influence on Egyptian Salafism. The author presents and explains the main differences between Salafism and Wahhabism.

This volume also includes Roman Tomaszewski's article *The battle of Warsaw and its projections in Polish-Ukrainian relations (1920-2020)*. In the author's belief, contrary to all judgements and interpretations, the experiences of the 1920–1921 war are constructive elements in the history of Poland and Ukraine. As the author emphasizes, his article *The battle of Warsaw and its projections in Polish - Ukrainian relations (1920-2020)* is a proposal of an as balanced as possible view at the past that determines Poland's and Ukraine's future. Eventually, it is an attempt to establish a long-term perspective that calms political or (neo)nationalist emotions in favour of a sustainable ordering of knowledge.

In the presented volume Radosław Sokołowski discusses a book by Andrzej Furier, *Gruzja Niepodległa. Od monarchii do republiki* published by Adam Marszałek Publishing.

At the end we would like to emphasize that the presented volume of "Reality of Politics" brings the views of authors who present their opinions in compliance with the adopted research techniques, which needs to be considered a standard about which it will never be said enough.

This volume could not have become a complete work without the support of A. Marszałek Publishing, for which the Editors of "Reality of Politics" would like to thank.

The Editors wish to believe that thanks to this volume the Readers will find at least a little hope in today's pandemic reality.

ARTICLES

Andrii Bakai¹, Dmytro Kupriienko²

**IMPROVEMENT OF THE ORGANIZATIONAL
AND LEGAL MECHANISM OF MEDICAL SUPPORT
OF THE SECURITY AND DEFENSE SECTOR
OF UKRAINE IN CRISES BASED
ON NATO STANDARDS**

Keywords: integrated medical space of troops (forces), interoperability, integrated treatment system, capability-based planning, principles and policy of health service support, military medicine reform, level system of medical support, control structure.

ABSTRACT: The article has considered the general principles and capabilities of the medical support of NATO troops, confirmed the expediency of further transformation of tasks and functions of the state in terms of medical support of troops (forces) of the security and defense sector of Ukraine in crises through the approximation to the relevant NATO standards, justified the need to implement the Euro-Atlantic experience of rendering medical care, use the general framework of categories and concepts, principles of the evaluation of capabilities (assets) of medical support which will contribute to the development of integrated medical space for medical defense of troops (forces) and elaboration of individual crisis response model taking into account the basic international requirements. The authors have determined the priority tasks of further cooperation between Ukraine and the North Atlantic Treaty Organization in the context of the reforms of medical logistics. It has been substantiated the need to keep reforming milita-

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ry medicine in conformity with NATO standards and recommendations that will promote an active involvement of medical services of troops (forces) in medical support of national and multi-domestic contingents during crises and adaptation of interoperable medical capabilities of joint missions under the auspices of NATO and the UN. The research has analyzed the mechanisms of interdepartmental coordination on medical support of troops (forces) and proved the feasibility of using the experience of NATO member states in the organization and functioning of the system of medical support of the military contingent with the adaptation of NATO doctrinal documents to the realities of modern Ukraine.

The authors have justified that the need to substantiate the personnel, provision, training, maintenance procedure of medical units and medical strengthening groups is gaining currency in the medical support system of troops (forces) to secure the early specialized medical care to injured during the first day after injury (lesion) at inpatient facilities deployed on the evacuation routes.

The research finding has resulted in the development of fundamentals for improvement of the organizational-legal mechanism of the security and defense sector of Ukraine during crises to approximate to NATO standards, principles and policy of health service support of troops. It is based on the cyclical process, which begins with stating a problem, organization of the enforcement and control system.

Consequently, the fulfillment of tasks on the improvement of the organizational and legal mechanism of medical support of the security and defense sector of Ukraine during crises relying on NATO standards will have a synergetic effect.

Implementation in Ukraine of successful NATO practices in health service support during crises will allow approximating state capabilities to the basic international requirements.

INTRODUCTION

Ukraine's non-aligned status didn't provide it with the complete defense against external aggression. International guarantees of independence, sovereignty and inviolability of borders proved to be insufficient. Thus,

the need for sweeping changes in the state policy – primarily, in the realm of national security and defense – arose.

Therefore, on February 7, 2019, the Constitution of Ukraine was amended in terms of the determination of the strategic course of the state on acquiring full-fledged membership of Ukraine in the European Union and in the North Atlantic Treaty Organization (hereinafter referred to as “NATO”). In the context of European and Euro-Atlantic integration, it is essential to conduct a complex of reforms of pivotal life spheres of Ukraine for their beforehand preparation and adaptation to European and North Atlantic policies, standards, principles, law rules and administrative approaches.

Under the framework of the implementation of Davos obligations of Ukraine and one of the major priorities and indicators of the system reform of the security and defense sector of Ukraine (hereinafter referred to as “SDSU”) is the attainment of compliance with the international institutional and administrative-logistical criteria necessary for membership in the above organizations and ensuring interoperability of the military sector with NATO member states.

The Annual National Program under the auspices of the NATO-Ukraine Commission for 2020 declares the enhancement of the processes aimed at meeting NATO membership criteria by accelerating domestic reforms, transition of the security and defense sector of Ukraine to NATO standards and the improvement of interoperability, harmonization of the legislation of Ukraine with one of NATO member states in the area of security and defense of the Ukrainian Armed Forces units with NATO armies (Ukaz Prezydenta Ukrainy, No. 203/2020).

The authors have highlighted two aspects among the core objectives of reforms, which are necessary conditions for Ukraine’s NATO membership: 1) strengthening of the state defense capacity (through the optimization of the security and defense sector of Ukraine); 2) meeting the relevant criteria of interoperability on logistics (including medical).

The legislation provides the internal policy of Ukraine focuses on the protection and security of citizens (Ukaz Prezydenta Ukrainy, No. 392/2020). Moreover, civic health, including military personnel, is an essential component and a resource of the national security (The Cabinet of Ministers of Ukraine, 2018).

Thus, one of the topical issues, which has the pragmatic relevance in the context of the abovementioned and the article is devoted to, is the advancement of the medical support system of the SDSU in crises.

In order to determine a strategy and primary development areas of medical support of the SDSU in crisis situations, the Cabinet of Ministers of Ukraine approved the Military Medical Doctrine of Ukraine (The Cabinet of Ministers of Ukraine, 2018), which declared the implementation of the international standards, principles and medical support policy of NATO by taking into account their requirements in the legislation on servicemen health status, forming the necessary structure and strength of medical services and maintaining medical support. At the same time, the involvement of advisory, practical and logistical assistance for targeted program reform of the departmental health care sector is one of the goals of practical cooperation between Ukraine and NATO.

Indeed, the necessity for carrying out activities on the organization of health support of the SDSU in crises determines an urgent need to create a unified medical space based on a peacetime health care system, which is restructured and strengthened to work in specific conditions, in particular, with a possible use of doctrinal recommendations, guidelines for monitoring healthcare, standards and evaluation procedures of NATO member states (Serdiuk, 2016).

In addition, in the course of reforming the system of military and civil medicine at the modern stage of Ukraine, it is essential to consider the need to build the interagency medical support system of the defense forces, which can contribute to the interoperable medical capabilities when conducting joint missions with NATO that prescribed by the law.

Planning and organization of medical support of the SDSU in crises should meet the Military Doctrine of Ukraine which provides for the eruption of modern military conflicts different in scale and nature: regional and local wars, armed conflicts (NATO Standardization Agreement).

According to the authors, it is important to take into account the mentioned preconditions when developing the national model of emergency response, the medical support system of the SDSU in crisis situations.

Therefore, *the purpose of the article* is to do the groundwork for improving the organizational and legal mechanism of medical support of the security and defense sector of Ukraine in crises to approximate to standards, principles and policy of health service support of NATO troops.

To achieve the article's goal, *some tasks* have been solved:

- special aspects of the medical support of troops (forces) of the SDSU in the modern context have been identified;
- the modular approach to the medical support of NATO and SDSU troops has been analyzed;
- features of the medical support of NATO operations have been specified;
- directions for the improvement of the organizational and legal mechanism of medical support of the security and defense sector of Ukraine in crises situations have been substantiated.

THEORETICAL BACKGROUND

In general, the analysis of subject-related domestic and foreign literature sources allows the authors to state that the issues of medical support of the SDSU are of practical and theoretical relevance and extensively discussed under present-day conditions of Ukraine. The majority of scientific contributions deal with the analysis of the experience of civil-military cooperation to NATO standards as an integral part and a critical tool of crisis management during international peacekeeping and security operations under the auspices of NATO and the UN.

The papers of L.P. Antonenko, M.I. Badiuk, A.V. Barovska, N.V. Vasiukova, O.I. Vorobieva, A.M. Halushko, H.D. Kyrzhner, P.V. Klimenko, D.V. Kovyda, V.O. Kozachok, R.M. Lyman, I.A. Lurin, O.O. Liashenko, O.V. Mazurenko, O.O. Mykyta, O.M. Mylchenko, O.Z. Nabochenko, O.O. Olifirov, V.M. Pivnyk, M.M. Ryhan, H.H. Roshchin, S.M. Salkutsan, A.M. Serdiuk, I.K. Sereda, Yu. M. Skaletskyi, V.V. Stebliuk, V.M. Tarasov, S.A. Tishchevskyi, V.V. Khmil, O.H. Shekera (Badiuk, Kovyda, Mykyta, 2016; Badiuk, Pivnyk, Liashenko, 2018; Serdiuk, 2016; Tarasov, Salkutsan, Mylchenko, 2016; Shekera, Stebliuk, Kyrzhner, 2014) covered the imple-

mentation of standards, principles and policy of medical support of NATO troops in the medical support system of the SDSU in the context of peacetime and a special period.

The research by Zhakhovskiy V.O. is devoted to the improvement of the mechanism of public management of the human resources system of the medical service of the Armed Forces of Ukraine in terms of its European and Euro-Atlantic integration and substantiation of the concept of optimization of this system given Ukraine's approximation to NATO (Zhakhovskiy, 2014).

The authors have considered the development of the medical support system of law enforcement agencies of Ukraine amid its European and Euro-Atlantic integration (Bakai, Kupriienko, 2020).

In addition, in the authors' opinion, issues of evidence-based determination of further topical directions of the military medicine reform in Ukraine in conformity with NATO approaches remains poorly researched despite their fundamental practical relevance.

NATO MEDICAL SUPPORT POLICY

A military cooperation of Ukraine with NATO member states is considered as a critical part of the partnership as a whole. Implementation of NATO standards and procedures through the partnership during emergency response facilitates the accomplishment of Ukraine's strategic goal of Euro-Atlantic integration. An interest in the experience of military medical services of the foreign armies and, primarily, in the medical support of NATO armed forces has heightened. The issues of implementation of best practices in different aspects of military medicine are of vital importance for Ukraine, the territories of which have been temporarily annexed and an armed conflict has been going on for six years in the east.

In modern Ukraine, the key shortcomings of the organization of medical support of troops (forces), as a system of organizational and managerial measures and their realization in crises, compose a lack of unified approaches, uniform norms, guidelines, standards and principles of medical care delivery.

American model of organization of medical support in crises has a conceptual and doctrinal nature compared to Ukrainian. There are several types of the doctrines: United States Army Doctrine; Allied Joint Doctrine, Doctrine of Multinational Forces (NATO and other states). The capstone document regulating the issues of medical support in the US is the Military Medical Doctrine. Multinational doctrines ensure unification, standardization and take into account the specifics of national military health systems. Provisions of the allied or partner doctrines are formulated in such a way so that the national priorities in medical support of individual member states don't interfere with interaction and cooperation.

Much attention is devoted to the aspect of medical support that was reflected in the Alliances Strategic Concept, 29 Apr. 1999, and MC Directive for Military Implementation of Alliance Strategy, 14 Jun. 1996. MC Directive 319 "NATO Principles and Policies for Logistics" notes that general principles of logistics usually belong to medical support of forces (NATO, Euro-Atlantic Partnership Council).

It should be emphasized that the new US defense strategy provides for a redistribution of forces at the system level. In other words, the adaptation of NATO bodies and control system is carried out through the general conceptual framework and principles of assessing the relevant forces and means used for the fulfillment of the assigned tasks.

NATO operations under special (extreme) conditions led to the further development of medical support. At present, NATO military medicine uses the most effective practices based on fundamental training (planning) and real-life experience and lessons learned from frequent military conflicts. This allows the medical system to adjust to the challenges caused by the quantitative and qualitative characteristics of victims, extreme environmental conditions, logistical bottlenecks and the fact that the need to complete a mission may precede medical needs (American College of Surgeons, 2006).

It is worth highlighting that NATO military medical unit requires a set of harmonized standards to function as a single organism. These standards should be included in a memorandum of understanding, a technical agreement and (or) implementation agreement between member states. Integration of national procedures and training courses into a multina-

tional work environment is time consuming. Thus, certification should be two-stage. The first stage is the national certification of personnel or elements which will become a part of the military medical unit. The second one is the integration and certification of the national elements of the military medical unit.

At the same time, the control emphasis is on validation and certification of the functional responsibilities. States are recommended to use NATO Standardization Agreement (STANAG 2560 Evaluation of NATO Medical Treatment Facilities) for the national assessment and certification (NATO Standardization Agreement). Control over NATO medical treatment facilities consists of Medical Evaluation Manual (AMedP-1.6), Capability Matrix (AMedP-1.7) and Skills Matrix (AMedP-1.8). The functional responsibilities of medical support of operations are brought in line with each task and based on the modular approach. Many states prefer to use modules (or individual specialists) in the multinational medical functionality. The evaluation procedure should confirm the quality of care provided by the integrated health care system and identify potential risks. The procedure allows assessing the medical environment as part of NATO response forces. Thus, during the evaluation, the focus is on the effectiveness of medical forces against imposed requirements (Directive MC 326 “Medical Support Precepts and Guidance for NATO”).

Military cooperation with NATO is deemed to be an essential element of Ukraine’s partnership with this organization as a whole. The reform and military cooperation contribute to the Ukrainian strategic goal of Euro-Atlantic integration through the gradual adoption of NATO standards and procedures, as well as the enhancement of interoperability between the Armed Forces of Ukraine and NATO, in particular, through the implementation of partnership goals and crisis response under the aegis of NATO (Ukaz Prezydenta Ukrainy, No. 5/2015).

In this regard, interest in the experience of military medical services of foreign armies and, above all, in the medical support of NATO forces has sparked. While contacting military medical services of foreign countries, it is important not to copy mechanically but to analyze, generalize and assess their experience critically. Its use should be balanced, selective and

take into account specifics of the national SDSU and their medical support as well as real economic and logistic capabilities of the state.

The latest available revision of NATO provisions on the principles and policy of medical support states that the spheres of military and civil health care are the most related components of the civil-military interaction. Moreover, NATO always has the highest regard for the participation of military units in the recovery of natural and man-made emergencies. The very military medicine units can deploy special infrastructures and medical resources with autonomous support within a short time under adversity.

The readiness of medical services for their intended use in international peacekeeping operations and other joint actions, in which the Ukrainian peacekeeping contingent begins to participate, is ensured by achieving a core interoperability of the relevant structures of multinational formations through the application of common criteria, standards and principles of medical care that enshrines common approaches to planning, organization and procedure for providing medical care (medical protection) in crises and cooperation arrangements on efficient use of available medical resources, i.e. a balanced system of organizational and managerial measures and their implementation, etc.

In fact, it means that in the current context, the primary goal of military medicine reform in Ukraine should be the creation of a system of medical support for troops (forces), which is interoperable in terms of medical capabilities in the joint missions with NATO, and the introduction of modern technologies for the provision of medical care and treatment of wounded (injured) under the standards of medical care, clinical protocols and other industry standards in the health sector of NATO member states.

Integration of the system of medical support of troops (forces) into a united medical space of Ukraine includes interoperability of assets of medical services of the SDSU and civilian healthcare system for the full-blast implementation of their capabilities towards effective medical support of military personnel along with preservation of the organizational independence of medical services of the SDSU. The fundamental requirement for the organizational formation of medical services is the unification of the institutional structure, mobility and the modular principle,

which ensures the interoperability of their specific elements and facilitates to advance survivability (sustainability) of the health care system.

The core elements of interoperability of medical services of the Defense Forces of Ukraine and NATO troops are the application of fundamental principles of medical support and common approaches to their organizational construction, maintenance of constant readiness of medical services to perform assigned tasks and their mobility of using a single complete standard equipment, the same requirements for military medical training (tactical medicine training of military servicemen), training of medical personnel and organization of protection of medical units and military treatment facilities.

The medical support system of troops (forces) is based on health agencies, which consist of medical units of military units and military treatment facilities (mobile and immobile). A number of these bodies in the medical support system is determined by the structure, strength, dislocation and use of troops (forces) and the need to guarantee the provision of well-timed and effective medical care. Assets of the medical service (levels of medical support) deployed on the evacuation routes are formed from specific functional components (Allied Joint Medical Support Doctrine), which are shown in Fig. 1.

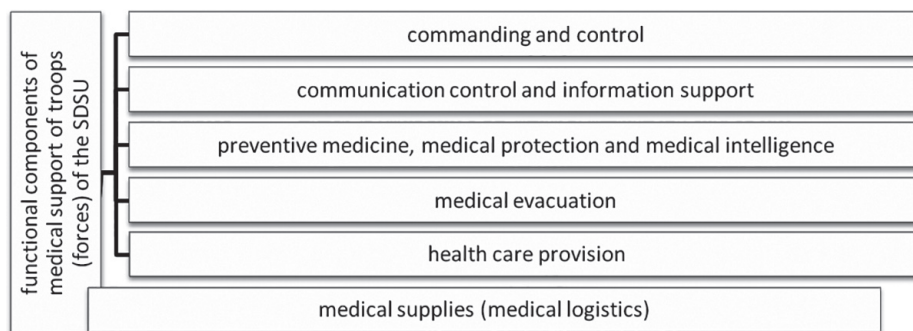


Fig. 1. Functional components of medical support of troops (forces) of the SDSU

SPECIAL ASPECTS OF MEDICAL SUPPORT OF TROOPS (FORCES) OF THE SDSU IN THE MODERN CONTEXT

Modern nature of the use of troops (forces) provides for possible conducting large-scale military operations, which may be accompanied by a large number of sanitary losses both among military servicemen and civilians. Under such conditions, the following needs will additionally affect the activities of the military medical services:

- to involve civilian health facilities, some of which may be destroyed, to provide servicemen with medical care;
- to provide the civilian population with medical care by military medical services;
- to involve additional military transport for medical evacuation of the wounded and sick.

Medical support of troops (forces), which participate in the implementation of measures of the legal regime of state of emergency, martial law and (or) recovery of natural and man-made emergencies (crisis situations), is carried out under the requirements of legislative and statutory acts as well as governing documents prescribing the procedure of participation of troops (forces) in the mentioned actions. In such cases, medical support of troops (forces) includes measures for preventing or reducing the degree of injury of military personnel, timely provision of medical care for victims at the pre-hospital and hospital stages, their evacuation and treatment.

Consequently, a range of factors shown in Fig. 2 may affect the organization of medical support of troops (forces) of the SDSU.

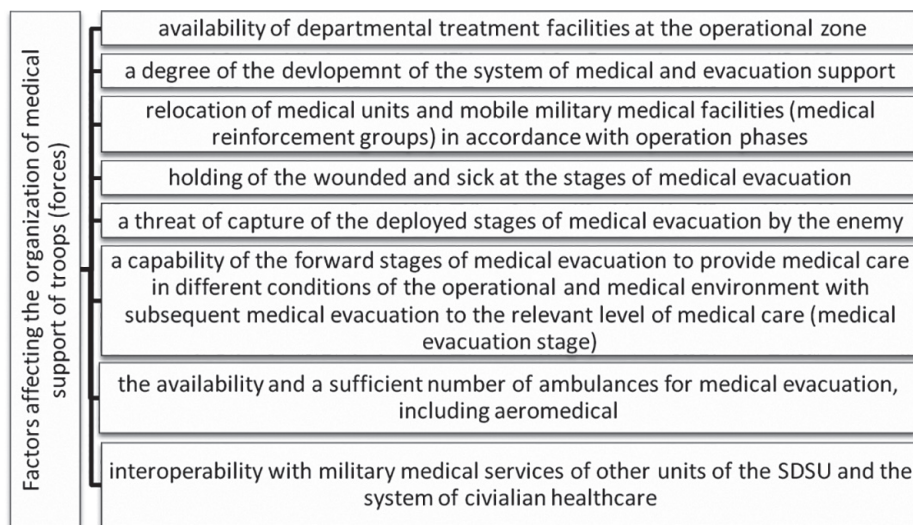


Fig. 2. Factors affecting the organization of medical support of troops (forces) of the SDSU

MODULAR APPROACH TO MEDICAL SUPPORT OF THE TROOPS OF NATO AND SDSU

In the context of building Smart Defense and implementation of the project “Pooling and Sharing of Multinational Medical Treatment Facilities”, the modular approach to medical support is a key element of NATO plan to improve interoperability of national resources that will contribute to the creation of advanced medical capabilities under NATO (Allied Joint Medical Support Doctrine). It is based on the early formation of standardized functional units (modules), meeting particularities of tasks and operational requirements, which consist of the required number of staff of a certain level of training and qualifications, equipment and consumables. Types and a number of modules, which identify medical capacity, are adjusted to the operational medical environment. The modules are combined in such a way that together they create the necessary medical unit or military treatment facility.

Therefore, application of the modular approach to the building of the medical support system of the SDSU at the national level will facilitate the more effective management of medical resources, in particular, through:

- the maintenance of organizational formation of medical units based on individual modules of capabilities, each of which has standard functions;
- the improvement of capabilities of the units of medical support and military treatment facilities at all levels of medical support;
- the assurance of compatibility of medical services of troops (forces) between each other and with civilian medical resources, as well as with medical services of NATO armed forces;
- the strengthening of medical capacity of troops (forces) by means of others without violating organizational and staff structure. At the same time, this keeps sufficient autonomy, integrity and functional capacity of each individual module (Conceptual Basis for a Modular Approach to Medical Support Capability).

The application of the mentioned approach to the formation of medical units is enormously important for medical units and healthcare facilities of the second and third level.

SPECIAL ASPECTS OF THE MEDICAL SUPPORT OF NATO OPERATIONS

As envisaged in the Allied Joint Doctrine for medical support (AJP-4.10), a range of capabilities of health service support and its scope must correspond to the tasks, quantitative and qualitative indicators of the armed forces and the threats which these forces face or may face. They must be adaptable to the changes or specific risks associated with the execution of tasks and allow working in conditions when the number of injured exceeds the expected daily number. Capabilities of health service support, regardless of whether they were deployed in full or partially, must together compose a system of health service support according to the following features (Allied Joint Medical Support Doctrine):

to work as a network of subsystems of a single system, which can provide a higher level of medical care due to the synergistic effect than under advancing capacity of each specific part;

to consist of flexible components the configuration of which is easy alterable to perform many tasks (in the context of different roles) in crises;

to be in line with the rational balance between clinical needs and a tactical situation;

to ensure multi-level gradual clinical capabilities which meet the needs of patients in terms of both temporal and spatial requirements;

to combine maritime, land and air medical capabilities if necessary.

Functions and capabilities of the military healthcare system of NATO, which are necessary for military health support of troops, are specified by well-defined roles. Minimum capabilities of every preceding role should be similarly kept in the following roles (Table 1).

Table 1. Characteristics of the roles of military health care of NATO

Role	Role characteristics
Role 1	It encompasses a set of primary health care capabilities which includes triage, pre-hospital emergency care and essential diagnostics.
Role 2	It encompasses a set of military health care capabilities which enhances the resuscitative spectrum of the role 1 by capabilities essential to preserve life, limb, and function and stabilize the patients' condition for further transport and treatment
Role 2 forward	It provides high mobility, deployment in austere or unsecure tactical environments enabling forward projected resuscitative and surgical treatment to control bleeding, maintain circulation, restore perfusion and preserve life, limb, and function. R2F capabilities may also be deployed to augment or to enhance other medical capabilities in theatre. R2F capabilities comprise triage, essential diagnostics, damage control resuscitation and damage control surgery. Their resources are limited. R2F capabilities rely on immediate medical evacuation and resupply after treatment.
Role 2 basic	It preserves life, limb, and function due to resuscitative and surgical interventions. R2B capabilities may operate highly mobile, afloat or land; they are based and comprise triage, essential diagnostics, damage control resuscitation and damage control surgery, short term post-operative critical care, limited patient holding and medical supply. R2B capabilities may also be deployed to augment or to enhance other medical capabilities in theatre.

Role	Role characteristics
Role 2 enhanced	Role 2 enhanced (R2E) capabilities may provide diagnostic, specialist and hospital care essential to stabilize and prepare patients for strategic evacuation. In addition to the capabilities of a role 2 basic, this includes but is not limited to surgery, x-ray, laboratory, blood bank, pharmacy and sterilization.
Role 3	The role 3 comprises a set of deployable specialist and hospital care capabilities which at least includes computed tomography and oxygen production in addition to all the R2 capabilities listed above. R3 capabilities may reduce the need for a repatriation of patients and enable a higher standard of care prior to strategic evacuation.
Role 4	The role 4 comprises the full spectrum of military health care including highly specialized capabilities (s reconstructive-surgery, prosthetics and rehabilitation) that cannot be deployed or will be too time consuming to be conducted in theatre. Role 4 medical support is a national responsibility and normally provided by (military or military contracted civilian) hospitals in the casualty's country of origin or at a regional hub (firm base).

IMPROVEMENT OF THE ORGANIZATIONAL AND LEGAL MECHANISM OF MEDICAL SUPPORT OF THE SECURITY AND DEFENSE SECTOR OF UKRAINE IN CRISES

Taking into account the abovementioned, the authors put forward an approach to improve the organizational and legal mechanism of medical support of the SDSU in crises. The approach's essence involves adapting Allied Joint Doctrine for Medical Support AJP-4.10 (STANAG 2228) in terms of the division of medical support system of troops (forces) into the defined stages and development of medical capabilities meeting the roles (norms and rules) of medical support by NATO standards, namely:

- role 1 – to secure the provision of a specific set of primary health care capabilities and pre-hospital emergency care;
- role 2 – to secure a high mobility of medical care (through deploying field mobile hospital and functioning of mobile units (mobile diagnostic and treatment complexes and military medical clinical centers), and stabilization of the patients' condition during the forward and tactical medical (air medical) evacuation;

- role 3 – to secure top standards of health care (qualified with the elements of specialized) before conducting strategic medical (aeromedical) evacuation through combining capabilities of special and hospital aid (incl. in deployable ones) (hospitals, regional military medical clinical centers);
- role 4 – to secure a tertiary care (Main Military Medical Clinical Center, clinical health centers, medical rehabilitation centers).

A reasoned outcome of the implementation of the above roles is primary tasks of the organization of interagency cooperation in the context of effective medical support of troops (forces) during crises, as follows:

- 1) to advance the stage system of health care where the next stage includes capabilities of the previous one and amplifies them;
- 2) to combine and develop joint immobile and mobile capabilities for health care.

In turn, it will make it possible:

- to provide a higher level of medical care (than under adding medical functional capabilities);
- to adhere to the principle of flexible components the configuration of which is easy alterable to perform many tasks (in the context of different roles) under any operational medical environment and tactical situation;
- to combine maritime, land and air medical capabilities efficiently.

Moreover, in the medium term, new opportunities become available to achieve the following goals:

- 1) to create a multilevel system of medical support (a system of medical evacuation measures with care by echelon) which can apply medical capabilities (resources and possibilities) to the establishments of different management levels, in various localities and provide medical care to the wounded (sick) in the shortest possible time and the fullest extent, taking into account the available forces and means and capabilities of medical and aeromedical evacuation without violating continuousness of medical care;
- 2) to approve the fundamental division of the medical support system into well-defined stages and to kick off the process of building medical capabilities following NATO norms and rules of medical support;

- 3) to implement the modular approach in the organizations of medical support that will ensure the advancement of interoperability of medical capabilities;
- 4) to accomplish compatibility of the system of medical support of troops (forces) with a system of health service support of NATO state members with acquisition of adaptive capacity to changes or specific risks;
- 5) to accomplish NATO-Ukraine Partnership Goal (G5404) “On the Reform of Military Medical System”;
- 6) to build a level health care system.

CONCLUSIONS

Consequently, having relied on the analysis of the statutory framework of medical support of NATO state members, the article has outlined the principal directions for improving the organizational and legal mechanism of medical support of the SDSU in crises.

The authors have proved the expediency of implementing the advanced model of a multilevel system of medical support of troops (forces) with an option of applying medical capabilities to the establishments of different management levels in the general system of an integrated medical space.

It has been substantiated managerial aspects of the organization of multilevel system of medical support (the system of treatment evacuation measures with care by echelon), which is based on the fundamental division of medical support system into four stages, and the need to initiate the formation of medical capabilities in complying with the roles of NATO medical support. This is aimed at achieving compatibility of the medical support system of troops (forces) of the SDSU with health service support of NATO member states.

The implementation of standards, principles, policy and doctrinal fundamentals of health service support of NATO into the domestic practice has to take into account the national peculiarities of health service support in Ukraine.

The sphere of standardization and codification in the system of medical support of troops (forces) needs elaborating and statutory consolidating.

Adjustment of the experience of NATO bodies and management system should be carried out using general conceptual framework and principles for the assessment of necessary assets involved to fulfill the assigned tasks.

Thus, the performance of tasks of improving the organizational and legal mechanism of medical support of the SDSU in crises based on NATO standards will have a synergetic effect.

The introduction in Ukraine of positive experience in the organization of NATO health service support in crises will approximate the state's capabilities to basic international requirements.

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THREATS AND CHALLENGES IN THE FISCAL SPHERE OF UKRAINE AND WAYS TO OVERCOME THEM

Keywords: fiscal sphere, fiscal policy, threats and challenges in the fiscal sphere, fiscal security, fiscal sphere capacity.

ABSTRACT: The article considers the main threats and challenges to the stable and effective development of the fiscal sphere in Ukraine and the reasons for their occurrence. The ways to overcome these problems are identified.

It was noted that the development of the fiscal system in Ukraine since the independence has been accompanied by complex transformations associated with the corresponding steps in its organizational restructuring with changes in legal entities. Accordingly, since independence, the development of the fiscal sphere has undergone 6 stages, that affected the overall state of its development.

It was shown that such a complex way of evolution of the fiscal service in Ukraine has left its mark on the complicating circumstances that accompanied its development, which is manifested in the still insurmountable challenges and impending threats that hinder the stable and effective development of this important institution in the system of public administration.

The article identifies the challenges and threats that accompany the development of the fiscal sphere in modern Ukraine: the dogmatic nature of fiscal policy, its separation from the actual state of affairs in the economy; low economic development caused by its shadowing and high inflation, etc.

The goal of the article is to identify threats and challenges in the implementation of effective domestic fiscal policy and to disclosure strategic ways of the fiscal sphere development in Ukraine for overcoming threats and challenges.

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It was demonstrated that in order to increase the level of efficient functioning of the fiscal sphere and ensure the fiscal security of Ukraine, first of all, a political will and a system of measures that prevent and counteract its threats and challenges are needed.

Another important step towards increasing the capacity of the fiscal sphere is the adoption of a number of management decisions in the system of public administration regarding the fiscal sphere functioning. It is also necessary to carry out reforms in the law enforcement sphere, modernize law enforcement practices as well as to conduct the necessary intelligence activities for studying the current situation in its development, where threats are relevant.

INTRODUCTION

The development of modern Ukraine and the achievement of its high indicators directly depend on the formation of a coherent and effective financial policy, including fiscal one. However, there is no sufficient stability in this area nowadays, which, accordingly, has a negative impact on the quality of economic development of the state. The major difficulty in achieving positive results on the way to economic stability and high performance of the state is the overcoming of the challenges and threats in the fiscal area. This requires purposeful work of public authorities on reforming and improving the basic principles of fiscal policy and their implementation.

The difficulties in ensuring an effective fiscal policy today are related to the challenges and problems facing Ukraine. First of all, it is the Russian-Ukrainian war in the East of the country, which leads, among other things, to a significant burden on the economic sphere due to the great damage to the economic infrastructure in the country. The external economic challenges, internal disorganization of the economic situation, and the slow pace of necessary institutional and structural reforms also have a negative impact on the development of the fiscal sphere. All this has an impact on the fiscal sphere and leads to serious difficulties in ensuring its sustainable development.

In connection with the mentioned above, there is a question of studying threats and challenges in the fiscal sphere at the national and scientific levels in order to develop a strategy for effective steps in improvement of

fiscal policy as an important component of solving major problems in the public administration.

Analysis of recent researches and publications. The article addresses the scientific research of such Ukrainian scientists as O. Desyatnyuk, O. Slastyonenko, T. Kozachyshyn, V. Nekrasov, O. Korystin, whose research raised the problems of the fiscal sphere, the existing challenges and threats in its development, as well as strategic development of the fiscal sphere in order to prevent and overcome these problems.

They also referred to the relevant regulations, which regulate the peculiarities of the fiscal sphere development and identify strategic directions of its improvement in the state, taking into account the problems associated with the challenges and threats.

