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Editorial

Building leadership in a constantly changing world

Формирование лидеров в постоянно изменяющемся мире

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Building a business based on taking into account the interests of modern society actualizes the need for the formation of new competencies that correspond to these requests, changing the type of organization of professional relations and interactions. First, we are talking about soft skills, soft skills, and leadership competencies. At the same time, it is impossible to bypass the issues of electronic influence on their formation.

Traditional ideas about leadership qualities have been subject to transformation due to the new technological revolution and the development of the VUCA world, forcing one to navigate in conditions of instability, uncertainty, complexity and ambiguity (Rodionov et al., 2021). Together with digital skills, a modern leader must take into account constantly changing conditions, adapt to them and guide his team (Smirnova et al., 2020).

It is worth paying attention to the existing classification of skills, which allows you to form a competent specialist. Traditional hard-skills allow you to navigate in a professional field of activity and help the leader to be an expert in a particular field. Personality traits, attitudes and a picture of the world give leader a general direction and vision of situations. Soft-skills include communication, management skills, the ability to resolve conflicts, implement ideas, the ability to listen, analytical and critical thinking and other skills that allow you to navigate in any field of activity, but at the same time retain the ability to unite a team and take responsibility for achieving set goals.

When preparing a specialist who is ready to show leadership qualities, we pay attention to the functions that he must implement initiator, organizer, and erudite, emotional leader, open to change, able to take risks. The nature of the activity is situational. Among the conditions conducive to the formation of a leader-entrepreneur: the practical orientation of the content of classes, the implementation of practical, design work. Everyone during the work on the project will be able to take on the role of a leader (Bryantseva, et al., 2021). When forming groups, psychological compatibility, the desire of students, and potential opportunities for organizing joint activities are taken into account. As a condition, collective competitive activity is used: role-playing, business games, competitions, conferences, etc.

The implementation of the human resource is directed towards experimentation, the study of new, most effective schemes and areas of work, the search for a variety of experience. The turbulence of modern times increases the importance of coaching leaders, which takes into account the role of hard and soft-skills.

The formation of a modern leader requires the development of dynamism, complexity, consistency, readiness for multifaceted work, the formation of a special attitude to failures. This is not an exhaustive list of abilities and skills, which are needed for a modern leader. The table reflects the characteristics of the presented elements.

Table 1.
Characteristics of the developed skills of a modern leader.

Skill	Characteristic
Dynamism	Prompt response to emerging situations, attentiveness, reflection, feedback, solving unfamiliar issues and learning from it, actions in conditions of uncertainty, fast data processing
Complexity	Appropriate decision making, project management, conflict resolution and compromise orientation
Consistency	Planned and step-by-step execution of tasks to achieve specific goals, building a preliminary action plan
Diversity	Acquisition and use of experience, ideas, human potential and resources, vision of prospects
Attitude towards defeat	Seeing in tests the elements for your professional growth and the growth of the whole team, consideration of the problem from different angles, prompt way out of stressful situations
Innovation	Hypothesis testing, testing new ways of working, experimenting, taking risks consciously

Turning to innovative research that is aimed at studying and training a leader, an entrepreneur and a subject that unites a team to achieve goals, it is worth noting the formation of a new type of thinking - ecological (Dobudko et al., 2019). This thinking contributes to a conscious attitude to ongoing events, ensures involvement in the active process of activity, achievement of results and a positive attitude towards them (Demidov et al., 2020). Crises do not cause panic, but the desire to resolve the issue, to overcome difficulties.

Thinking has the character of structure, consistency, creativity, logic, and project. If we consider a leader as a leader at higher levels, then one of the main roles is played by tactical thinking, which allows building epistemological bridges. Here the problem is being solved in organizing the organic interpenetration of neurobiology and education.

Modern thinking, as Edgar Moren noted, should be evolutionary, which is based on previous experience, but goes far beyond the limits of previous ideas about development. This is divergent thinking, allowing you to solve problems in several ways. The principles of so-called complex thinking form the basis of complex epistemology or complex epistemology (Morin, 2019).

Another important element in the formation of a leader is emotional intelligence, which includes the ability to understand the emotions, intentions and motivations of other people and, by them, build communication and communication (Vaganova et al., 2020a). Emotional intelligence is based on empathy for other members of the work team or society as a whole (Vaganova et al., 2020b).

One of the key skills for a leader that you should pay attention to in the study is communication, which includes the ability to listen to your opponent and your team, to substantiate your position with reason. This includes business relationships (networking) - solving problems through a network of contacts (Snurnitsyna et al., 2021). The leader negotiates, makes presentations, and actively participates in public speaking to promote his team.

The coaching of a modern leader takes into account the circumstances in which he will have to act, bringing the team together (Bulaeva, et al., 2018). It is worth noting that today the leader does not always take the position of the process manager. These are the subjects that unite the team, creating trusting relationships, which in the long term increases the intensity of achieving results. However, those who perform managerial tasks and are direct supervisors - set goals, analyze developed strategies and evaluate results - do not always have the proper set of competencies to carry out their professional activities. An important task is to consider the leader as a multifaceted subject, ready to work both offline and online.

According to most experts, in any organization, leadership and management are integral components that complement each other (Nagovitsyn et al., 2020). At the same time, quality management ensures the stability of the company, and leadership directs it to progress and change (Samerhanova, 2019). The vision of the company's promotion strategy allows you to achieve positive changes (Yarygin et al., 2019).

When developing soft skills, the importance of mentors and mentors increases, they will help you navigate the market requirements, identify specific requests and build certain tactics following them. Regular interaction will allow the student to gradually become a mentor himself, able to share the experience gained and form the competencies of other people, improving their own. He will be able to adapt the team to tasks, projects and work situations in practice.

Among the general rules for the development of leadership qualities, there are several.

First, based on the global trend, to make its professional training and self-improvement continuous (formation of new experience, acquaintance with professionals and mentors, application of own knowledge in practical activities). Secondly, constant study of business processes, new trends (Tsarapkina et al., 2021). Thirdly, the gradual development of skills related to

a specific field of activity (selection of literature and information resources, increasing the level of expertise). The fourth rule is work in the zone of proximal development (participation in projects that are filled with more complex tasks than a person is used to solving).

The tasks of training a leader change as dynamically as the demands of society, the image of a modern leader tends to be constantly transformative. The effectiveness of a leader's professional activity depends on the ability to make these changes. Therefore, the analysis of the process of its preparation becomes paramount in the process of educational activities.

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Applying Big Data technologies to counter cyber fraud

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Abstract

By January 2021, the number of Internet users amounted to 4.7 billion, while the social media audience hit the 4.2 billion mark. Two-thirds of the world's population use mobile phones daily. The average Internet user spends 42% of his time in the global network. These figures prove convincingly that the Internet has become an integral part of human life. However, man's using the Internet involves increasingly the risk of cybercrime perpetrated against the user. The purpose of the research is to assess the potential of Big Data technologies to combat cyber fraud as a form of cybercrime. The study used the statistical data provided by the Prosecutor General's Office of the Russian Federation and the publications in scientific journals. The methodological basis of the research is represented by a combination of general scientific and special scientific methods, with analysis, statistical method and systemic approach being the major tools. It was found in the course of the research that fraud constitutes the majority of crimes on the Internet. To counteract it, mobile operators and banks use anti-fraud techniques based on Big Data analysis. The paper provides an overview of services and programmes based on artificial intelligence and Big Data technologies, aimed at detecting and preventing telephone and internet fraud, used by law enforcement agencies in various countries. The paper concludes that Big Data has changed the vector of law enforcement activity from reactive to proactive.

Аннотация

К январю 2021 г. число пользователей Интернета равнялось 4,7 млрд.чел., а аудитория социальных сетей перешагнула отметку в 4,2 млрд. чел. Две трети мирового населения ежедневно используют мобильные телефоны. В среднем пользователь Интернета проводит в глобальной сети 42% своего времени. Приведенные цифры убедительно доказывают, что Интернет стал неотъемлемой частью жизни человека. Однако это пребывание человека в Интернете все больше сопряжено опасностью совершения по отношению к пользователю киберпреступления. Цель исследования – сделать обзор возможностей применения технологий больших данных в противодействии кибермошенничеству, как одному из виду киберпреступлений. В ходе исследования использовались статистические данные Генеральной прокуратуры Российской Федерации, Федерального бюро расследований США, публикации в научных изданиях. Методологическую основу составила совокупность общенаучных и частнонаучных методов, ведущими из которых стали анализ, статистический метод и системный подход. В результате исследования выявлено, что большую часть преступлений в Интернете составляют мошенничество. Для противодействия им операторы сотовой связи и банки применяют антиворы, в основе которых лежит анализ больших данных. Приводится обзор сервисов и программ, базирующихся на искусственном интеллекте и технологиях Big Data, нацеленных на выявление и предупреждение телефонного и интернет-мошенничества, использующихся правоохранительными органами различных стран. В работе делается заключение, что большие данные позволили сменить вектор

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деятельности правоохранительных органов с реактивного на проактивный.

Ключевые слова: информация, Big Data, киберпреступность, кибермошенничество, антифрод.

Introduction

In our days, information represents a vital resource for development of the society, a commodity for buying and selling, a currency and a weapon. It is collected by governmental bodies, intelligence agencies, industrial companies, mobile operators, market analysts, retailers, financial institutions, etc. It is used by all sorts of companies to form business models, optimise production, make forecasts, assess risks, seek efficient digital channels, etc. Information has become the backbone of economy and has rightfully gained the status of “new oil”.

Structured and unstructured amounts of data, as well as methods and tools for their processing are

now called Big Data. The scope of Big Data application is huge, and the benefits of its use are undoubtedly great: owing to it, companies manage to attract customers' attention, increase competitiveness and quality of service and resist cyber threats. Today, Big Data has an important impact on security; the results of Big Data analysis serve as a basis for decision-making (Wang & Wang, 2021).

The value of decision-making based on Big Data is especially growing in the field of countering cybercrime. This is much relevant since cybercrime is increasing significantly every year in many countries (Figures 1, 2).

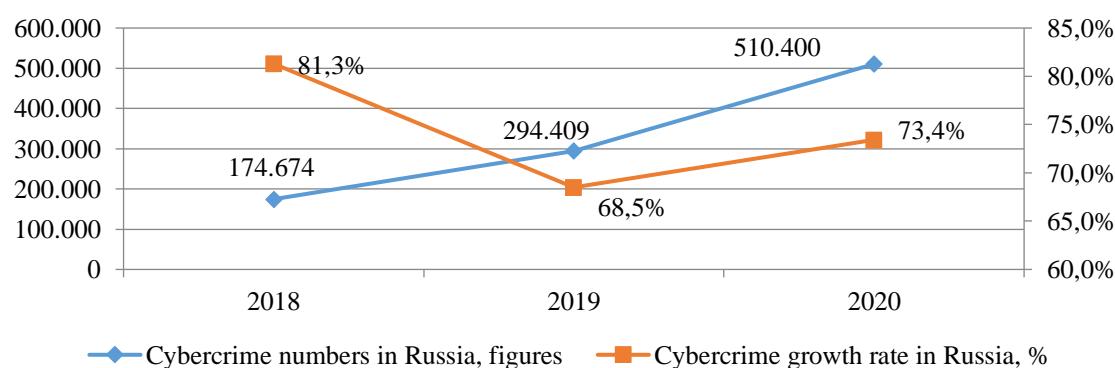


Figure 1. Number of registered cybercrime cases in Russia in 2018-2020.

Source: Prosecutor General's Office of the Russian Federation (2018, 2019, 2020)

As shown in Figure 1, cybercrime in Russia is growing rapidly – from 174,674 complaints in 2018 to 510,400 in 2020, or almost three times as much. The year-on-year increase in cybercrime is as follows: in 2018 – plus 81.3%; in 2019 – plus 68.5%; in 2020 – plus 73.4%. The same is specific of the USA. However, the growth rate in

the USA is lower. In 2018 the number of registered cybercrime complaints was 351,937, while in 2020 this figure was already 791,790 – or 2.2 times as many. The complaints growth rate is demonstrated in the chart. The situation in Europe is similar (Kemp et al, 2020; Korsell, 2020).

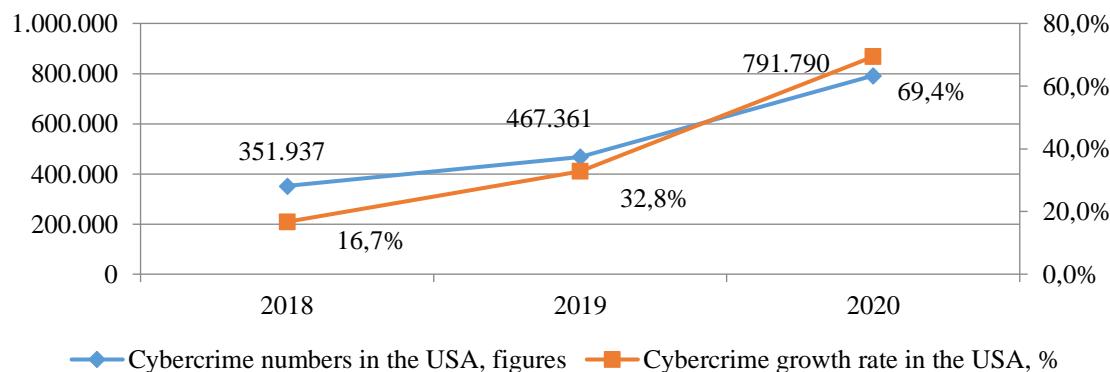


Figure 2. Number of registered cybercrime cases in the USA in 2018-2020.

Source: Federal Bureau of Investigation (2020)

Thus, the cybercrime sphere is a new challenge not only for individual countries, but also for humanity as a whole. The benefits of Big Data usage in security management prompted the authors of this paper to prepare an overview of the use of Big Data technologies in countering cyber fraud. The purpose of the research is to provide an overview of application of Big Data technologies in countering cyber fraud as one of the kinds of cybercrime. To achieve the set goal, the following objectives were to be handled: to provide an overview of the use of Big Data technologies to combat cyber fraud, to study Russia's experience in this area, to propose possible ways of combating cyber fraud with the help of Big Data technologies.

Literature Review

Big Data can become an efficient tool in the fight against cybercrime, as increasingly noted by the researchers. Big Data can be used for searching and analysing the information that makes it possible to detect, investigate and prevent cybercrime (Singh & Bakar, 2019). Big Data technologies is a promising area for complex analysis of most diverse information. The use of this approach by financial institutions is designed to solve several important problems at once: to assess credit risks quickly and accurately, to prevent fraudulent actions, to increase sales (Al-Hashedi & Magalingam, 2021).

Big Data technologies make it possible to detect intrusion and anomalies, spam and spoofing, malware and ransomware, etc., which is crucial for cybersecurity (Alani, 2021). Big Data can be used to analyse certain patterns of behaviour, which in turn will help to prevent or prepare for a cyber attack and thus significantly reduce the scope of cybercrime (Apurva et al, 2017). A number of scholars have addressed the prospects

and the potential of Big Data in the struggle against cybercrime (Najafabadi et al, 2015; Everett, 2015; Wall, 2018).

The importance of combating cybercrime today is inherent not only in the legal, financial and economic spheres of the society, but also in the political sphere: a number of countries, under the guise of punishing for cybercrime, exert political and economic pressure on other countries, including the one with the use of various coercive measures in the form of sanctions (Meliksetyan & Nusratullin, 2017; Nusratullin et al, 2021).

Methodology

The purpose of the research is to evaluate the potential of Big Data technologies in countering cyber fraud as one of the kinds of cybercrime.

In the course of the work, the authors used the statistical data obtained from the Prosecutor General's Office of the Russian Federation, the US Federal Bureau of Investigation, as well as publications in scientific journals and Internet sources. The combination of general and special scientific methods was used: abstracting and generalisation, which made it possible to systematise the facts and give their interpretation; logical conceptualisation method necessary for consistent presentation of the material; analysis and synthesis which secured the reliability of the conclusions; systemic approach designed to reveal interrelation between different phenomena; statistical method used for analysis of quantitative indicators.

This article attempts to analyse the experience of various companies' using Big Data to combat cybercrime, as well as to consider the potential of Big Data technologies to be applied by law enforcement agencies.

Results and Discussion

In 2020, 25% of all crimes in Russia were committed using information and telecommunications technologies or those

perpetuated in the sphere of computer information (Prosecutor General's Office of the Russian Federation, 2020). The structure of such crimes is shown in Figure 3.

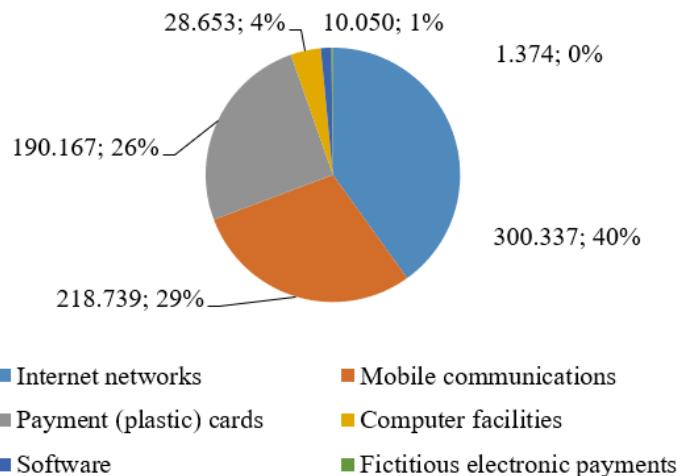


Figure 3. Number of registered crimes committed through the use or application of various information and telecommunication technologies, in figures and %

Source: Prosecutor General's Office of the Russian Federation (2020)

At present, the Internet fraud is represented in a variety of ways:

- 1) phishing;
- 2) scumming;
- 3) spamming;
- 4) carding;
- 5) social engineering fraud;
- 6) malicious software fraud.

Among the most efficient systems for countering cybercrime based on Big Data technologies are anti-fraud systems. These systems are designed for monitoring and preventing fraudulent transactions. Today they are actively used by mobile operators and the financial sector. The principle of antifraud operation is high-speed evaluation of a transaction and assigning a certain marker to it: green (the user is verified), yellow (medium level of suspicion), red (high level of suspicion) (Figure 4).