The current publication is an add-on in scientific researches, which were conducted independently and the results of which were demonstrated in the author's scientific articles and conference proceedings (Baranovskyi, 2019; 2020).

The goal of the article is to identify threats and challenges in the implementation of effective domestic fiscal policy and reveal strategic ways of the fiscal sphere development in Ukraine in order to overcome defined threats and challenges.

The research objectives of the scientific article are to identify the main threats and challenges to the stable and effective development of the fiscal sphere in Ukraine and the reasons for their occurrence. It is also important to reveal the principles of preventing and overcoming threats and challenges, including through the provision of law enforcement activities that will be able to prevent and counteract illegal actions of officials in the fiscal sphere.

The study of problems and threats in the fiscal sphere conducted in the current scientific article was based on the following methods of scientific research: historical, comparative and systematic analysis.

FORMATION AND DEVELOPMENT OF THE FISCAL SPHERE IN UKRAINE

The fiscal sphere in modern Ukraine is represented by following institutions: the State Tax Service of Ukraine, the State Customs Service of Ukraine and the State Fiscal Service of Ukraine. They were finally created in 2018 in the process of organizational restructuring that took place since Ukraine's independence.

To date, some difficulties in achieving the effective implementation of fiscal policy in Ukraine are due to the fact that since independence, the fiscal service system in Ukraine has undergone significant reforms and related transformations for decades.

In general, there are several stages in the development of the fiscal service system since the independence of Ukraine:

- 1) (1990–1996 pp.) - creation of the State Tax Inspectorate of Ukraine within the Ministry of Finance;
- 2) (1996–2000 pp.) - formation of the State Tax Administration as an independent body of executive power, changing the level of subordination of the tax service;
- 3) (2000–2011 pp.) - modernization and reorganization of tax service in the framework of implementing the state policy of European integration of Ukraine;
- 4) (2012–2014 pp.) - creation of the Ministry of Revenue and Duties by merging the Tax Service and Customs Service.
- 5) (end of 2014 - end of 2018) - creation of the State Fiscal Service of Ukraine;
- 6) (from the end of 2018) - creation of the State Tax Service of Ukraine and the State Customs Service of Ukraine as central executive bodies to ensure the implementation of state policy in the tax and customs spheres respectively (Baranovskyi, 2019, p. 25).

The final step in reforming the organizational structure of the fiscal sphere was the adoption of the Resolution of the Cabinet of Ministers № 1200 “On the establishment of the State Tax Service of Ukraine and the State Customs Service of Ukraine” (December 18, 2018). According to this document, the State Tax Service of Ukraine and the State Customs Service

of Ukraine became the central executive bodies for ensuring the implementation of state policy in the tax and customs spheres (Resolution of the Cabinet of Ministers of Ukraine, 2018).

Accordingly, such a complex nature of the evolution of the fiscal service in Ukraine due to the constant restructuring of its bodies has left its mark on the complicating circumstances that accompanied its development. Today, this is demonstrated in the still insurmountable challenges and impending threats that hinder the stable and effective development of this important institution in the system of public administration.

THREATS AND CHALLENGES IN THE FISCAL SPHERE IN UKRAINE

One of the most difficult problems in ensuring the sustainable development of the state is the conduct of ineffective fiscal policy and the presence of significant threats and challenges in the fiscal sphere.

According to O. Desyatniuk, the difficulties that affect the inefficiency of fiscal policy implementation and, accordingly, pose a serious threat to the macroeconomic stability of Ukraine are related to the following factors: increasing the fiscal pressure on the economy; deformation of the structure of the revenue side of the state budget; reducing the efficiency of public investment as a factor of economic recovery; growing deficit of the budget. Also, the important factors in the occurrence of fiscal policy risks, which have a high probability of being affected by such macroeconomic risks, are: risks of technical default; risks of excessive government activity in the domestic debt market that leads to the displacement of private investment due to increased government borrowing; maintaining the validity and stability of the taxation level; maintaining sufficient fiscal flexibility to enable effective demand management; maintaining sustainable levels of the state deficit and debt (Desyatnyuk).

According to Slastyonenko OO, the urgent problems in the development of modern fiscal policy include its dogmatic nature, as well as its inability to respond quickly to the conditions of our economy, poorly justified tactical measures aimed at short-term benefits; separation of

fiscal policy from the actual state of affairs in the economy; breach of the balance of the state budget of Ukraine; residual approach in determining the financial base to meet the social needs of citizens (Slastyonenko, Per-shko, 2016).

Among the complicating circumstances of the fiscal sphere development, it is also necessary to note the problem that accompanies the economic development of the state. We are talking about a high level of inflation and shadowing of the economy in Ukraine.

Also, the following threats in the field of fiscal security of Ukraine are highlighted: VAT fraud; “schemes” to minimize tax payments; lobbying by government officials of certain groups and companies to promote favorable tax (customs) conditions (preferences) for them; shadowing of certain businesses; information attacks on discrediting the fiscal system; manifestations of corruption in the fiscal sphere (Presentation, 2020).

The extreme damage to ensuring the effective operation of the fiscal system is the pressure on business in Ukraine. Such illegal actions are reduced to the so-called proposals to pay taxes to entrepreneurs in advance, unjustified submission of materials to the Uniform Register of Pre-Trial Investigations (URPI), the establishment of operational and investigative cases, etc.

An important component in determining the risks in the development of the fiscal sphere is the probability of threats and their consequences.

In connection with the above, the purposes of modern state fiscal policy are: identifying the threats in the fiscal sphere; their rating and ranking; assessing the vulnerability of society to counter identified threats; creating a model and forecast of risk management, as well as determining the ability of fiscal actors to resist various threats, assessment of key factors in the development of the fiscal sphere and ensuring its effective development.

These problems in the development of the fiscal sphere are extremely worrying for both government officials, fiscal specialists and scientists, as well as the whole civil society.

A valuable scientific study on these issues was the research, the results of which were presented at the meeting on December 22, 2020 in the relevant scientific and professional environment, which included, in particular, Grigola Katamadze (Ambassador Extraordinary and Plenipotent-

ary, President of the Taxpayers' Association of Ukraine, Vice President of the European Association of Taxpayers, Member of the Supervisory Board of the Ukrainian Business Council, Member of the Board of the State Tax Service of Ukraine); Vyacheslav Nekrasov (Advisor of the Chairman of the State Fiscal Service of Ukraine, Assistant Consultant of the People's Deputy of Ukraine, Advisor to the President of the the Taxpayers' Association of Ukraine, Associate Professor); Oleksandr Korystin (Chief Research Fellow of the State Research Institute of the Ministry of Internal Affairs of Ukraine, Professor, Honored Worker of Science and Technology of Ukraine). The results of the strategic analysis on the assessment of risks and threats to fiscal security of Ukraine carried out at the initiative of the Association of Taxpayers of Ukraine were presented at that meeting (Presentation, 2020).

This strategic analysis was carried out in the form of a survey. This survey was conducted in the expert community of representatives of the State Tax Service of Ukraine, the State Customs Service of Ukraine, the State Fiscal Service of Ukraine and the business environment.

The main purpose of the study was a strategic analysis of fiscal security. The main objectives of the research were: to identify, rank and range threats to fiscal security (probability and consequences); to assess threats to fiscal security; to analyse and assess risks of the spread of fiscal security threats; to assess the capacity / vulnerability of the fiscal system regarding minimization the level of risks of the spread of fiscal security threats; to assess external opportunities related to possible increase of fiscal security level; to model and forecast risks (Presentation, 2020).

According to the results of research conducted through surveys in the professional environment, 243 existing threats in the field of fiscal security were identified. In particular, the following main threats in the fiscal sphere were identified: VAT fraud, "schemes" to minimize tax payments, lobbying by government officials of certain groups and companies to promote favorable tax (customs) conditions (preferences); shadowing of certain businesses; information attacks aimed to discredit fiscal system; manifestations of corruption in the fiscal sphere.

It was determined that 144 of 243 threats in the fiscal service are related to the State Tax Service.

According to the research, taking into account the limit values of probability and consequences, all risks in the State Tax Service are quantitatively divided into four groups:

- Group 1 – the most significant (red) - 9 risks, require urgent measures to reduce the risk of their spread;
- Group 2 – significant (orange) - 54 risks, need the control of top management;
- Group 3–72 risks, need attention, but not paramount;
- Group 4–9 risks, need to be tracked (Presentation, 2020)

Accordingly, the group of significantly high risk in the State Tax Service includes: VAT fraud, “schemes” to minimize tax payments and lobbying for certain interests in the fiscal sphere. A high risk in this area is the shadowing of certain types of business and manifestations of corruption in the fiscal sphere. Less risky for fiscal security are information attacks to discredit the fiscal system (Presentation, 2020).

One of the biggest threats in the State Fiscal Service is the avoidance of criminal prosecution for tax offenses. The main reasons for such threats in Ukraine are the imperfection of the Criminal Code of Ukraine regulations; gaps in the Criminal Procedure Code of Ukraine; imperfection of tax legislation; imperfection of customs legislation; inefficiency of the organization of pre-trial investigation as well as inefficiency of operative-search and prosecutor’s office activities; carrying out consideration of materials of criminal proceedings in courts; counteraction to criminal prosecution (Presentation, 2020).

The biggest threats to the functioning of the State Customs Service are smuggling, underestimation of customs value and violations of customs regulations.

The major threats to the stable development of the state, and accordingly to the effective operation of the fiscal service are threats of a macro-economic nature. This is the essence of the external conditions of fiscal security

The most significant threats here are: shadow economic activity, which negatively affects fiscal security; monopolization of markets and industries; decline in production in the country; reduction of the official labor market; labor migration; outflow of labor abroad.

It should be noted that the fiscal sphere is also extremely sensitive to the spread of corruption. As it is noted by L. Dubchak, the causes of this phenomenon have both individual and social nature, in particular: economic factors; instability of social development; short-term planning in public policy and others. Therefore, it is absolutely not obvious that corruption spreads only among a certain social stratum and, as is commonly believed, among the highest levels of the management sector (Dubchak, 4, p. 67). Accordingly, the fiscal sphere is quite seriously exposed to the threat of corruption.

Among the significant problems that pose a threat to the effective functioning of the fiscal service in Ukraine are: the activities of “conversion centers”; raiding; legalization of shadow income; wages “in envelopes”; kickbacks in business transactions; unavailability of cheap bank loans and replacement by alternative (shadow) resources (Presentation, 2020).

Thus, the complexity of the fiscal sphere tasks is related to a wide range of threats and challenges that loom over it, reduce the effectiveness of fiscal policy and affect fiscal security.

WAYS TO OVERCOME THREATS AND RISKS IN THE DEVELOPMENT OF THE FISCAL SPHERE OF UKRAINE

In order to increase the level of efficient functioning of the fiscal sphere and ensure the fiscal security of Ukraine, first of all, political will and a system of measures to prevent and counter to threats and challenges are needed.

Due to the above important steps towards increasing the capacity of the fiscal sphere, it is necessary to make a number of management decisions in the system of public administration regarding to its functioning. The current tasks in developing a general strategy for reforming the fiscal service should be based on setting national priorities, creating perfect principles of targeted budgeting and creating appropriate conditions to ensure the effective operation of relevant fiscal authorities and the use of budget funds (Presentation, 2020).

A special place on this path is the implementation of reforms in the law enforcement sphere. According to the study, the following steps are required:

- creation of a single law enforcement agency in the field of finance and economic crimes;
- deprivation of authority of National Police of Ukraine to investigate criminal offenses of an economic nature;
- deprivation of authority of the Security Service of Ukraine to investigate criminal offenses of an economic nature, etc. (Presentation, 2020).

Thus, according to V. Nekrasov, in order to solve problems in overcoming threats in the fiscal sphere, a system of institutions is needed, where law enforcement agencies should take a special place. This will provide an opportunity: to create appropriate strategic management; to assess risks accurately; to identify threats, as well as to create mechanisms to overcome relevant threats and risks (Presentation, 2020).

Along with the important strategic task of creating an appropriate law enforcement agency that will prevent and combat threats in the fiscal sphere, it is also important to modernize the law enforcement practice itself, which will underlie the activities of this law enforcement agency.

In law enforcement practice, it is important to update, innovate, and optimize measures to combat crime, in particular, in the fiscal sphere. It is necessary to use information and telecommunication technologies and apply new methods of analytical work not only as a tool for gathering evidence, but also as a resource for strategic planning, which provides vital directions for the deployment of strategies and resources to ensure their implementation.

The intelligence should also play an important role in overcoming risks and challenges in the fiscal sphere, which should be aimed at studying the current situation in its development, where threats are relevant.

CONCLUSIONS

Thus, the fiscal sphere in modern Ukraine is experiencing difficulties associated with both external challenges and internal features of the formation and implementation of domestic fiscal policy. The significant problems in development of the fiscal policy are also related to the complex organizational transformations that the fiscal sphere has undergone since Ukraine's independence (the evolution of Ukraine's fiscal sphere since 1991 took place in six stages).

The attention was drawn to the fact that such a complex path of evolution of the fiscal sphere in Ukraine has left its mark on the difficult circumstances that accompanied its development. It is manifested in insurmountable challenges and impending threats that hinder the stable and effective development of this important institution in the system of public administration.

As a conclusion, in order to increase the level of efficient functioning of the fiscal sphere and ensure the fiscal security of Ukraine, first of all, political will and a system of measures to prevent and counter its threats and challenges are needed. Also, the important step towards increasing the capacity of the fiscal sphere is making a number of necessary management decisions in the public administration system regarding its functioning. This should include law enforcement reforms, modernization of law enforcement practice and conducting necessary intelligence activities to study the current situation in its development, where threats are actualized.

The prospects for further research can be scientific-theoretical and applied research and developments, the content of which will allow to analyze the features of the fiscal sphere in Ukraine in more detail and broadly as well as identify ways to overcome threats and challenges that will bring their functioning to a more efficient level.

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**LEGAL AND SOCIO-ECONOMIC PROBLEMS
THAT ARISE DURING THE DETECTION OF SIGNS
OF VIOLATIONS OF CUSTOMS RULES, AND
IDENTIFYING PROPERTY WHICH HAS NO OWNER
OR OWNER WHO IS UNKNOWN BY BORDER
AND FISCAL AUTHORITIES**

Keywords: customs control, border control, violation of customs rules, interaction, state border guard, customs.

ABSTRACT: In this research paper the author considers the problematic aspects of interaction of bodies (units) of state border protection and customs of the State Customs Service of Ukraine during the detection of signs of violations of customs rules, as well as the indentifying property that has no owner or owner unknown at border crossings. entry-exit checkpoint, in the controlled border area. At the same time, the current state of legal regulation of this issue, the main legislative developments in this area, which took place in connection with the joint order of the Ministry of Finance and the Ministry of Internal Affairs of Ukraine number 849/828, foreign approaches to cooperation between customs and border units. Based on the study, it was concluded that the issues of cooperation between state border guards and customs of the State Customs Service of Ukraine are regulated by the updated Procedure number 849/828, approved by a joint order of the Ministry of Internal Affairs and the Ministry of Finance of Ukraine. a number of powers from the administrative-operational group to draw up reports on administrative offenses, to send an act of detection, and on the property of the owner, who is unknown or as has no owner - transfer of property to the relevant department of the State Customs Service of

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Ukraine, to other officials of state border guards, and also extended the validity of this document not only to cases of violations of customs rules, property whose owner has no owner or whose owner is unknown, detected at checkpoints across the state border of Ukraine, but also for similar cases detected at the checkpoint of entry-exit, in the controlled border area. At the same time, the mentioned Procedure number 849/828 does not solve a number of urgent issues of such interaction, such as: insufficiently effective coordination of work of state border guards and customs of the State Customs Service of Ukraine on ensuring unity of customs and border control, impossibility to send a representative protection of the state border (units of protection of the state border) and customs of the State Customs Service of Ukraine, carrying out separate control in cases when it is necessary to carry out joint control, lack of interest in such interaction, lack of a specific list of reasons when a joint inspection should be conducted, lack of sanctions for failure to conduct a joint inspection in case of detection of goods moving in violation of customs rules and border legislation without sufficient reasons. Therefore, a solution to these problems is proposed.

INTRODUCTION

At the present stage of development of the Ukrainian state, in terms of strengthening globalization processes in the world economy, including taking into account the approximation of the economy, law, political system and social sphere of Ukraine to European standards, implementation of Association Agreements, readmission, visa-free regime between Ukraine on the one hand and the European Union on the other, certain directives and regulations of the European Union, which regulate a number of issues of political, social and economic nature, economic ties are being strengthened between Ukraine and the member states of the European Union, between economic entities of these countries, which in turn leads to an increase in the movement of goods, currency, cultural values, vehicles and other items across the customs border of Ukraine. This circumstance necessitates the development of a mechanism to combat violations of the law governing such movement, fiscal, border and other measures of official control over goods and other items imported into the customs territory of Ukraine and exported outside the customs territory of Ukraine. Given the military aggression by the Russian Federation and its supported military-terrorist formations, the violation of the state border regime in the temporarily occupied territories, the emergence of

a terrorist threat, including the use of goods and other items moving across the state border, the issue of effective interaction state bodies in the conduct of state (especially border and customs) control over the movement of goods, other objects and vehicles across the customs border of Ukraine is becoming increasingly important.

This study is also relevant in terms of developing a better mechanism for cooperation between border and fiscal units in other countries, as was noted Aurelija Pūraitė, the European Union is currently facing a number of problems related to effective border management, the need for appropriate economic and financial measures and control of migration flows, which is crucial for achieving the common goals of public security, stability, respect for European values and the rule of law (Aurelija Pūraitė, 2017).

MATERIALS AND METHODS

The researched materials are the works of Ukrainian and foreign scientists who studied the problem under consideration.

In the process of research general and specific scientific methods were used, namely: the comparative method was used in the analysis of scientific categories, definitions and approaches; the dialectical method allowed us to consider the state of scientific research on this issue; the method of analysis and synthesis, as well as the logical method were used to develop a better mechanism of interaction between border and fiscal units in Ukraine; the method of legal modeling was useful for the conclusions of the study.

Certain issues of cooperation between fiscal and border units on the implementation of joint customs and border control over goods and other items moving across the customs border, have been the subject of many scientists. In particular, general issues of ensuring the interaction of state border guards of Ukraine with other law enforcement agencies and military formations have been the subject of monographic research by such scientists as Rostyslav Kalyuzhny, Iryna Kushnir and Valentyn Zolka, and foreign experience in conducting effective customs control, including in the aspect of interaction between border and fiscal authorities - in the

monograph of Maryna Boykova. Some issues of cooperation between the customs of the State Customs Service of Ukraine and state border guards were touched upon in their works by Oleksandr Avdeev, Yakiv Halaniuk, Humeniuk R.A., Karnaukhov O.V., Lavrynets A.E., Mota A.F., Nechitaylenko A.O., Pedeshko A.I., Prodayko S.V., Savchuk S.S., Servatyuk L.V., Serikh O.V., Fedotov O.P., Tsarenko S.I., similar interaction between fiscal and border units of other countries was studied in particular by Adamchuk M., Bukanova O.A., Bobrova O.G., Grecius S., Purate A., Semenyuk D.P., Seniutiene D. and others. Despite the high scientific value of the above research, It should be noted that, unfortunately, they hardly touch upon such an important aspect of cooperation between the customs of the State Customs Service of Ukraine and the state border guards, as an interaction during the detection of signs of violations of customs regulations, the detection of property that has no owner or whose owner is unknown, as well as other issues related to the need for joint customs and border control, and even if they were the subject of the study, they were of a sufficiently overview nature..

Given that on October 18, 2018, a joint order of the Ministry of Internal Affairs of Ukraine and the Ministry of Finance of Ukraine number 849/828 (hereinafter – the Procedure № 849/828) approved a new procedure for this interaction, there is a need to analyze it and development of proposals for its improvement in terms of ensuring the effective operation of state border guards and customs of the State Customs Service of Ukraine, ensuring compliance with customs legislation and legislation on border issues, prevention of violations in this area, including prevention of smuggling, ensuring economic and national security of Ukraine, in particular on the administrative border with the Autonomous Republic of Crimea, the line of demarcation between the controlled territory of Ukraine and the territory of certain districts of Donetsk and Luhansk regions controlled by so-called “DPR” and “LPR” and the Russian Federation.

Thus, according to the reporting data of the State Border Guard Service of Ukraine for the first quarter of 2020, the state border guards identified and transferred to other law enforcement agencies within the competence of the goods, moved in violation of the established rules, in the amount

of UAH 74.11 million (for the corresponding period of 2019 - UAH 72.67 million). In particular, in 2019, goods worth UAH 325.7 million were seized, including 17.2 million packs of cigarettes, almost 682.6 kg of amber, and more than 67.3 thousand liters of alcohol. In addition, illegal movement of goods totaling UAH 71.7 million was stopped in the prescribed manner through the demarcation line in the area of the Joint Forces Operation (General Results, 2019). This circumstance confirms the relevance of this research.

LEGAL BASIS OF INTRACTION

Given the variety of types of state control carried out at the state border, there is a need to optimize such control. As Pryimachenko D.V. rightly points out, the implementation of tasks assigned to fiscal authorities is impossible without cooperation and interaction with a number of state institutions, and the issue of organizing information in the process of customs procedures and improving its efficiency is a priority (Pryimachenko, 2014).

The legal basis for the interaction between the bodies of the State Customs Service of Ukraine and the State Border Guard Service on violations of customs legislation and legislation on border issues are Art. 558 of the Customs Code of Ukraine, paragraphs. 191.1.23 of the Tax Code of Ukraine, paragraph 6 and paragraph 33 of Part 1 of Art. 20 of the Law of Ukraine "On the State Border Guard Service of Ukraine" and Art. 271 of the Law of Ukraine "On the State Border of Ukraine". The content of these documents follows from Art. 8 of the Protocol of Amendment to the Marrakesh Agreement Establishing the World Trade Organization, to which Ukraine has acceded, which states that each member shall ensure that its bodies and institutions responsible for border control and procedures relating to imports, exports and transit goods, cooperate with each other and coordinate their activities in order to facilitate trade and Article 10 of this Protocol, which defines the need for common border procedures (Protocol Marrakech, 2014), (Coordinated border management, 2017).

The above legal acts stipulate that the fiscal authorities in the performance of their tasks interact, including through the exchange of information, with law enforcement agencies in the manner prescribed by law, including in the case of detection during customs control signs of violations that do not belong to the competence of the bodies of the State Customs Service of Ukraine, and the State Border Guard Service of Ukraine in the person of its central body, territorial bodies, state border guards and other subdivisions of state border protection within the powers established by law coordinates the activities of state bodies exercising various types of control when crossing the state border of Ukraine or participate in ensuring the state border regime, border regime and regime at checkpoints across the state border of Ukraine; in cooperation with the fiscal authorities have the right: in the case of vehicles, goods and other items moving across the state border of Ukraine, under customs control together with fiscal authorities to carry out inspection, in case of need and support of the specified vehicles, the goods and things, to take measures to prevent the illegal movement across the state border of Ukraine of goods in respect of which legislation is prohibited and restricted, to seize such goods in the event of an attempt to move them across the state border of Ukraine or independently in the course of operational and investigative measures and transfer them to the destination in the prescribed manner.

General issues of such interaction are also defined in paragraph 9.3.1. Procedure for actions of officials of state border protection bodies of the State Border Guard Service of Ukraine regarding the establishment of the regime at checkpoints across the state border, exercising control over its observance, as well as organizing and ensuring interaction and coordination of control bodies and services that carry out various types of control or participate in ensuring the regime at checkpoints across the state border “; which defines general issues of interaction of the State Border Guard Service of Ukraine with others authorities, including the State Customs Service of Ukraine, approved by the order of the Administration of the State Border Guard Service of Ukraine dated August 29, 2011 № 627, which stipulates that cooperation is organized to determine the procedure in case officials identify violations of the rules of crossing the

state border or smuggling and violations of customs rules, coordination of joint actions in the event of conflict and other unusual situations at the checkpoint, the procedure in case of detention of vehicles and goods for violation of applicable law, etc.

According to Yakiv Halaniuk, the main forms of interaction between border and fiscal units are customs control, organization of activities, reconstruction and construction of checkpoints for road transport (Halaniuk, 2018).

Sierykh O.V, considering the issue of cooperation between the bodies of the State Customs Service of Ukraine and the state border guards, quite correctly identifies such a form of cooperation as joint measures to stop violations of legislation on border and customs issues (Sierykh, 2012). In fact, this form of cooperation in identifying signs of violations of customs rules, as well as identifying property that has no owner or whose owner is unknown is regulated by an updated order of the Ministry of Finance of Ukraine and the Ministry of Internal Affairs of Ukraine, which approved Procedure number 849/828.

Such a legal act is not unique in world practice. Thus, at the level of countries adjacent to Ukraine, similar legal acts have been adopted, in particular in the Republic of Belarus (Decree, 2013), (Semenjuk, 2018) and the Russian Federation (Bukanova, 2013). In the Republic of Poland, cooperation is based on the Agreement between the Commander-in-Chief of the Border Guard and the Head of the Main Customs Administration on cooperation between the Border Guard and the Customs Service (Adamchik, 2004). Boykova M.V. talks about the interaction between the border and fiscal units of Finland, although mainly on the fight against crime (Boykova, 2017). On the other hand, cooperation on customs and border issues for countries such as the United States and Canada is not relevant, as customs and border control in these countries is carried out by a single government agency – the Customs and Border Service (in the US) and the Border Services Agency (Canada) (Boykova, 2017).

In this regard, it is expedient to consider the main content of the Procedure number 849/828 and the novelties of this document.

In accordance with the provisions of the Procedure, No. 849/828, as well as under the provisions of the documents in force before its entry into force

- a joint order of the Ministry of Internal Affairs of Ukraine and the Ministry of Revenue and Duties of Ukraine dated October 3, 2013, No. 947/525 (hereinafter – Instruction, No. 947/525) and the joint order of the State Customs Service of Ukraine and the State Border Guard Service of Ukraine of June 1, 2005, No. 461/439, in case of detection of state border protection bodies (state border protection units) signs of violation of customs rules between the security body states the boundary (subdivision of the state border) and relevant state customs service of Ukraine organized interaction. As a rule, this is true for detecting signs of violation of customs rules outside the checkpoint across the state border of Ukraine, because at checkpoints across the state border of Ukraine, fiscal authorities have a real opportunity to detect illegal movement of goods and other property. In addition, if the movement of goods and other property is detected outside the checkpoints, the question usually arises about the illegal crossing of the state border by a natural person, because, by virtue of Article 2041 of the Code of Administrative Offenses of Ukraine illegal crossing is considered, including when they are committed in any way outside the checkpoints. Therefore, officials of the State Border Guard Service of Ukraine are obliged to draw up procedural documents in proceedings on administrative offenses – the protocol on administrative offense and the protocol on administrative detention, as well as taking comprehensive measures to detain offenders and goods – objects of the offense, the vehicles in which they moved, as well as accompanying and other documents for the goods, vehicles. The same persons are also obliged to take other actions that are important both to establish the fact of illegal crossing of the state border by a natural person, and to establish the fact of illegal movement of goods and other property across the customs border. At the same time, in case of detection by state border guards (state border guards) of signs of violation of customs rules, the representative of the fiscal authority for the procedural registration of the offense no later than 3 hours must arrive at the scene of the offense (Mota, 2008), (On approval of the Procedure, 2018).

On the other hand, the Procedure No. 849/828 slightly changed the powers of officials of the state border guard bodies during the implementation of such interaction, as well as the places where the appropriate interaction is possible, compared to Instruction number 947/525.

In particular, the interaction may be carried out by the bodies of the State Customs Service of Ukraine and the bodies of protection of the state border not only at checkpoints across the state border, but also at the entry-exit checkpoint, in the controlled border area (On approval of the Procedure, 2018), through which goods, vehicles and other objects are actually moved, which are not formally moved across the state border, but in fact such movement occurs because these items arrive / leave from / to the territory that is not actually controlled by Ukraine, administrative boundaries partially coincide with the state border of Ukraine, which is not controlled by state border guards and border, fiscal and other types of control are impossible there. In this regard, the implementation of joint activities in these areas, where the bodies of the State Customs Service of Ukraine and the state border guards is important. Only recently the corresponding shortcoming of legislative technique has been eliminated.

In addition, to the powers of an official of the state border guard body (state border guard unit) in case of detection during the operational and service activities outside the checkpoint across the state border of Ukraine, outside the checkpoint entry-exit persons, in the actions of which there are signs of violation of customs rules is attributed in case of detection in the actions of persons offenses, counteraction to which is attributed to the competence of the State Border Guard Service of Ukraine, the right to draw up protocols on administrative detention and registration of cases of administrative offenses (On approval of the Procedure, 2018). Previously, these powers were assigned to the competence of the administrative-operational group.

In addition, the administrative and operational group of the head of the border service department has the authority to send an act of detection and a copy of the procedural document received from the customs official of the State Customs Service of Ukraine on seizure of objects to the information and analytical unit of the state border guard, storage and mutual reconciliation, and in respect of property the owner, who is unknown or who does not have an owner – transfer of property to the relevant department of the State Customs Service of Ukraine, copies of the relevant act of detection and one of the copies of the act of transfer (On approval of the Procedure, 2018).

Unfortunately, the Procedure number 849/828 does not contain any other significant changes, although a number of issues related to the interaction of these bodies with the bodies of the State Customs Service of Ukraine arise in the operational and service activities of state border protection bodies.

PROBLEMS OF INTERACTION AT THE STATE BORDER

In particular, as evidenced by an anonymous survey of staff of the State Border Guard Service of Ukraine with experience working at checkpoints across the state border, the vast majority (over 80%) of respondents mentioned the problem of insufficiently effective coordination of the work of state border guards and customs of the State Customs Service of Ukraine on ensuring the unity of customs and border control, which leads to excessive queues at checkpoints, impossibility to send a representative of the State Customs Service of Ukraine or a state border protection body due to the fact that they carry out customs or border control of another person moving goods, vehicles across the state/customs border of Ukraine, lack of interest in such interaction, lack of a specific list of reasons when a joint review should be conducted, the feasibility of increasing the staff in terms of providing in the staff of the relevant unit of persons responsible for conducting a joint review on an ongoing basis. It was also noted that there are no sanctions for failure to conduct a joint inspection in case of detection of goods that move both in violation of customs rules and border legislation without sufficient reasons for this.

In connection with the above, we can offer the following solutions to these problems. The current legislation in general provides for the obligation to inform about the detection of signs of violation of customs rules, property, the owner of which is unknown or which does not have the owner of the responsible persons of the State Customs Service of Ukraine and state border guards, as well as the responsibilities of the administrative task force to inspect the relevant property.

On the other hand, it is expedient to provide for the establishment of a Joint Customs and Border Control Group consisting of the Administra-

tive Task Force and responsible customs officers of the State Customs Service of Ukraine, which should be empowered to inspect detected property and draw up acts on detection of property, seizure of relevant property, objects of the offense and relevant documents, obtaining appropriate explanations from participants and witnesses of the offense, as well as their subsequent transfer to the customs of the State Customs Service of Ukraine. At the same time, the task of state border guards should be only to stop the offense, detain the perpetrators and ensure the safety of relevant property, vehicles, objects of the offense and relevant documents until the arrival of representatives of fiscal authorities and the creation of a Joint Group, as well as registration of protocols on administrative offenses in case of detection of offenses in the actions of persons whose counteraction is attributed to the competence of the State Border Guard Service of Ukraine, the task of customs officials of the State Customs Service of Ukraine - registration of procedural documents in case of violation of customs rules. In this case, failure to conduct a joint inspection by border and fiscal units will be illegal, and therefore the perpetrators may be subject to disciplinary action. At the same time, in order to ensure the continuity of control, it is advisable to provide separately in the staff of the State Border Guard and Customs of the State Customs Service of Ukraine persons who should be included in the Joint Group and will not be involved in other activities.

CONCLUSIONS

Based on the above, it can be concluded that the issues of cooperation between state border guards and customs of the State Customs Service of Ukraine are regulated by the updated Procedure No. 849/828, approved by a joint order of the Ministry of Internal Affairs and the Ministry of Finance of Ukraine, which contains a number of novelties, in particular in the transfer of a number of powers from the administrative task force to draw up protocols on administrative offenses, sending an act of detection, and on property owner, unknown or ownerless - transfer of property to the State Customs Service of Ukraine, to other officials of state border

guards, and also extended the validity of this document not only to cases of violations of customs rules, property, the owner of which has no owner or whose owner is unknown, found at checkpoints across the state border of Ukraine, but also for similar cases detected at an entry-exit checkpoint in a controlled border area.

Unfortunately, the mentioned Procedure No. 849/828 does not solve a number of urgent issues of such interaction, such as: insufficiently effective coordination of the work of state border protection bodies and customs of the State Customs Service of Ukraine on issues of ensuring the unity of customs and border control, impossibility to send a representative of the state border protection bodies (state border protection units) and customs of the State Customs Service of Ukraine, to conduct separate control in cases when it is necessary to conduct joint control, lack of interest in carrying out such interaction, lack of a specific list of reasons when a joint inspection should be conducted, lack of sanctions for failure to conduct a joint inspection in case of detection of goods, who move both in violation of customs regulations and border legislation without sufficient reasons for this. Therefore, a solution to these problems is proposed.