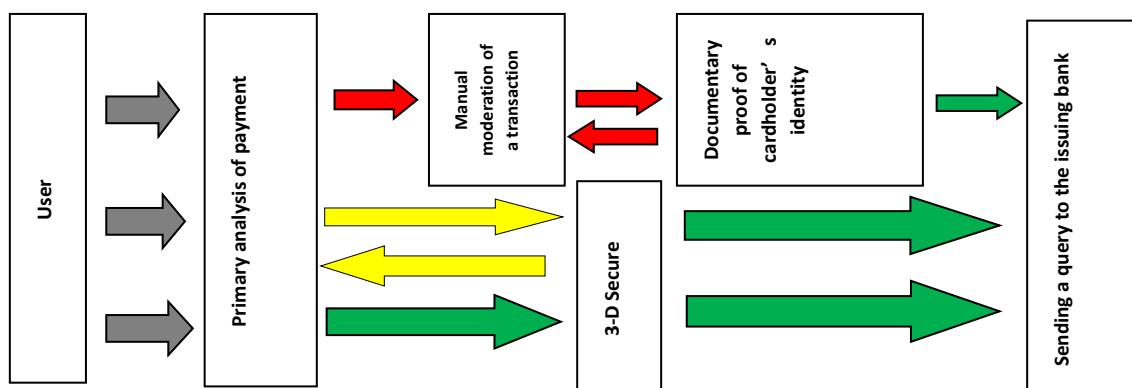


Figure 4. Scheme of antifraud systems operation.

Law enforcement agencies of various countries are now actively collaborating with IT companies which are developing technology solutions specifically for the former, intended to detect and prevent telephone and internet fraud, including illegal cryptocurrency transactions, hacker attacks, spamming, social engineering fraud, etc.

It is quite natural that cellular communication companies, banks and payment systems, along with law enforcement agencies, have proved to be at the forefront of the struggle against Internet fraud. It is these organisations that are now recognised as leaders in creating programmes and services designed to eliminate cyber threats. For instance, Chinese mobile operator China Mobile runs an application known as Tiandum ("Heavenly Shield"). It is based on Big Data analysis and machine learning technologies that enable the system to recognise the fraudsters' characteristic phrases and intercept spam and calls from abusers. In order to train the system, the developers used the extensive database of fraud cases provided by police departments. Among the unquestionable strengths of the "Heavenly Shield" is its ability to identify user groups that are susceptible to risk of fraud most of all, to warn about possible attacks and, if fraud is suspected, to forward the numbers of potential victims to the police (Zhang & Williamson, 2021).

Banks and payment-system giants VISA, PayPal and MasterCard use Big Data successfully. Almost all of them have antifraud services – systems aimed at evaluating online transactions for content that is suspicious. Antifraud analyses a large number of parameters to identify potential fraudsters. Big Data help to create a profile of average payer; it is used as a basis for assigning a potential-fraud risk level to an operation. Users who do not leave digital footprints can arouse the system's suspicion. If access is provided through social media accounts antifraud detects fake users (Larionova & Ryakhovsky, 2021).

Sberbank was the first Russian bank to use Big Data. In 2014 it developed a client identification system based on a photograph, using this technology along with the biometric system: comparison of a current photo with a photo from the database compiled by bank employees upon issuing a card. The result surpassed all expectations: cases of fraud dropped by a factor of 10. In addition, a service was launched jointly with the cellular operators Tele2 and MegaFon making it possible to identify telephone fraud in real time. Today similar services are also

available in Tinkoff Bank and VTB. However, according to the experts, their significant drawback is that they are aimed at combating the consequences of telephone fraud, allowing to reduce risks, but do not exclude the root cause of it (Medvedeva & Vasin, 2019).

Several years ago, Big Data was adopted by VISA: using the open-source platform for reliable, scalable, distributed processing of large datasets through "Apache Hadoop" simple programming models, 500 aspects of a transaction are screened at once and 16 types of possible fraudulent schemes are verified (Etaifi et al, 2017).

Big Data technologies have been used for quite a long time in law enforcement; their main purpose is to prevent possible crimes. For instance, some police stations in the USA and Europe have a proactive policing system that relies a lot less on responding to calls and increasingly more on patrolling areas known for high criminal activity. Searching for such areas is made automatically, which became possible owing to the development of Big Data intelligence systems that can collate relevant information and independently draw conclusions on increased criminal activity (Ovchinsky, 2017).

However, today artificial intelligence and Big Data technologies are used not only to analyse the crime situation in particular areas, cities, etc., but also for combating cyber fraud. For instance, in the Netherlands, "Bitfury Crystal" platform is used to analyse and detect suspicious cryptocurrency transactions; in the USA – "Chainalysis" cryptocurrency transaction analysis system along with "CipherTrace Scout" application – that allow to identify, track and document criminal transactions "in the field", as well as to visualise them. In addition, the US Federal Bureau of Investigation actively uses "Mayhem", a system designed to recognise the individual style of hackers and hacker groups, to detect attacks, to identify and pursue criminals up to locating them (De Vries, 2018; Gimenez-Aguilar et al, 2021).

Currently some major companies are creating technological solutions specifically for law enforcement agencies. Back in 2014, for instance, IBM presented its "Fraud detection system based on user-browser interaction analysis". Its developers state that every user accesses the Internet from a particular device and shows a certain line of behaviour in various websites (including in online shops, banks, etc.), which pattern immediately changes if a bot or

attacker gets involved. In this case, the system requires additional identification (Ali et al, 2019). This is specifically important with regard for the fact of broad automation of social engineering today: more and more frequently fraud is perpetrated by bots – programmes that are able to perform actions according to a certain algorithm, including engagement in dialogues in social media or forums. An advanced form of social engineering is exemplified by a situation when a person engaged in a conversation with a bot believes he/she is communicating with a human, since the programme is able to address a human user and maintain a conversation with him/her, producing answers which the human interlocutor considers to be natural. This system is able to meet the human interlocutor's expectations, it is "socialised", it maintains a dialogue within the framework accepted in the given community, is oriented by the developers towards inducing a person to perform certain actions – which is the criterion of its efficiency; this way it creates a real threat to the interlocutor's cybersecurity (Sukhodolov & Bychkova, 2018).

The latest Big Data-based technologies aimed to combat phone and internet fraud are used by the law enforcement authorities of the Russian Federation as well. In particular, in 2021 the Russian Ministry of Internal Affairs is planning to launch a new "Antifraud" module. Its technical description specifies: "The mobile application of the Russian Ministry of Internal Affairs must have the functionality to check the local array of telephone numbers stored on the user's mobile device against the array of telephone numbers contained in the local database management system of the mirroring server, with further addition of new telephone numbers or removal of irrelevant telephone numbers from the local array of telephone numbers stored on the user's mobile device" (Sentsova et al, 2021). An undoubted advantage of the module is not only its ability to notify the user when he receives a call or a text message from a number registered earlier as a source of illegal action, with subsequent blocking, but also the availability of the so-called "white list" which is not subject to blocking and can be updated by the user on his own.

The experts note that the spread of cybercrime in general and cyber fraud in particular is forcing the law enforcement agencies to turn to latest technologies (including artificial intelligence and Big Data analysis) and to companies developing them. According to an opinion gaining popularity in Russia, there is a need to set up a cyber police

force that will actively cooperate with highly skilled IT specialists – "Kaspersky Lab" and other organisations, which would make it possible to detect and prevent Internet crimes and reduce the timeframe for their detection and investigation (Shaporin et al, 2019).

Conclusions

The prospects of using Big Data in the struggle against cybercrime are great. Everyone realises this factor today: mobile operators, the financial sector, law enforcement agencies. The former, operating with huge amounts of information on their customers and having necessary resources, are actively creating various applications, systems and services aimed at eliminating cyber threats. The latter, often lacking the appropriate expertise, have to turn to IT companies for due developments. Owing to such cooperation, law enforcement agencies of various countries now have at their disposal programmes and modules aimed at detecting and, which is equally important, preventing crimes on the Internet, in particular as concerns illegal cryptocurrency transactions, spamming, fraud using social engineering technologies and malicious software, etc. It is the Big Data analysis that enables the police to be proactive rather than act in a reactive manner in the course of investigation of a crime, which means – to prevent it. This is particularly important in the case of cyber fraud, given the complexity of detection and investigation of such crimes, which, among other things, is conditioned by the transnational nature of cybercrime.

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The major reforms of the TALON regime in the Republic of Benin (2016-2020)

Les grandes réformes du régime TALON en République du Bénin (2016-2020)

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Abstract

The objective of the article is to analyze the institutional, political, judicial and economic reforms in the Republic of Benin from 2016 to 2021. Methodology. The specificity of the research objective requires the use of the following methods: the systems approach, the comparative analysis and the institutional method. Results. The study provides an objective understanding of the aforementioned reforms which primarily aim to improve Benin's performance in the institutional, political, judicial and economic sectors. From our analysis it results that in their great majority, the reforms in Benin are likely to improve in the long term the living conditions of the populations, placing the common interests above the personal interests. Institutional, political and judicial reforms create a framework for consolidating and modernizing democracy and the rule of law in Benin. The authors draw attention to the fact that the economic performance of Benin in recent years is mainly the result of all the reforms undertaken since 2016.