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ORGANIZATIONAL PRINCIPLES OF FORMATION OF THE BORDER SECURITY MONITORING SYSTEM OF UKRAINE IN THE CONTEXT OF EUROPEAN INTEGRATION

Keywords: European integration, integrated border management, border area monitoring, regulatory support, border security, EUROSUR system.

ABSTRACT: The current period of development of Ukraine is characterized by the intensification of European integration processes, among which ensuring the adaptation of the national border security system to the European standards takes an important place. The mechanism of implementation of the border policy implementation to ensure the border security of the European Union is the European integrated border management, the complex basis of which is the European Border Surveillance System (EUROSUR). For the successful European integration of Ukraine, it is important to take into account the European experience of formation, functioning, and prospects for the development of European integrated border management. Planning of preventive strategic steps, which in the future will ensure a successful integration of Ukraine's border security system and its state border into similar components of the European Union, should be included in the content of all thematic strategic documents (legislation, concepts, strategies, programs, plans, etc.).

To implement these positions, the article aims to determine the organizational framework for the formation of a border security monitoring system on the state border of Ukraine with CIS member states and in the sea

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(interoperable analogue of the European system EUROSUR). In the course of achieving the goal, the legal and theoretical preconditions for the formation of the Ukrainian border security monitoring system on the European model are summarized, the stimulators and destimulant factors influencing the level of capacity for the formation of this system are analyzed; on this basis, the primary organization issues for the Central executive body implementing state policy in the state border security sector (SBGSU Administration as the main subject of integrated border management) to solve in cooperation with the Interdepartmental Working Group on Coordination of Integrated Border Management, the State Space Agency of Ukraine and other stakeholders in accordance with their powers.

The provisions set out in the article are intended for use by the relevant executive authorities with powers in the integrated border management sector. In addition, they can be used in scientific, scientific, technical, and innovative activities as a basis for further research into the effectiveness of the border security monitoring system in the context of European integration of Ukraine.

Prospects for further research in this area may be the issue of scientific support for the development of a comprehensive project of international technical assistance for the formation of border security monitoring system at the state border of Ukraine with CIS member states and in the sea (interoperable analogue of EUROSUR).

INTRODUCTION

For thirty years, Ukraine has been building its statehood in rather complex geopolitical and geostrategic conditions of competing interaction between Eastern and Western-oriented states and their regional associations.

The de-facto geospatial location of Ukraine on the “border of civilizations” (Huntington, Samuel P., 1996) and the long-term crisis of relations with the Russian Federation (The Verkhovna Rada of Ukraine, 2015) have led to the irreversibility of the European and Euro-Atlantic strategic course of the Ukrainian people.

In the process of European and Euro-Atlantic integration of Ukraine, it is important to carry out a set of reforms of key areas of its life in order to perform their early preparation (adaptation) to European and North Atlantic policies, standards, legal norms, and administrative approaches.

In particular, it should be borne in mind that the special attention of the European Union (hereinafter referred to as the EU) is focused on ensuring border security. At the turn of the millennium, the border area of most European countries has acquired the features of a special dynamic socio-political space, mostly full of capacity for interaction and cooperation between different categories of social actors. For example, such as: *subjects of international relations* – states, their regional associations (unions), international governmental and non-governmental organizations, participants in foreign economic activity (multinational corporations, carriers, tour operators, etc.); *society* – the world community, border residents, public associations, socio-political movements, etc.; *individuals* – citizens of states, foreigners and stateless persons, including those seeking asylum and/or in need of protection from various forms of persecution.

To unleash the potential of cross-border and transnational cooperation of the European countries, to ensure sustainable development of the EU, as well as stability and security at its external borders, a special social area of freedom, security, and justice was created (Paskal Fonten, 2017, pp. 64–69) (in particular, the functioning of the Schengen area).

In turn, for the effective implementation of border policy, the European Union has developed and implemented a modern mechanism for border security called “European integrated border management” (EIBM). This mechanism provides for “national and international coordination and cooperation among all relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management at the external EU borders, in order to reach the objective of open, but well controlled and secure borders” (European integrated border management). For the full implementation of the EIBM, the European Border and Coast Guard was created, a comprehensive basis for monitoring border security, information interaction and operational cooperation, in the activities of which the European Border

Surveillance System (hereinafter referred to as EUROSUR) is defined (Regulation (EU) 2019/1896). The importance of this system for the effectiveness of the EIBM can be understood, in particular, from the Technical and Operational Strategy for European Integrated Border Management (Technical and Operational Strategy for European Integrated Border Management, 2019), which states: “Only collaboration and interoperability across policy areas and authorities – nationally, at European level, with Third Countries and with international organisations – through the full implementation of the European Border Surveillance System (EUROSUR) and enhanced information and intelligence sharing through other appropriate channels will enable effective prediction and prevention of crises and events from occurring”.

In the general sense, such a *monitoring* is a) the centralized receiving of sufficient information on the state of the EU border area in a time mode close to the on-line one, by various forces and means; b) comprehensive processing of this information by protected software and hardware for the subsequent formation of national and European situational pictures of the state of border security; c) timely and full awareness of stakeholders in order to respond to threats to border security adequately and systematically and minimize vulnerabilities in the border security system.

In view of the above, the successful European integration of the countries that have stated this intention requires a major reengineering of their own border security systems in order to ensure a sufficient level of their interoperability to interact with the EIBM, which operates on the EURO-SUR basis.

The purpose of article is to define the organizational bases for the formation of the border security monitoring system on the state border of Ukraine with the CIS member states and in the sea area (interoperable analogue of EUROSUR).

To achieve this goal, the article solves the following tasks: 1) to summarize legal and theoretical preconditions for the formation of the border security monitoring system of Ukraine on the European model, 2) to analyze the stimulators and destimulant factors influencing the level of capacity for the formation of this system, and, on this basis, 3) to identify the primary organization issues.

RESULTS AND DISCUSSION

I. LEGAL AND THEORETICAL PRECONDITIONS FOR THE FORMATION OF UKRAINIAN BORDER SECURITY MONITORING SYSTEM ON THE EUROPEAN MODEL

We consider *legal principles* for the formation of the border security monitoring system of Ukraine (BSMSU) on the European model as the provisions of regulatory legal acts of the state in the context of implementation and functioning of the mechanism of integrated border management.

The irreversibility of the European and Euro-Atlantic course of Ukraine is declared at the highest legislative level – in the Constitution of Ukraine. In particular, on February 7, 2019, the Law of Ukraine No. 2680-VIII (The Verkhovna Rada of Ukraine, 2019) amended the Constitution of Ukraine to determine the strategic course of the state to become a full member of the European Union and the North Atlantic Treaty Organization.

The process of ensuring the legislative interoperability of Ukraine began in 2004 according to the “National Program on Adaptation of Ukrainian Legislation to the Legislation of the European Union” (The Verkhovna Rada of Ukraine, 2004). This Law states that the purpose of such adaptation is to achieve compliance of the legal system of Ukraine with *acquis communautaire*, taking into account the criteria set by the European Union to the states that intend to join it.

In particular, in the context of the implementation of *acquis communautaire* and in accordance with a number of regulations (Official Bulletin of Ukraine, 2014; President of Ukraine, 2020; The Cabinet of Ministers of Ukraine, 2019, etc.), it is planned to carry out “development and improvement of the national system of state border protection, including implementation of the European border security standards, coordinated activities of the Ukrainian government and military formations for the systematic development of integrated border management”.

Today, the main subject of integrated border management in Ukraine is the State Border Guard Service of Ukraine (SBGSU), which consistently takes steps to divergent (combined) reform of the agency in two areas: 1

- as a modern law enforcement agency of the European type (The Cabinet of Ministers of Ukraine, 2019; The Cabinet of Ministers of Ukraine, 2015); 2 – as a military formation of the defense forces, which is able to perform tasks to protect the state border including in threatening and special periods (President of Ukraine, 2016; President of Ukraine, 2020). In the context of their implementation, it should be emphasized that in accordance with para. 3.6 of the Concept of Development of the Security and Defense Sector of Ukraine (President of Ukraine, 2016) the main goal of SBGSU development is to ensure... “the state’s projected readiness to protect its external borders in the East, North, and South of Ukraine after membership in the European Union”.

In addition, it should be emphasized that the introduction of an integrated border management system in Ukraine was one of the mandatory “technical criteria” in the acquisition of a visa-free regime with the EU member states (President of Ukraine, 2016).

At the same time, the results of the content analysis of the Ukrainian Integrated Border Management Strategy and the plan for its implementation until 2022 indicate that they do not mention the EUROSUR system or its analogue.

This can be considered a partial confirmation that “the system of public administration in Ukraine does not meet the needs of the state in carrying out comprehensive reforms in various areas of public policy, and its European choice, as well as the European standards of good governance” (The Cabinet of Ministers of Ukraine, 2016), and encourages implementation of the effective mechanisms of public administration on the European model.

Concerning the *theoretical foundations* of formation of BSMSU in the context of its European integration, it should be noted that this area for research by domestic scientists is quite new, and therefore the number of thematic scientific papers is very limited. Accordingly, some aspects of the introduction and functioning of the EUROSUR system in the EU were analyzed in the works of V.V. Huz, D.A. Kupriienko, A.F. Mota, N.B. Mushak, N.I. Papish, V.V. Serafimov, M.P. Strelbytskyi, O.O. Trush, O.V. Fedun, and S.O. Filippov (Kupriienko, 2016; Mota, 2017; Mushak, 2019; Serafimov, 2018; Strelbytskyi, 2017; Trush, 2016; Fedun, Papish, 2020).

Thus, the issue of formation of BSMSU in the context of its European integration has a high degree of relevance; it is due in the context of the functioning of the integrated border management mechanism, but it is vague and scientifically unexplored in the explicit form of legislation.

II. ANALYSIS OF FACTORS AFFECTING THE LEVEL OF CAPACITY FOR THE FORMATION OF THE BORDER SECURITY MONITORING SYSTEM OF UKRAINE

The main geopolitical axes of Eurasia intersect on the territory of Ukraine and run through four of the nine international transport corridors, which contributes to the formation of its contact potential with the countries of Western and Northern Europe, as well as Central Asia, and the Middle East. The total length of the state border of Ukraine is 6992,982 km (of which about 1257 km is with the EU member states and 5,735 km is with the CIS member states and by sea), the area of the exclusive (maritime) economic zone exceeds 72,000 sq.km.

Today, Ukraine's further accession to integration megablocs (in particular, the EU) is relevant, which provide for industrial cooperation in all areas and spheres of human functioning and require involvement in global production chains, as well as cross-border cooperation development and removal of the barriers to knowledge and technology transfer, movement of goods, etc.

At the same time, due to the favorable geographical position of the territory of Ukraine, a wide range of threats to border security of different nature and scale, which are in constant dynamics, intersects here. The results of the analysis of these threats were studied and covered in (Shynkaruk, Lysyi, Kupriienko, 2019).

The dynamic and tense, and sometimes unpredictable, situation at the state border significantly affects the ability of the border security system of Ukraine to perform its tasks. Therefore, the effectiveness of the existing model of border security largely depends on the quality (timeliness, completeness, and objectivity) of its information support.

Therefore, in order to respond to threats to border security adequately and systematically, as well as to minimize the border security system

vulnerabilities, firstly, it is necessary for the authorized institutions of Ukraine to regulate the issue of constant monitoring of border security.

To diagnose the existing potential of BSMSU, it is necessary to compare its capabilities with the reference model. To this end, we will decompose the reference model of the technological process of monitoring on the basis of stages, forces, and means of monitoring (Table 1).

Table 1. Decomposition of the technological process of border security monitoring

General stages of monitoring	Main forces and means of monitoring
I – obtaining sufficient primary information about the state of the border in the areas of responsibility with the help of various forces and means in a time mode close to on-line one, and its introduction into a specialized integrated information and telecommunication system.	Workforce. Technical means of monitoring the border area of land, sea, aviation, and space bases. Integrated information and telecommunication system. Primary data entry software.
II – processing of primary information in the integrated information and telecommunication system for the subsequent formation of local and national situation.	Integrated information and telecommunication system. Risk analysis and geospatial analysis software.
III – high-quality (timely, complete, and objective) awareness of stakeholders in order to respond to threats to border security adequately and systematically and minimize vulnerabilities in the border security system.	Integrated information and telecommunication system and/or other means of communication.

Further, it is worth noting that the level of capacity for the formation of BSMSU is influenced by a number of factors (both stimulants and destimulants). Given the use of only open data in the article, here are some of them (Table 2).

As a result, the main stages of the technological process of border security monitoring are identified and the results of the analysis of individual factors influencing the level of potential for the formation of BSMSU are summarized.

Table 2. The results of the analysis of individual factors influencing on the level of potential for the formation of SMPBU

Destimulant factors	Stimulant factors
<p>1. Incomplete legal registration of the state border with the CIS member states, aggravation of military and political relations with the Russian Federation, and temporary occupation of part of the territory of Ukraine by it make it impossible to build, equip and maintain elements of border infrastructure within non-government controlled areas of Ukraine. Availability of many morally and physically obsolete technical means of border protection (most of the existing fleet) and elements of border infrastructure.</p> <p>2. The insufficient number of modern stationary technical means of remote control of responsibility areas.</p> <p>3. Increase of the international technical assistance nomenclature of technical means of border protection, the effectiveness of which is still insufficiently studied and/or not confirmed, due to the implementation of various programs.</p> <p>4. Use of a standard approach in determining the supply of technical means of border protection for staffing border units (without due regard to the peculiarities of the state border of Ukraine, land status, interstate relations, real and potential threats, the presence and condition of data processing and transmission, etc.), inertia in making changes to supply standards.</p> <p>5. "Chronic" underfunding of government-approved programs and</p>	<p>1. The irreversibility of the European and Euro-Atlantic strategic course of the Ukrainian people declared in the Constitution of Ukraine encourages the interoperability of the border security system of Ukraine and the EU.</p> <p>2. Ten-year experience in implementing the IBM mechanism in the regulatory field and the practice of institutions of Ukraine. The Cabinet of Ministers of Ukraine has established an Interdepartmental Working Group on IBM Coordination (The Cabinet of Ministers of Ukraine, 2019).</p> <p>3. The legislation regulates the issue of providing permanent use of military units of the SBGSU (for construction, arrangement, and maintenance of engineering and fortification structures, fences, border signs, border clearings, communications) land plots within the border strip 30–50 m wide (along the line of the state border on land, along the Ukrainian part of the border river, lake or other water body) in order to ensure national security and defense, compliance with the state border regime.</p> <p>4. The interest of the EU and US governments in regulating the processes in the border area of Ukraine, allocating funds and equipment in the framework of international technical assistance projects, staff training, joint operations, etc. Regulation (EU) No. 2019/1896 concerns the issue of international cross-border cooperation of the EU IBM entities with relevant institutions of other states (including those within the framework of the EUROSUR system).</p> <p>5. Existence of the protected integrated information and telecommunication system (IITS) "Gart" in the SBGSU as a part of specialized information (information and telecommunication) systems, software and hardware complexes and subsystems, in particular: border control "Gart-1"; border service "Gart-3"; information and analytical activity system "Gart-5"; marine guard "Gart-12"; "Risk", control and coverage of the situation "Gart-14"; radiation, chemical, biological protection and environmental safety "Gart-15"; aviation service "Gart-16"; geoinformation support "Gart-17"; event registration; risk analysis and profiling, etc. IITS "Gart" also includes the interdepartmental information and telecommunication system "Arkan-M", which provides information interaction of most subjects of the IBM of Ukraine (Ministry of</p>

Destimulant factors	Stimulant factors
<p>plans for engineering and technical equipment of the state border, lack of resources to fully implement the technical operation of existing technical means of border protection, and maintenance of border infrastructure elements.</p> <p>6. Attempts to build local monitoring systems in some areas of responsibility of the security authorities of the state border did not achieve the expected result due to various reasons: failure to fulfill the obligations by contractors, insufficient quality of equipment, incompatibility of software and hardware, impossibility of quality maintenance.</p> <p>7. Areas of responsibility of a number of security units of the state border in engineering terms of engineering are only partially arranged.</p> <p>8. Insufficient competence of operators of technical means of border protection and officials responsible for their operation (for various reasons: rotation, insufficient motivation and/or understaffing of units, etc.).</p> <p>9. Allocation of land for engineering and technical arrangement of the state border will last for an indefinite period.</p> <p>10. The level of funding for the arrangement of the state border is insufficient (financed by an average of 0.34% of the total expenditures provided for the State Border Guard Service of Ukraine under the program classification of expenditures and lending to the state budget 1002030 "Ensuring</p>	<p>Internal Affairs of Ukraine, Ministry of Foreign Affairs of Ukraine, State Fiscal Service of Ukraine, Ministry of Social Policy of Ukraine, The Administration of the State Border Guard Service of Ukraine, the Security Service of Ukraine, the State Customs Service, the Foreign Intelligence Service of Ukraine, other central executive bodies in connection with the exercise by these bodies of the powers specified by law).</p> <p>6. A system of situation monitoring on the sea and river sections of the state border was built. The process of integration of the departmental (border) surface situation monitoring into the national automated surface and underwater situation monitoring along the sea coast of Ukraine, development of information interaction with the Naval Forces of the Armed Forces of Ukraine, which is enshrined in regulations.</p> <p>7. Regulatory and legal consolidation of provisions for the improvement of the technical surveillance system using advanced remote control technologies, including drones, high-tech monitoring tools.</p> <p>8. Availability and cheapening of modern technologies to provide remote control of space, informatization, and automation of its monitoring processes..</p> <p>9. As part of the implementation of the "Concept of the State Targeted Law Enforcement Program "Arrangement and Reconstruction of the State Border for the Period up to 2020" and based on the experience of the US and EU border agencies in the most threatening areas of the state border, creation of an "intelligent" system of state border protection started. It provides a modular design (convenient modernization of old and integration of new components, functions, and subsystems); centralized control (both remotely and locally); integration with geographic information systems; integration into national information and telecommunication systems (creation of a single information space). Formation of an effective mechanism for operational cooperation and exchange of information at the national and international levels, conducting a joint risk analysis in the field of border security with other law enforcement agencies and security organizations, development of cooperation between operational bodies.</p> <p>10. The Naval Doctrine of Ukraine for the period up to 2035 provides for the creation of an effective national system of marine situation monitoring in the Black and Azov</p>

Destimulant factors	Stimulant factors
<p>the tasks and functions of the State Border Guard Service of Ukraine”) (Nikiforenko, 2020).</p> <p>11. Lack of a general concept (conceptual design) and systematized technological solutions for building a border security monitoring system in Ukraine.</p> <p>12. Corruption risks that affect the adequacy of the choice of locations for the detection of offenses and areas of their control, the transmission of data of the situation, and its response.</p> <p>13. An insufficient number of scientific and analytical studies on the construction of a unified system of border security monitoring in Ukraine, as well as changes in tactical and technical characteristics of border guards and elements of border infrastructure depending on the term and seasons of operation and other conditions.</p>	<p>Seas by functionally combining the capabilities of maritime situation monitoring systems of the Naval Forces, the State Border Service Administration, the Ministry of Infrastructure, increasing the number of systems with different principles of operation, for more reliable detection of surface, underwater, air targets, in particular high-speed and small ones; integration of the maritime situation monitoring system into a single system of state security and defense sector management and data exchange with partner countries.</p> <p>11. Among the “Priority Areas of Innovation in Ukraine” and “Priority Areas of Science and Technology” there are: the development of new technologies for high-tech development of the transport system, rocket and space industry, aerospace, armaments, and military equipment; development of new technologies of energy transportation, the introduction of energy-efficient, resource-saving technologies, development of alternative energy sources; development of modern information, communication technologies, robotics.</p> <p>12. The concept of the National Targeted Scientific and Technical Space Program of Ukraine for 2020–2025 has been approved, which in particular provides for the stimulation and expansion of international cooperation, implementation of joint projects and developments, including within the EU program “Horizon Europe” and in cooperation with The European Space Agency (with subsequent membership in this organization), NASA and other leading space agencies, which will ensure a new level of strategic national tasks in the field of national security and defense, as well as create a national space observation system.</p> <p>13. The Concept of e-government development in Ukraine has been adopted, which provides for the creation, development and operation of information and telecommunication systems of public authorities, taking into account the need for their compatibility with the basic information and telecommunication infrastructure of e-government and information protection legislation.</p>

III. PRIMARY ORGANIZATION ISSUES OF FORMATION OF THE MONITORING SYSTEM OF BORDER SECURITY OF UKRAINE ON THE EUROPEAN MODEL

In order to form BSMSU, interoperable with the EUROSUR system, we propose to the Central executive body, which implements the state policy in the field of state border protection (SBGSU Administration as the main subject of IBM) in cooperation with the Interdepartmental Working Group on IBM Coordination, State Space Agency of Ukraine and other stakeholders, in accordance with their powers, to carry out the following organizational measures:

- a) to prepare a justification for the need to establish BSMSU together with the Frontex Agency;
- b) to hold a joint meeting to review and approve these justifications, during which to analyze the following points in advance: gaps that have arisen during the implementation of the fundamental principles of the EIBM in the national mechanism of the IBM; the effectiveness of the proposed BSMSU; the potential of IBM entities, enterprises, institutions, organizations and other stakeholders in the design and construction of BSMSU, which belong to their competence;
- c) to organize the development of conceptual bases for: assessment of the state of border security of Ukraine; architecture and functions of BSMSU; cybersecurity and personal data protection; information interaction between the BSMSU coordination centers, as well as with higher level systems, in particular such as the information and analytical system “SOTA” of the National Security and Defense Council of Ukraine and the EUROSUR system of the Frontex Agency. To make an estimate of approximate financial expenses for the BSMSU creation;
- d) to initiate the issue of improving the regulatory and legal support for the formation of the BSMSU. In particular, to submit proposals to the Cabinet of Ministers of Ukraine on the inclusion of aspects of the formation of BSMSU (relevant goals, indicators and performance indicators) in the “Strategy for Integrated Border Management until 2025”; “Action Plan for 2023–2025 for the Implementation

- of the Strategy for Integrated Border Management until 2025”, “State Target Law Enforcement Program “Arrangement and reconstruction of the state border for the period up to 2025”, “National Target Scientific and Technical Space Program of Ukraine for 2021–2025”, “Marine Doctrine of Ukraine for the period up to 2035”, “Priority Areas of Innovation in Ukraine”, “Priority Areas of Science and Technology” and other necessary documents of strategic planning;
- e) to conclude an international agreement with the European Union (via Frontex Agency) on joint development and implementation of a large-scale project of international technical assistance for the formation of BSMSU (interoperable analogue of EUROSUR) on the state border of Ukraine with the CIS member states, taking into account priority areas.

As these measures are implemented, it is necessary to inform the public, in particular, via the website “Agreement Pulse” (Puls Uhody), which is designed to monitor the implementation of the Action Plan for the Association Agreement with the EU [9] on “EUROPEAN INTEGRATION PORTAL” (section “JUSTICE, FREEDOM, SECURITY, HUMAN RIGHTS”; direction “Development of Infrastructure and Material and Technical Base for Integrated Border Management”).

Within the framework of this project, the main management structural and functional units of the BSMSU should provide for: national coordination center (NCC), regional coordination centers (RCC), local coordination centers (LCC) (see Table 3), which will operate in 24/7 mode to ensure situational awareness of key stakeholders in the field of integrated border management at local, regional, national, European and international levels, as well as the effect of synergies in the exchange of information and use of various resources.

Once the implementation provisions have been agreed and included in the guidance documents, regular training sessions and training will be held with the staff involved in the operation of the BSMSU, as well as language training in vocational programs, given that English is the working language in EUROSUR.

Thus, the primary organization issues of the formation of BSMSU on the European model are determined.

Table 3. The main elements of the proposed BSMSU and their general purpose

Element of BSMSU and place of the SBGSU body for its implementation	General purpose of the BSMSU element
NCC is in the central executive body that implements the state policy in the field of state border protection (SBGSU Administration)	Formation of a national situational picture of the state of border security, as well as a national satellite pattern and a reconnaissance pattern of the outer part of the border. Supply of information to the National Security and Defense Council, provision of information to the RCC, implementation of information interaction with the interdepartmental working group on IBM coordination, IBM subjects of Ukraine. NCC is the only point of contact for exchanging information and cooperation with the NCCs of the EU Member States and the Frontex Agency, as well as with other stakeholders.
RCC is in the territorial body of the central executive body, which implements the state policy in the field of state border protection (Regional Department) *	Formation of a regional situational pattern of the state of border security, supply of information to NCC, provision of information to LCC, implementation of information interaction with the subjects of the IBM of Ukraine at the regional level.
LCC is in the body of state border protection (border detachment, separate checkpoint)	Formation of a local situational pattern of the state of border security, supply of information to RCC* (NCC), implementation of information interaction with the subjects of the IBM of Ukraine at the local level.

CONCLUSIONS

In accordance with the set purpose, the article defines the organizational principles of the formation of the border security monitoring system on the state border of Ukraine with the CIS member states and in the sea area (interoperable analogue of EUROSUR). In the course of achieving the goal, legal and theoretical preconditions of formation of the system of monitoring of border security of Ukraine on the European model are generalized, stimulators and destimulant factors influencing the level of potential for formation of this system are analyzed.

The provisions set out in the article are intended for use by the relevant executive authorities with powers in the integrated border management sector. In addition, they can be used in scientific, scientific, technical, and innovative activities as a basis for further research into the effectiveness of the border security monitoring system in the context of European integration of Ukraine.

Prospects for further research in this area may be the issues of scientific support for the development of a comprehensive project of international technical assistance for the formation of border security monitoring system at the state border of Ukraine with the CIS member states and in the sea (interoperable analogue of EUROSUR).

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STAFF TRAINING OF PROFESSIONAL POLITICIANS IN UKRAINE: PROBLEM ASPECTS AND WAYS OF SOLVING

Keywords: civil servant, staff policy, political elite, political management, professional political activity, managerial elite.

ABSTRACT: The article analyzes the major factors that have led to a lack of professionalism and competence among some of the politicians in power in Ukraine in recent years. One such factor may be the ability of a large part of citizens to come to power with financial and administrative resources in the conditions of broad access to public administration and local self-government, and many of these figures do not have a clear idea of governance and are driven by interested motives. The desire of Ukrainian society to replace the old ruling elite with new political forces by voting in parliamentary and local elections for newly created parties should also be considered, but it should be noted that most of their party list has never had political or managerial experience. Therefore, the emphasis is placed on the organization of staff training for professional political activity, primarily on the basis of leading higher education institutions that train civil servants, as well as political parties and public organizations aimed at educating future political leaders. The National Academy for Public Administration under the President of Ukraine plays a leading role in staffing public administration activities, while among non-governmental organizations, the “Young Batkivshchyna” NGO, the First Ukrainian Academy of Politics, the Ukrainian Leadership Academy, and the School of Democratic Governance for Youth should be singled out.

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The publication pays significant attention to the foreign experience of professional training of future managers and politicians based on specialized higher education institutions, where the emphasis is put on retraining, advanced training, and encouraging career growth. At the same time, particular consideration is given to the practice of public administration training in European countries and the possibility of applying this experience in Ukraine.

Based on the study of foreign experience, recommendations are provided to improve staff training in Ukraine for future professional political activity and governance. Given the world experience and current trends in the training of executives for public authorities, the issue of restoring the program “Presidential Staff Reserve “New Elite of the Nation” needs to be resolved.

INTRODUCTION

In recent years, Ukraine has experienced a situation when incompetent managers with a low level of professionalism and political culture come to power, both at the central, regional, and local levels. Many of them do not even have an idea of the content of political activity and governance. On the one hand, this is due to the wide opportunities for access to public administration in the context of strengthening the role of the legislative and executive branches of government in Ukraine’s socio-political life, as well as decentralization policy, which provides for the establishment of amalgamated territorial communities and granting significant power and material resources to local self-government (Kontseptsiya, 2014). Not the least role is played by the political and personal preferences of citizens, as well as the availability of financial and/or administrative resources of candidates at different levels.

On the other hand, incomplete socio-economic and socio-political transformations, together with numerous corruption scandals, the significant decades-long influence of the old political elite in Ukraine’s power structures led to the demand for new politicians in Ukrainian society, which contributed to Volodymyr Zelenskyy’s victory in the presidential

elections and of his party's "Servant of the People" victory in the parliamentary elections in 2019. At the same time, the election team of the current President of Ukraine experienced an acute shortage of staff while preparing for the parliamentary elections, so many people got in the "Servant of the People" party list without having any idea about the professional political activity or public administration, including in the socio-economic and humanitarian spheres, which are especially relevant for Ukrainian voters, but were guided by personal ambitions and desire to gain power under a well-known brand. The same can be said of Sviatoslav Vakarchuk's "Voice" political party, the party list of which was formed shortly before the parliamentary elections: citizens did not vote for a team of professionals, but for the leader of the newly formed party, who, having no significant political experience shortly left Ukrainian politics.

The deteriorating socio-economic situation in Ukraine against the background of the coronavirus pandemic, the unpreparedness of government agencies for new challenges resulted in that the pro-government party lost a significant part of votes in the local elections in October 2020.

Last but not least, the lack of due professionalism and competence of modern politicians and managers, the low level of the political culture are caused by the fact that the major political parties and parliamentary groups represented in the Verkhovna Rada of Ukraine today do not have a clear ideology and are mainly oriented at a particular leader (political parties: "Servant of the People", "European Solidarity", "Batkivshchyna", "Voice") or are funded by oligarchic groups. In such a situation, a lack of unity within a political party when voting for a bill is observed, and the transition of deputies from one political force to another is common.

It is important to note that one of the priority areas for improving the professionalism and competence of politicians is staff training for professional political and managerial activities. Therefore, the problem of training future political leaders is extremely relevant. The urgency of this topic is also due to the creation of amalgamated territorial communities, the administrative-territorial reform, which provides for the consolidation of districts within the regions. And the sustainable development of Ukraine in the socio-economic and humanitarian spheres at all levels will depend

on the level of professional training and political culture of the leaders of the amalgamated territorial communities and districts.

The purpose of this publication is to analyze the current situation and identify the best ways to improve the training of future politicians and managers in Ukraine.

In this regard, we highlight the following research objectives:

- to describe the current state of education of professional politicians and managers based on higher educational institutions of Ukraine, primarily the NAPA, as well as the training of future politicians by local branches of political parties and non-governmental organizations; to point out the main shortcomings of the relevant educational process;
- to analyze foreign experience in training managers and political leaders;
- to make recommendations for improving the training process for future political and managerial activities.

The methodological basis of the publication is the work of Ukrainian scientists, which also analyzes the foreign experience of training politicians and managers. The complexity of this problem determines further research in this area. Among the main research methods are the analysis of scientific articles on this issue and the study of documentary sources.

THE STATE OF TRAINING OF POLITICAL STAFF IN UKRAINE

The problem of training politicians and managers for public authorities has always been in the focus of Ukrainian society. In today's Ukraine, it is possible to distinguish several groups of higher education institutions and establishments, which to some extent train specialists for future political and managerial activities.

The first group includes higher education institutions, regardless of ownership, which train specialists in Political Science. Among them are: the Taras Shevchenko National University of Kyiv (Faculty of Philosophy, where in addition to two political science departments, the department

of public administration operates); SHEI “Kyiv National Economic University named after Vadym Hetman” (educational program “Political Technology and Leadership”); Kyiv National University of Construction and Architecture (educational program “Political Management”); V.N. Karazin Kharkiv National University (educational program “Political Technologies and Policy Analysis”). At the same time, the training program in Political Science is general in nature and not directly aimed at training professional politicians. For many higher education institutions, including those with an economic focus, this specialty is not a specialized area of training.

The National Academy for Public Administration under the President of Ukraine (hereinafter – the NAPA), which was transferred to the Ministry of Education and Science of Ukraine by the Decree of the President of Ukraine of November 5, 2020, is focused primarily on training, retraining and advanced training of current civil servants and local government officials for a master’s degree. However, the Department of Public Policy and the Department of Parliamentarism and Political Management of the NAPA are somehow involved in the training of future politicians. The same can be said about the Institute of Advanced Training of the Management Staff at the NAPA, which provides retraining for civil servants at all levels and local government officials. (Natsional’na akademiya, b.d.; Ukaz Prezydenta Ukrayiny, 2020).

The third group is represented by political parties, as well as public organizations that train future politicians. However, it should be noted that in contrast to the 1990s, when youth organizations operated under political parties, today most political organizations do not practice establishing youth cells as a future staff reserve. The same can be said about the school of young politicians, which previously functioned under the Ministry of Youth and Sports (today the Ministry has only a department of youth policy). However, in recent years some parliamentary and non-parliamentary parties have organized political education programs, one of the main areas of which is to teach young people political leadership. In 2017, such programs were implemented by political parties: “The All-Ukrainian Union “Batkivshchyna”, “Petro Poroshenko’s Solidarity Bloc” (now the “European Solidarity” political party), “Samopomich”, and others.