Keywords: Republic of Benin, Patrice Talon, reforms, democracy, justice, socio-economic development.

Résumé

L'objectif de l'article est l'analyse des réformes institutionnelles, politiques, judiciaires et économiques en République du Bénin de 2016 à 2021.

Méthodologie. La spécificité de l'objectif de recherche nécessite le recours aux méthodes suivantes : l'approche systémique, l'analyse comparative et la méthode institutionnelle.

Résultats. L'étude offre une compréhension objective des réformes susmentionnées qui visent en premier lieu à améliorer les performances du Bénin dans les secteurs institutionnel, politique, judiciaire et économique. De notre analyse il résulte que dans leur grande majorité, les réformes au Bénin sont de nature à améliorer sur le long terme les conditions de vie des populations, plaçant les intérêts communs au dessus des intérêts particuliers. Les réformes institutionnelles, politiques et judiciaires créent un cadre de consolidation et de modernisation de la démocratie et de l'État de droit au Bénin. Les auteurs attirent l'attention sur le fait que les performances économiques du Bénin ces dernières années, sont de façon fondée le résultat de toutes les réformes entreprises depuis 2016.

Mots clés: République du Bénin, Patrice Talon, réformes, démocratie, justice, développement socio-économique.

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Introduction

From the period of independence to date, the Republic of Benin has undergone many changes in terms of political governance. In the 1960s, the country was sadly famous for its repetitive coups that, among other things, led in 1974 to its Marxist experience which, for both endogenous and exogenous reasons, resulted in the democratic transition of 1990. The Conference of the Nation's Active Forces became the central event of the democratization process which paved the way for multipartyism in the country. From 1991 to 2016, Benin has had four different presidents in six presidential elections. This makes political alternation a reality and an essential element of the political culture of this West African country.

Renowned for its high democratic culture, the Republic of Benin is however facing stiff criticism under the governance of current President Patrice Talon. This is due to the various reforms initiated by the government and its leader, which do not have unanimous support within the political class, among the masses and international opinion. This raises the question of the basis of the said reforms and their impact on populations divided into supporters and opponents of the regime. This article offers an objective study of the major reforms carried out by the government of President Patrice Talon in the institutional, political, judicial and economic fields.

Literature review

The analysis of politico-economic and institutional reforms in the Republic of Benin can be found in the work of a few authors who have devoted themselves to this topic. In this scientific research, the work of Robert Dossou (2020) on the journey from monolithism to pluralist democracy was of capital importance, because they made it possible to analyze and understand the essence of what integral democracy is in the face of the new reforms undertaken by President Patrice Talon since taking office in 2016.

The work of Sylvestre Adohounde and Freddy Agonnoude (2020) on the evolution of the political system in the Republic of Benin since independence, helped to follow the evolution of political reforms adopted (for example the adoption of a multiparty system) from 1990 to 2016.

The work of Stephen Golub, Ahmadou Mbaye and John Igue (2019) helped in highlighting the

reduction in economic dependence between Benin and Nigeria after the implementation of a series of reforms.

Methodology

The methodology of this scientific research is based on a systemic approach, a comparative analysis and an institutional method. The systemic approach was used first to mention the 1990's Conference of the Nation's Active Forces and to observe its development until now. The comparative analysis in turn helped evaluate with criticisms based in fact on the words of President Patrice Talon, mentioning the limitations or imperfections of 1990's reforms. The institutional method made possible to analyze President Talon's reforms of institutions of the political system.

Results and Discussions

The political and institutional aspects of state reforms in the Republic of Benin

After taking office in 2016, President Patrice Talon, dedicated a large part of his term to reforms. These reforms touched practically all the major layers of the functioning of the state. These include reforms relating to politics, media, public administration and justice, security and defense, social protection, health and welfare, education not to mention culture, art, sport, crafts, information and communication technology (Adohounde, 2021).

In this part of our research, we will focus on institutional reforms (in particular the reform of the party system) as well as their results and appreciation by the political class in the Republic of Benin. According to the President, the main goal of the undertaken reforms is the consolidation of democracy. This same democracy that allowed the country to register more than 200 political parties (Adohounde, 2021). This high number of political parties for such a small country in size is clearly unacceptable. It is important to note that the multiparty system in the Republic of Benin was introduced in 1990 during the Conference of the Nation's Active Forces, whose purpose was to end the authoritarian regime of General Mathieu Kérékou as well as to recover the country's finances, since it was in an unprecedented economic crisis. From that moment on, Benin regained its political development in the multiparty system and was able to solve the

problems of institutional anarchies. After 26 years of governance in this system, the need to make some adjustments in order to avoid political chaos with the emergence of ethnical political parties was quite obvious.

Since 1990, none of the existing political parties was able to get one of their candidates elected to the highest office. From that moment on, President Patrice Talon deemed necessary to implement some reforms in the party system, one of the major goals of which was to reduce the number of political parties or to group them into powerful political blocs. Such a decision also aims to discourage and eliminate ethnic or regional political parties. It therefore did not get the support of some political actors, who were mainly from the opposition.

Although at the beginning, the institutional and legal reforms initiated were appreciated by the political class in its majority (opposition and supporters), opinions changed very quickly. The legislative and municipal elections held in April 2019 and May 2020 bore the brunt of the political instabilities that reigned throughout that period. In all these difficulties encountered by the institutional reforms, it is very important to note the courage and inflexibility of the President. Firstly, although the COVID-19 crisis in 2020 could have had an impact on the holding of elections, the government stood firm with its decision despite pressure from opposition who was pushing for the cancellation or postponement. Secondly, faced with the political instabilities during these elections which even led to armed clashes, the government did not back down by canceling or reviewing the institutional reforms undertaken. Such a decision has resulted in the presence of only two political parties in the Parliament. These are Union Progressist (UP) and Bloc Republican (BR) which occupy the 83 seats available in the Parliament. With regard to municipal authorities, the same observation is made. Out of 77 districts, the two aforementioned political parties have won 92% (71 districts). (Deutsche Welle, 2020). The opposition party Force Cauris pour un Benin Emergent (FCBE) won the 6 remaining districts. Let's note that FCBE was the party of former President Boni Yayi (2006-2016), one of the key figures opposing the ongoing institutional and legal reforms.

Returning to the institutional and legal reforms, for the presidential elections of April 2021, the new provisions stipulate that each candidate should be endorsed by at least 16 elected officials (parliament members and / or mayors) out of the

existing 160. It must be admitted that the path to the highest office just got much more difficult. Though many political actors have not appreciated this necessary evil that is the politico-institutional reforms, it should nevertheless be noted that these are not the only things that annoy the opposition. In fact, some articles of the Law № 2017-20 of April 20, 2018 on the Digital Code in the Republic of Benin criminalize the reporting of false information by journalists, including those of online press (Law № 2017-20 of 13 June 2017). According to François Patuel, the said law could actually participate in a major evolution of the digital sector in the country (Patuel, 2020). In application of these provisions, certain journalists and cyber activists like Aristide Fassinou, Ignace Sossou and many others were arrested. If the new law on the digital code had the merit of regulating activities of the sector, it should be said that the timing may well leave some doubts about its credibility because the said law appeared practically on the eve of the 2019 and 2020 elections.

Referring to the words of the President, about the consolidation of the practice of democracy, we see that there is a great deal of work that has been done on the institutional and legal level. This is seen in the consequent decrease in the number of political parties after the implementation of the party system reform.

Recalling the words of Professor Robert Dossou, it is clear that the Beninese integral multiparty system has somewhat lost its value in favor of the reform of the party system (Dossou, 2020). From the point of view of international observers, this looks like a democratic decline, which is also mentioned by the New York Center for Foreign Policy Affairs (NYCFPA) (Arouna, 2021).