For example, the all-Ukrainian youth organization “Bat’kivshchyna Moloda”, which today has about 30,000 members and supporters, at times organizes courses “School of Political Success”, “School of European Politician”, “School for Press Secretaries”, and “The People Deputy’s Academy”. The purpose of such measures is to educate “a new political elite that will rule the state in 10–15 years” (Zakharova O., Oksytyuk A., Radchenko S., 2017, p. 9–12; Bat’kivshchyna moloda, b.d.). Short-term courses in political education are also organized by other political parties, in particular, “European Solidarity” and “Samopomich”. However, most political forces, including the parliamentary factions “Opposition Platform for Life”, “Servant of the People” and “Voice”, do not pay much attention to the political education of their supporters and do not plan to develop relevant programs in the near future.

Also within the framework of a public project, there exists the First Ukrainian Academy of Politics (FUAP) – an educational platform that “provides qualified educational services in political and state management, domestic legislation, PR and communications” in the form of lectures, trainings, workshops, educational courses conducted by people’s deputies of Ukraine and well-known politicians. These measures are aimed at training future politicians, including assistants to people’s deputies and public figures. Among the well-known courses held and conducted within the FUAP are: “General Course of Political Education”, “School of Youth Self-Government”, training courses “Assistant to Deputy”, “Local Elections”, “Young Diplomat Course”, “Women’s Political Leadership Course” and others. (Persha Ukrayins’ka Akademiya polityky, b.d.).

However, although well-known Ukrainian political scientists and statesmen are involved in teaching, and the best students are sent for internships in public authorities, the duration of most courses does not exceed a few days, and the FUAP itself operates mainly voluntarily.

Unlike the FUAP, the Ukrainian Leadership Academy (ULA), founded in 2015, runs a ten-month training course for young people aged 16 to 20, which includes elements of physical, emotional, and intellectual development. Although the ULA is only an educational project that does not aim to train professional politicians, its program is focused on developing leadership skills in young people, which will help them take responsibility

for the fate of their country in the future, and theoretical knowledge is supported by successful practices of training future managers in Israel (where 60 leadership academies have been established over 20 years) and EU countries. In addition to Kyiv, today the ULA cells operate in Kharkiv, Poltava, Lviv, Mykolayiv, Chernivtsi, and Mariupol. At the same time, the organization of the educational process in the ULA does not provide in-depth knowledge of the fundamentals of law, political science, and public administration, which are the basic disciplines in the training of future professional politicians (Tvoye zhyttya – u tvoyikh rukakh, 2020); Ukrayins'ka Akademiya liderstva, b.d.).

Concluding the overview of public initiatives to prepare youth for future political and state-building activities, it is worth mentioning the “School of Democratic Governance for Youth” (Ternopil), the first session of which lasted from 16 to 18 December 2020. This project, which was implemented with the participation of the NGO “Educational and Analytical Center for Community Development” in cooperation with the Ternopil regional branch of the “Association of Ukrainian Cities” and the National Endowment for Democracy (NED), is aimed at training youth policy specialists to work in local communities. In 2021, as part of this project, it is planned to hold three more educational sessions and training, to prepare a “Draft strategy for developing the youth environment in the community” (Volkhatyy S., 2020). However, such short-term courses, which last from a few days to ten months, cannot fully provide training for professional political activity, which becomes especially relevant in the context of decentralization of power and the development of local self-government in Ukraine. Besides, one of the main problems of the management training system in Ukraine is the unregulated legal framework, and the NAPA will be substantially reorganized with its transition to the Ministry of Education and Science of Ukraine. Therefore, the study of foreign experience in training, retraining, and advanced training of management staff, as well as training of professional politicians and political leaders becomes essential.

FOREIGN EXPERIENCE OF TRAINING MANAGERIAL STAFF

In many foreign countries, the staffing of public administration is carried out in leading specialized educational institutions: the Civil Service College in the UK, the National School of Public Administration (France, Poland), the Federal Academy of Public Administration (Germany), etc. In contrast to European countries, the United States trains and retrain civil servants at various levels, as well as future professional politicians, through a large number of universities, colleges, and schools, but the leading ones are the Harvard Kennedy School of Government and the New York University's Wagner Graduate School of Public Service. At the same time, the countries of Anglo-Saxon law (the UK, the US, Canada, Australia), in contrast to continental Europe (France, Germany, and others), are dominated by an open system of training for public authorities, based on professionalism, free access to public service, strict control of civil society over the activities of government officials and politicians. At the same time, the Anglo-Saxon states and the states of continental Europe are characterized by constant training and retraining of government officials. However, in continental Europe, this process is caused not so much by competition as by the desire of managers to maintain their position and effectively perform managerial functions (Holobor N. YU., b.d., p. 2–5).

In contrast to Ukrainian educational institutions, political leaders abroad are trained at the leading universities: Harvard (US), Oxford, Cambridge (UK), and others (Batushan V.V., 2011, p. 6).

A distinctive feature of managerial training in the United Kingdom and largely in the Netherlands, Denmark, Norway, and Sweden is the inclusion of basic legal education, the application of criteria for assessing the competence of officials for continuous professional development and adding seminars, trainings, and conferences to study programs.

In Germany, on the other hand, in addition to the legal component of the educational process of future managers (which is the main one), a significant role is given to economic disciplines, continuity of education, which is regulated at the legislative level.

In contrast to Germany, the French system of training the future managerial and political elite provides an in-depth study of economics, continual advanced training courses, as well as developing students' high administrative culture, professionalism, and competence, the ability to communicate with citizens. At the same time, the French system of training managers, which Ukraine is trying to adapt to its needs, despite its stability, is focused on training managers of the highest category, while middle and lower-level managers are not covered by training. With new political leaders coming to power, the changes affect only the highest level of governance (Mel'nyk A., Kononenko T., 2012; Trubina M.V., Yefimenko L.L., b.d.; Shevchenko S.O., Koval' H.V., 2019). Across continental Europe, France is considered the "leader in cultivating the elite" (administrative, political). Moreover, the French system of training the state elite is focused on career growth (Elitoznavstvo, 2013, p. 230–231).

Regular internships of political and managerial elite, advanced training of managerial staff are practiced in Spain, the Netherlands, Italy, Belgium, Lithuania, Latvia, which is regulated by the legislation of these countries (Shevchenko S.O., Koval' H.V., 2019).

In Poland, graduates of the Lech Kaczyński National School of Public Administration (KSAP, Warsaw) are primarily involved in the civil service. The curriculum of this university is focused on training civil servants for the central and regional levels, improving their skills, conducting seminars and trainings, learning foreign languages, and the basic legislation of EU member states. Exchange of experience between Polish officials and civil servants from other countries is also practiced. At the same time, Polish law clearly distinguishes between political and administrative positions, and civil servants are prohibited from openly expressing political views and engaging in political activities.

At the same time, it should be added that public positions in Poland are often occupied by unskilled people, and some local officials do not even have higher education, but the separation of political positions from public ones makes Polish officials politically neutral, therefore, this public administration experience can be useful for Ukraine (Mosora L.S., 2018, p. 2–4; Voytsits'ka K.M., b.d., p. 2–3).

Unlike many EU member states and the United States, Japan does not have national training institutions for professional management, but this function is assigned to specialized agencies that develop their own programs, while the National Personnel Authority controls education, internships, and advanced training (Shevchenko S.O., Koval' H.V., 2019).

Summarizing the experience of foreign countries in training the managerial elite, it is necessary to mention the MES-concept, which is used in the professional training of future managers and is based on the following principles: focus on activities; the leading role of learners; result guarantee; the role of the political leader in the public administration system is also taken into account (Batushan V.V., 2011, p. 4).

CONCLUSIONS

Given the foreign experience of training the managerial elite, in order to improve the training of specialists in Ukraine for future political and managerial activities, we consider it necessary:

first, to regulate at the legislative level the mechanisms of training, retraining and advanced training of managerial staff, in particular, future political leaders; bring relevant domestic legislation in line with European standards; the emphasis should be placed on lifelong training of managers, and to minimize the entry of incompetent people into high government positions, the mechanism of career growth, starting from the lowest level should be clearly regulated.

second, to organize the educational process in such a way as to direct it to the formation of professional competence of the future political elite and the education of political leaders.

third, the educational process should be focused more on the practical training of the future managerial elite, introducing additional trainings, seminars, internships in public authorities and abroad.

Taking into account the world experience and current trends in management training for public authorities, it seems relevant to restore in an updated format the program "Presidential Staff Reserve "New Elite of the Nation", which was implemented on the basis of the NAPA during

2012–2014 and was aimed at training of the most talented Ukrainian citizens for leading positions in public administration.

It would also be expedient to create on the basis of the NAPA an Institute for Training of Political Leaders, especially since the Department of Public Policy and the Department of Parliamentarism and Political Management have been functioning in this educational institution for a long time.

It is necessary to study the organization of training of future civil servants and officials for local governments in universities of Ukraine based on general secondary education, and not only in the master's program. As an example, one can think of the Faculty of Philosophy of the Taras Shevchenko National University of Kyiv, where on the basis of the Department of Public Administration not only masters but also bachelors are trained in the educational program "Public Administration" and the Inter-regional Academy of Personnel Management. Since 2016, this institution has been training specialists in the educational program "Public Administration" on the basis of complete general secondary education; master's, postgraduate and doctoral programs are also available.

It is possible to organize long-term training courses (lasting at least one academic year) on the basis of the First Ukrainian Academy of Politics, as well as special courses for civil servants and local government officials with the involvement of public administration professionals, not only well-known politicians and political scientists.

In this regard, the ULA training program should emphasize the in-depth study of the fundamentals of state and law, political science, public administration, history of state and law of Ukraine. Such long-term courses should be organized on the basis of the School of Democratic Governance for Youth and those political and non-governmental organizations that are interested in training future managers and political leaders.

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CHALLENGES TO THE REALIZATION OF HUMAN RIGHTS UNDER THE PANDEMIC

The law is the measure of the right, and anything that contradicts the measure of the right is wrong (Jus est norma resti; et quicquid est cjntra normam recti est injuria)

(Ancient Roman expression.)

Keywords: respiratory disease COVID-19, coronavirus SARS-CoV-2, human rights, anthropocentrism, sociocentrism, State authority limits, quality of legislation, globalization, pandemic.

ABSTRACT: The article deals with the problematic issues of human and civil rights under pandemic on the example of the practice of combating the spread of respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2 civil society in Ukraine in 2020. Account has been taken of the fact that the human, his life and health are the highest social value, and that human rights and freedoms determine the content and orientation of State activities. Since

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every State functioned for the human, in order to protect universally recognized rights and freedoms, it was a feature of a modern democratic State governed by the rule of law. At the same time, in legal science in recent years there has been a debate about the problems of human and civil rights against the background of widespread abuse of rights, individual selfishness, conflict of rights of one person and group of people, human and society. That is to say, in the order of the day came an all-civilizational discussion about the appointment of the State, the idea of humanocentrism and sociocentrism as the fundamental foundation and expediency of the State. The problem is posed by the global challenges faced by present-day civilization: climate protection and freshwater, poverty and corruption, terrorism and military conflicts, massive ethnic displacement and pandemics. In one way or another these problems are present on all continents today, both for the world community and for each State in particular, but there is no well-established mechanism for dealing with them. With regard to combating the spread of coronavirus, it is clear that the problem is a global one in the field of medical law, and that it must be addressed both at the level of the novelization of legislation and at the level of philosophy and sociology of law, 'cause that's the kind of system-wide results you can use in complex under the state-creative practice today.

INTRODUCTION

Modern development involves the overlapping of globalization processes, increased cooperation among States and the movement of people, and the need to develop effective methods of exercising power in the face of global challenges, the need to take into account the principles of human and sociocentrism in the activities of the State and the exercise of the powers of the State in the context of pandemics in order to ensure the security of society on the basis of justice and equality of the people. The global problem of interstate cooperation in the context of global pandemics, the morality of power and national security needs to be addressed immediately around the world.

The general theoretical characteristic of the experience of combating the spread of the coronavirus pandemic is studied and given, the laws and other normative legal acts adopted in Ukraine aimed at combating and eliminating the consequences of the coronavirus pandemic are analyzed. To conduct a comprehensive study and classification of the restrictions and prohibitions imposed to prevent the spread in Ukraine of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2 in Ukraine.

Research material – Legislation pointed at the resisting and overcoming the effects of the coronavirus pandemic, foreign and national legal, political and specialized literature on health, medical law, constitutional law, sociology and legal theory, Human and Civil Rights and Freedoms in the context of global risks. While writing the article used the method of comparative law and systematic analysis, structural and functional methods, method of legal statistics, legal modeling.

REVIEW AND DISCUSSION

Modern global challenges have necessitated a revision of the established policy of states in various spheres of public life. This need is particularly acute in the wake of the global COVID-19 pandemic. It is clear that this should be based on the important principles of the rule of law, for which it is important not only to give human rights priority in the policies of the State (Zahalna deklaratsiia prav liudyny vid 10.12.1948 r.; Konventsiia pro zakhyst prav liudyny i osnovopolozhnykh svobod vid 02.10.2013 r.) but also to understand by everyone that the rights of each individual end where the rights of the other begin. Therefore, the practical work of State and local government bodies faces the problem of the choice between ideas of humanocentrism and sociocentrism (Kostytsky, 2019). With the outbreak in Ukraine and the world of acute respiratory disease COVID-19, caused by coronavirus SARS-Cov-2, the human rights problems are quite acute. This includes ensuring the right to health (Konstytutsiia Ukrainy vid 28 chervnia 1996 roku) and the possibility of restricting other human and civil rights, preventing the abuse of power under the guise of anti-quarantine measures. This is the concern of the European Union, the United Nations, international human rights organizations and ordinary citizens today (Orinda, 2018). In the European Union, they reacted by signing a joint declaration against the usurpation of power, human rights violations under the pretext of quarantine actions by 13 EU member countries: Belgium, Netherlands, Luxembourg, France, Germany, Greece, Italy, Portugal, Spain, Ireland, Denmark, Finland and Sweden. The contents of the document concerned the decision of the

Hungarian Parliament of 30 March 2020 to grant absolute powers to Prime Minister Viktor Orbán under a state of emergency, but for an unlimited period of time.

At the time of this decision, during the COVID-19 coronavirus outbreak, which affected more than 950,000 people worldwide at that time, including at least 585 people in Hungary, Orbán was given excessive powers under the new emergency legislation, and his right-wing party, Fides, was able to effectively bypass both Parliament and existing laws, and the Government was allowed to issue prison terms for those considered to be spreading disinformation, that many political scientists considered the ideal occasion for the seizure of power, since emergency powers could only be revoked with the support of two thirds of the Parliament (the majority held by Prime Minister V. Orbán).

From the Ukrainian experience of counteracting coronavirus, we can say in general that the authorities acted proactively despite the financial, institutional and human resources inadequacies of the health-care management system (suffice it to mention the reckless elimination of public health surveillance), the large-scale spread of coronavirus and the large number of victims has been avoided, which has meant that the situation in our State has not been as dramatic as in other countries.

The measures taken by the state can be divided into several groups:

1. Restrictions on entry into and exit from the territory of Ukraine;
2. Restricting the movement of people by public transport between urban and intercontinental routes and within human localities;
3. Restricting the work of business entities, especially those involved in mass gatherings;
4. Restrictions on the holding of public events of a sporting, visual or socio-political identity;
5. Restrictions related to self-isolation (restrictions on staying in streets, parks and other recreational areas);
6. Restriction of the educational institutions' activity;
7. Introduction of a special regime for health-care institutions;
8. Increased legal liability for violation of quarantine, sanitary and epidemiological rules and regulations.

These State response teams to the pandemic are more or less concerned not only with environmental and epidemiological safety issues, public health management, but also with health workers and institutions.

The life of all citizens of our State changed radically with the adoption on March 11, 2020 by the Decision of the Cabinet of Ministers of Ukraine 211 «On prevention of the spread in the territory of Ukraine of acute respiratory disease COVID-19, caused by coronavirus SARS-Cov-2» (The Cabinet of Ministers of Ukraine, 2020).

According to Article 29 of the Law of Ukraine «On Protection of the Population against Infectious Diseases» (Zakon Ukrainy vid 6 kvitnia 2000 roku № 1645-III) in order to prevent the spread of acute respiratory disease COVID-19 in the territory of Ukraine, and taking into account the decision of the State Commission on Technogenic and Environmental Safety and Emergency Situations of 10 March 2020, the Cabinet of Ministers of Ukraine decided to establish a quarantine throughout Ukraine from 12 March 2020 to 24 April 2020. A number of restrictions and prohibitions have been established and are classified in this publication according to the following criteria.

1. *Restrictions on entry into and exit from the territory of Ukraine* (established on 13 March by the Decision of the National Security and Defence Council «Urgent measures to ensure national security under the outbreak of acute respiratory disease COVID-19 caused by coronavirus SARS-Cov-2» of 13 March 2020) (Rishennia Rady natsionalnoi bezpeky ta oborony vid 13 bereznia 2020 roku):

- 1) Closure of State border crossings of Ukraine from 0 a.m. to 17 March 2020 for regular passenger traffic;
- 2) Cessation, from 0 a.m. on 16 March 2020, of the entry into the territory of Ukraine of foreigners and stateless persons, with the exception of persons entitled to permanent or temporary residence in the territory of Ukraine, and on individual decisions of the Ministry of Foreign Affairs of Ukraine accredited officials of diplomatic missions, consular offices, missions of international organizations, etc.

2. *Restricting the people movement by public transport between urban and intercontinental routes and within human localities.*

By the Decree Cabinet of Ministers of Ukraine No.211 (The Cabinet of Ministers of Ukraine, 2020) *with* not suitable subsequent passenger (March 11, 2020):

- 1) regular and irregular transportation of passengers by road in suburban, long-distance, intra-regional and inter-regional communication, except for transportation: by cars; official and/or rented motor vehicles of enterprises, establishments and institutions, provided that drivers and passengers are provided with personal protective equipment during such transportation within the number of seats and only on routes agreed with the National Police, as well as compliance with relevant sanitary and anti-epidemic measures;
 - limited number of people who can be transported in one vehicle with personal protective equipment and appropriate sanitary and anti-epidemic measures;
 - entry of bus stations carrying commuter, intercity, intraregional and intercontinental passenger services and sale of tickets by station owners to road carriers carrying out such services;
- 2) from March 17, 2020 transportation of passengers by subways in Kyiv, Kharkiv and Dnipro in accordance with the decision of the State Commission on Technogenic and Environmental Safety and Emergencies of March 16, 2020;
- 3) from 12 a.m. to 1 p.m. 18 March 2020 passenger transport by rail in all types of inland transport (suburban, urban, regional and long-distance).

3. *Restricting the work of business entities, especially those involved in mass gatherings.* Such restrictions are in fact prohibitions in the field of economic activity (Such restrictions are, in fact, bans on economic activity (established on 11 March 2020 by the Decree of the Cabinet of Ministers of Ukraine No.211) (The Cabinet of Ministers of Ukraine, 2020):

- 1) To the work of economic entities, which provides for the admission of visitors, including catering establishments (restaurants, cafes, etc.), shopping and entertainment centers, other entertainment establishments, fitness centers and cultural establishments; commercial and consumer services, except for:

trade in foodstuffs, fuels, hygienic products, medicines and medical products, veterinary preparations, feed products, pesticides and agro-chemicals, seeds and planting material; communications equipment, while ensuring the provision of personal protective equipment to the personnel concerned, as well as appropriate sanitary and anti-epidemic measures;

Banking and insurance activities, as well as medical practices, veterinary practices, the operation of petrol stations, the maintenance and repair of vehicles, the maintenance of payment recorders, computer repair activities, household and consumer goods, postal facilities, while ensuring the provision of personal protective equipment to the personnel concerned, as well as appropriate sanitary and anti-epidemic measures;

trade and catering activities with targeted orders' delivery, while ensuring the provision of personal protective equipment to the personnel concerned, as well as appropriate sanitary and anti-epidemic measures.

4. *Restrictions on the holding of public events of a sporting, visual or socio-political identity.* Such prohibitions were established on March 11, 2020 by the Decree of the Cabinet of Ministers of Ukraine No.211 (The Cabinet of Ministers of Ukraine, 2020) From 1 a.m. to 1 p.m. March 17, 2020 for all mass events (cultural, entertaining, sports, social, religious, advertising and other) in which more than 10 people take part, in addition to measures necessary for the functioning of State and local government bodies,.

5. *Restrictions related to self-isolation (restrictions on being on the streets, in parks and other recreational areas).* Restrictions related to self-isolation (established on March 11, 2020 by the Decree of the Cabinet of Ministers of Ukraine No. 211) (The Cabinet of Ministers of Ukraine, 2020):

- 1) persons who have had contact with a patient with acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2, or suffer from this disease and do not require hospitalization, are persons in need of self-isolation.
- 2) COVID-19, SARS-Cov-2 Coronavirus-induced Acute Respiratory Disease Treating Physician, independently determines the period of self-isolation of the patient and persons in need of self-isolation as a result of contact with the patient, based on sectoral health standards.

- 3) persons in need of self-isolation are obliged to refrain from contacting persons other than those with whom they live together and from visiting public places. Emergency visits to places of sale of food, hygiene, medicines, medical supplies and health-care facilities with personal protective equipment and with a distance of not less than 1.5 meters are permitted.
- 4) persons visiting countries/regions with local transmission of the virus in the community (in addition to drivers and service personnel of cargo vehicles, aircrews, sea crews, river crews, train and locomotive crews, if there is no reason to believe that they were in contact with a person suffering from acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2) are considered to have had contact with the patient with this disease and are subject to mandatory observation (isolation) within 14 days after the state border crossing in specialized institutions, which are determined by the Kyiv and regional state administrations.
- 5) persons who have been assigned quarantine (self-isolation) are obliged to strictly follow the recommendations of physician.
6. *Restriction of the educational institutions' activity.* These restrictions (established on March 11, 2020 by the Decree of the Cabinet of Ministers of Ukraine No. 211) (The Cabinet of Ministers of Ukraine, 2020) in the form of a ban on attendance by applicants.
7. *Introduction of a special regime for health-care institutions.* Restrictive anti-epidemic measures carried out by health-care institutions independently or in cooperation with the National Police, established by the Cabinet of Ministers Decree «Some issues on the application of restrictive anti-epidemic measures aimed at preventing the spread of acute respiratory disease COVID-19 caused by coronavirus SARS-Cov-2» of 25 March 2020 and the decision of the National Security and Defense Council «On urgent measures to ensure national security in the event of an outbreak of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2I» of March 13, 2020) (The Cabinet of Ministers of Ukraine, 2020); Pro nevidkladni zakhody shchodo zabezpechennia natsionalnoi bezpeky v umovakh spalakhu hostroi respiratornoi khvoroby COVID-19, sprychy-nenoi koronavirusom SARS-CoV-2):

- 1) health care institutions have the right to implement:
 - compulsory medical examination of persons with acute respiratory disease COVID-19 caused by coronavirus SARS-Cov-2 (hereinafter COVID-19) or have symptoms COVID-19 if such persons refuse medical examination voluntarily;
 - compulsory hospitalization, quarantine (self-isolation) for COVID-19 patients or those with COVID-19 symptoms if such persons refuse to be admitted to hospital or quarantine (self-isolation) voluntarily;
 - compulsory hospitalization of the children of persons declared legally incompetent under the established procedure, living together with legal representatives who have been hospitalized for COVID-19 if they cannot be temporarily placed with the families of relatives known to them;
- 2) the referral of the persons referred to in paragraph 1 of this paragraph for compulsory medical examination and/or hospitalization and quarantine (self-isolation) shall be carried out by health-care institutions and individuals; entrepreneurs who provide primary health care in accordance with the established procedure;
- 3) at the written request of health-care institutions, the National Police is obliged to accompany vehicles in the cases provided for by law, as well as to escort them rescue and other special equipment during transportation for compulsory examination and hospitalization;
- 4) medical and preventive institutions should ensure readiness for the provision of medical care to COVID-19 patients and the creation of reserves of medical equipment, medicines and medical supplies, including personal protective equipment; as well as disinfectants.

8. *Increased legal liability for violation of quarantine, sanitary and epidemiological rules and regulations, which is provided by the 530-IX Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine aimed at Preventing the Occurrence and Spread of Coronavirus Disease (COVID-19)» of March 17, 2020, should be considered separately (Zakon Ukrainy vid 17 bereznia 2020 r. № 530-IKh):*

The Code of Administrative Offences of Ukraine was supplemented by Article 44–3 «Violation of Human Quarantine Rules», provided for in the

Law of Ukraine «On Protection of the Population against Infectious Diseases», other legislative acts, as well as decisions of local governments on the control of infectious diseases.

Article 325 of the Criminal Code of Ukraine ‘Violation of sanitary rules and norms on prevention of infectious diseases and mass poisoning’, is stated in the new wording: violation of rules and norms established for prevention of epidemic and other infectious diseases, as well as mass non-communicable diseases (poisoning) and control if such acts have led to, or are known to have caused, the spread of these diseases, shall be punished by a fine of 1,000 to 3,000 minimum income not covered by the law, or by arrest for up to six months, or by restriction of liberty for up to three years, or imprisonment for the same term. For the same acts, if they have resulted in loss of life or other serious consequences, a penalty of 5 to 8 years’ imprisonment may be imposed.

Regulations on pandemic control, both national and local, in the form of decisions of local self-government bodies and decisions of local State administrations, were prepared and adopted under extreme conditions of time scarcity, the risks of the spread of the pandemic, the need for the State to fulfil its responsibilities to society and the individual in a timely manner, therefore their analysis reveals significant strengths and weaknesses that need to be addressed now and in the future.

Let us highlight here some of the problems that have caused a sad smile in their treatment in the context of human rights. For example, the COVID-19 coronavirus regulations placed animal rights above human rights: one person could walk a dog in the park but not two persons, and not allowed to walk by two persons, later, the Chief State Medical Officer of Ukraine, Liashko, explained this as an attempt by the public authorities to exert psychological pressure on civil society to ensure self-discipline and avoid the spread of the coronavirus, which, of course, is an offence.

In Kiev, one and four medical institutions for the treatment of COVID-19 patients have been designated Alexander Hospital on Shelkovychna St. At the same time, by decision of the medical institutions, the treatment of ophthalmological patients was ordered by the medical institutions, despite the risk of the spread of COVID-19 coronavirus, and the Eye Microsur-

gery Centre, by decision of the Chief State Medical Officer, was able to treat only children.

However, it is particularly important to mention here the great national problems. First of all, as a result of the reaction to the spread of the coronavirus, a national mistake made earlier has been corrected and it is planned to restore the system of anti-epidemic protection, in particular: appointment of chief public health doctors from the relevant administrative and territorial authorities.

The possibility of compulsory hospitalization under the mental health legislation, in which one of the authors participated, was not resolved – prof. Vasyl Kostytsky, previously it was possible only in the case of acute psychiatric disorders of a person by court order. COVID-19 is obviously required to be listed as a serious infectious disease that provides for involuntary hospitalization followed by a court decision, provided that such involuntary hospitalization is terminated by a health-care facility where the person with COVID-19 is based in accordance with the medical recommendations approved by the Ministry of Health.

Pursuant to the above-mentioned regulations, medical personnel, law enforcement personnel and emergency services involved in anti-epidemic activities, as well as persons in contact with COVID-19 patients, must be provided with personal protective equipment. However, the sources of supply and financing of these funds have not kept pace with this task, despite attempts by the State to simplify customs and procurement procedures for medical facilities.

Special attention should be paid to problems related to the rights of health workers. Provision is made in the regulatory documents for the introduction of additional material incentives for medical workers who are involved in anti-epidemic and curative measures to counter COVID-19 were under-resourced and the dedicated work of health workers was not adequately appreciated. The problems of the possibility of infection in the workplace have not been taken into account, and the questions of compensation for the harm caused to the health-care worker in the workplace in the context of the pandemic have not been resolved, The Act of 7 May 2020 on additional guarantees for medical personnel provides for compensation and guarantees only in the event of the death of a person.

Ukrainian legislation has also neglected the problem of the protection of medical workers, which should include their compulsory insurance by the State or by an employer in private medical institutions, as well as the issue of treatment protocols.

The legislator has not decided that a person who shows signs of acute respiratory disease COVID-19, caused by SARS-Cov-2 coronavirus, is obliged to inform the community, family members, employer.

Results: In summary, it can be stated that the restrictions and prohibitions imposed on the territory of Ukraine in order to prevent the spread in the territory of Ukraine of the acute respiratory disease COVID-19 caused by the coronavirus SARS-Cov-2, have touched practically all spheres of public life. At the same time, aware of the negative consequences of these restrictions and prohibitions on the country's economy and the well-being of the population, we wish to emphasize the unprecedented attention paid by the State in the history of independent Ukraine to the problems of the medical sector.

The right to a safe environment for life and health provided for in article 50 of the Constitution covers (Konstytutsiia Ukrainy vid 28 chervnia 1996 roku), in our view, the right to sanitary and epidemiological well-being, and is recognized as a duty of the modern State towards civil society. It is based on the principle of the rule of law, which embodies both the recognition of the human being as the highest social value and the understanding of rights and freedoms, especially the fundamental human right to a healthy and healthy environment (Kostytsky, 2016) such as to determine the content and direction of State action is an important.

CONCLUSIONS

As a result of the study carried out, we consider it advisable to re-establish the institutional system responsible for the sanitary and epidemiological well-being of the population, that is, to establish a renewed system of public health services Epidemiological surveillance of Ukraine in the central apparatus, oblast and city inspectorates. Legislation needs to be further improved and codified, in particular in connection with

article 64 of the Ukrainian Constitution, which prohibits restrictions on human and civil rights and freedoms. In the event of martial law or a state of emergency, certain rights and freedoms may be restricted, so it is necessary to introduce legislation on states of emergency, such as the regulation of this issue in environmental legislation, which provides for the possibility of declaring a certain territory as an environmental emergency zone. Thus, the law should also provide for the possibility and procedure of involuntary hospitalization of patients with COVID-19 respiratory disease caused by SARS-Cov-2 coronavirus, the possibility of recognizing a certain territory of the State or of the whole country as an area of emergency sanitary and epidemiological situation and defining the procedure and conditions for restricting the movement of people and the work of business entities; mass events and other constraints based on the experience of the pandemic in 2020.

Besides, we consider it necessary to:

- restore the training of specialists in the specialty «sanitary supervision»;
- provide for increased wages (200–300 per cent) and compulsory insurance (State and employers in private health-care institutions) for health-care workers; Those involved in dealing with pandemics or in the treatment of acute infectious diseases;
- clarify the list of serious infectious diseases and include COVID-19 respiratory disease caused by SARS-Cov-2 coronavirus;
- procedure for compensation of damage caused to the health and property of doctors involved in work during the pandemic, including as a result of infection in the performance of duties in a medical institution.

Both the measures taken by the Parliament and the Government of Ukraine and the law and resolutions adopted by them not only were unpopular, but received a negative assessment by the Constitutional Court of Ukraine, which in its decision as of August 28, 2020 drew attention to the Resolution of the Cabinet of Ministers of Ukraine №392 of May 20, 2020 «On the establishment of quarantine to prevent the spread of acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2 in Ukraine and the stages of mitigation of anti-epidemic measures» violat-

ing the Constitution. The government itself lifted unconstitutional restrictions on human and civil rights and freedoms in June and July. These problems are quite relevant and require additional understanding and separate analysis, which could be done in a separate article.

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FEATURES OF POLITICAL MANIPULATION OF THE VALUE-WORLDVIEW COMPONENT OF PUBLIC CONSCIOUSNESS

Keywords: political governance, political manipulation, political culture, political behavior, political consciousness, values.

ABSTRACT: Today, the problem of political governance is one of the most important. There is an urgent need to create standards and institutions that would be effective and adequate to peculiarities of the contemporary society. One of the forms of socio-political governance is political manipulation of public consciousness. Modernization of the political system of society causes corresponding changes in the processes of management and manipulation. The influence on political consciousness and behavior is different at the traditional, modern and so-called postmodern stages of social development. The genesis of political manipulation of worldview values is the subject of this study. In the structure of political consciousness, which is a component of political culture, the value-worldview component is one of the most important. Values forms a motivational basis of political behavior. It is argued that values change in the predicted direction, and political manipulation could affect the value orientations of public consciousness. Analysis of the state of scientific development of the problem of political manipulation shows that the value-worldview component as an important component of political consciousness is poorly studied. The study of the peculiarities of political manipulation of the value component of political consciousness in the framework of this article is important, because the corresponding cultural dynamics affects the functioning of the political system.