The key aspects of judicial reforms

The judicial reforms announced in the Government Action Program for 2016-2021 (Programme d'Actions du Gouvernement) aimed to promote an independent justice, which guarantees individual freedom and the rule of law in Benin. To this end, a number of actions have been defined to strengthen the national judicial coverage and the digitization of services. To this must be added the endowment of the administration of Justice with infrastructures, quality control system, financial means and qualified personnel to effectively serve the population, administration and business. Thus, the law № 2020-08 of 23 April 2020 on the modernization of justice (which came into effect)

summarizes the main lines of the actions considered by the Government of Benin (Tribunal commerce cotonou, 2020). It should be noted that with the aim of improving the business climate in the country, the law № 2016-15 of July 28, 2016 on the establishment of commercial courts was passed. This law has had a positive impact on the handling of commercial disputes and the business world as a whole. Obviously, this progress has established itself as a strong argument in the context of the promotion of the aforementioned law on the modernization of justice. The law comprises seventeen articles divided into three groups: amending provisions, various provisions, transitional and final provisions. In practical terms, the innovations of the law on the modernization of justice in Benin relate to:

- the introduction of changes in the law on judicial organization in order to compensate for the delay in setting up certain courts (Law № 2020-08 of 23 April 2020, art. 2);
- the creation of small claims chambers before the courts of first instance in order to render justice inexpensive and rapid (Law № 2020-08 of 23 April 2020, art. 3);
- better compliance with the rule of reasonable time in the application of the provisions of the Code on civil, commercial, social, administrative and accounts procedure (Law № 2020-08 of 23 April 2020, art. 3);
- the removal, before the labor courts, of the chamber of conciliation which has become, in practice, a source of delays detrimental to the social partners (Law № 2020-08 of 23 April 2020, art. 3);
- the introduction of a standard procedure for the settlement of small claims not exceeding five million (5,000,000 FCFA) francs XOF, thus exempting litigants from the formalities of stamps in civil and commercial disputes by using the means of electronic communication (Law № 2020-08 of April 23, 2020, art. 3);
- reducing the formalities governing the implementation of legal appeal procedures in the application of the Land and State Code (Law № 2020-08 of 23 April 2020, art. 4);
- the expansion of the scope of intervention of the Training School of Legal Professions to the theoretical initial training of notaries, bailiffs and auctioneers (Law № 2020-08 of 23 April 2020, arts. 8 to 11);
- the gradual digitization of legal proceedings concerning referral to courts, monitoring of proceedings and electronic payment of related costs (Law № 2020-08 of 23 April 2020, art. 3 and 6);

- the creation of referral offices for litigants in order to allow them to be better informed of the functioning of justice and to benefit from adequate assistance in the completion of their formalities (Law № 2020-08 of April 23, 2020, art. 12 to 15) (Hounkpe, 2020).

It is clear that these various innovations take into account the central place of the individual in judicial processes. This gives them some social character, as they also benefit the citizens. Other innovations are the legal transcription of the result of the concrete improvements brought about by the actions of the Government in the judicial sector.

In terms of achievements, it should be noted that at the end of President Patrice Talon's first five-year term (2016-2021), a modernization and better functioning of the Beninese judiciary can be noticed. The 2021-2026 Program also mentions the bold reforms and strong actions carried out by the Government. We can cite among others:

- The framing of the right to strike in order to avoid the paralysis of courts, detrimental in particular to citizens;
- The revitalization of the Superior Council of Magistracy and the Inspection of Judicial Services;
- The recruitment of judicial staff and the allocation of new offices of notaries and bailiffs;
- The creation of three new courts of first instance;
- The creation of specialized courts such as the Cotonou Commercial Court and the Court for the Repression of Economic Infractions and Terrorism (CRIET);
- The creation of the National Agency for Equipment and Housing Stock of Justice;
- The creation of the Judicial Professions Training School;
- The creation of the Benin Penitentiary Agency;
- The adoption of various pieces of legislation intended to improve the functioning of the judicial system (Talon-Talata, 2021).

It should be noted that the existence of the CRIET comes in a context of economic reforms and an atmosphere of insecurity in the region, caused in particular by the actions of terrorist groups such as Boko Haram in Nigeria, Al-Qaeda in the Islamic Maghreb (AQIM), the National Movement for the Liberation of Azawad (MNLA), the Movement for Unity and

Jihad in West Africa (MUJAO) and Ansar Dine in Mali (Dossa, 2019).

In general, the analysis of these different actions cited above allows us to agree that they cover on the one hand the social well-being of the populations and on the other hand the improvement of the performance of the justice sector as a whole. The framing of the right to strike in order to avoid the paralysis of courts, for example, deserves a positive assessment. Thus, contrary to the harsh criticism that the regime is subjected to in this area, we believe that the aforementioned innovations should be subject to rigorous support and monitoring by civil society and political actors.

Today in Benin, there is an ethics guide for law officers. The document adopted in 2018, provides a legal basis for Beninese law officers in their function by providing them with a view of the duties and behavioral requirements that the position of judge calls for. For the High Judicial Council, a disciplinary body for law officers, this guide intends to constitute a reference standard, a framework for sanctioning deviant behavior. It also highlights values such as competence, dignity, diligence, discretion, honor, impartiality, independence, integrity, prohibitions, loyalty, reserve, respect for legality, humanity, wisdom, and sanctions (Ministry of Justice and Legislation, 2021). In our opinion, these are all values whose respect will ensure a positive image of judges and of the judiciary as a whole. The adoption of this guide is also a significant step forward.

Despite the noble and relevant reforms undertaken, it is still important to draw attention to the persistent gap in the impartiality of the judiciary in a constitutional context favorable to the influence of the executive branch on the judicial. Indeed, under the Constitution of the Republic of Benin, the presidency of the High Judicial Council is ensured by the President of the Republic (Law No. 94-027 of March 18, 1999). In his work "The statutory ambiguity of judicial power in the Constitutions of African States with a French legal tradition" published in 2014, Professor Joseph Djogbenou (currently president of the Constitutional Court) rightly qualifies this situation as a structural malaise resulting from the organization of the judiciary in the Constitutions of African States. He underlines that in all the constitutions of the reference States, the guarantee of "judicial power" is ensured by a competing power, the executive and, in particular, by its holder, the President, who chairs the Supreme Council of the

Magistracy (Nonnou, 2018). In our opinion, this undermines any initiative to exercise sovereign judicial power. We believe that the presidency of the High Judicial Council by the Head of State is an attack on the independence of the judiciary. This is what motivated President Patrice Talon to adopt a position denouncing the "overpowering" character of the Head of State. During his election campaign in 2016, the then candidate Patrice Talon promised to sever this link between the executive and the judiciary. Once elected, his position on the issue remained unchanged. But the set of reforms subject to the approval of the Parliament including that of the High Judicial Council was rejected. The President then deemed it appropriate to revert to the constitutional provisions in force which make him the President of the High Judicial Council. It can therefore be concluded that there was a clear will on the part of the Head of State, through constitutional reform, to confer independence to the Beninese justice system.

It is important to draw attention to the creation of the CRIET which, it must be admitted, is subject to contention within the Beninese public. Indeed, the CRIET faces a fairly mixed assessment. Some people qualify this new institution (which was created by the Law № 2018-13 of July 2, 2018, amending and supplementing the Law № 2001-37 of August 27, 2002 on the organization of the judiciary in the Republic of Benin) as a political instrument. On the one hand, it seems fair to us to recognize the justified nature of the initiative to create this Court when we take into account the evil of the economic crimes from which Benin suffered since 1990, in particular under the rule of presidents Kérékou and Yayi. It is thus assumed that the CRIET will help deter and reprimand this type of behavior in the future. This in principle helps promote good governance and fight against economic crimes in the country. On the other hand, the political or pseudo-political nature of the cases handled by this Court should not be ignored, in the sense that indeed a number of cases of fierce political opponents of the regime are being processed at the CRIET. It is for example those of the professor of law Joël Aïvo who failed to register for the last presidential elections or Reckya Madougou, a minister under the former President Boni Yayi. Given that they were arrested in a tense electoral context, one can assume that there is an involvement of the government in the handling of these cases. All the same, light deserves to be shed on the presumed political cases being processed at the CRIET because its integrity depends on it. Our position is that the

establishment of the Court is justified as long as it is not used for political purposes.

Economic reforms

With the aim of creating an attractive environment for investments and promoting sustainable economic development, the government of Benin has since 2016 tackled many problems, in particular those facing the vast majority of African countries: the lack of infrastructure and the high cost of electricity. In the Government Program for 2016-2021, eight projects representing a global investment of nearly 3 billion Euros are devoted to transport, logistics and trade infrastructure (Government Action Program, 2016). Between 2016 and 2020, the road network was densified and modernized through the rehabilitation and strengthening of 835 km and the construction of 989 km. The general condition index of the classified road network rose from 46% in 2016 to 63% in 2020, thanks to improved maintenance of the road network and rural tracks. To ensure efficient management and maintenance of these infrastructures, the government created the Benin Road Infrastructure Company, by Order № 2018-133 of April 18, 2018. The Port of Cotonou, nicknamed "the economic heart of Benin", accounts for around 80% of the country's tax revenue and contributes more than 60% to the GDP. To improve its performance, the government entrusted the management of the port in January 2018 to the Port of Antwerp International (PAI), a subsidiary of the Port of Antwerp for a period of three years, renewable twice. The aim is to improve the efficiency of management and services so as to increase profitability. A year and a half after the implementation of several reforms, an increase in turnover of almost 16.35% was noted. In 2020, the implementation of a 450 million Euros investment plan aimed at modernizing port facilities was started. It will not only revitalize the port sector, but also help compete with the ports of neighboring countries, given the strong growth in trade in West Africa.

In the field of air transport, the government has rehabilitated and brought up to international standards the Cardinal Bernardin Gantin International Airport in Cadjehoun. It has also restructured the air sector by revitalizing the National Civil Aviation Agency. The Benin Airports Company, which is in charge of the management of the country's airports and airfields, was also created. Another major government action is the start of preparatory

work for the construction of a new international airport at Glo-Djigbé.