Thus, the relevance and practical significance of this study is that it analyzes the main characteristics of political manipulation of the value-

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worldview component of public consciousness in the historical context. Both formal and semantic characteristics of political manipulation of public consciousness could change, changes in the value orientations of society play a crucial role in the emergence and development of democratic political institutions. At the present stage of development, pluralistic values of self-expression predominate in the structure of public consciousness, and the security priorities of post-industrial development fundamentally differ from pre-industrial and industrial ones. However, the variability of political values and meanings in the postmodern will contribute to the further formal improvement of the technologies of political manipulation. At the present stage in the processes of political manipulation there is an impact on both emotional component of political consciousness and cognitive one (accordingly individual political behavior is corrected, and mass one as well). Freedom as a political leitmotif of the modern paradigm and security as a fundamental value of traditional society, have a complex relationship at the present stage, their optimal combination is one of the priorities of public policy and public administration.

INTRODUCTION

In this article I intend to describe the historical stages of the political manipulation genesis. The aim of the article is to highlight the characteristics of political manipulation of the value-worldview component of public consciousness. Using obtained data, I would like to characterize the main features of the process of political manipulation of the value-worldview component of public consciousness at the traditional, modern and postmodern stages of society development.

Theoretical and methodological basis for the analysis of the peculiarities of political manipulation of the value-worldview component of social consciousness are both general-scientific and special-scientific methods of cognition. Systemic and structural-functional methods made it possible to clarify the place and role of political manipulation in the political process and the political system. The genesis of manipulating the value

component of political consciousness was studied using the historical method. The comparative method allowed to determine the characteristics of political manipulation of values and worldviews at each stage of socio-political development. The main empirical basis was the results of the sociological research project “World Values Survey” (WVS, 2020).

TRENDS IN CONTEMPORARY THEORETICAL RESEARCH ON POLITICAL MANIPULATION

The analysis of foreign and domestic studies in the field of socio-political management allows to represent the main directions and trends in modern theoretical research on political manipulation. It should be noted that the research is mostly interdisciplinary in nature, and the concept of «political manipulation» is not sufficiently inscribed in the system of political science categories. With the help of systemic and structural-functional approaches, manipulation can be attributed to both the communicative subsystem of the political system and the functional one. In the political system of society, manipulation is one of the means of communicative retransmission of values and ensuring systemic stability. An example of work that can be used in an interdisciplinary approach is a fundamental study by psychologist D. Kahneman (2017) «Thinking, Fast and Slow», the main provisions of which are applied in conceptual studies on the issue of political manipulation. In general, it could be noted that there are many scientific and popular science developments devoted to the political manipulation (Adzhemohlu, Robinson, 2020; Coons, Weber, 2014; Levitin, 2017; Maklyuen, 2014; Moroz, 2020; Nyst, 2018; Pomerantsev, 2020). However, the problem of political manipulation of the value component of public consciousness, considering both historical and contemporary aspects, is studied insufficiently.

To study the genesis of political manipulation, I single out the main historical stages of its development: premodern (or traditional), modern and postmodern (corresponding to agrarian, industrial, and post-industrial societies) ones. Each of these periods is characterized by corresponding specific features. For example, in the traditional paradigm, politics is

the art of governing; in modern period politics acquires a technological and partnership nature, which is the result of a social contract; in post-modern era politics is perceived as a game and «the art of the possible.» Manipulation exists at all stages of socio-political development, but historically significantly changes its formal and substantive characteristics. If at the traditional stage political manipulation is not the main form of socio-political governance, then with social modernization it becomes massive and systematic, being one of the main forms of management of political consciousness and behavior. At the present stage there is a further technological development of political manipulation forms. The corresponding transformation of political structures has been studied in numerous foreign and domestic sources. The main characteristics of traditional society are traditionalism, collectivism, ritualism, holism, mythologizing, sacralization, hierarchy, symbolism, etc. Modernization is the development of society economically – through industrialization, politically – through bureaucratization. It also deals with transition from traditional value systems to new, modern ones.

In the political context, modernization can be considered as a transition from a «closed» to an «open society» with the prevalence in the latter of democratic principles of political organization. Historically, liberal ideology is inscribed in the logical scheme of modernism. Freedom becomes the greatest value of modern society; the political concepts of modern liberalism determined the emergence of appropriate state and political institutions. Modernization changes also affected power structures: from religious power to rational-bureaucratic one, from hierarchical power to decentralized one, from traditional legitimacy to rational-legal power. Thus, modernism is characterized by the following main features: rationality, scientificity, bureaucracy, conventionality, secularism, etc. At the same time, the current socio-political situation is characterized by significant manufacturability, hybridization, uncertainty, and so on. To clarify the genesis of political manipulation, the historical method is used, to determine its features at each of the selected stages – a comparative one.

Value orientations determine both political consciousness and political behavior. Values play a fundamental role in the functioning of political

culture. Political manipulation is one of the means by which the support of the authoritarian distribution of values in society is achieved.

The values of modern society are different from the values of traditional society. The results presented in the work by R. Inglehart and Ch. Welzel (2005) «Modernization, Cultural Change, and Democracy: The Human Development Sequence» are the basis for the study of the values dynamics. Thus, the authors demonstrated how economic development stimulated the movement from society of traditional values to secular-rational ones and from the values of survival to the values of self-expression. For political science, it is important to conclude about the impact of this cultural dynamics on the formation and functioning of a democratic system. In modern societies there are changes in both value system and institutional structure. In the value system there is a shift from “materialist” values (physical and economic security is a priority) to “postmaterialist” ones (well-being, quality of life and individual self-expression). In the institutional structure there is a shift from hierarchical bureaucratic organizations that lose functional efficiency to new structures. At the same time, the importance of the latter will continue to decline, which will correspond to the general trend – the decline of the authority of political, economic and scientific powers. Political power changes structurally from a clear hierarchical or decentralized to a network.

POLITICAL MANIPULATION OF THE VALUE COMPONENT AT THE TRADITIONAL STAGE

Security is one of the priority values of traditional society, the values of survival are of paramount importance (the need for self-realization is actualized at later stages of development). At this stage, manipulation is not the main form of government, but as a component of the functional subsystem of the political system, focuses on maintaining socio-political stability and establishing mutual agreement on the prevailing value system. Value models can determine political behavior and be influenced, including manipulative technics. And characteristics of the society of the primordial tradition (focus on the present, lack of broad freedoms, prevalence

of patronage relations, etc.) only contribute to the spread of manipulative influences. Political traditions are the most stable elements of political culture. Values as components of tradition are slowly changing. In addition, the myth remains an effective tool for political manipulation in modern society. At the same time, manipulative methods do not play a significant functional role at the traditional stage of development. Manipulation is focused on maintaining socio-political stability and establishing mutual agreement on the prevailing value system. It is possible to actualize the values of «security» and «stability» in the public consciousness by influencing its emotional component. The appeal to the values of «survival» in manipulation influences the political behavior of the audience in the desired direction for the manipulators. The focus of political manipulation is on such topics as patriotism, heroism, self-sacrifice, which at the modern stage become elements of a legal (or legitimate) worldview and appropriate forms of political behavior, with a strong positive focus on the dominant political system.

POLITICAL MANIPULATION OF THE VALUE COMPONENT OF CONSCIOUSNESS AT THE MODERN STAGE

Freedom becomes the greatest value of modern society. The Modernism as Western European paradigm of Modern Times became an alternative concept to traditional society. As alternatives, rationalism and individualism replace faith and collectivity. Values can be transformed through mechanisms of management and manipulation (gradually as a result of evolutionary socio-political development or quickly, as a result of radical social transformations). At the modern stage, freedom became a basic value. Freedom is the cause and consequence of the further genesis of the principles of political power. Expansion of political and economic freedoms, democratization changed the forms of government. The mass character of the society and the role of the media in the twentieth century turned manipulation into a dominant form of management of human consciousness and behavior. At the same time, at the stage of modern coercion remains a tool of control (especially political behavior).

Manipulation is aimed at controlling the political consciousness and its worldview and value structures. If at the previous stage control (albeit on a small scale) was carried out mainly through the emotional sphere, at the modern stage the cognitive component was added. Critical rationality is an obstacle to manipulation for political purposes, nevertheless, it contains mechanisms that facilitate control and management of a man.

Thus, from the point of view of historical retrospective, political manipulation of public consciousness changes its forms and scales, and hence qualitative and quantitative features, adapting to changes in socio-political life and value systems. The two stages of socio-political development, traditional and modern ones, differ in the priority of «survival values» or «values of self-expression» (Inglehart, 2011). The value system of traditional society changes its meaning to a more liberal, individual, rational and private, transforming political structures and state institutions. Liberalism was the quintessence of modernism; freedom became a priority. With the expansion of freedom, including political, manipulative technologies spread to ensure loyal, conformist political behavior and the appropriate state of mass consciousness. Control over the process of formation of value orientations became an important component of political management and manipulation.

Expansion of the freedom sphere, consolidation of the relevant values in the mass consciousness complicates the implementation of the authorities, which have a purely coercive, disciplinary nature. In such circumstances, there is a need to use manipulative mechanisms to restore loyalty to state power, which was desecrated as a result of democratic change. Political manipulation acquires the character of an attributive form of society governing with a decrease in the level of power legitimacy. The development of political manipulation is associated with the problem of legitimation of the state power. The crisis of legitimacy, in turn, concerns the expansion of civil rights and freedoms. In addition to freedom as a fundamental leitmotif, another element of the modern paradigm is the priority of rationality. The impact on the emotional component of social consciousness is integral to both traditional and modern stages of development. At the modern stage political manipulation uses heuristics, which are inherent in the very mechanism of thinking. Thus, from the point of

view of historical retrospective, political manipulation of public consciousness changes its forms and scales, and hence qualitative and quantitative features, adapting to changes in socio-political life and value systems.

MANIPULATION OF VALUE COMPONENT OF CONSCIOUSNESS AT THE PRESENT STAGE

Postmodern society is experiencing a crisis of modern values. The assertion of the values of self-expression is accelerating and at the same time the secular-rational tendency, which was inherent in the previous stage, is slowing down (Zhabinets, 2002). Value systems are changing, their relativity and multiplicity are being fixed, and, accordingly, the technologies of manipulating the mass consciousness are becoming more complicated (Bauman, 2008). In postmodern, politics is perceived as a game and «the art of the possible», so the functional significance of political manipulation is only growing. Emphasis on the emotional component (post-truth) and primitivization of thinking (pseudo-thinking) are components of manipulation for political purposes at the present stage of the society development.

The politics of the contemporary stage changes its parameters in comparison with modern and traditional forms. Accordingly, both the characteristics of political governance and specific manipulation technologies change (Shmidt, 2013). The precondition for the development of manipulative practices is the genesis of political and state power in general. If coercive, disciplinary methods of authoritarian influence on political consciousness and behavior prevail, manipulation does not become widespread and fundamental. Today, the leading form of socio-political governance is political manipulation. I suppose that the organized, systematic and hidden influence on the mass and individual consciousness and behavior has become an integral part of the mechanism of regulating the political life of the contemporary society. Nowadays, manipulation is used to one degree or another in all political technologies, and increasingly – as a single and main component. The latent nature of the influence could be

defined as decisive. In Ukraine can be distinguished such features as: control of oligarchic ruling groups over information flows, constant use of state and administrative resources, as well as methods of political manipulation.

CONCLUSIONS

Thus, the spread of emancipation in the political sphere and the expansion of the list of rights and freedoms, complicate the mass use of manipulative technologies in politics. On the other hand, the variability of political values and meanings in postmodern era could contribute to the further formal improvement of these technologies. It is obvious that the policy of manipulation changes at each stage of development: traditional, modern and postmodern. Today, the leading form of socio-political governance is political manipulation. Systematic and latent influence on mass and individual consciousness and behavior has become an integral part of the mechanism of regulating the political life of the contemporary society.

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ADMINISTRATIVE AGREEMENT AS A COMPONENT OF THE SYSTEM OF PUBLIC GOVERNANCE TOOLS

Keywords: administrative procedure, act-plan, act-actions, public administration tool, public contract, public administration.

ABSTRACT: The purpose of the article is to implement the characteristics of the administrative contract as a component of the system of public administration tools. It is determined that the system of tools for the implementation of functions by public administration bodies must meet the requirements of efficiency of settlement of management tasks, mobility of implementation of management decisions, accessibility of administrative procedures, and openness of regulations and administrative acts. The system of tools of public administration includes decisions, actions or omissions of public authorities and local governments, which have fundamental legal significance and consequences for individuals. It is emphasized that the implementation of the concept of «good governance» must comply with the democratic principles of building the rule of law, the achievement of which requires the use of the system of tools defined by current legislation. The components of the system of public administration tools include bylaws (actually identifying them with regulations), administrative acts, administrative agreements, administrative acts and acts-plans. The normative-legal character of the administrative agreement is determined, which to some extent identifies it with the normative acts of the subjects of power, emphasizing the bilateral and multilateral nature of such relations. It is substantiated that administrative contracts have similar features that are similar to other instruments of public administration, in particular, the need to conclude them in accordance with the established procedure, aimed at satisfying subjective public rights, and so on. It is established that the distinctive features of an administrative agreement are its voluntary nature of adoption, bilateral

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and multilateral nature of the regulation of public relations, and one of the parties to the agreement is always the subject of power. It is concluded that in the implementation of administrative-contractual relations there is a situation of legal equality of its parties, so the mechanism for ensuring its implementation is specific. It is concluded that an administrative agreement is a public accession agreement, the content of which is the implementation of management functions related to the provision of public services, ensuring the efficient use of public property between the subject of power at the initiative of a non-governmental entity. It is substantiated that in the current conditions in order to ensure the availability of legislation, as well as to avoid the situation of emergency accumulation of an array of regulations, it is proposed to supplement the draft Law of Ukraine «On Administrative Procedure» with the following provisions: «administrative contract implementation of management functions related to the provision of public services, ensuring the efficient use of public property, concluded between the subject of power at the initiative of a non-governmental entity.

INTRODUCTION

The main task of the system of public administration is to ensure the subjective public and private rights of the individual. Implementation of the tasks of the system of public administration bodies is a component of domestic and foreign state policy. Priority is given to ensuring regulatory regulation of the implementation of tasks of external and internal functions of public administration. Achieving the appropriate level of legal efficiency of the functioning of public administration requires the introduction of a flexible system of forms of their activities (tools of public administration) (Paterilo, 2014, p. 175).

THE STATE OF SCIENTIFIC DEVELOPMENT OF THE PROBLEM

Ongoing activities to improve the current administrative and procedural legislation results in a controversial understanding of the category of «administrative contract». In general, the study of the system of tools of public administration was carried out in the scientific works of IV Paterilo, VP Tymoschuk, AM Shkolyk, SP Rabinovych and others.

This conclusion, in our opinion, further actualizes the current need for additional research on the institute of administrative act in Ukrainian administrative law. And here we inevitably face the need to draw a certain theoretical and methodological framework around which to build our own conceptual model of administrative act as an institution of administrative law, in particular the establishment of the feasibility of using a dialectical method of scientific knowledge in determining the essence of the category.

The purpose of the scientific article. The purpose of the article is to implement the characteristics of the administrative contract as a component of the system of public administration tools.

CHARACTERISTICS OF THE SYSTEM OF PUBLIC ADMINISTRATION TOOLS

The system of tools for the performance of functions by public administration bodies must meet the requirements of efficiency of management tasks, mobility of management decisions, accessibility of administrative procedures, and open adoption of regulations and administrative acts (Melnyk, 2010, pp. 165–166).

An administrative act belongs to the system of instruments of activity of subjects of public administration, provided that its action is directed at specific subjects of administrative law, which reveals its individual nature of regulatory regulation.

The category «tool of public administration» is a relatively new category for modern science of administrative law and process, introduced, in particular, in the research of RS Melnik (Melnik, 2010, pp. 166–170). In this case, the components of the subsystem of legal acts by scientists is a set of regulations and administrative acts adopted by public administration.

I.B. Pateril emphasizes that the system of tools of public administration includes primarily manifestations of the functioning of government powers that have an external influence on individuals – individuals and legal entities of private law. I.B. Paterilo uses a very unusual approach, noting

that public administration tools have a «dangerous» impact on the individual (Paterilo, 2014, p. 176). «Danger», according to the scientist is manifested in the likelihood of negative harmful restrictive consequences for the individual (Paterilo, 2014, pp. 176–177).

In general, supporting the innovative ideas of IV Paterilo, I would like to note that the direction of public service activities with its unconditional priority is to achieve a balance of private and public interest (Zolotukhina, 2019, pp. 61–64; Legeza, 2018, pp. 233–235; Kuntsevich, 2014, pp. 11–15), providing constitutional human rights and freedoms, which in any case can not be described as a manifestation of «danger» of regulation, so the use of such a characteristic of public administration tools, we consider premature and inconsistent with the concept of «good governance».

The European Commission for Democracy through Law (Venice Commission) includes elements of good governance and accountability of public authorities; compliance with transparency requirements; the need to respond to people's needs; productivity of management decisions and the effectiveness of their implementation, which should be ensured by public involvement, access to public information, as well as taking into account legitimate expectations as part of the system of constitutional rights and freedoms of the individual. This European Strategy for Innovation and Good Governance at the local level enshrines such principles of public administration as: 1) fair elections, representation and participation, in order to provide real opportunities for all citizens to have a voice in local affairs; 2) sensitivity to ensure an appropriate response of local authorities to the legitimate expectations and needs of citizens; 3) efficiency and effectiveness to ensure the achievement of goals and at the same time the most rational use of resources; 4) openness and transparency to ensure public access to information and to facilitate understanding of public affairs; 5) the rule of law to ensure justice and political neutrality of local authorities in their activities; 6) ethical behavior to ensure the predominance of public interests over private ones; 7) competence and capacity to ensure the ability of representatives and officials of local authorities to perform their duties; 8) innovation and openness to change to ensure that new solutions and best practices benefit; 9) sustainable development and focus on long-term results to take into account the

interests of future generations in preserving the national (local) heritage; 10) sound financial management to ensure economical and productive use of public finances and other material resources; 11) human rights, cultural diversity and social cohesion to ensure the protection and respect of all citizens; 12) accountability to ensure the accountability of local government officials for their actions (The Council of Europe Strategy on Innovation and Good Governance at Local Level, 2007).

Thus, the implementation of the concept of «good governance» must comply with the democratic principles of building the rule of law, which requires the use of a system of tools defined by current legislation. I.B. Paterilo also includes bylaws (actually identifying them with normative ones), administrative acts, administrative agreements, administrative acts-actions and acts-plans as components of the system of public administration tools (Paterilo, 2014, p. 177).

In general, the intermediate conclusion about the existence of unity of scientific and theoretical approaches to understanding the essence of the system of tools of public administration (administration), the components of which include regulations, administrative acts, administrative agreements, administrative acts and acts-plans.

CHARACTERISTICS OF THE ADMINISTRATIVE CONTRACT AS A TOOL OF PUBLIC ADMINISTRATION

The components of public administration tools include administrative agreements. It should be noted that despite the proclamation of strategic objectives for the development of contractual principles of relations between individuals and public authorities in accordance with the provisions of the Concept of Administrative Reform of 1998, as well as the provisions of the Code of Administrative Procedure of Ukraine in 2005. relations administrative agreements, the real possibility of their introduction took place with the adoption of the Law of Ukraine «On Amendments to the Commercial Procedural Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislation» from 03.10.2017.

In accordance with the provisions of paragraph 16 of Part 1 of Art. 16 of the Criminal Procedure Code of Ukraine stipulates that the grounds for concluding administrative agreements are: the need to ensure the differentiation of competence or to determine the order of relations between public authorities and other subjects of power; redirection of part of public authority management functions; review of the movement of financial resources of local and state budgets; redistribution or pooling of budget funds in cases specified by law; is a replacement for an individual act; contributes to the optimization of the mechanism for providing administrative services.

A similar approach is substantiated in the scientific developments of S.S. Skvortsov, which notes such features of the administrative contract as voluntary nature, the subjective composition of legal relations (in particular, the participation of public administration) (Skvortsov, 2004, p. 109). One of the first noted the possibility of delegating discretionary powers in the administrative agreement KK Afanasyev (Afanasyev, 2004, p. 12), while scientists note the executive or administrative nature of such an instrument of power.

O.B. Constantine emphasizes the normative-legal nature of the administrative agreement, thus to some extent identifying it with the normative acts of the subjects of power, but emphasizing the bilateral and multilateral nature of such relations. The administrative contract, as noted by the scientist, has an individual character, which is manifested in its ability to establish (change, terminate) specific legal relations between its participants (Constantine, 2005, p. 77). It is necessary to distinguish the approach substantiated by TO Kolomojets, who notes the mixed nature of the administrative agreement, which consists in its ability as a normative regulation of relations by establishing mandatory rules of conduct and individual regulation by personification of public administration relations (Administrative Law of Ukraine, 2008, p. 105).

Thus, the administrative contract refers to the system of legal facts, ie the circumstances with the occurrence of which there is the emergence, change or termination of public administration relations. Administrative contracts have similar features that are similar to other instruments of public administration, in particular, the need to conclude them in accord-

ance with the established procedure, aimed at satisfying subjective public rights, and so on. Distinctive features of an administrative agreement are its voluntary nature of adoption, bilateral and multilateral nature of the regulation of public relations, and one of the parties to the agreement is always the subject of power. Therefore, an intermediate conclusion is allowed that in the implementation of administrative-contractual relations there is a situation of legal equality of its parties, so the mechanism for ensuring its implementation is specific.

CONCLUSIONS

Taking into account the above considerations, it is necessary to determine that the administrative agreement is a public accession agreement, the content of which is the implementation of management functions related to the provision of public services, ensuring the efficient use of public property between the subject of government 'object.

In the current conditions, in order to ensure the availability of legislative regulation, as well as to avoid the situation of emergency accumulation of an array of regulations, it is proposed to supplement the draft Law of Ukraine «On Administrative Procedure» with the following provisions:

«An administrative agreement is a public accession agreement, the content of which is the implementation of management functions related to the provision of public services, ensuring the efficient use of public property, concluded between the subject of power at the initiative of a non-governmental entity».

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**METHODOLOGICAL CONCEPT
OF THE RESEARCH OF CRIMINAL AND LEGAL
SUPPORT AGAINST CORRUPTION BRIBERY
IN UKRAINE**

Keywords: corruption, bribery, illegal profit, corrupt bribery, criminal liability.

ABSTRACT: The article presents the methodological concept of the study of criminal law support for combating corruption bribery in Ukraine. At the same time, the study of criminal liability for corruption bribery should be based on an appropriate methodological basis. Successful choice of methods of scientific knowledge has a direct impact not only on the research process but also on its results. To obtain reliable conclusions, it is unconditional to use the widest possible methodological tools, taking into account the peculiarities and specifics of the field of research.

The protection of human rights in Ukraine today is inextricably connected with combating such a negative phenomenon as corruption. This thesis is declared by a number of international legal agreements, laws and regulations of Ukraine. The European standards of combating corruption in the paradigm of the rule of law exactly allow to increase the effectiveness of the efforts of the Ukrainian society in this direction.

The above allows us to formulate a methodological concept for the study of criminal law support for combating corruption bribery in Ukraine.

Research of criminal liability for corruption bribery should be carried out from the standpoint of a binary approach:

1. To find out the cause and conditions of occurrence, as well as certain characteristics of the phenomenon itself – deviant behavior in the form of corrupt bribery.

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2. To develop the concept of criminal law counteraction to corruption bribery and development of substantiated scientific recommendations on the construction and content of relevant criminal law norms-prohibitions.

At the same time, the theory of social naturalism should be chosen as the primary source of worldviews for the study of criminal liability for corruption bribery. This will allow developing new concepts for the formation of law-abiding behavior in the anti-corruption sphere by reassessing the means of legal regulation, partial rejection of positivist principles and the introduction of natural – naturalistic approaches to the formation of criminal law.

INTRODUCTION

The protection of human rights in Ukraine today is inextricably connected with combating such a negative phenomenon as corruption. This thesis is declared by a number of international legal agreements, laws and regulations of Ukraine. In particular, the United Nations Convention against Corruption of 31st October 2006, the Criminal Convention against Corruption (ETS 173) of 27th January 1999, and the Civil Convention against Corruption of 4th November 1999. The Inter-American Convention Against Corruption (IACAC) of 29th March 1996 and other international legal documents. The European standards of combating corruption in the paradigm of the rule of law exactly allow to increase the effectiveness of the efforts of the Ukrainian society in this direction.

Twinning the European worldview of the rule of law and combating corruption led to the approval of the State Program for the Implementation of the Principles of State Anti-Corruption Policy in Ukraine for 2015–2017. The information field is filled with calls to counteract corruption (combat it) inadmissible in a democratic society. Following the trends of social changes, the legal science also actualizes scientific research in this field.

In recent years, a number of acts of corruption have been criminalized, including bribery in various spheres of public life. These include bribery of officials in the field of public law (Articles 368, 369 of the Criminal Code of Ukraine), bribery of officials in the field of private law (Article 368–3 of the Criminal Code of Ukraine), bribery of persons providing public services (Article 368–4 of the Criminal Code of Ukraine), bribery

of employees of enterprises, institutions and organizations that are not officials (Article 354 of the Criminal Code of Ukraine).

The criminalization of this range of activities involves the creation of a large number of commercial and other public and private organizations, including audit firms, private notaries, arbitration courts, private expert institutions, and others. Some representatives of these institutions are endowed with management functions, others are not. By abusing them, receiving illegal benefits, these individuals often harm the interests and authority of the service of these institutions, the rights of individuals, legal entities, the interests of society and the state. In this regard, the problem of criminal liability for corrupt bribery is becoming urgent in our country.

At the same time, the study of criminal liability for corruption bribery should be based on an appropriate methodological basis. Successful choice of methods of scientific knowledge has a direct impact not only on the research process but also on its results. To obtain reliable conclusions, it is unconditional to use the widest possible methodological tools, taking into account the peculiarities and specifics of the field of research.

ANALYSIS OF RECENT RESEARCHES AND PUBLICATIONS

Peculiarities of criminal and legal counteraction to corruption in Ukraine are the subject of researches of such scientists as P. Andrushko, M. Armanov, V. Berezner, O. Dudorov, V. Kyrychko, V. Kuts, D. Mykhailenko, A. Savchenko, V. Osadchiy, N. Yarmysh and others. At the monographic level, the legal measures to combat corruption were studied by V. Sukhonos. However, the description and study of the state of corruption crime needs to be constantly updated. The methodology of scientific knowledge in the criminal law sphere was covered in the researches of L. Demidova, O. Kostenko, M. Kostytskyi, M. Panov, P. Serdiuk, O. Kharytonov, T. Jatsyk and others. However, there have been made any developments in the methodology of criminal liability research for corruption.

The purpose of publication – to highlight the methodological concept of the study of criminal law support for combating corruption bribery in Ukraine.

PRESENTATION OF THE MAIN RESEARCH MATERIAL

The methodology of the science of criminal law, like any science, is intended to ensure a high level of quality and efficiency of research in the relevant field of knowledge. The choice of methodology, which is the basis of scientific analysis, gives the research a fundamental character, indicates the basic worldview and philosophical as well as logical and epistemological principles that the researcher chooses as a means of scientific knowledge. It is well known that imperfections and shortcomings in the methodology and methods inevitably lead to possible errors and mistakes in the study and in the obtained results (Panov, 2018, p. 5).

A review of scientific researches in the field of criminal law allows us to state the fact that today there is no absolute unity in determining the range of techniques and methods of scientific research. Every scientist uses such methodological tools, which in his or her opinion should ensure the maximum effectiveness of the study. Herewith not only the number and types of selected methods differ, but also the understanding of research methodology and its structural elements. Recently, the use of so-called approaches instead of individual methods, which represent groups of methods used to study a particular issue, is becoming increasingly popular. The approach as a component of research methodology is proposed to understand a specific way of understanding the reality that arises, as a combination of fundamental ideas and certain methods, i.e. as a specific unity of worldview, theoretical and methodological knowledge, in which the main way is to combine theory and method (Serdiuk, 2010, p. 13).

Modern views on research methodology go beyond its understanding as a set of techniques and methods. In the doctrine, methodology is defined as an integral phenomenon that combines a number of components: worldview and fundamental general theoretical concepts, general

philosophical laws and categories, general and specific scientific methods. Therefore, the methodology cannot be reduced to one of the named components, in particular to the method or the doctrine of methods, because in this case other components remain outside it (Kerymov, 2001, p. 46).

Sharing the above concept of understanding the methodology of cognition in the field of law, we should justify that scientific research in the cycle of criminal law is quite multifaceted, usually scientists use a variety of methods based on different methodological principles of cognition. There have been many attempts in jurisprudence to organize and systematize the methodology of cognition, but none of them has become dominant, which can be explained by the complexity and diversity of the object of study. After all, in the implementation of a specific scientific study, the choice of its methodology depends on the object of knowledge. It is the object of knowledge and is the decisive criterion that allows you to form general approaches to its study and determine specific approaches, methods, and worldviews that will provide the most reliable and balanced result.

Formation of the methodological basis in the study of criminal liability for corruption bribery is based on the position of academician M. Kostytskyi, who noted that when it comes to methodology in legal science, it is necessary to abandon the hierarchies of methodologies defined as philosophical, general scientific and specifically scientific. The methodologies should be “arranged” horizontally and used by a scientist of his choice. It can be jusnaturalistic, positivist, dialectical, synergetic or other methodology. It is not necessary to confuse oneself with methodology, it is possible to use methods from different methodologies, i.e. the methodology of a specific scientific research can look like a mosaic of methods. Methodology as a doctrine is necessary, first of all, for a scientist to develop a scientific worldview, which does not necessarily have to be an “orthodox” dialectic, jusnaturalist, positivist, synergetic, etc. (Kostytskyi, 2013, p. 10).

After all, in the implementation of a specific scientific study, the choice of its methodology depends on the object of knowledge. It is the object of knowledge and is the decisive criterion that allows you to form general approaches to its study and determine specific approaches, methods, and worldviews that will provide the most reliable and balanced result.

M. Panov notes in this regard that the methodology of science has always been and is one of the central problems of the theory of cognition of objective reality, as it largely determines the ways and means of obtaining new and reliable knowledge. Extremely important role is played by methodology in legal science, and especially in the science of criminal law, which has a rather complex object of study – facts, phenomena of the objective world in the form of an indefinite set of acts of socially dangerous human behavior and orderly set (system) of criminal law norms designed to define and regulate these acts of conduct. Thus, this binary object is two interconnected systems of phenomena that are in organic unity and interaction: the first of them is the object (core) of the second, and the latter reflects, defines and legally fixes the elements of the first in all the variety of forms of their manifestation. In this regard, the development of problems' methodology, including methods and other cognitive procedures in research, is extremely important for in-depth knowledge of these systems and new and reliable (true) knowledge in the field of science and practice of criminal law (Panov, 2018, p. 14).

Defining the object of scientific research in the field of criminal law as a dichotomous phenomenon M. Panov points out that the first element of this structure belongs to the sphere of being (existing) – to the sphere of facts of social reality (acts of real socially dangerous behavior – specific actions of people, their socially dangerous actions); the second – to the sphere of the proper (in the reverse form – prohibitions of what should not be), which is reflected and enshrined in the rules of criminal law (Panov, 2017, p. 8–9).

This construction of the object of research determines the dual structure of the study process and the formation of two groups of techniques and methods, which will lead to more objective and reliable results. In our opinion, such an approach will allow us to fully explore both the existing – the facts of social reality, which require a criminal response, and the appropriate – legal requirements for compliance with certain rules of conduct, including criminal law norms-prohibitions.

Depending on which of these two system of phenomena is studied M. Panov identifies the most characteristic methods of scientific knowledge, which are used by scientists and provide the most balanced result.

In particular, it is noticed that the study of the phenomena of the first element of the structure of the object of scientific knowledge – socially dangerous actions (deeds) of people – is carried out in several stages. In the first of them, the study of these objective phenomena is associated with the use of methods of observation, comparison, generalization, systematization, sociological measurement, statistical analysis, etc., which are often and conditionally called “empirical methods”. Considering these objects are also used such methods and procedures of cognitive activity as induction and deduction, analysis and synthesis, experiment, idealization, analogy, etc. These techniques are used in the logical generalization and systematization of empirical data on these phenomena, clarifying their main features and typical forms of external manifestation, their prevalence, establishing social significance (social danger, harm) for human, citizen, state, society. At the second stage of scientific research are used general scientific methods of cognition, relevant laws and categories of dialectics, laws and rules of formal logic, means of formalization, differentiation and integration, abstraction, modeling, etc. Research and development of the second of elements of the structure of scientific object in criminal law, i.e. the system of criminal law and institutions, legal structures and other legal entities that make up the content of criminal law and legislation, is carried out using all the above general theoretical methods and cognitive procedures. At the same time, of course, widely used techniques and tools of criminal law (legislative technique) developed by the general theory of law and science of criminal law – various types of definitions (definitions), relevant linguistic techniques, common and special legal terms, typical methods of criminal law norms, legal constructions and other atypical normative prescriptions: presumptions, fictions, notes to articles of the Criminal code of Ukraine (Panov, 2018, p. 9–10).

This concept of determining the methodology of criminal law research is based on many years of experience in domestic legal science and, in our opinion, takes into account the most positive trends in the formation of the methodological basis. Of course, it is not unalterable, but its clarity and certainty in the formation and structuring of scientific research, defining its stages and directions allows to ensure the effectiveness and trans-

parency of the study, the validity of the conclusions and a fairly high degree of reliability of the obtained results.

In our opinion, it is appropriate to investigate criminal liability for any antisocial behavior, including for committing corruption bribery, from the standpoint described by M. Panov binary approach, which will clarify the causes and conditions of occurrence, as well as certain characteristics of the phenomenon – deviant behavior, as well as provide an opportunity to develop a concept of criminal law counteraction and develop sound scientific advice on the construction and content of relevant criminal law norms-prohibitions.

First of all, a study of corruption bribery should be conducted as a phenomenon of objective reality, which requires counteraction by the state through criminal law influence. In particular, it is necessary to consider such issues as the historical and comparative principles of the study of criminal liability for corruption bribery, as well as the social conditionality of the criminalization of corruption bribery. It is advisable to use such methods as observation, comparison, generalization, systematization, sociological measurement, statistical analysis, comparative law as well as historical and law methods.

Secondly, the study should be devoted to regulatory criminal law support for combating corruption bribery. In particular, it is necessary to consider the objective and subjective features of the corpus delicti, which provide for criminal liability for corrupt bribery, punishment for corrupt bribery, release from punishment and serving it in the commission of this act, the application of other measures of criminal law and exemption from criminal responsibility. It is advisable to resort to the use of dialectical method, method of system analysis, formal and logical and others.

The choice of methodological tools of scientific knowledge will be incomplete without the formation of worldviews of the researcher, from which will be considered and analyzed this or that phenomenon. At the same time, without abandoning the achievements of dialectical, positivist and synergetic concepts, it is still worth noting a certain primacy of the scientific worldview, which will form the inviolable foundations of scientific research. Modern researchers of the methodology of scientific knowledge indicate the need for optimality and composition in the formation

of research methodology. So L. Demydova in this regard, notes that the optimality and composition in the organization of the cognitive process is achieved by formulating and implementing a dominant idea, which is strategic and affects the choice of methodological tools and the limits of its use. The optimal compositional approach contributes to a comprehensive criminal law study and is reflected in the orderly structure of scientific work and its content (Demydova, 2015, p. 142).

To study the criminal responsibility for corruption bribery, we chose the concept of jusnaturalism as such a primary source of worldviews – the theory of social naturalism, the founder of which in Ukraine is O. Kostenko.

The scientist defines jusnaturalism methodology of all legal sciences, including criminal law and points out that based on the principle of natural integrity of the world, the principle of social naturalism can be formulated as follows: social phenomena should be considered as existing under the laws of nature as biological or physical phenomena. It means, in particular, that the will and consciousness are formed in people not in order to live outside the laws of nature, but, on the contrary, in order to live in harmony with them. Characterizing the heuristic possibilities of the principle of social naturalism in general, and in the philosophy of law in particular, it should be noted that it is suitable in order to use it to form a correct idea of the nature of various social phenomena. The drama of modern civilization is that among people there is a widespread misconception about the nature of things, which manifests itself in the form of arbitrariness and illusions. This is the basis of any social drama. As a result, it is lost the criterion for distinguishing between good and evil, truth and untruth, right and wrong, good and bad people, social norms and pathology, etc. O. Kostenko notes that the principle of social naturalism does not mean a transition to the path of reductionism (i.e., theoretical “lowering” of social phenomena from the highest stage of nature to the lower stages, which are biological and physical phenomena), in order to recognize the presence of social phenomena of natural foundations. It exists another way of recognizing the natural basis of social phenomena, namely: to recognize in accordance with the principle of social naturalism a common natural basis on which there are physical, biological and social phenomena

– these are the laws of Mother Nature, which is a “common denominator” for all things (Kostenko, 2006–2007, p. 99–100).

Scientific research in the field of criminal liability for corruption bribery from the standpoint of social naturalism should provide a new impetus to the development of criminal law support to combat this phenomenon, provide an opportunity to develop new tools and methods of criminal law response to this type of social behavior, principles of human existence and assessment of existing criminal law norms for their compliance with the principles of social naturalism.

CONCLUSIONS

The above allows us to formulate a methodological concept for the study of criminal law support for combating corruption bribery in Ukraine.

Research of criminal liability for corruption bribery should be carried out from the standpoint of a binary approach:

1. To find out the cause and conditions of occurrence, as well as certain characteristics of the phenomenon itself – deviant behavior in the form of corrupt bribery.
2. To develop the concept of criminal law counteraction to corruption bribery and development of substantiated scientific recommendations on the construction and content of relevant criminal law norms-prohibitions.

At the same time, the theory of social naturalism should be chosen as the primary source of worldviews for the study of criminal liability for corruption bribery. This will allow developing new concepts for the formation of law-abiding behavior in the anti-corruption sphere by reassessing the means of legal regulation, partial rejection of positivist principles and the introduction of natural – naturalistic approaches to the formation of criminal law.

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MODERN INTERNAL POLITICAL REFORMS IN THE ARABIAN STATES: KEY REASONS AND IMPLEMENTATION FACTORS

Keywords: internal political reforms, the countries of the Arabian Peninsula, political transformations, the process of globalization, gender policy, educational policy.

ABSTRACT: In this article is determined that the main factor that led to political transformations in the Arabian Peninsula was the process of globalization. Moreover, the impact on the countries of this region was carried out in two vectors – externally and internally. As a result of the active promotion of Western traditions of understanding and functioning of political systems, cardinal reforms and transformations in gender policy, education, socio-economic level, etc. have taken place in the countries of the studied region. The relevance of the study of the proposed topic is due to the fact that the Middle East, including and the Arabian Peninsula become important in Ukraine's international relations. Although, as the practice of post-reform events shows, often these changes are only declarative rather than systemic. This is primarily due to the slow and unstable movement towards the transformation of socio-political institutions, despite the rather strong pressure in this context from leading international organizations and the leadership of key Western political states.

It is proved that reforms in the context of gender policy have become a significant transformation of the political structure of the studied countries. This reform was that women began to occupy an important place in society, having the opportunity to hold public office, thus emphasizing its importance in the formation of political elites. Such transformations have undoubtedly affected not only the changing role of women in the context

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of political life, but also the whole of society as a whole – gender equality and respect for women's rights have become an integral part of the existence of each Arab country. Although it is found that today it is impossible to say that gender policy is implemented in the same way as in some leading Western countries, which is due to the presence of society and governments in a situation of choosing between traditional Islamic values and globalization challenges in this context.

INTRODUCTION

The relevance of the study of the proposed topic is due to the fact that the Middle East, including and the Arabian Peninsula become important in Ukraine's international relations. After all, the foreign policy activity of our state is quite multi-vector, so in some aspects only certain priorities are formed in relation to this region, especially taking into account all the specifics and peculiarities of its functioning. Therefore, a scientific analysis of modern political processes in the Arabian Peninsula in the context of globalization is appropriate for both diplomacies and for a deeper understanding of socio-political transformations in this region of the world.

Thus, the purpose of this scientific investigation is to determine the causes and main vectors of internal political reforms in the Arabian Peninsula.

MAIN REASONS FOR INTERNAL POLITICAL REFORMS

We can identify the following three key reasons that led to the implementation of political reforms in Arab countries:

- features of internal and foreign policy vectors;
- the specifics of the functioning of national elites;
- public administration system.

At the same time, one of the key reasons for political reforms is the phenomenon of globalization. This process is controversial because it has

both positive and negative sides. There are fierce discussions about the environmental, economic and social consequences of globalization. Cultural globalization is no less controversial because it involves ordinary people, not just economists, bureaucrats and politicians. Phenomena of different order make us understand the manifestations of globalization in the media, i.e. to assume that the globalization of social and cultural life becomes possible in the most developed media systems.

Globalization – an objective process, its development and mechanisms are determined by many actors in the world community. In this context, it is of considerable practical interest to define the positions of the Arab world in the rapid process of globalization, actively moving in the XXI century, no matter how remote it may seem at first glance.

The process of globalization, that the Arab world is experiencing, shows that East and West are moving towards each other.

Among the most important indicators of economic globalization for the Arab countries are the following:

- growth of foreign direct investment;
- strengthening cooperation between entrepreneurs, intensification of business relations between Arab and Western partners;
- uneven distribution of world resources (concentration of fuel and energy) (Isaev V. & Filonik A., 2003, p. 115).

Thus, globalization affects them both internally and externally. In terms of interiors, globalization challenges are driving Arab countries to dynamic processes, which is expressed in the gradual reform of certain political institutions, ie their manifestation in such features as is characteristic of classical Western traditions, but also with the preservation of their own national models of the political system. Accordingly, the modernization of political systems in the Arabian states in such as Western countries, has become both a task and a problem, because it required both real and effective reforms in socio-political life, and taking into account their own worldviews.

Therefore, we can state that the modernization of the political system in the states of the Arabian Peninsula is mostly declarative, situational, rather than systemic and thorough. This is primarily due to the slow and unstable movement towards the transformation of socio-political institu-

tions, despite the rather strong pressure in this context from leading international organizations and the leadership of key Western political states.

However, there are three trends that have contributed to the reform of political systems based on close cooperation between key Western countries and the Arabian Peninsula.

- First, Western countries are increasingly understanding and seeing their failure to pressure and promote their own models of the political system in the region.
- Second, the Arabian countries themselves have a history of creating and developing modernization processes for their political systems. Although it should be noted that this is happening much more slowly than in the West, there is no reason to state the fact that the reform of political systems in the region can be called as having no prospects, or its anti-democratic vector of functioning.
- Third, although Western models of political systems are considered ideal, they cannot be considered exemplary or the only ones that are right for development and political transformation for the Arab states. After all, there are other models such as the «Eastern type», ie such a vector of a transformation of the political system, which is aimed at combining both the principles of democracy and constitutional norms and separate political culture, which is influenced by religious or regional specifics (Strilchuk L., 2013, p. 118).

Over the decades of global integration processes in the Arab world, huge differences in socio-economic development have not been overcome, and the Arab peoples remain a fragmented nation due to the persistence and, in some cases, even greater differentiation that divides Arab states into diametrically opposed regional niches of political and economic spaces.

Such differentiation is largely due to the fact that the Middle East today is a modern model of world postcolonial construction. During this period, for the first time there was a problem of North-South relations, which in the late XX – early XXI century. acquired a new sound. If at first this problem was interpreted through the prism of providing material assistance to the newly formed independent states, then over time it became

identical to the contradictions that arose between industrialized and developing countries (Melkumyan E., 2018, p. 115). The latter include the countries of the Middle East.

Also the situation is complicated by the fact that today the Arab world can be divided into rich oil-producing countries, developed in this area and backward. Thus, there was formed its «golden billion», its «rich North» and its «poor South», which in turn gives us the problem of double contradictions, both globally and regionally.

The political component of globalization forms for us particular interest. There is no single view on this issue. Thus, according to M. Kamrava, one of the leading Arab experts on global integration processes, at the moment for the Middle East does not exist from a political point of view such a concept as globalization (Enikeev R., 2017, p. 107). He, like many other researchers on the subject, insists that this term hides the violent Americanization and expansion of democracy.

It should also be emphasized that to promote the process of political integration of the Arab countries, which involves the formation of supranational governments (by analogy with the European Union) is problematic but vital for the region, as one of the fundamental foundations of the emerging architecture of the modern world is gradual progress from national to supranational level of state, socio-political structures (Bogatyiy V., 2005, p. 195).

Despite differences of opinion on the phenomenon of globalization, most Arab scholars and intellectuals are concerned about «the general unpreparedness of most countries in the Arab world to enter on an equal footing into the new system of relations represented by globalization» (Abdulbari K., 2002, p. 13). Of particular concern is the possibility of losing national identity, secular and religious traditions. However, almost all researchers of the phenomenon of globalization in the Arab world emphasize the need to reform the economic and political spheres while preserving the national, ethnic and religious characteristics that currently exist in the Arab world. The need to consolidate the efforts of all states in the region to enter the new system of international relations on an equal footing is noteworthy.

IMPLEMENTATION FACTORS OF INTERNAL POLICIAL REFORM

If we talk about the key aspects of political reforms, we can identify the following modernization of political and social structures, reform of the education system, as well as changes in gender policy.

Accordingly, the main catalyst in the modernization of political structures in the study region were liberal movements, which covered virtually all countries of the Arabian Peninsula. It was they who helped to enable the process of implementing liberal values in politics and to convince the political elites of the Arabian states of the importance of these transformations. All liberal movements, in contrast to destructive movements, are distinguished by the fact that in their efforts to modernize the political system they tried not to use destructive or confrontational means to cooperate with the ruling elites of a country.

The emphasis on education reform as an aspect of policy reforms is due to the fact that this area is one of the main ones that formed the basis of change in the Arabian Peninsula.

In general, it should be emphasized that at the beginning of the XXI century. in the context of global transformations taking place in the field of science and technology, the problem of competitiveness of scientific knowledge and education is becoming increasingly important. In today's world, education is often perceived not only as a major social institution, an important element of future development and stability, but also as a socio-cultural value closely linked to the preservation of national identity in globalized multicultural societies. Today, knowledge is more than ever a real political and social force.

And it is no coincidence that experts note the close relationship between the socio-political system, the economy and education. Education is seen as a leading factor in the development of culture and economic growth of the country, as increasing the spiritual and intellectual potential of the people, economic and political stability of the state are directly related to the level of intellectual development, his ability and willingness to acquire professional knowledge.

Current trends of intensifying globalization processes in the field of secondary and higher education (purposeful Americanization) threaten the preservation of national culture, traditions and education, which are closely related to the problems of preserving national identity. That is why the problem of creating effective primary and secondary education by returning to the national-historical experience of pedagogical activity based on national traditions and priorities comes to the fore in the state security strategy. In the XXI century. The world's political processes will be managed by those countries that today invest the most in the education system and educational technologies (Tsivaty V., Martyniuk, V. & Tolkach, V., 2013, p. 86).

This reform is due to the fact that in these countries, educational institutions have ceased to be «closed» only in their region in particular, or in the Arab world in general. Then began a very active interaction with various Western and Eastern research and educational institutions and adding significant investment in strong infrastructure development of Arabian universities and research institutes to compete in the global market of educational and research services, as well as highly qualified graduates for their countries; this is especially true of economic, government and tourism specialties.

Changes in gender policy are also a significant transformation of the political structure of the states in the study region. We can say that over the past 30 years, gender policy has changed significantly in the Arabian Peninsula, which has manifested itself in the ability of women to vote, hold representative and public office, and to promote equal rights with men.

The reform was that women began to be understood and identified no longer as an object but as a subject of political life, noting its growing importance in forming its own political elite. It was important that the Constitutions of the Arab countries enshrined gender equality, respect for women's rights and ensuring their fundamental freedoms in all spheres of socio-political life. Accordingly, it is emphasized that the most effective in this context are the reforms carried out by the Government of the Emirates, which in 2009 adopted at the state level Women's Leadership Program, which provided for the creation of a separate system of various institu-

tions, centers, educational and cultural institutions. a large number of vacancies for women in the emirates (Melkumyan E., 2018, p. 303).

At present, the full-fledged reform has a future, as its effectiveness in the countries of the study region depends on the ability of the societies of these countries to adapt and transform in this direction in accordance with globalization demands, which often contrast with the established worldview and understanding of Islamic society. concepts such as equality, tolerance, individual freedom and justice. Because of this, the governments and societies of the states under study are still in a situation of dilemma and a balanced choice between traditional notions of the role of women in these societies and their Western, globalized perceptions.

However, it should be noted that such drastic reforms could not but affect the foreign policy of the Arabian Peninsula. Thus, in particular, it can be noted that Bahrain took an active part in the activities of the GCC and other Arab intergovernmental organizations, but there were conflicts with a number of countries in the Arabian Peninsula, namely Qatar and Saudi Arabia. In addition, the country has a fairly close international relationship with Western countries such as Britain and the United States; with the latter, in particular, an agreement was even signed on the location of a military base in Bahrain. However, before the post-bipolar period, Qatar's foreign policy was characterized by active involvement in various political conflicts in the Middle East. However, since 1990 and to this day, its role as a mediator in various contradictions between the countries of the Arabian Peninsula has been largely observed. A special feature of its activities in Qatar is the active involvement of sports diplomacy.

Also, it should be noted that the specifics of the functioning of the foreign policy vector in Oman is that most of the emphasis in it was on the countries of the Arab-Muslim world, in particular the countries of Arabia. However, active cooperation is also carried out with a number of countries in the Far East. The peculiarity of Kuwait's foreign policy is that in addition to the established political and economic aspect, the humanitarian sphere is of great importance. Internationally, the Arabian Peninsula is a leader in humanitarian aid to developing countries or those in difficult political circumstances (Syria). Yemen's foreign policy, in contrast to Kuwait, does not pay enough attention to humanitarian activities, but tries

to pursue it exclusively in peaceful, constructive forms. This is manifested both in peaceful coexistence with neighboring states on the Arabian Peninsula (Saudi Arabia). In turn, it has been proven that the UAE has declared itself a peaceful country in the context of regional relations from the very beginning, but conflicts with Iran have repeatedly been observed for controversial territory (Tsivatyi V., Martyniuk, V. & Tolkach, V., 2013, p. 82).

Accordingly, globalization processes, which contributed to the deepening of cooperation between the countries of the study region and key global political organizations in the financial and economic sphere, became the catalyst for the first to adopt and implement reforms to improve legislation and implement in accordance with generally accepted standards. As a result of the events of September 11, 2001, cooperation in the military-security context became particularly active. Here it has two vectors: on the one hand, Western countries help with weapons and security, and on the other hand, the Arab countries allow certain countries (USA, UK) to deploy powerful military bases on the peninsula to prevent various terrorist riots and incidents. At the same time, strong cooperation between the Arab states and leading intergovernmental organizations in the humanitarian sphere has begun, especially in helping those countries that suffer from armed (mostly civil) conflicts, as well as due to social problems – unemployment, hunger and others.

CONCLUSIONS

Thus, analyzing the main causes and aspects of internal political reforms in the country of Arabian Peninsula, we can draw the following conclusions:

- 1) the main factor that led to political transformation in the Arabian Peninsula was the process of globalization. Moreover, the impact on the countries of this region was carried out in two vectors – externally and internally. As a result of the active promotion of Western traditions of understanding and functioning of political systems, radical reforms, and

transformations in gender policy, education, socio-economic level, etc. have taken place in the countries of the studied region.

2) internal reforms have contributed to changes in the participation of the Arabian Peninsula in the functioning of regional and international organizations. Thus, the activities (active or passive) of the leadership of the Arabian Peninsula largely depended on various local/global economic or military conflicts.

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THE INFLUENCE OF THE SALAFI MOVEMENT ON THE POLITICAL TRANSFORMATION OF EGYPT IN 2011–2013

Keywords: Middle East, Muslim Brotherhood, Saudi Arabia, Qatar, political Islam, Islamism, Wahhabism.

ABSTRACT: Until 2011, Salafi movement held itself aloof from politics. However, Arab Spring resulted in an opportunity to create their own political parties. Egyptian Salafists were the first to follow this path after the fall of the Hosni Mubarak regime. The emergence of these parties proved to be beneficial for the development of Arab democracy. By their convictions, the Salafists are extremely conservative and more radical than the Muslim Brotherhood. Despite its conservatism, the political force used peaceful means to fight for change, attracted a significant part of Arab society to participate in legal politics, and also added diversity to the spectrum of Islamist parties, preventing any one force from claiming that it represented the entire Muslim community. But soon the rise in popularity of jihadist organizations, which call to fight for the implementation of Islamist ideas not by legal political, but by violent methods, undermined the influence of Salafi parties. In addition, discrediting of the Salafi movement was largely influenced by Saudi policy, the main purpose of which was to counter the Muslim Brotherhood inside Egypt. As a result, most of the ultra-conservative forces became Wahhabi, which led to discord within the Egyptian Salafists. The one part of the movement, which continued to support the Brothers, suffered a political defeat with them after the 2013 military coup. The other part, which sided with the military elite, as a result of these actions completely lost support among the population. This article analyzes the process of the Salafi movement entering the political arena in Egypt, the dynamics of its relations with the Muslim Brotherhood and the ideological differences between them. The article also examines the influence of Saudi Arabia on Egyptian Salafism and explains the main differences between Salafism and Wahhabism in the context of this influence.

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INTRODUCTION

The unprecedented mass riots during the Arab Spring of 2011 drew researchers' and analysts' attention to Islamist organizations that sought to establish Islamic rule in the countries once ruled by secular dictators. That brought to the fore Egyptian "Muslim Brotherhood." This organization caught the eye of the West, when its Freedom and Justice Party (FJP) took control over Egyptian parliament and president's office, eliminated the military elite, and gained absolute state power.

Lower priority was given to the main Islamist opponents of the Muslim Brotherhood, members of the hard line fundamentalist, extremist Salafi movement, although the latter ranked second in the 2012 parliamentary elections in Egypt. The situation changed rapidly as this movement transformed from a rather insignificant and apolitical organization into an influential Islamist force. Already after 2012 experts became more interested in radical Islamists than in Brothers primarily due to a change in the course of "An-Nur," the main Salafist party, which stopped cooperation with Brothers and later sided with the opposition.

Relevance of this topic for the United States and all European nations is driven by the need to develop and modify their own principles for countering Islamic extremism and international terrorism and also due to the reformation of its domestic policy toward Arab minorities, caused by the crisis of multiculturalism. Bernard Lewis (Lewis, 1988), John Esposito (Esposito, 1992), and Edward Said (Said, 1997) are among the researchers, who addressed the issue of political Islam. They have focused on the critique of the Western research method of modern Islamic political reality through the use of a civilizational approach and the principles of Eurocentrism. American researcher Quintan Wiktorowicz (Wiktorowicz, 2006) was among those first who drew attention to political Salafists and thoroughly analyzed their basic ideological principles.

For Russia, the Middle East issues, especially the current foreign policy trends of Saudi Arabia and Qatar, are of extreme significance, as the state faces the problem of Islamic extremism (similar to the West's), spread in Chechnya and Dagestan in the form of Wahhabism. The works of Marat

Rajbadinov (Razhbadinov, 2013) and Irina Tsaregorodtseva (Tsaregorodtseva and Ibragimov, 2018) are among the leading studies of the modern Salafi movements.

IDEOLOGICAL CORE OF WAHHABISM AND SALAFISM

Salafism is one of the most uncompromising movements in Islam; it does not recognize the possibility of an agreement with the forces that allegedly pose a direct threat to Islam and the Islamic order. The fact that the main political party of the Egyptian Salafists is called al-Nour most likely has its source in the twenty-fourth surah of the Qur'an "Surah Al-Nour" ("Surah of the World"), in which Allah represents the need to cleanse society from adultery and obscenity in words and deeds and also speaks of the cruel punishment to those who refuse to worship Allah and follow his teachings. "Surah Al-Nur" is a concentration of the postulates of the Islamic social order, which excludes any non-Islamic freedom in society, secularism and, although it is not directly indicated, multi-religious. The latter postulate was voiced by Hassan Abu al-Ashbaou, one of the leaders of Salafism in Egypt, on March 19, 2009, on the air of Egyptian TV channel "Al-Nas" he stated that Shiites were a greater enemy of Islam than Jews (Dagher, 2012). Other Salafist leaders, who gained free access to Arab television thanks to the overthrow of secular regimes after "Arab Spring" and the support provided by Saudi Arabia, express almost the same ideas.

The history of the first Salafists in its present day meaning (then called "Kharijites" – "those who left," "separated") dates back to the life of Muhammad, when some of the first Muslim communities doubted the special role of the Prophet and did not believe that they had to obey. Sunnah (second most important source of Islamic doctrine after the Qur'an) describes that Prophet Muhammad, who did not consider Kharijites as Muslims, said that everything they had in common was only reading the Qur'an, but "they will fly through the religion's dogma like an arrow flies through the target" (Mukhtasar Sahih Muslim. Hadit, No. 1066).

Over time, based on the teachings of the Kharijites, two religious and political groups were formed whose active work on the spread of Islam with widespread use of violence brought them worldwide fame – Wahhabists and Salafists.

A key problem with much of the literature is that these two concepts are often used as synonyms, however, such an approach is flawed. Although these currents refer (as a result of interaction) to almost identical principles of faith, they adhere to different methods of achieving their goals.

Equation of the concepts of “Wahhabism” and “Salafism” is not entirely fair: Wahhabism is only one of the directions of movement in Sunni Islam, generally called “Salafism.” Professor of the University of California Khaled Abu al-Fadel claimed that in the XX century Wahhabism was forced to take the name “Salafism” because under its authentic name it had no chance to spread beyond the Arabian Peninsula. The inclusion of Wahhabism in Salafism was necessary because Salafism was a much more reliable Islamic paradigm. This inclusion was possible because Salafism and Wahhabism share a common methodology and essence, except that Salafism is more open to different opinions and interpretations. Therefore, Wahhabism had to renounce its extreme intolerance and accept the symbolism and terminology of Salafism (Mohamed, 2015, p. 49).

Contrary to popular stereotypes, the Salafists were initially more tolerant than the Wahhabis. For example, they were tolerant to the cults of worship of saints and graves that were widespread in many Muslim countries. During the European colonization of the Middle East, the Salafists tried to attract as many supporters as possible, and therefore did not run counter to the masses. They believed that the solution to political and social problems was a return to their idealized Islamic origins. In the second half of the twentieth century, when more and more Salafists began to be repressed by secular authorities, many fled to Saudi Arabia, where Wahhabism is the state religion. There they were included in the system of state religious authorities, which later led to the mutual influence of these two Islamic movements.

In order to understand the difference between modern Salafism and Wahhabism, one should borne in mind that there are different currents among the Salafists themselves. Islamic studies identify three common

groups – purists (“scientific Salafists”), who preach true, in their view, Islam, without setting any political goals, and reject violence; political Salafists, who advocate the creation of a God-pleasing society within the Islamic state, and finally, the “jihadist Salafists,” ready for violence in the name of establishing Islamic caliphate (Wiktorowicz, 2006). The latter are outnumbered though.

Other, similar categorizations of Salafism types could be found in M. Rajbadinov’s research. Referring to Egyptian analysts, he mentions six currents within Egyptian Salafism: 1) traditional Salafi school, 2) Salafi pragmatists, 3) Madhalit, 4) Sururites, 5) Salafi Orthodox current, 6) Salafi jihadist. (Razhbadinov, 2013, p. 280). This typology does indeed cover a wide range of different currents within Salafism, however, the difference between some of them is insignificant and therefore they might often belong to one group.

In addition to scientific, political, and jihadist Salafism, the Russian arabist I. Tsaregorodtseva also singles out the ultraconservative, to which the “Islamic Association” (al-jamaa al-islamiya) belongs. Its goals are not fully implicit, nonetheless, their position on a number of issues has become public. Egyptian ultraconservatives often comment on the problems of interfaith relations in the country, in particular, they criticize the Copts, considering them collaborators (Tsaregorodtseva and Ibragimov, 2018, p. 13). These Salafi groups are vehemently against music and persist in female circumcision. The destruction of the pyramids and the closure of the Ministry of Tourism were the most resonant initiative of the Egyptian ultraconservatives (Egerton, 2011).

Consequently, Wahhabis could be classified only as scientific or political Salafists. The obvious difference is that Wahhabis remain loyal to the royal al-Saud dynasty, and Wahhabism is the state religion in Saudi Arabia. That is why they were often credited with protecting Saudi interests in other predominantly Arab countries. On the other hand, the Salafists seek to create a purely Islamic state without any secular power inherent to kingdom.

Since no other key differences have been found between these movements, and modern Salafism is now almost entirely indirectly supported by the Saudi royal dynasty, most observers miss the Saudi specificity of

Wahhabism by equating it with Salafism. Moreover, even Wahhabis call themselves Salafists, which speaks of the universality of this concept. The followers of orthodox Salafism perceive the name “Wahhabis” given to them in the Ottoman Empire as contemptuous and offensive, as it implies devotion to al-Wahhab (one of the theorists of Salafism) and not to God.

For all intents and purposes, both of these groups share basic ideological principles, including: 1. Strict monotheism; 2. Refusal to submit to any generally accepted authority including Muhammad himself; 3. Widespread application of the “takfir” principle, when all Muslims who disagree with the Salafists, especially those who have committed grave sins, are declared “infidels,” which allows them to be deprived of property and life itself; 4. Strict rationalism and literalism in understanding and applying the provisions of the Qur’an; 5. A ban on wearing expensive clothes and jewelry; 6. Struggle against “innovations,” which meant abolishing everything that the Salafists did not agree with; 7. General equality in the ummah (Muslim community – worldwide – the Islamic nation).

A specific attitude to power lies at the core of the ideology of Salafism: the legitimacy of God, whom the followers of Salafism must defend against any internal and external threat, the only legitimacy that exists on earth (Wight, 2009, p. 104).

Modern Salafism is based on a strict interpretation of Islam and urges Muslims to return to the original teachings of Qur’an, as well as to perceive religion as the earliest generations of Muslims – the companions of the Prophet – used to do it. From the point of view of the Salafists, non-Islamic teachings have poisoned the essence of “true” Islam for centuries and these impurities must be thrown out of the Islamic way of life.

RELATIONSHIP BETWEEN THE MUSLIM BROTHERHOOD AND THE SALAFISTS IN EGYPT

Salafism did not only take its ideological roots in Egypt. In 1912, the oldest Egyptian Salafist organization, the “Legal League,” was founded, and since 1926 there has been another influential Salafist group called the Association of Sunni Muhammad (Jamiat Ansar al-Sunni al Muhammad).

The activities of these organizations were purely propagandistic and educational, and their leaders emphasized their apolitical nature, thus contrasting themselves with the ideologues of “traditional” Islamism (Tsaregorodtseva and Ibragimov, 2018, p. 12).

Salafists appear to be a minority both among Muslims and Islamists around the world. Unlike the Muslim Brotherhood, the Salafists are not part of the same organization. This movement consists of a mass of local preachers, public organizations, and recent political parties, which are not always united by a common ideology, as indicated by the Egyptian events after the “Arab Spring.”

The first modern Salafi movements that emerged in Egypt in the early twentieth century had a lot of common with the Muslim Brotherhood. A study of the activities of ultraconservative Islamism in the twentieth century provides an opportunity to check that their efforts, like those of the “Brothers,” were aimed at social and educational work and exclusion from politics. Both sought the potential for future reforms and the prosperity of the Muslim community in the life of the first generations of Muslims. Both adopted an anti-colonial rhetoric. Hassan al-Banna, the founder of the Muslim Brotherhood, even called his Association an organization that produces “Salafi message” (Mitchell, 1993, p. 14).

However, initially insignificant differences between the Salafists and the Muslim Brotherhood over time became fundamental. Salafist movements emerged as a force that used both radical and peaceful methods of struggle and propaganda. These include the Egyptian organization “Salafi Call” (ad-Daawa al-Salafiyya), formed in the 1970s on the basis of youth Islamic associations. In contrast to the paramilitary movements that declared the official institutions of power as their enemies, the “Salafi Call” considered the Muslim Brotherhood to be its chief rival. According to the ideologues of this movement, the Muslim Brotherhood distorted the true doctrine of Islam and became a part of political struggle instead of being engaged in science and education (Tsaregorodtseva and Ibragimov, 2018, p. 10).

Certainly, a few years after its emergence, the Muslim Brotherhood embarked on the path of political activism, intending to pursue its goals using affordable political methods – participation in elections of all levels

and cooperation with the secular parties. The Salafists, on the other hand, fundamentally avoided participating in politics and believed that politics should be used only by state power. Instead, they focused their main efforts on social work and propaganda.

By the end of the first decade of the 21st century, Salafism had spread throughout the Arab world, primarily in Egypt and Tunisia. Both the number of its supporters and the institutional scope have increased. Public organizations engaged in charity also joined this movement. They were not yet official political parties, mainly because they lived under autocratic regimes, but were slowly creating the infrastructure for such organizations. In such a circumstances, the Salafists met the Arab Spring.

The case of the Egyptian Salafists could be called the most vivid. As well as the Muslim Brotherhood, they appeared to be unprepared for popular outrage, led mainly by youth groups, and for the waves, aimed at destroying the decades-old secular autocratic regimes. Over time, the Salafists managed to throw the non-Islamic forces that played a crucial role in the overthrow of President Hosni Mubarak, into the shade. But they did not have the political mechanisms that the Muslim Brotherhood managed to create in 80 years. As a result, various Salafist forces, that were trying to assert themselves in Egypt after the overthrow of the authoritarian regime, emerged.

Some Egyptian Salafist organizations have applied to register as political parties. Two of them have emerged among the Salafists, “al-Nour” and “al-Asala”. These parties have formed an Islamist coalition with the political wing of the former jihadist group “Al-Gamaa al-Islamiya” (Creation and Development Party) (Bokhari, 2012). This alliance managed to get more than a quarter of all votes in the 2012 parliamentary elections and ranked second after the Muslim Brotherhood. Al-Nour was able to attract to its ranks numerous authoritative Islamists, who for some reasons failed to join Muslim Brotherhood. Despite the fact that the leaders of Salafi groups have different attitudes to the institution of democratic elections, al-Nour has managed to reach a compromise. A distinction was made between the “procedures of democracy” that the Salafists welcome and the “philosophy of democracy” that they reject because sovereignty cannot belong to the people, it belongs only to God (Lacroix, 2012).