The infrastructure sector in Benin is changing rapidly thanks to investments made by the government. The reforms at the port level should help increase state revenue by making it more competitive. Until 2016, Benin suffered from a chronic electricity deficit and owed a massive debt to its suppliers, its neighboring countries. Benin's own energy production capacity was low, forcing the country to import 96% of the energy consumed (African Development Bank, 2019). The December 2020 report on the implementation of the Government Program, states that the government has cleared the debts, built a new dual fuel thermal power station "Maria-Gléta 2" with a capacity of 127 MW, rehabilitated and put back into service 3 small power plants of 30MW (Gouvernement of Benin, 2020). To ensure better results in this sector, the management of the Beninese Electricity Energy Company (SBEE) was entrusted to the Canadian company Manitoba Hydro International and the Beninese Electricity Production Company was created. This restructuring at the management level of the SBEE resulted in a 20% increase in the number of customers. A new electricity code has also been adopted, serving as a basis for the establishment of an incentive framework aimed at the development of renewable energies. All these actions have made it possible not only to make energy more available but to reduce dependency by increasing production capacities, which have gone from 2-3% to 60% in 4 years. The reforms undertaken helped to move from a 32% electricity access rate in 2018 to 43.1% in 2020 according to the World Bank. This rate exceeds the average of 40% in sub-Saharan Africa. Several investments in renewable energies have also been made. (Kudryashova, Venger, & Zakharova, 2019)

In order to have a more competitive energy sector, the Beninese parliament passed in February 2020 a law ending the monopoly of the SBEE in terms of production, transport, distribution and marketing of electric energy. (Akinnoch, 2020) With this liberalization, independent producers will be able to support the SBEE in the race to electrify the entire national territory. This law also gives the Electricity Regulatory Authority the mandate to issue operating licenses for independent producers wishing to invest in the sector. The Authority is also in charge of monitoring compliance with the various regulatory and technical standards established.

The energy sector in Benin has become more dynamic in several aspects. Thanks to investments made by the government, technical and financial partners, it is clear that Benin is on the right track to achieve energetic autonomy.

These numerous investments strengthen the government in its vision of making Benin a land of opportunity and serve as a basis for the promotion of the industrial and commercial sectors. The major role of small and medium-sized enterprises in economic development is a known fact. (Kudryashova, Zakharova, & Kharlampenkov, 2017) The major actions of the government have therefore been to adjust the legislative framework which resulted in a new investment code, and the creation of the Agency for the Promotion of Investments and Exports (APIEx). The role of this agency is mainly to improve the business climate and attract investment. It is responsible for simplifying the procedure for setting up businesses, supporting and guiding investors and businesses. One of the major actions of the agency was the creation of an electronic platform allowing to carry out the procedure of company creation and the reception of certification documents in less than three hours. This makes Benin the world №1 in the ease and speed of starting a business ahead of New Zealand, Georgia and Hong Kong, China (Richards, 2020). For comparison, the average period of time is three days in the EU and seven in New York. The commissioning of this tool has resulted in more than 15% growth in business start-ups. APIEx also acts as the Administrative Authority for Special Economic Zones and the Export Information and Facilitation Center. The government has proceeded to the creation of some special economic zones, some of which are already operational.

Thanks to the actions of the Government through the APIEx, Benin has seen an improvement in its position in the Doing Business ranking. It went from 155 in 2016 to 149 in 2019. The results of all these reforms are also felt at the macroeconomic level.

Benin has strengthened its capacity to mobilize internal resources and diversified its sources of financing. Better management of public finances made it possible to issue the country's very first bond on the international market in 2019. The series of reforms in terms of public debt management, have earned it not only a distinction from the World Bank after an evaluation in 2020, but also the Global Markets Awards 2019 for "Best sovereign debt manager in Sub-Saharan Africa ". In January 2021, Benin

completed Africa's first international bond transaction by issuing a one billion euros bond, in two installments with final maturities of 11 and 31 years (Ministry of Economy and Finance, 2021). In June 2021, Benin issued its first international bond dedicated to financing projects with high impact. The government was able to secure 500 million euros, with a repayment deadline set in 2035. The funds will be used exclusively to finance various social and environmental projects contributing to Benin's commitments to achieve the UN SDGs. It should be noted that this bond is the first of its kind for an African country.

Much effort has also been put into modernizing customs and anti-fraud services. This helped reduce the influence of smuggling on the national economic statistics. Indeed, smuggling represents a large part of trade between Benin and Nigeria, which made the former's economy dependent on the latter's market. (Golub, Mbaye, & Igué, 2019) When in August 2019, Nigeria in a unilateral decision closed its borders with Benin and its other neighbors, many feared serious consequences for economic activities. Thanks to the reforms undertaken by the government, Benin has shown relative resilience (Nouchet, 2021). The World Bank noted a deceleration to 6.4% in 2019, down from 6.7% in 2018, i.e., a GDP per capita growth rate of 3.5%. Another consequence is the reduction in official trade between the two countries, but the state coffers have not suffered too much from the official cessation of smuggling activities. In September 2020, the Directorate General of Customs announced a 75% achievement of revenue forecasts for the first eight months of 2020, while the IMF in its review projected 60% most (Vidjingninou, 2020). This resilience is the result of the deep reforms carried out at all levels since 2016 and which affected the structure of Benin's economy.

Benin had an average economic growth of 4.1% over the period 2001-2016 and then a solid growth rate of 5.7% in 2017. This rate accelerated significantly to 6.7% in 2018. This trend continued in 2019 with GDP up 6.9%, despite the closure of the Nigerian border in August 2019 (Directorate General of the Treasury, 2020) and Benin has achieved one of the strongest growths in the region, above the 4.5% average in sub-Saharan Africa. In 2020, Benin was however confronted with two exogenous shocks, that of the crisis with Nigeria and the COVID-19 pandemic. Despite projections of around a 2% growth rate in 2020, Benin achieved a real growth rate of 3.8%

according to World Bank (World Bank, 2021). The revival of the world economy in 2021, is expected to help achieve a 4.8% growth rate in 2021 and 6.5% in 2022 - stimulated by agriculture, trade and transport (African Development Bank, 2021).

In view of these performances, we can affirm that the reforms carried out by Benin government since 2016 are bearing fruit. Their effects can be felt in the lives of people, although there is much left to be done.

Conclusions

The goal of any reform, be it political, legal or economic, is to create a stable environment, favoring the functioning of institutions and by extension development. Benin is putting much effort into creating such an environment by implementing a program that offers concrete solutions to problems that prevent economic development.

The reforms in the party system have not remained without consequences because it has enabled two political parties to occupy the majority of seats in various state institutions (parliament, town halls etc...). Reforming the party system is not a bad thing, but considering that the political parties "Bloc Républicain" and " Union Progressiste" are both supporters of the government (which implies a certain proximity to the Head of State), the reorganization of the practice of democracy mentioned by President Patrice Talon can be questioned. Thus, the adoption of the Law № 2017-20 of April 20, 2018 on the digital code in the Republic of Benin, which is one of the major reforms for the proper functioning of institutions, finds itself not getting full credibility. Nevertheless, it is worth noting that the institutional and legal reforms undertaken are of utmost importance for the development of the country, but their instrumentalization in favor of a single political side should be avoided.

When it comes to the judiciary, we note that between 2016 and 2020, several reforms have been implemented by the Government. They were followed by strong and daring actions, placing both the interests of citizens and that of the justice sector at their center.

Benin's economic performance in recent years is clearly the result of all the reforms undertaken since 2016 at all levels. This testifies to the fact that Benin is firmly moving towards economic

development, with the main goal of improving the living conditions of its populations.

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The use of augmented reality technology in primary education

Використання технологій доповненої реальності у початковій освіті

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Abstract

In the article it had been analyzed a supplemented reality as a technology of the digital didactics, isolated the applications AR of the educated orientation, which can be useful in primary school. With an aim of checking the positive impact of the applications of a supplemented reality of the educated orientation on the development of the cognitive activity and the improvement of studying results of pupils it had been organized the pedagogical experiment. Diagnostics was used on the different levels of the forming the educated and cognitive interest, the cognitive activity, the educated motivation and success. The received results supported the hypothesis of the investigation, and its summing up let us make the conclusions about that the immersive technologies in the educated process which have become the didactic means, which need the active application.

Keywords: digital didactics, technology of the supplemented reality, cognitive activity, applications.

Introduction

The fluent digitalization of all aspects of human being, including also the education, helps to the

Анотація

У статті проаналізовано доповнену реальність як технологію цифрової дидактики, виокремлено застосунки AR освітнього спрямування, які можна використовувати у початковій школі. З метою перевірки позитивного впливу застосунків доповненої реальності освітнього спрямування на розвиток пізнавальної активності і покращення навчальних досягнень учнів був організований педагогічний експеримент. Діагностиці підлягали рівні сформованості навчально-пізнавального інтересу, пізнавальної активності, навчальної мотивації та успішності. Отримані результати підтвердили гіпотезу дослідження, а їх узагальнення дозволило зробити висновки про те, що іммерсивні технології в освітньому процесі стають дидактичним засобом, потребуючим активного впровадження.