The most important aspect of Salafist participation in mass politics is that they joined the electoral process after decades of condemning democracy, which they called a non-Islamic phenomenon. In other words, the Salafists eventually adopted the Muslim Brotherhood tactics, although by this time, they had fiercely rejected it. Such a transformation was more a hasty decision than a result of natural ideological evolution.

The Salafists have not simply become the victim of weak political development. They faced intellectual contradictions and inconsistencies. On the one hand, they wanted to be part of the new democratic order and a major political player. On the other hand, they took a radical position, which required them to impose on the entire Arab and Muslim world a harsh Salafist interpretation of the Islamic law. They wanted to establish an order that created problems not only for secular forces, Christians, Jews, and other minorities, but also for moderate Islamists, such as the Muslim Brotherhood.

During the revolution of 2011, differences between the “Brothers” and the Salafists become fundamental and extended to the foundations of the Egyptian legal system. The Salafists wanted to particularize and uncompromisingly enshrine the foundations of Sharia law in the Egyptian constitution. According to them, Sharia should be the only source of law in the country, not one of the sources. They completely reject democratic principles, as perceived by the West. At the same time, the “Brothers” advocated equal rights for all citizens, while the Salafists denied this point. The basic thesis of the “Muslim Brotherhood” is the construction of a secular state, based on Sharia. The Salafists deny any secular system in the country.

Some researchers believed that in the political Salafists were willing to work with the Muslim Brotherhood to achieve common goals, such as the transition to democracy and the containment of radical and militant tendencies. In the end, they sought to use the pragmatism of the “Brothers” to deprive this leading Islamist movement of the support of religious voters.

Partly they succeeded in this during the parliamentary elections in early 2012. Salafi al-Nour won in western Egypt, resided by more conservative Muslims, bypassing even the FJP (“Muslim Brotherhood”) (Islamnews.ru, 2012). In addition, the Salafists sought to take advantage

of their role as mediators between the Brothers-led government and active in the Sinai area jihadists. The aim was to strengthen their own negotiating positions and to weaken the positions of the Muslim Brotherhood.

Immediately after coming to power, the Muslim Brotherhood appeared under Salafists' pressure. The "Brothers" realized that the Salafists were ready to support them only in the case of a strict policy concerning Sharia. After all, the reason was the presence of various political opponents that Egyptian president Mohammed Morsi (the leader of the Muslim Brotherhood) did not pursue a clear policy of Islamization. The "Brothers" began to balance between the impossibility of implementing the slogan "Islam Hija al-Khal" ("Islam is the solution") and the need of dialogue with the radicals, proving the impeccability of its own Islamic reputation.

An important point is that in the 2012 presidential election, the Salafists initially refused to support the candidate from the "Brothers", and even nominated their own contender. Later after his disqualification, the Salafists eventually called their supporters to vote for Morsi. But taking into account that his opponent in the second round was Ahmad Shafiq, a member of Mubarak's old team that hated radical Islam in previous years, Salafist support of Muhammad Morsi was purely pragmatic.

At the same time, the attitude of "traditional" Islamists towards the Salafists could be called more approachable. After rapidly entering the political arena in Egypt, the Islamists sought for some reliable and ideologically close allies. According to the results of the 2012 parliamentary elections, the Salafi parties turned out to be the largest group in the parliament after the "Brothers". Thus, Muhammad Morsi could not disregard the popularity of ultra-conservative forces.

In any case, in early 2013, when Egypt was shaken by a wave of protests against harsh Islamization policies, it became clear that President Morsi and the Muslim Brotherhood would have to deal with another opposition force that had recently supported them. The dissatisfaction of the representatives of the ultra-conservative parties caused by the fact that they were completely unrepresented in the government despite having won about a quarter of seats in both houses of parliament.

INFLUENCE OF SAUDI ARABIA ON THE POLITICS OF THE SALAFI PARTIES IN EGYPT

Following the political process in Egypt, the leadership of the leading Salafi party al-Nour probably came to the conclusion that the Muslim Brotherhood lost much of its popular support, and at this stage of the political struggle, a friendship between parts of a single Islamist movement could damage the political image of pure Islamists.

Ideological flexibility, competent organizational work and, of course, significant funding from Saudi Arabia, interested in supporting Salafism, have allowed al-Nour to become the most influential Islamist party after the Muslim Brotherhood. However, in early 2013, when the “Brothers” began to lose the support of the population, there was a split within the Salafists.

The party’s founder, Emad Abdel Ghaffour, and a group of his supporters left al-Nour and founded a separate al-Watan party (Brown, 2013). After the split, these parties chose different political orientations and allies. Al-Watan supported the Muslim Brotherhood to the end, suffering a political defeat with them as a result of the regime change.

The new leaders of An-Nur decided to go in another way. In the summer 2013, when Muhammad Morsi was removed from his post by the Egyptian military, they did not support him and remained silent, waiting for the confrontation between the military and the Muslim Brotherhood to end. A few weeks later, when it became clear that Morsi would not return to power anymore, the Salafists exposed the policies of the ex-president and the FJP. The communiqué read that Morsi “did not even try to interact with the military” and that the Freedom and Justice Party began to become the second National Democratic Party (Tsaregorodtseva, 2014) (the ruling party in Mubarak regime).

Hisham Jafar, a columnist of Egyptian political and religious movements, claimed that an-Nur decision to support a military coup led by Field Marshal al-Sisi was rather strange. According to him, the Salafists have gone too far in their support of the military regime in Egypt. From his point of view, al-Nur was too concerned about political competition with the Muslim Brotherhood and attempts to present itself as an alterna-

tive to the Brothers. Al-Nour suffers from a deep-rooted Salafi intellectual tradition that allows for tolerance of authoritarian rulers to avoid anger on their part (Bayoumi, 2014).

But if these events are addressed from the regional geopolitical prospect, the division of the Salafist movement in Egypt and their support of its part of Egyptian army doesn't look so outlandish. According to A. Bystrov, Arabic scholar from Russia, in 2012 both parties were funded by Saudis and Qataris. Moreover, if Riyadh supported the Salafists, Doha supported the "Brothers" (Byistrov, 2012). Obviously, the plans of the Arab monarchies engaged create a state under their control in a strategically important region for them.

However, since the 90s of the last century the Gulf monarchies have lost their integrity. Qatar has increasingly moved away from subordination to Saudi Arabia. Doha's foreign policy began to rely more and more on the support of the Muslim Brotherhood and their coming to power in Egypt strengthened the regional position of the emirate.

This situation obviously seemed not to be beneficial for the Saudis, who have historically been a leader in the Arabian Peninsula. Riyadh sought to undermine the position of the Muslim Brotherhood through the support of the Egyptian Salafists. In 2013, when Muhammad Morsi's legitimacy reached a tipping point, Saudi Arabia began demanding from Salafi parties to support the Egyptian military, led by Field Marshal al-Sisi. That is why the split took place, as some activists, committed to their own ideology, did not agree to these demands. As a result, they left the ranks of the al-Nour party. Their representatives, such as Emad Abdel Ghaffour, spoke purely from an ideological standpoint. They believed that previous expressions of will clearly indicated that the population supported the policy of Islamization, so they could not betray their voters, who voted for the return of the state to the plane of Sharia.

Another camp, led by the new leader of the al-Nour party, Eunice Mahun (elected in January 2013 after the removal of Abdel Ghaffour), quickly adapted to European rules of political struggle. For them, the decisive factor was the struggle for power, not their own ideological positions. This, in fact, was the reason for the division of the Salafi movement.

This view is corroborated by numerous statements, voiced by the “Salafi Call” leaders. In particular, Khalid Adam ad-Din stated, “Rationalism and realism are part of Salafi teachings. We believe that in times of crisis we can choose the bad to avoid the worst.” Muhammad Salah, a member of the Salafi party’s media committee, noted that Sisi does not belong to any of the political parties and does not represent the interests of any one ideology, which makes his candidacy the most acceptable for many Egyptians. According to Salah, as-Sisi also “understands better than others the foreign threats facing Egypt.” Eunice Mahun told local media that his party had many reasons to support al-Sisi, including “his strategic vision and administrative experience in the armed forces” (Bayoumi, 2014).

These events vividly describe the process of Wahhabization of the Egyptian Salafists. In order to continue to receive financial assistance from Riyadh, most members of the movement departed from the fundamental principle of the ideology of “pure” Salafism and submitted to the Saudi dynasty. These actions led to the fact that both parts of the Egyptian Salafists have almost completely left the political space of the state.

CONCLUSIONS

Our findings would seem to show that as a result of the Egyptian events of 2011–2013, Salafism failed to enter the space of Western-style political struggle. Numerous researchers assure that the reasons for the party’s failures were related to the desire of Salafist leaders to use Al-Nour solely as a tool for lobbying their ideas. The party’s goal was not to come to power, but to spread Salafist views and establish control over as many mosques as possible (Lacroix, 2016).

In addition, the growing popularity of jihadist movements also contributed to the political defeat of the Salafists in Egypt. The Salafi parties in the legal political field were conservative but generally peaceful; they intended to achieve their goals by democratic means. Some observers believed that the expulsion of the Muslim Brotherhood from Egyptian politics was useful for Salafists, as the “Brothers” were their main rivals in the Islamist part of the political spectrum. However, the removal of Morsi

by military means resulted into a loss of confidence among the broad Muslim population in the peaceful political process. Some Al-Nour supporters, seeing that the party supported the military coup, concluded that it had abandoned the Islamic project.

The policies of Saudi Arabia and Qatar played an important role here. The desire of both Gulf monarchies to strengthen their positions in the region by influencing other states played a nasty joke on them. As a result of the support of different Islamist forces in Egypt and their incitement to confrontation, both the Muslim Brotherhood and the Salafists have failed.

There is evidence to suggest that heterogeneity of the Salafi movement in Egypt was perhaps the main reason for their failure to enter the political space. The absence of a recognized leader and the large number of approaches to the role and activities of al-Nour in the political arena were complicated by the choice of priorities of the religious component over the political and vice versa. The popularity of the Salafi parties was hampered by the lack of clear boundaries between the religious and political activities of the Salafists. Al-Nour felt strong pressure from members of the religious movement, which led to the resignation of some of its members.

At the beginning of Arab Spring hopes were cherished that if radical forces join the political mainstream, their extremism will be eventually abandoned. This forecast worked well for the political sphere only. The politicization, gradual liberalization, and deideologisation of the main Salafist movements, their rationalism in the political sphere, caused a loss of support among the religious part of society, which had previously provided them with serious political weight. In Egypt, the Salafists failed to reach a common denominator in adopting a common methodology for their own political activities. As a result of a lack of political experience, Al-Nour failed to increase its success in 2012, and after the removal of Mohamed Morsi from the office, Salafism receded to the periphery of Egyptian politics, where it remains to date.

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THE BATTLE OF WARSAW AND ITS PROJECTIONS IN POLISH-UKRAINIAN RELATIONS (1920–2020)²

Key words: The Battle of Warsaw, ideology of 1920, social and national elites, silence / distortion of the past, the perspective of long duration.

Abstract: The Great War brought about the collapse of the old world order of the 19th century. The idea of the self-determination of nations, e.g. Ukrainians, Finns, Latvians, Lithuanians, Poles, etc., or multi-ethnic societies, e.g. Czechs and Slovaks, Slovenes-Serbs-Croats-Bosnians, etc., guided the new political order in Europe in 1918–1919. It was only partially possible to implement it due to the powerful influence of nationalism or (neo)imperialisms, such as in Soviet Russia and the USSR, or later with the Third Reich. In 1920, the societies of Ukraine and Poland tried to find an indirect path. The Polish-Russian / Soviet-Ukrainian war, symbolized by the Battle of Warsaw in 1920, turned out to be a breakthrough in these actions. On the basis of the effects of this so-called “dwarf war”³ gave rise to a new political and ideological imperialism in the USSR, as well as an ideology (1920) as a platform for cooperation and understanding between Poles and Ukrainians.

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² The text is an attempt at a synthetic approach to a set of issues, each of which could be the subject of a separate dissertation. However, taking into account the already relatively large historiographic achievements devoted to the individual historical facts, a detailed development of some of the issues discussed below, as well as their documentation, would adversely affect the transparency of deliberations. For this reason, the studies cited further in the footnotes are treated selectively. Text translation Małgorzata Irena Kowalczyk.

³ Translator’s note: *dwarf* – here means a state that is not a superpower.

Contrary to all assessments or interpretations, the signalled ideology of 1920 is a constructive factor in the history of Poland and Ukraine, based on the effects and experiences of the war of 1920–1921. This text is an attempt at a synthetic look at the genesis of the Polish-Russian / Soviet-Ukrainian war, mainly at its long-distance effects felt later in the Third Polish Republic and in free Ukraine in 2020. Perhaps these impact were also felt on a wider European scale. The text does not so much judge or evaluate the results of the previous research, but is an attempt to organize and generalize them. It may be a proposal for a possibly balanced view in the elites of both societies, a past that determines the future of Poland and Ukraine. Finally, it is an attempt to establish a long-term perspective that reduces political or (neo)nationalist emotions in favor of a balanced orderliness of knowledge.

The essence of phenomena, processes or crucial historical events, and the Battle of Warsaw of 1920 is undoubtedly one of them, is best captured by getting to know the genesis and long-distance effects. The course of events itself creates the necessary background, but it is closer to the timeline of events. The series of military, political and social events of August 1920, symbolized by the Battle of Warsaw, is a breakthrough in Polish-Russian/Soviet-Ukrainian relations, although it is symbolized by the term “battle”. The settlement of these battles led to the real end of the Great War, with its final phase known as the “dwarf war”. The parties to the decisions made at that time did not have full subjectivity before – at least until the end of 1916. They obtained it and expanded upon it in the course of the events of 1917–1919.

By 1917–1918, Polish statehood was restored, and the “Polish cause” appeared in the international sphere, going beyond the internal issues in Russia. The critical path was to recreate the state in two phases. The first, between November 1916 and July 1917, included:

- establishment of the Polish administration;
- transformation of the Polish Legions into a regular army;
- Polonization and expansion of secondary and higher education.

However, in the second phase, between August 1917 and February 1919, the following critical phenomena or events turned out to be:

- the oath crisis of the Polish troops;

- gradual liberation from the protection of the Central Powers, or even breaking with them as a result of the Brest Peace (February 9, 1918 and March 3, 1918);
- creation of classified structures (political or military) – the growing importance of the Polish National Committee (KNP) in the Entente countries, until Poland was formally recognized as an allied party (June 3, 1918).

Both phases, despite not always favorable events, meant a gradual and constant increase in Polish potential in all partitions and in the Entente countries – in particular in France, Canada and the USA (Tomaszewski, 2015, pp. 27–98; Tomaszewski, 2019, p. 19–72). It should be noted that the factual findings concerning the Polish issue (from its origins to the mid-twentieth century) are relatively well documented. The reference to this voluminous fact (devoted mainly to the single or fragmented events) should now be reduced in favor of a search for a more balanced syntheses.

In the same period, the Russian Empire experienced a crisis. First, as a result of both revolutions; then because of the chaos in both imperial (Russian or Soviet) and local structures. Under these conditions, there was an attempt to create a Ukrainian state in stages from vacuum (it meant a transition from autonomy to building statehood). As in the case of Poland, it happened in two phases. The first phase was based on the idea of autonomy and included:

- the fall of the monarchy and the reduction of the importance of the central government;
- the second Russian offensive (under Gen. Briusilov) and the breakdown of army discipline resulting in chaos and anarchy – an attempt to build the autonomy in the Ukrainian area of the Empire (in the region not occupied by the central states);
- establishment of the Ukrainian People's Republic with its own administration and army;
- the conclusion of the Brest Peace and allied relations with Central Powers.

The second phase consisted of successive attempts to implement a program of maximum territorial development in the Ukrainian state on the basis of open or secret arrangements related to the Brest Peace, and at the

same time a relatively lengthy security presence by the Central Powers. During this period, it should be emphasized:

- 3–4 transformations of the state's political system, up to and including the merger of two Ukrainian republics⁴;
- lack of international recognition (the Ukrainian issue was treated as an internal Russian matter) and the loss of the Central Powers' protection as a result of their defeat;
- the necessity to wage war on several fronts and the resulting increased threats – divergent attitudes of Ukrainian politicians;
- several attempts to mobilize without minimal preparation in the civil and military branches of the administration, without organizational and material preparation⁵;
- constant increase in anti-Polonism⁶.

Both young Ukrainian states as well as the Polish state pursued a wishful policy until mid-1919, and their development was asymmetrical. The Ukrainian potential was gradually exhausted, and the potential of a reestablished Poland was constantly growing. It should also be noted that despite the fighting in Eastern Galicia, the Polish side was still aware of the need to support an independent Ukraine. An obvious dilemma was the establishment of a line of separation between the states in the event that a federal concept could not be implemented, while maintaining the balance between ethnic minorities on the Polish and Ukrainian side. This was the essence of Józef Piłsudski's initial proposals and most of the variants put forward by the representatives of the Entente. Various options emerged in Ukrainian political circles: pro-Bolshevik, pro-Russian (Ukrainian National Committee – S. Markotun)⁷ (Pisuliński, 2013, p. 293), German (General Wilhelm Gróner, Wilhelm Habsburg, Hetman Skoropadski) (Bruski, 2000. p. 328–337; Snyder, 2010), Czechoslovakia (contin-

⁴ The situation was complicated by the creation and periodic operation of 5 Ukrainian state organizations or quasi-state organizations.

⁵ The patriotic involvement of the pro-Ukrainian independence elite would not be a sufficient substitute, dictated by the realities of the time.

⁶ I am invoking this as a fact and not as an objection.

⁷ Even when the UPR tried to return to the variant of autonomy within Russia, it was marginalized by the command of the troops of Southern Russia in favor of S. Markotun.

gent protectorate on behalf of the League of Nations). The actions of subsequent Ukrainian authorities in Kiev between February and December 1918 resulted in the strategy of consistent implementation of the Brest Peace arrangements, and the merger of the two countries of the Ukrainian People's Republic (UPR) and the West Ukrainian People's Republic (WUPR) in January 1919 confirmed the continuation of the maximum program. The elimination of the Central Powers from decision making on the Ukrainian question made this position risky. In particular, this jeopardized the UPR's efforts to gain international recognition by the Entente. The Polish side consistently maintained in Kiev the diplomatic mission of the Regency Council, with the participation of the Polish Armed Forces (PSZ – *Polnische Wehrmacht*), i.e. Major Juliusz Kleeberg, and due to the stationing of Polish military corps separated from the Russian army until the end of May 1918. They were one of the few units separated from the former Russian troops that did not become demoralized. Although they were disarmed by the Germans at the end of May 1918, most of the soldiers of these formations were sent to the Polish Armed Forces under reconstruction in autumn. The migrations of experienced Polish veterans from these formations took place against the command of Ober-Ost, which did not agree to merge these three corps with the *Polnische Wehrmacht* (Royal Polish Army) and subordinate them to the Regency Council in Warsaw (Dąbrowski, 2015, pp. 284–285; Holzer, 2008, p. 28).

The diplomatic representation in Kiev was then taken over by the Republic of Poland and was consistently maintained until the evacuation (February 1919) to Odessa. We can speak of an asymmetric attitude of the UPR government, which used the method of incidental contacts with Warsaw by unofficial envoys, and these contacts also ceased as a result of the merger with the WUPR. From that moment on, one can speak of the “reactive diplomacy” between Poland and Ukraine until the end of 1919. The extent of these incorrect assumptions in the foreign policy of both Ukrainian states of disregarding Poland as a member of the Entente from June 3 1918 in reference to the intermediation of other states – parties to the victorious Entente, the negotiations in Paris in May 1919 showed. As a result, there was a definite refusal of international recognition of the UPR, which took place on June 30, 1919. The victorious states consistently

maintained in 1919 that the Ukrainian issue was an internal Russian problem, and thus eliminated the effects of the Brest Peace. This meant that Brest weighed negatively on Ukrainian relations with the Entente, and yet it continued to function as a myth and a basis for a rigorously maximized program undertaken by successive Ukrainian national movements. This is confirmed by the claims made in August 1919 by the Ukrainian side in the armistice talks with Poles in Lviv and Dęblin. Only then was the Ukrainian Extraordinary Diplomatic Mission of Filip Pyłypczuk sent to Warsaw (Klimecki, 2002, pp. 14–23). At that time, however, there were completely different conditions that restricted the official actions of Warsaw, which was forced to respect the Paris provisions. Thus, one can speak of Ukraine's international self-isolation, which rules out any doubts or gives rise to a sense of marginalization – perhaps the accusation that Ukraine as the weaker party was disregarded in the negotiations of 1918–1919. However, the as yet uneducated and, above all, inexperienced Ukrainian political class was unable to balance the balance between the utopia of the maximal program, along with the incriminating participation of the Central Powers as the losing party, and the attitudes and realities driving the victorious Entente camp. The struggle of the united Ukrainian states (the UPR and the WUPR) with everyone and against everyone in 1919 did not give the Ukrainian elite a good legacy – it only proved a policy of unrealistic demands and a persistent disregard for reality. As a result, unattainable goals were set for Ukrainian society and people in state of war fatigue.

The appearance in Warsaw in the autumn of 1919 of the Ukrainian Diplomatic Mission of Andrei Lewytsky in Warsaw, representing the UPR-WUPR, made it possible only in November to develop a draft declaration as the basis for an agreement between the parties (November 30, 1919) and to present it to Polish partners. As early as December 2, 1919 it was lost by the Galician members of the mission. An audience granted by Józef Piłsudski on December 15, 1919 to Stepan Wytwycky, the leader of the Galician members of the Ukrainian diplomatic mission, should be considered a symbol of the pragmatic approach. The Chief of the Polish State pointed out that the Ukrainian side, including its Galician component, could not deal with the Ukrainian issue in a social and political void

with a wishful thinking. In Piłsudski's opinion, the attitude that ignored the existence of Polish society, together with its aspirations and consistent implementation, proved the utopian nature of such a policy. Already the negotiations of the Ukrainian elite of Eastern Galicia during the negotiations with Czernin initiated this attitude at the end of 1917, which was persistently implemented until March 15, 1923, although at that time Count Czernin and the state he represented had gone into oblivion. It was in the myth of Brest and in the attitudes of Ukrainian politicians from Eastern Galicia that the genesis of the political line of the 'all or nothing' (Dąbrowski, pp. 273–280; tomaszewski, 2019, pp. 41–46). At that time, the Polish leader emphasized the negative position of the Western powers towards the prospect of establishing a Ukrainian state, and at the same time the lack of an alternative other than a full Polish recognition for the Ukrainian side. On the other hand, the very fact of receiving the Ukrainian adversary by the Chief of State was symbolic. Stepan Wytwycki represented a consistently tough, uncompromising approach. He denied the possibility of the Polish-Ukrainian border on the Zbruch River⁸ (Łysewicz, 1997, p. 98). The practice of the following months, despite the fact that the alliance was established in April, however, proved the lack of coordination of Ukrainian political and military efforts.

The year 1920 and the entire Polish-Soviet-Ukrainian war are symbolized by the "Battle of Warsaw" fought in the northern and eastern outskirts

⁸ The assessment by prof. Ivan Lysewicz of the Institute of History of the Kiev Academy of Sciences is against this. He claims that despite the consent of the Ukrainian delegation to establish the border on Zbruch, expressed in the declaration of December 2, 1919, the Polish side broke off the negotiations. He also claims that in the autumn of 1920 and the winter of 1921, Poland was terrified of a war with Soviet Russia and abandoned its Ukrainian ally. In this context, how should the Ukrainian declaration of Stepan Wytwycki of 6 December 1919 be assessed? – the validity of the opinion of prof. Lysewicz in this context is at least doubtful. It may be possible to practice wishful politics or propaganda, but there is no concept of wishful science. In terms of realism, the decisions of Polish politicians made between October 1920 and March 1921 should be assessed on the basis of the exhaustion of the potential of the state and Polish society. Similar realism and similar assessments characterized the group of politicians gathered around Symon Petliura in this breakthrough period, despite the accompanying feelings of bitterness.

of Warsaw between August 10th-20th, 1920. It is a commonly accepted definition (though imprecise) of the cycle of armed clashes in a suburb of Warsaw along with the Polish offensive turn from the north, the so-called "Battle of the Wkra" – relieving the effort around defensive stands; lastly the operation of the Polish army from the Wieprz River to the rear of Soviet Russia, which was tied up in the outskirts of Warsaw. These 10 days of intense combat operations around Warsaw marked a breakthrough in the war prepared from the end of 1919 and ended in 1921. It cannot be treated as a part separated from the whole political, military or ideological effort of the parties of the conflict. After all, both the Poles and Ukrainians prepared their own strategies and consistently implemented them despite fluctuations, twists, and during the crisis at the turn of July and August 1920. It is therefore worth noting the stages of this war.

The phase of building a Polish-Ukrainian alliance was parallel to the consolidation of The Red Army (Workers' and Peasants' Red Army, WPRA) which lasted from February 1918, and the course of the civil war in the former empire. The Polish Army entered into combat with the Soviet troops relatively late, when its structures had already been stabilized by integrating the PAF (Polish Army Forces, *Polnische Wehrmacht*) with the Greater Poland Army and the General Józef Haller's (so-called) "Blue Army". At the same time, the Polish-Ukrainian military dispute in Eastern Galicia and Volhynia was resolved. In the summer of 1919, the structures of the Polish state were already fully formed, and the Polish Armed Forces organization moved from a voluntary phase to regular conscription based on a legal obligation of military service. The political background was the cooperation of all major Polish political forces, symbolized by the coordination of the actions of Roman Dmowski and the Polish National Committee in Paris and in the Entente structures with the actions of Józef Piłsudski and the authorities in the country. Only Polish communists excluded themselves from this process. As a result, in 1919, it was possible to create an effective administration and, to a large extent, unite the Polish military with the former partitioning armies, the auxiliary Polish formations in Russia and Austria-Hungary, the troops subordinate to the Regency Council of the Kingdom of Poland, and the Polish National Committee in Paris. In 1920, approximately 32,000 officers from the former partitioning armies

along with approximately 3,000 graduates of Polish officer schools served in the Polish Army. This number included many professional officers and a relatively large group of certified officers (of the general staff). Almost everyone had war experience. In 1914, a total of 11,000 people served in the partitioning armies. professional officers of Polish origin, and this number was completed by approx. 31 thousand. reserve officers. This means that the share of the Polish intelligentsia in the officer corps of the partitioning powers was significant. These officers did not boycott the services in the armies of the countries of their citizenship, and their number was a function of the number of Polish educated classes. The cautious attitude of the Polish military authorities to the mobilization of some of the ensigns of the former Russian army in the buildup of the war years 1916–1917 should be emphasized (due to the ensigns limited competences) (Tomaszewski ed., 1997, p. 76–77, 184–185). There was also a relatively large political and administrative base owing to officials of Polish origin from Galicia, and the participation of Polish factions in the Russian Duma, the Austrian Imperial Council and the German Reichstag. Between 1918 and 1920, there was also a wave of Polish educated classes returning from emigration. As early as 1917, a specific forum for the exchange of views among the Polish elite functioned in the form of an inter-partitioning⁹ organization called the League of Polish Statehood.

The years 1915–1918 were a period of consolidation for the Polish political class and local governments administration in the territory of the German and Austro-Hungarian occupation. In addition, in the next stage, from July 1919 to April 1920, stabilization took place, enabling the improvement of state structures, administration, training and harmonization of the Polish Armed Forces mainly on the foundation of the German military experience¹⁰. Therefore, the opinion of January-February 1919

⁹ Translator's note: *inter-partitioning* – means an organization operating in all parts of Poland included into Germany, Russia and Austria.

¹⁰ Apart from the Blue Army, most of the Polish military formations were organized on the German model. In practice, the divisions originating from the *Polnische Wehrmacht* (Royal Polish Army) or from Greater Poland were, in a sense, a variant of the model of the German troops. It also influenced their behavior in the anarchized area of Ukraine in 1920.

given to the authorities of the UPR in Kiev by Viacheslav Prokopovych and Joachim Wołoszynowski regarding the social destruction of Poland was wrong. On the other hand, the expertise of General Mykola Kapustiansky from the same period about the weakness of Ukrainian troops and international isolation (as particularly negative determinants of the prospects of the UPR) was accurate – although in this vision of an educated officer it was an axiom to refer to the findings of the Brest Peace. The presupposition being the Brest Peace would be accepted by the Entente for returning the UPR to the structures of Russia (Klimecki, 2002, pp. 15–16). Therefore, the expertise was also wishful.

The following months of 1919 indicated the exhaustion of the UPR's potential and the growing discrepancies in the circles of the Ukrainian elite. It is difficult to determine the effectiveness of the nascent Ukrainian administration and the Ukrainian army between 1917 and 1920, because in practice it meant the necessity to Ukrainianise the Russian structures that had already been destroyed. The long process of culturally absorbing the educated layer of Ukrainian origin by Russia, its culture and education system, significantly limited the possibilities of the UPR. The same was true of the military cadres that could be taken over from the anarchic Russian army. That is why the hetman period was characterized as one of highest efficiency state-building, despite its shortcomings. Firstly, because it became possible to refer to the Russian cadres more fully. The merger of the UPR with the WUPR only partially improved the social situation in both countries. In Eastern Galicia, the very act of establishing state structures in the autumn of 1918 was anticipated by preparations of 1917, made possible by, *inter alia*, the deputy of the imperial governor of Galicia, Wołodymyr Decykewycz. Militarily there were objective limitations resulting from the number of the Ukrainian Sich Riflemen Legion (approx. 2,500 legionnaires) and the number of Ukrainian classes educated in Eastern Galicia, which reduced the number of professional officers (approx. 100) of Ukrainian origin in the Austro-Hungarian army and reserve officers. These restrictions in particular applied to senior officers or the general staff, which in the future led to the use of cadres from the former Russian army, or officers of German or Czech nationality from the former Austro-Hungarian army. Generally speaking the UPR and the

WUPR, as they relate to the first forms of Polish statehood from 1916–1918, the relative balance in the demographic and social potential of Poles and Ukrainians should be taken into account and emphasized. Differences resulted mainly from a qualitative factor (literacy, the number of elites, the number of military personnel, the level of national awareness) and a disproportion in emigration resources. The Ukrainian elite was dynamic, but small in number and largely lacking any political experience. The formation of a modern nation in Ukrainian society was delayed and took more time (Handelsman, 1993, p. 31–35). The Ukrainian emigration was twice as low as the Polish and in 1920 still poorly organized. Contrary to the situation after World War II and the strengthening of Ukrainian ethnic groups in the USA, Canada, Germany, Great Britain and France, and partly also in South American countries by Ukrainians involved in military, political, economic collaboration or a relatively large number of Ukrainians who found in the western zones of occupation of Germany. An example is the Ukrainian diaspora in Winnipeg in Canada or the post-war Ukrainian emigration in the USA (Szlachtycz, 2008, p. 290; Rossoliński-Liebe, p. 823). The excellent organization of the Ukrainian circles in Canada, the USA and the Federal Republic of Germany after 1945 should be mainly due to the domination of emigrants coming from the Ukrainian military formations from the Second World War, with a nationalist or even fascist overtone. The creation of Ukrainian academic centers independent or within the structure of, for example, Harvard, as well as the economic strength of these circles and their compactness, had almost no significance and it had no impact on the territory or the inhabitants of the Ukrainian SSR. The contemporary influence of these institutions or circles concerns mainly individual figures – representatives of the academic circles of today's Ukraine.

The lack of experience and the paucity of the Ukrainian elite, fascinated by the vision of the unification of a greater Ukraine from Bardejov to Kuban, explain little. The uncompromising attitude and radicalism of these elites was a weak substitute, and moreover, it led to the linking of the Ukrainian cause with the losing camp, which was known as early as January 1918. This meant a strategy of fighting against everyone and alliances with the defeated, and then participating in the so-called the “war

of dwarfs” (November 1918-August 1921) in a situation of isolation or self-isolation. Distinct divergences among Ukrainian political leaders, united mainly by the Brest myth and anti-Polonism, also had a negative effect. It should be noted that as early as February 1918, it was a political mistake to ally the UPR with the party that was clearly losing the war, though “stunned by successes” and apparently gaining an advantage in the war. The phenomenon of bewilderment with its successes also affected the Ukrainian elite at that time. This resulted in the isolation of Ukrainian diplomatic actions due to the fact that the armistice agreement of November 1918 obliged Germany to cancel the peace treaties concluded in Brest (Cieplewicz, Stawecki, 1990, p. 234).