Ключові слова: цифрова дидактика, технологія доповненої реальності, пізнавальна активність, застосунки AR.

process of a modernization of its components and the methodical systems. So, the interactive tech-

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nologies let make active the interaction of all subjects of the educative process, enriching its possibilities of the gamification, bright three-dimensional objects, and so on. Immersive technologies, in particular the virtual (VR) and supplemented (AR) reality, open perfectly the new possibilities for the recognition the new things, and so attract attention of the specialists, working in the education field. In many investigations it has been substantiated an expediency of the introduction of the defined applications as means of the visualization of the studying material, in particular, in the textbooks and manuals (Cieutatet al., 2012; Rizov and Rizova, 2015; Sagan and Lazaruk, 2020; Tran, Nguyen, Do & Nguyen, 2020; Putra et al., 2021).

As well as if the usage of the technology of the virtual reality is enough expensive and demands the supplemented material resources, so the supplemented reality stops to become the technology of the future, fluently enlarging the quality of the own users and authors.

Such expansion of the greater extent had begun with the drawings, which «revive» and acquired the popularity by help of the commercial projects (cards on yogurts, the bonus cards or books with the illustrations AR and so on). Actually, three-dimension animation can transform the reading and the educational process in the playful one, using all the sensor systems in maximum. Together with it, in the real school practice the technologies of the supplemented reality can be used very seldom. To our point of view, the reasons of it is a small quality of the definite publications and methodical works, a lack of information of the teachers as to the mobile applications AR of the educated orientation, absence of the experience of its usage.

The aim of the investigation is an experimental checking up of the effect of an usage of the mobile applications of the supplemented reality as means of the raising of the cognitive activity, the improving of results of the cognitive activity of primary school pupils and the working out of definite methodical recommendations.

Theoretical Framework

The successfulness of the educated activity of the primary school pupil depends on many factors, among which the priority place takes place his desire to learn, that is a motivation to this kind of the activity. From the psychological point of view, a motivation – it's a system of all the kinds of motives of the personality (demands, motives, interests, aims, installations, ideals), which

regulate the behavior and the human activity (Prikhodko and Yurchenko, 2020).

A motivation to the studying is immediately connected with the cognitive interest. The availability of the cognitive interest stimulates the cognitive activity of the young pupil. It needs to suggest that the cognitive activity in the majority of cases is forming spontaneously. The absence or the deficient cognitive ability often is a reason of the worsening the results of studying, so it's important that a teacher can purposefully formulate the cognitive activity, stimulate the cognitive interest, making an influence in a such way on the effectiveness of the studying activity.

It became obvious, so called, the deformations in the development of the personality, caused by the active life in the digital world: the informative acceleration, the clip thinking, the constant sensor hunger, the misbalance in the types of the perception and thinking, the loss of the world boundaries and so on.

The situation, caused by the applications of the pandemia COVID-19, had strengthened these negative tendencies and pushed the educated people to the research and introduction of new forms of the organization of educated process, in particular the distant and blended. In the heart of the last – is a conception of the uniting the traditional and electronic studying which based on the wide usage of the digital technologies (Rizky et al., 2021; Bicen & Bal, 2016).

In the conditions of studying not only the accents are changing between the didactic categories (content, methods, means, studying forms), but also is appeared the necessity of their radical upgrade (Sagan et al., 2020). It happens the transformation of the classical theory studying in the digital didactics due to the demands and needs of the digital society and digital economics, the peculiarities of modern «digital» generation, pedagogical possibilities of modern means of studying. Today in the world are widen the tendencies of usage such technologies of digital didactics, as an adaptative learning; large data; neurotechnologies and artificial intellect; robototechnics; virtual and supplemented realities; Inter-net-objects and so on.

In our study, we turned to immersive technologies. Virtual Reality (VR) is a technology that allows the user to fully plunge into the artificial world with the help of appropriate hardware and software. VR provides immersive real-time simulations entirely using digital graphics. This makes the technology quite

expensive, which slows down its widespread use for educational purposes.

Augmented Reality (AR) is a technology that combines digital information with information from the physical world, allowing users to simultaneously interact with virtual objects and view the physical environment (usually through a digital camera on a mobile phone or tablet) (Fernandez, 2017). Ronald T. Azuma, as the author of many studies in the field of augmented reality, notes that AR combining the virtual and the real, exists in real time, has the effect of visualization in 3D (Azuma, 1997).

Real world and virtual information are synchronized thanks to geolocation and built-in sensors that determine the location of the user in relation to his environment and adapt the display to his movements. Numerous studies have found a positive impact of virtual reality on the learning process. Improving AR and VR through a variety of technological advances allows for a new type of learning that better meets the needs of the 21st century student who wants entertainment, interactivity, participation, and object manipulation. This has been the subject of many studies (Bacca et al., 2014; Hruntova et al., 2018; Ivanov, et al., 2018; Arici et al., 2019; Bondarenko et al., 2020).

There are studies that show the following positive benefits: learning becomes more enjoyable and effective, even when it comes to research and knowledge of abstract concepts or complex phenomena, reduces cognitive load, increases motivation and interest in the course, expands interaction between students, new opportunities for individual training, increasing success (Fernandez, 2017).

In the case study "learning by design" the use of AR has shown an increase in students' level of independent thinking, creativity and critical analysis (Bower et al., 2014). AR technologies create unique technological, managerial and cognitive challenges for teaching and learning (Dunleavy et al., 2009).

In its majority the definite investigations direct to the teenagers and students. A dependence of the motivation, cognitive activity and the studying results of primary school pupils on the usage of the digital didactics usage is little-studied.

Han et al., (2015) investigated the effect of an augmented reality system on enhancing children's satisfaction and sensory participation in dramatic play activities. The results of this

work showed an increase in children's interest in dramatic play, independent involvement and interaction.

Hidayat et al., (2021) analyze the positive impact of augmented reality on learning outcomes and motivation in elementary school students to learn. Their research proves that augmented reality technology allows for the direct creation of student learning experiences.

Materials and Methods

Hypothesis. In the educated process the usage of the technologies in the process of technologies of the supplemented reality influences the intensification of the cognitive activity, studying motivation and success of primary school pupils on the level of statistically important differences.

For the empirical investigation we used the following complex of the diagnostic methods:

1. Methods of defining the levels of the formation of studying and cognitive interest (Repkina and Zaiika, 1993).

This method presupposes the evaluation and the analysis of children's reaction on the new material, their studying interest on the basis of the observation for the activity during the lessons. A quality evaluation of the results of the defining the studying and cognitive interest makes it by the awarding points (1–4), depending on the level of the forming of the studying and cognitive interest.

- 1) point: low level, which witnesses about the absence of the studying and cognitive interest;
- 2) points: middle level, witnesses about the availability of the positive reactions on the new material, which concerns the concrete facts;
- 3) points: middle level, witnesses about the express of curiosity to new theoretical material;
- 4) points: high level, witnesses about the situation studying interest.
2. Test questionnaire for the studying of cognitive activity of pupils (Pashnev, 2007).

Method lets to define the different levels of the cognitive activity of a child, comparing it with the normative figures in accordance with the age category. Questionnaire consists of 42 questions oriented on the studying of the cognitive activity.

Diagnostics of school motivation (Terletska, 2013).

3. Test – questionnaire devotes to the differentiate the motivation of young pupil to the studying at school.
4. Evaluation of success of the young pupils in studying has been made by the way of accounting of middle arithmetical index of success of every pupil for the previous year of studying. It needs to mention that in conditions of the conducted empirical research we had chosen the points and its diagnostics didn't demand the long-term procedures.

Design of investigations

In the empiric investigations take place 43 young pupils in the age of 9 till 10 years, among those 26 girls and 17 boys. Experimental group ($p=18$),

control ($p=25$). The investigation had been made by the steps during 2020 year.

The aim of stated diagnostics was in the defining of level of formation and peculiarities of the cognitive activity, interest, motivation and success in the studying of the children of young school age.

The quantity analysis of the received results showed that in the control and in the experimental classes the normal indexes of the cognitive interest, cognitive activity, studying interest and the level of success are in the boundaries of the middle level (experimental: 2.7, 21, 18.6, 9.2; control: 2.5, 20.6, 16.4, 9.0).

For the comparison of the results of the stated investigation it had been made the frequency analysis of the empiric data by all the indexes in the experimental and control classes (table 1, table 2).

Table 1.

Distribution of the indexes of the expressiveness of cognitive interest, studying motivation, levels of success of the young pupils by the levels in the experimental class ($p=18$)

Indexes	Levels					
	High		Middle		Low	
	N	%	N	%	N	%
Cognitive interest	6	33.3	10	55.5	2	11.2
Cognitive activity	4	22.2	11	61.2	3	16.6
Studying motivation	6	33.3	9	50	3	16.6
Level of success	3	16.6	15	83.4	0	0

Table 2.