The lack of international recognition for Ukraine was only partially mitigated not until 1920 by the Republic of Poland, which at the same time forced the recognition of their ally by Latvia and Finland in 1920. Finland’s situation cannot, however, be treated entirely in the same way as Ukraine. On the basis of the double-ethnic Finnish-Swedish society, the Grand Duchy of Finland was established, which built its own state structures in 1809–1917. This was not hindered by the fact that the majority of the elites were Swedish and the masses were Finnish, which may be analogous to Eastern Galicia in the 1880s. Building its armed forces in December 1917 – January 1918, Finland used ethnically Swedish officer cadres from the former Russian army and defeated the Bolshevik military and political interference nearly on its own by April 1918. When the Germans, stunned by their successes between February and April 1918, decided to intervene in Finland (April 7, 1918) at the formal request of the Finnish government’s Pehr Evind Svinhaufvud, the Finnish commander-in-chief, General Carl Mannerheim, resigned on May 30, 1919 (Sołonin, 2014, p. 39–41). It was a move comparable to the reaction of Józef Piłsudski during the Oath crisis of the Polish Legions in World War I and Royal Polish Army in the summer of 1917. Then the Finnish politician and general, also a Swedish aristocrat, copied the tactics of Roman Dmowski going to Western Europe, where he held talks with the leaders of the allied powers, creating a positive outlook for the young Finnish state. This was possible because Finland did not conclude an official alliance with the Central Powers, unlike Ukraine, so on December 12, 1918, Baron Carl Mannerheim – a Swede

– became a Regent of Finland, and his homeland gained international recognition and relatively high political standing in the Entente countries.

In the first phase of the operational concept implementation (April–June 2020), all military goals were quickly achieved on the 11th day. For a month, administrative structures were created and attempts were made to mobilize the UPR troops. It turned out to be ineffective due to war fatigue and probably as a result of earlier Russian, Soviet and Ukrainian mobilizations into Ukrainian territory. Taking into account the Ukrainian self-assessment of the mobilization base created by 2–1 million men capable of service, as well as material resources left by the Russian army and the hetmanate period, as well as the actual mobilization between December 8, 1918 and January 10, 1919, achieving significant results should be assessed as a premise of success. At the same time, however, it was a delayed failure, resulting in the further future, as the recruits appointed could not be used due to material shortages, and above all staff shortages. Admitting the UPRs of former Russian officers to the army turned out to be the only real source, but at the same time at the risk of a lack of loyalty or ideology. Moreover, Ukrainian ideology itself was an insufficient substitute for qualifications and competences. This factor, along with the mobilization, which was poorly prepared without material security, limited the continuation of conscription in January 1919. The numerical increase of the UPR troops from 20 to 100 thousand lowered the quality of the human factor and contributed to the transmission of anarchy. Nevertheless, mobilization resumed in April 1920, which proved to be quantitatively effective, but again burdened the quality of the Ukrainian troops. It was only then that an attempt was made to organize its own military education, which turned out to be clearly overdue. The third mobilization was attempted in October: personally efficient and disastrous in terms of material. The estimate of the potential exaggerated the possibilities of the young state. Relying on insurgent groups or anarchist movements was an illusion and was in fact a burden. The personal losses of the Ukrainian army cannot be explained by the epidemic threat, either Spanish flu or typhus, because this threat affected all sides – the armies involved in the war. A specific loss was the change of submission of the WUPR troops, which either passed to the volunteer army in November 1919, or

to the Bolshevik troops (Legieć, 2003, p. 14–20, 26). At this stage, the ambiguity of the attitudes of the Ukrainian Galician Army (UGA) veterans and, concurrently the divergence in the activities of the Ukrainian representatives in Western Europe became apparent. This was contrasted with the full commitment of the troops and majority of politicians around Symon Petliura.

In second phase, dominated by crisis, it is important to emphasize the effective retreats of the Polish and Ukrainian allied troops and the success in forming a volunteer army of the Polish Armed Forces or Ukrainian troops hinging on unconventional sources of recruitment, outside their own territory, e.g. in POW camps. In May 1920, the Polish Armed Forces had 963,516 soldiers, including over 40,000 officers and over 155 thousand non-commissioned officers (Cieplewicz, Stawecki, 1990, p. 225–226 i 270). This number rose to over a million in July after the formation of the so-called volunteer army and the return to the country of the 5th Rifle Division. On the other hand, the real mobilization potential of the Second Polish Republic and the Polish Armed Forces (WP) in December 1918 was estimated at 1,360,000 soldiers, not counting soldiers in active service or abroad, e.g. in the Blue Army. Such precise data could be obtained thanks to the Polish military administration established in November 1916 and functioning very efficiently in 1920. The quality of the Polish officer corps was significantly improved thanks to its own military education system, which was expanded in 1916–1920. Several dozen of the general staff (certified) officers were inherited from the armies of the partitioning powers, complemented by the number of about 100 educated in 1919–1920 at the War School of the General Staff in Warsaw (Tomaszewicz, 1997). Such a favorable situation has never arisen in the formation of UPR troops.

In the political base of both allied armies, however, there was a crisis in the context of the retreat, which was especially marked in comparison to the euphoria of the May military successes, and the real threat that ensued, at the turn of July/August 1920. It was to a lesser extent a military crisis than an internal crisis in the case of The Republic of Poland. On the other hand, in the political base of the UPR, there were differences between the UPR-WUPR and the attitudes and behaviour of whole military units.

Some soldiers from the UGA came a crossing at the Czechoslovakian border, which should be considered a collective and organized desertion. Petliura himself was considering renegotiating agreements with Poland in those days. At that time, the Ukrainian army did not exceed 13,000 soldiers in action in the southern operation. Even in the militarily critical decade of August 10–20, 1920, the framework organization of the Ukrainian army in the 6th infantry division and cavalry division were consciously maintained. In practice, the Ukrainian division was equivalent to the regiment at the time, but the framework organization allowed for the coordination of staffs and command systems, which would enable the development of troops up to 100,000 army in the event of an effective mobilization. It was still hoped that mobilization could be carried out on both, the national territory and through unconventional forms. In practice, this turned out to be unattainable. The further development of events was determined by the consistent implementation of the Polish strategy applying the tactical effect of the Battle of Warsaw, although this was originally intended to be applied east of the Bug. The sense impending catastrophe, mainly among Ukrainian allies, undoubtedly triggered negotiations with Soviet Russia in July and August, alongside talks with the Entente powers in Paris or Spa.

The third phase of military operations was associated with taking over the operational initiative (Battle of Warsaw being a defensive operation), strategic (offensive operation being from the Wieprz River and the Battle of the Nemunas), and finally a political initiative taking advantage of the successes achieved in the operational depth until October 18, 1920. In this phase, the organizational solidification of the URA troops progressed, although their significant numerical expansion was impossible. At the same time, groups of Ukrainian politicians competing to the UPR began to create parallel political or military structures in exile (in Czechoslovakia and Germany) between July 1920 and 1921. War fatigue also contributed to the reduction of Polish political or military goals, despite the effective expansion of troops in June–October 1920.

The two states united by the alliance: the Republic of Poland and the Ukrainian People's Republic did not manage to implement the entire strategic goal, and mainly failed to organize an effective Ukrainian state.

This does not, however, diminish the fact that Poland, alone actively supported the Ukrainian cause and in the further post-war period, officially and unofficially. It attempted to sustain the alliance in feasible political and military forms. The Second Polish Republic did not formally terminate the agreements with its Ukrainian ally (April 21 and 24, 1920), despite the unequivocal provisions of the Peace of Riga. Poland, as the only allied state within the Entente, recognized the Ukrainian People's Republic among the three parallel entities aspiring to leadership in the Ukrainian state formations¹¹. Soviet Russia understood this relatively quickly and forced Poles to recognize Kharkiv Ukraine as subject to international law. This can and must be viewed as Soviet manipulation in the light of the creation of the Union of Soviet Socialist Republics (USSR) a year later and the reification of the Ukrainian Soviet Socialist Republic (UkSSR). This involved, among other things, depriving it of the attributes of statehood, e.g. in the form of the elimination of diplomatic embassies in foreign countries, including the liquidation of the Polish mission in Kharkiv, which fell to the rank of a consulate.

Normally, when an important or ground-breaking historical event, such as the "Miracle on the Vistula River and the Battle of Warsaw", turns into a myth, it then becomes negative meaning. I suggest different optics, looking for a more positive interpretation. It could be found in a constitutive factor of the society of the Second Polish Republic, consolidating and uniting most with a functional state that is able to defend its independence and organize a national effort despite losses. Direct losses incurred by the Polish nation in the years 1914–1918 are 500–700 thousand fallen soldiers of Polish origin. However, in the years 1918–1921, under the conditions of the Second Polish Republic, it was about 350,000. soldiers, including over 100 thousand killed, and therefore irreversible losses. This juxtaposition shows both the pride of society in the achievements of the years 1918–1920 and the tragedy resulting in war fatigue.

¹¹ The recognition of the UPR by Latvia and Finland, which were not allied states of the Entente, resulted from Polish pressure. At one time, as many as 5 Ukrainian state organisms existed, two of which turned out to be unstable.

This was also a constitutive factor for the Ukrainian People's Republic as a state aspiring to the role of an entity in international relations and strive for all state attributes: legal and international, political, military and territorial. It was not possible to implement it in practice with the realities of 1918–1921. The Western literature is dominated by a legitimate view: “Poles can be forgiven for believing that in 1918 they won their own independence. However, it was not so ... But when they achieved independence at the end of the war (1918 – R.T.), they fought for it and defended it with boundless courage and determination” - this is the assessment of the polonophile prof. Norman Davies (Davis, 1995, p. 118). It was the result of the simultaneous collapse of the three partitioning empires, which at the same time became the enemy of the Entente in 1918–1919. Such a favorable configuration did not occur in the Ukrainian case, which was consistently treated as an internal Russian problem. All the more so because the Russian Empire had a huge potential, not used yet in 1919–1921, which was finally activated and used in the process of rebuilding its power by the Bolsheviks (Heller, Niekricz, 1985, p. 8–89).

The striving of the patriotic Ukrainian elite created opportunities for further prospects for sustaining Ukrainian issue throughout the 20th century. In this approach, the following processes or events should be noted:

1. The most important thing was to maintain the continuity of the UPR in exile until 1940.
2. Maintaining the framework of Ukrainian military structures patterned after the Polish Armed Forces. The secret backbone structures of the Ukrainian armed forces were developed especially after 1926 and were based on two currents of work – supporting the development of officer cadres, and to a lesser extent non-commissioned officers, and creating a professional mobilization apparatus that existed until 1939. This path eliminated the mistakes made in 1918–1921.
3. The Volyn experiment (1926–1938) with reference to the ideology of 1920 designed from Polish-Ukrainian educational initiatives, and up to two initiatives to establish a university in Kremenets (independent of the work of organizing a Ukrainian university in the Second Polish Republic) (Kęsik, 2011, p. 92–98);

4. An effort to create a Ukrainian regiment in the Polish Armed Forces in France (1939–1940). It was close to being realized, and although it had limited military significance, its international dimension could have been much greater. With this route, between September 1939 and June 1940, it would have been possible to add again an international dimension to the Ukrainian question. Later after June 22, 1941 up to 1990 it was a non-starter.
5. Support in the years 1945–1946 by the Polish Armed Forces in the West for the prisoners of the Ukrainian army (of collaborative formations of the Nazi Germany).
6. In 1948, Ukrainian emigrants were incorporated into the promethean club of the Atlantic Charter with Polish aid. There was simultaneous obstruction by the Organization of Ukrainian Nationalists (OUN-B), so some Ukrainian activists reacted by joining the Polish Federalist Club as early as 1948.
7. Establishment of the ‘Paris-based Culture’ (Kultura) by activists associated with the ideology of 1920 and the formulation of its Eastern program.
8. The London Declaration of November 28, 1979 of Polish and Ukrainian governments in exile on cooperation to gain independence, lost by Ukraine in 1920 and by Poland in 1945.
9. Adoption in 1976 of the Polish Independence Agreement, and in 1980 by the Polish intelligentsia (the opposition) of the ‘Paris-based Culture’s’ eastern program as the cornerstone for Polish-Ukrainian relations.
10. Pro-Ukrainian initiatives in Polish diplomacy in 1989–1992 headed by prof. Krzysztof Skubiszewski, and promoting bilateral relations without the mediation of third parties and with the exclusion of mutual claims. The actions of Janusz Jabłoński, the Minister Plenipotentiary and Consul General of the Republic of Poland in Kharkiv, mainly in the spheres of science and education, were a further, and even a modern, perspective of this strategy.
11. A proposal by Ukrainian President Leonid Kravchuk in the spring of 1993 of “a pact extending from the Baltic to the Black Sea” with

Poland and Ukraine in leadership, which meant an unintended reminiscence of the idea of 1920.

The myth of 1920, preceded by the effects of the earlier Brest myth (which was deeply absorbed by the Ukrainian side), also had harmful repercussions for both countries and societies. These were, above all, the destructive divisions of the Ukrainian elite in Ukrainian lands and in exile, distracting the efforts of the numerically limited Ukrainian educated¹². This also resulted in tendencies to deepen and consolidate anti-Polish attitudes of Ukrainians and the dominant features of German concepts of the majority (all? – R.T.) of currents among the Ukrainian political class, including those referring to Marxism. Mistakes in Polish internal politics and in emigration up to 1989 were equally destructive, being influenced by the political divisions in the Second Polish Republic that persisted in the Polish community long after the war. The policy of the governments in exile contributed to this until 1979. Revindication issues also appeared during the riots of October '56 (June 1956-March 1957) in Poland.

Communist Polish and Soviet historiography contributed to the construction of a negative variety of the image and myth of the war of 1920 in the Polish People's Republic (PPR). In Poland, it was counterbalanced by academia and the war veterans of 1920. Even in the final stage, censorship in the Polish People's Republic forced the authors of historical studies to ignore this issue. An example is an extensive study (959 pages) published in 1990 and submitted for publication in 1986, where there is no mention of the 1920 hostilities at all (Cieplewicz, Stawecki, 1990). A variation of the neo-Soviet narrative already in free Ukraine are the memories of former president Leonid Kuchma (Kuczma, 2004, p. 47 and 106–124), which is understandable and... surprising due to the author and the time of publication! It was a typical attempt to silence history, plus a critique of the ideology of 1920, despite that in Poland there was both a large amount of pre-war literature, trustworthy and credible university studies – most

¹² Mass preparation of the Bolshevik elites of Ukrainian origin from the so-called korenization until the 1980s should be distanced.

often as doctoral and postdoctoral dissertations¹³, and pretty widely available émigré literature from Paris, London and New York.

The issues of internal or external Polish-Ukrainian relations after 1945 were also distorted or rationed in social relations. It was not only an attempt to silence the guilt or avoid determining the proportionality of events, as in the case of resettlement of people of the UkSSR-PPR or the PPR-PPR. It was primarily an effort to undermine the ideology of 1920 as a positive program of relations in 1920–1938 (passive – through silence; active forgery – by creating false images of the past). The Polish side was also burdened by the approach of some historians or politicians to the question of the fate of Poles remaining in the UkSSR after 1920 in several compact enclaves. It is difficult to accept the term of the former Deputy Foreign Minister Grzegorz Kostrzewa-Zorbas about “Soviet people of Polish origin” (Snyder, 2009, p. 282), especially since he was then and is a member of the academic community. Anti-communism cannot be an argument in itself.

The harmful effects of the course of the events of 1920, and then the denial of the ideology of 1920, also burdens the Ukrainian political class. This concerns maintaining a negative narrative on the Polish issue, which all too often refers to the Brest myth or the “all or nothing” strategy, enforced by majority of Ukrainian leaders (Nieścioruk, 2008, p. 55 i 68). This resulted in a negative or hostile attitude towards the Polish state between 1919 and 1981 by the majority (all? – R.T.) of the armed Ukrainian units. Only a small portion of the Ukrainian army and those combatants of the war of 1920 took a different position. Their convictions were largely distorted after the generational change in Ukrainian politics by the students of the Academic House in Lviv as is seen in the slogan “let there be a devil, just not Poland and the commune”. Generational change and the rise of extremism in the Ukrainian nationalist emigration contributed to a significant reduction in funding for it by the Ukrainian diaspora in the USA and Canada (Wysocki, 2003, p. 270–275). The same generally was proclaimed in relation to Poland by the leader-

¹³ Paradoxically, in the Polish People’s Republic, qualifying research papers could not be censored. Only their circulation was limited.

ship of the USSR and the UkSSR until the mid-20th century. This is evidenced by the changing attitudes and views of, for example, Nikita Khrushchev.

For Ukrainian independence up to 1945, it meant wrong choices as to enemies and ill-chosen alliances made by politicians through 1959. In the case of the Ukrainian contestants or dissidents (after 1953) within the Ukrainian SSR, negative opinion of the idea of the 1920 were obviously accepted as historical truth, and the change was supposed to be only in the reform of communism. As a result, for Ukraine, this meant a change in the largest national minority, from Polish to Russian. The Soviet Empire achieved “historical justice” in 1939–1954 through aggression, collective displacement or exile, terror or deliberately induced famine (not only in the 1930s). In modern, free Ukraine, one can come across frequent assessments of academic teachers that the deportation of 480,000 of Ukrainians in 1944–1946 to the USSR was nothing else than the Polish Operation “Vistula”, instead of what it was – forced on Poland by the USSR, the action of displacement mainly to the UkSSR as a form of implementing the Soviet “sobornost” with the participation of Soviet services and troops. As early as 1949, the UkSSR took the initiative to resume the deportations of Ukrainians from Poland to the USSR, which was confirmed by Molotov, who represented the central government in Moscow (Olejnik, 1998, p. 116–117). The UkSSR was to the same extent a unification state as was the Russian Empire until 1917. This policy, along with the self-isolation of the USSR, meant that the vicinity of the UkSSR and the Polish People’s Republic was virtual. The prolonged effect of this was that even in the years 1991–2012 an external observer might have the impression that Ukraine has only one neighbour – the Russian Federation. This was contrasted by the transparency of European and international legal norms, which prof. Skubiszewski used as Polish Minister of Foreign Affairs. This means that an enduring international order is based on law, not revolution or violence.

Neither the two world wars nor the Polish-Soviet-Ukrainian war of 1920 led to the establishment of a stable and free Ukrainian state. Also, neither side of these conflicts (military, social and ideological) from 1914 to 1992 was interested in this. Imperial Russia wanted a territorial con-

quest in which all “sub-Russians”¹⁴ could be gathered together and united completely with Russians. This was the goal of the empire builders as early as 1912, when the borders of the Congress Poland were adjusted, and then Count Alexei Bobryński in the years 1914–1915, who annexed Galicia and destroyed its culture. The new empire in the form of the USSR had the same goal in the 1920s, as in 1939–1945. It was achieved between 1944 and 1954 with the use of a complex and well-thought-out instrument: selective in time or the territory of “korenization”, terror, movements of the population to and from Ukraine (in which the activities of the OUN-UPA Organization of Ukrainian Nationalists – Ukrainian Insurgent Army in 1942–1946 proved to be a helpful), even if illusory and utopian, nevertheless effective ideology that transferred the conflict from the ethno-cultural to the social/ideological plane, creating alternative career prospects for the Ukrainian educated classes on a supra-local level (in the USSR as 1/6 of the globe) – both in the dimension of voluntary Russification-Sovietization and the deliberate process of “brain drain”, that is, the appropriation of the most gifted group. As a result, Ukraine, always ethnically diverse, made further changes in ethnic diversity. The greatest loss, however, turned out to be the dominant element which was Soviet culture – if it really was culture?

The sobornost of the Ukrainian lands, implemented by the USSR in 1939–1954 as the only hegemon of social policy between the Oder and the Don, served to take control of the entire Ukrainian ethnic group, so that no part would remain outside the Empire as a haven for independent aspirations or a cultural alternative to the Soviet UkSSR. This resulted in the forced resettlement of the Ukrainian population from Poland by the USSR: nearly 0.5 million by 1946, and then dispersal of the remnants of 0.15 million in the north-western territories of the Polish People’s Republic. What remained out of control, in exile, was effectively isolated until 1991.

At the turn of 1917/1918, Germany periodically took up the notion of supporting a satellite buffer state (UPR), but excluded it from the Mitteleuropa zone from the. It was part of the “bewilderment of successes”

¹⁴ Translator’s note: “sub-Russians” – negative term for Ukrainians.

caused by the break-up of Russia and temporary military successes in the West. The Ukrainian question was treated even more instrumentally in the years 1932–1945, making it impossible to even establish the foundations of statehood, despite the illusions of most Ukrainian elites. The choice of the German Reich as an ally was the same mistake as the alliance concluded on February 9 and March 3, 1918 in Brest. “We regret that the official Ukrainian factors went 100% to German concepts, we understand that the new Europe will be created according to English, not German recipes” – Borys Łewyckyj in October 1941. According to Volodymyr Kubyjovych in 1943, “Poles were in a better position than Ukrainians who had no friends” (Grünberg, Sprengel, 2005, p. 569 i 587). Thus, the end of both world wars excluded Ukraine from peace deliberations, apart from the pressure from the USSR. Notwithstanding there was a periodic yet ultimately fatal phenomenon of stigmatization, that of good Soviet Ukrainians and Ukrainian collaborators of the German Reich (Krause, 2006).

The tragedy of the situation is best reflected in a German film of 2017, directed by Nick Baker-Monteys, “Leanders letzte Reise” (“The Final Journey”). Especially because this fictional picture perfectly reflects the inner drama of contemporary Ukrainian society as a result of the complicated history of Ukraine between 1917 and 2014. I believe that this is a picture that hides the deep, (though invisible directly in the plot) reasons for the inability to listen to (or the exclusion) of the Ukrainian side from the talks reorganizing Europe after World Wars I and II and the tragedy of Sovietization. From this process it is impossible to exclude both the subjectivity of the Ukrainian political class (self-exclusion as a result of mistakes made) and the consequences of the reification of Ukrainian society in the USSR, being treated as material for the upbringing of a unified Soviet man, as well as the reification of the Ukrainian question after 1945 through actions of extreme political (Ukrainian) groups took as clients of US intelligence until 1988. This was confirmed by the political naivety of universally recognized Ukrainian patriots as Pavlo Shandruk. Considering the harm inflicted on the greater European Ukrainian community in the course of constructing Europe after both world wars must therefore be accompanied by the mentioned elite accountability for the

consequences of self-exclusion. General Władysław Anders, an excellent soldier, but just like General Pavlo Shandruk, not a very happy politician, was more cautious. Admittedly, both great patriots and honest soldiers met incidentally, as further contacts were consciously maintained indirectly by a Polish liaison officer. This did not prevent General Anders from giving the highest Polish decoration, the *Virtutti Militari*, awarded to Pavlo Shandruk in 1965. It was a highly political gesture, and highly controversial. Later, neither the Polish nor the Ukrainian side wanted to explain the controversy that arose. They were probably not interested in this despite the request of a Ukrainian historian in exile.

Although Ukraine was instrumentalized several times and excluded from international relations (or it excluded itself from the political negotiations of the winners of the wars), having a “sobornost” imposed by the Russians-Bolsheviks until 1954 – “The Ukrainian people finally received the state within the limits arbitrarily set by the leadership in Moscow”. It is a free Ukraine that is satisfied, although it did not expect such a solution. The situation is similar to that of the Polish People’s Republic. The reactions of both societies do not correspond to the tendency to dwell on the nefarious elements of the past and mutual historical relations, which inexorably marginalized the positive aspect of the 1920 war epic and the ideology of 1920 that arose from that background. How deeply entrenched were negative images and false historical narratives (enhancing shallow knowledge) worsened by the virtuality of the neighbourhood between 47 and 91? The immediate neighbourhood of the Polish People’s Republic and free Ukraine for the subsequent 30 years has so far created merely opportunities for an exchange of views, though not extensive dialogue, only a rudimentary discourse.

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REVIEW

Andrzej Furier, *Gruzja Niepodległa. Od monarchii do republiki*,
Adam Marszałek Publishing, Toruń 2020, pp. 538

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A few months ago „Gruzja Niepodległa. *Od monarchii do republiki*” was published by Wydawnictwo Adam Marszałek. The publication was a long-awaited, promised and extremely interesting position of the well-known expert of the Caucasus. This publication is important, regardless of whether someone is interested in Georgia only shallowly or would like to delve into the causes of layered transitions.

I read it because of two reasons. First of all, there are not many Polish-language publications about this region, so the Polish reader must mainly use foreign literature. This is somewhat surprising because the Caucasus region is known for its frequent tensions, conflicts and wars, in which Georgia often played an important role. The second reason for my interest is the fact that I have traveled to Georgia many times for tourist reasons and I never really learned its history thoroughly. Each

time, the only literature for me was brief descriptions of such a complicated history, key political actors and the political transformation of this Caucasian country. Therefore, I considered it my duty to read this publication.

The author's education is an excellent base for the issues discussed. He developed his interest in the history of this country during a several-year scholarship in Tbilisi, at the University of Ivane Javakhishvili, where he wrote and defended his doctoral dissertation on the stay of Poles in the Caucasus in the 19th and early 20th centuries. After returning to Poland, A. Furier remained faithful to the problems of Caucasian and Eastern studies, which was associated with taking up work at the Polish Academy of Sciences. Almost from the very beginning, A. Furier's scientific activity covers two main research directions. The first is the Caucasus as a European-Asian frontier where the influence of great civilizations clashed. In this context, research was also conducted on the Polish presence in this region. The second area of interest is the post-Soviet area in the

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period of systemic transformation, with particular emphasis on the Caucasus, but also Russia and Ukraine. The President of the Republic of Poland awarded Andrzej Furier with the title of professor of humanities on October 7, 2010. This event closed the period of research focused on the Polish presence in the Caucasus, but it did not end as evidenced by subsequent books.

Given these facts, there is sometimes a concern that the author will be inclined to deviate from scientific analysis and apply personal reflections or subjective memories. Nothing could be more wrong. Initially reading of nearly 550 pages may deter amateurs of the subject but taking into account the its history and turbulent metamorphosis, especially in the last 100 years, numbers of pages seems to be quite normal. It is worth adding that this is the second edition, which was based on the habilitation thesis *Road Georgia to Independence* (Furier 2000)

In the introduction, the author states that the turning point was the 18th century, when fundamental civilization changes began in Georgia. This is the time when Georgia is overrun by the Russians and from this breakthrough Furier decides to present us with the Caucasians fates.

In the following three parts of monograph, we follow the elements shaping the Georgian nation and state, and finally, together with the author, we try to answer the question: are the Georgian nation

and states ready for international cooperation and European structures at the beginning of the 21st century? This is an important question not only for Georgians themselves, but also for all participants in international relations, especially European countries.

In the first part of the publication, entitled “Historical determinants of ethnic and political transformations in Georgia”, the author discusses chronologically selected elements of the complex interactions on the Georgian-European axis since the ancient times to the present day. In all periods of Georgia’s history, western and eastern influences clashed, with the former dominating at first, yet over time the importance of the latter grew. Georgian openness to European cultural models encountered many obstacles that hindered their assimilation. The most important difference here was the custom and traditions. Georgia’s location at the crossroads of Europe and Asia made western and eastern influences collide there, in all areas of social life—from politics, to material and spiritual culture. The author clearly lists the stages of changes in the balance of power in this part of the world. It shows how significantly the Georgian lands changed over the next centuries and were the scene of Byzantine-Persian battles. He consistently presents the results it brought about for the next generations. It also does not marginalize the enormous influence of the clash of various denominations and

religions, mainly Christianity and Islam. It highlights the activity of the Georgian Church, which not only had a huge impact on the revival of religious life and the development of medieval Georgian literature, but also “was the cause of cultural manners in Georgian state centers”

The first part ends with a chapter on the annexation of the Georgian lands after the long Russian expansion. Although the author sees many related dramas, such as: numerous uprisings and wars, he also notices positive aspects, such as: defending Georgians against Muslim neighbors, unifying Georgian lands under the rule of Russian rulers, economic, demographic and social development. The author uses the opinion of Georgian historians who considered the Russian protection rather favorable, but there were also voices about the instrumental use of Georgia. Regardless of which arguments seem to be more justified, I did not notice that the author would force the reader to believe his opinion.

The second part tells the stories of the period from the independent First Republic of Georgia to being part of the Soviet Union. Furier sees the national revival in Georgia at the turn of the 19th and 20th centuries in two sources. He points to the activity of the patriotic elites that have developed and implemented his program. The second was the use of access to European ideas, which prompted the reformers to abandon the idea of restoring the mon-

archy in favor of building a democratic state. The main goals of these activities were to rebuild the national consciousness and own statehood. Georgians managed to achieve these goals during the Russian Revolution, when the Democratic Republic of Georgia was established.

The author examines various approaches to Georgia's independence. He points to various international players stared steadily at Georgia. Because it is worth mentioning that at the end of World War I and after it ended, the Caucasian region was of interest first to Germany and Turkey, and then to the powers of the Triple Entente as well as “white” and “red” Russia. Furier makes sure that the reader can look at Georgia from many perspectives, through the eyes of great powers.

On the following pages, the author presents the complicated situation after Georgia won its independence. However, this independence, as the author admits, did not last long because in the following years Georgia and the Transcaucasian countries had to recognize the aggression of the USSR. The new political order introduced by the Bolsheviks gave the appearance of continuing revolutionary changes. The author lists numerous bloody events, repressions by the Bolsheviks, and the Cheka terror, carried out not only on Georgian politicians and military personnel, but also on all citizens, including clergy. The end of the chapter presents us with a series of unsuccessful attempts to

become independent. But all finally end with Georgia joining the USSR.

Part three of the publication „The system transformation of Soviet Georgia” begins with the period of World War II. A nice accent for eye that appears often in the book is the reference to various Georgian-Polish cooperation, mainly on military issues. And that’s what happens in this place. The author introduces us to the participation of Georgian officers serving in the Polish Army. Georgian surnames can also be found on the Katyn list. On the following pages, the author discusses in detail the struggle of the anti-communist opposition against the USSR, which ends in a bloody demonstration in 1989. The aftermath of the April events in Tblisi made Georgians aware that their independence efforts would have no chance of success if they were not supported by other nations of the USSR, emphasizes the author. That is why Georgian opposition activists began to refer to the situation of the Baltic countries, led by Lithuania, and other Transcaucasus countries, more and more often in their speeches. Importantly, Furier devotes a lot of attention to the sphere of religion. And it is doing it quite rightly, because the Georgian Orthodox Church, which is the vast majority of the religious in this country, has for years been forced to cooperate with the anti-church regime for its three own existence, which did not give good results, because the secret police were penetrating the church hierarchy in

front of their own eyes. And the strong atheistic indoctrination in schools raised the ranks of young atheists. And at this point, Furier notices the important role played by the churches then: the Orthodox and the Roman Catholic.

The author discusses in detail separatist tendencies, incl. in South Ossetia, Abkhazia and Abjaria, and the civil war that lasted several years, which created deep divisions between the pro-government and the western (pro-rebel) part of the country. All this, according to the author, led to a strong disintegration of the territory of the republic. Although the conflicts were suspended over time, Furier points out that the outbreak of the Georgian-Russian war in the summer of 2008 was inevitable and stopped Georgians attempts to come closer to the West for many years.

Author devotes two last chapter of the monograph for two presidents of Georgia. Firstly is Eduard Shevardnadze who using his experience and contacts, he managed to break the international isolation in which Georgia was located. He established diplomatic relations with many countries of the world and international organizations. Shevardnadze managed to persuade some of the leaders Western countries about the attractiveness of the South Caucasus as a convenient route for the shipment of energy carriers to Europe. And during his term in Georgia, representations of many international organizations made their home. However, in the long run, even She-

vardnadze was unable to keep the situation under control. Georgia fully followed the path of most post-Soviet states, but at its worst – economic collapse, wild privatization, galloping inflation, criminalization, corruption.

Ultimately, Furier ends his book depicting cadency of Mikheil Saakashvili substantially changed internal and foreign policy of Georgia. His almost ten-year term as president of Georgia left a strong mark on historical events not only in the country but also in the region. Saakashvili not only ended an era but, more importantly, ushered in a new one, significantly changing the pace, tactics, and effects of systemic transformation. During his presidency, the modernization and reform of the Georgian state covered almost all areas of life.

“Independent Georgia ...” the book tells the history of Georgia not only chronologically, but also coherently combines various aspects: economic, social, political and cultural. Telling the intricate history of Georgia on several levels is a challenge that the author has undoubtedly met. The great advantage of the work is the presentation of the state and prospects for Georgia’s development against the background of global challenges. The extensive bibliog-

raphy of the book in question, which uses materials from many research centers, proves an attempt at a comprehensive approach to the issues related to the long road to Georgian independence. The subject literature used in the reviewed book consists of from publications in Polish, English, Russian and Georgian . The advantage of the book is its accessibility even to a layman. It is a pleasure to read it because it is written in an interesting, light and understandable way. The lush historical narrative and accessible language make the book easy to read despite its complex subject matter.

Summing up, it is worth reading the monograph, the more so that the media devote little time to Georgia. It would seem that she is a minor player in the international arena. But we must remember that at any moment the eyes of the whole world may turn to this small country again, as in 2008. Until now, I did not realize that relations between our nations have been built over hundreds of years as Furier describes it. All the more, we should be glad that there is a fairly comprehensive description about mutual, good relations and the fact that the Polish professor is keeping a close eye on that region.