Distribution of the indexes of the expressiveness of cognitive interest, studying motivation, levels of a success of the young pupils by levels in a control class ($p=25$)

Indexes	Levels					
	High		Middle		Low	
	N	%	N	%	N	%
Cognitive interest	7	28	15	60	3	12
Cognitive activity	5	20	16	64	4	16
Studying motivation	10	40	11	44	4	16
Level of success	4	16	21	84	0	0

The given data witness about the perfect cognitive of pupils, the presence of the cognitive interest and the forming attitude the ir to themselves as to the pupil. The predominance of the middle level of the expressiveness of the cognitive activity witnesses about the interest of the researched pupils at the beginning of work, about the ability to join in the making the tasks without delay, however, as showed the investigation, in the majority of the respondents

the interest to the studying tasks rather quickly go out. Such pupils put comparably not so many questions, the own initiative in the making of tasks do not bring in. The pupils with a high cognitive activity keep the cognitive activity during the long term, make efforts for the overcoming the difficulties which appear in the work, bring in the activity the elements of the initiative, fantasy. The most alarm call the pupils with the low level of the cognitive activity. Such

pupils join to the work after the supplemented motives, they often delay. The interest of a child to the task is situational.

Table 3.

The coefficients of the correlation indexes of the cognitive interest, studying motivation, the success of studying activity of the young schoolchildren.

	Cognitive interest	Cognitive activity	Study motivation	Study success
Cognitive interest	*	+0.86	+0.76	+0.7
Cognitive activity	+0.86	*	+0.72	+0.57
Study motivation	+0.76	+0.72	*	+0.7
Study success	+0.7	+0.57	+0.7	*

The correlation analysis showed the presence of the strong positive connection between the cognitive activity and cognitive interest (+0.86) and between the cognitive interest and studying motivation (+0.76). Between the indexes of the cognitive activity and studying success also it had been appeared a positive connection (+0.7). A similar connection there is between the cognitive motivation and the cognitive success (+0.7). As well it had been defined the positive connection between the cognitive interest and the studying success (+0.57). All the calculated coefficients of the correlation are on the definite level of the amount (0.05).

Thus, having been done stated diagnostics showed that there is an interconnection between the cognitive interest and the cognitive activity, studying motivation and cognitive interest. The essential connection appears between the indexes of the cognitive activity and the studying success and between the cognitive interest and the studying success.

With the aim of checking up of the investigation hypothesis we organized the whole number of activities in the experimental class. So, during the first semester 2020 year we endeavor did not

For the proof of the connection between the cognitive interest, cognitive activity, studying motivation and the level of a success of pupils in the studying we made the correlation analysis (coefficient of correlation by Spirmen) (table 3).

break the logic of classes, add to its content usage of the technology AR. The supplemented reality (or AR) – this is a technology that join the digital information with the information from the environment of the physical world. It let to users at the same time to interact with the virtual objects and look through the physical environment (as usual through the digital camera on the mobile telephone or clipboard) (Billinghurst, 2002). It holds the synchronization of a real world and the virtual information because of the geolocation and in-built transducers which define the place of the spreading of the user in accordance with its environment and adapt the display of its motions. The applications that use AR, can be as simple so complicated. For example, the elementary are as quick text messages or also in this rate to be important as an agenda of doing the surgeon operation of the extraordinary complication. They can enlarge the understanding of different things, extract the definite moments or give the accessible and instant data.

The work is imposed to us which had been done by the investigators M. Anderson (2017), having made the interactive board of applications with a technology use AR (Fig. 1).



Figure 1. Interactive board AR of applications.

The authors of this table did not only systematize by the categories (art and design, geography, literature, science, creativeness, history, mathematics, study), but also used the effect of the interactivity which is in that during the touching the icon (label of application), appears the short description of its functioning.

Since the subject of our investigation is connected with the educated activity, in particular in primary school, we defined the applications, which can be used for our age category.

The analysis of the proposed applications let make the conclusions about the possibilities of the usage of technology of the supplemented reality in education, letting that it helps visually recreate the processes which the material objects do not recreate, make the educated process more visible and interesting, increase the thirst to knowledge. The scope for the usage is wide – from the adding of the animation in textbooks and manuals for the visualization of the material to the three-dimensional studying presentations which let visually show that or another process (Fig. 2).



Figure 2. Examples of the usage AR- applications in a work.

Results and Discussion

The effectiveness and the results of a pupil's work mostly depend on that how attractive the built process of the transferring of knowledge

and what it means is defined the direction on the deepening of knowledge further.

For the comparison of the results of control investigation was done the frequency analysis of empiric data by all the indexes (table 4, table 5).

Table 4.

Distribution of the indexes of the expressiveness of cognitive interest, studying motivation, levels of success of the young pupils by the levels in the experimental class ($p=18$)

Indexes	Levels					
	High		Middle		Low	
	N	%	N	%	N	%
Cognitive interest	6	33.3	10	55.5	2	11.2
Cognitive activity	4	22.2	11	61.2	3	16.6
Studying motivation	6	33.3	9	50	3	16.6
Level of success	3	16.6	15	83.4	0	0

**Table 5.**

Distribution of the indexes of the expressiveness of cognitive interest, studying motivation, levels of a success of the young pupils by levels in a control class (p=25)

Indexes	Levels					
	High		Middle		Low	
	N	%	N	%	N	%
Cognitive interest	4	16	18	72	3	12
Cognitive activity	4	16	17	68	4	16
Studying motivation	4	16	19	76	2	8
Level of success	4	16	21	84	0	0

The results of the control experiment witnessed in the experimental class the raising of the indexes of the high level of the formation: cognitive interest - on 11.2%; cognitive activity - on 17.3%; study motivation - on 16.7%; study success - on 5.6% against the little improve of such indexes in the control class.

The received results let us make the conclusion about the supporting of the investigation hypothesis in accordance to which the usage in the educated process of technologies of the supplemented reality influences the activation of the cognitive activity, study motivation and success and the pupils' success of primary school.

Our results confirm the results of previous studies. The use of augmented reality technologies is based on 3D objects and thus provides a new way to get more accurate information about the topic being studied. There is a direct interaction between the object and the subject of learning, so that students can construct and develop their own knowledge. The results also confirmed that students can simultaneously apply and synthesize several cognitive skills and work together. Moreover, in our study, we proposed a toolkit for measuring the quality of knowledge and motivation of students. This is in line with the request for the need to search for appropriate methods in the work of Bacca et al., (2014)

However, we confirm the findings of Hidayat et al., (2021) that the use of augmented reality technology for primary school students can have both positive and negative impacts. This is due to the lack of study time allotted for the study of the topic, excessive excitement of children, technical difficulties, lack of evidence-based approaches to the use of AR in elementary school.

Conclusions

The received data showed that the usage in the educated process of technologies of the

supplemented reality helped the activation of the cognitive activity and the raising level of study success of primary school pupils and the generalizing of the results of the having done investigation let make some conclusions and recommendations:

The technology of the supplemented reality only start to use in the educated process of primary school and make a challenge of some difficulties of the technical and pedagogical character. So, except the weak erudition as to the possibilities of the additions AR and the insufficient level of the forming of the digital skills of the teachers, actualized the problems of the organizational and methodical character, for example, the absence of the distinct planning, on which step of the lesson is necessary to use AR.

The necessity of taking into consideration the level of the digital competence of each pupil, his perfect technical training for the usage by gadget and application. It gives the definite boundaries or makes actual the distribution of the roles of pupils in the group: someone makes a draft, someone fixes the results, someone demonstrates «come to life» with the smartphone in hands, someone answers and so on.

The organization of the preparing work which presupposes the consequence of the question with the parents as to the usage by the children of their smartphones in the concrete lessons.

So, the having done investigation states that the technologies of the supplemented reality in the educated process become the didactic means, which need the scientific background and the active application.

Conflict of interests

The authors declare no conflict of interest.

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Teaching «Fundamentals of Health» with the application of cloud technologies

Організація викладання предмету «Основи здоров'я» з використанням хмарних технологій

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Abstract

The aim of the article is to analyze the results of teaching the subject «Fundamentals of Health» in grades 5-9 in the conditions of distance learning with the application of cloud technologies. The following methods were used for the study: videoconferences, explanations, interviews, surveys, tests for formative and summative assessment, performing practical tasks, works, projects, compiling instructions to tasks, creating educational presentations and videos. The article substantiates the possibility of teaching the subject «Fundamentals of Health» in grades 5-9 using cloud technology and educational platforms in the conditions of distance learning, such as: Google Classroom, Zoom, Meet, Edpuzzle. The results of 5-9-grade students' academic performance were analyzed and it was found that grades 5, 6, and 9 showed a fairly high

Анотація

Метою статті є аналіз результатів організації викладання предмету «Основи здоров'я» у 5-9 класах з використанням хмарних технологій у дистанційному форматі. Для дослідження були використані такі методи: відеоконференції, пояснення, бесіди, опитування, тести для здійснення поточного та підсумкового контролю, виконання практичних завдань, робіт, проектів, складання інструктажу до виконання завдань, створення навчальних презентацій та відеоматеріалів. У статті обґрунтовано можливість викладання предмету «Основи здоров'я» у 5-9 класах з використанням хмарних технологій та освітніх платформ у дистанційному форматі а саме: Google Classroom, Zoom, Meet, Edpuzzle. Проаналізовано результати навчальних досягнень учнів 5-9 класів та виявлено, що 5, 6, та 9 класи продемонстрували досить високий

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level of academic achievement, while for the students of 7th and 8th grades this indicator was quite low. The obtained results are explained by the difference in motivation, experience of blended learning and students' age psychological peculiarities, parents' inclusion in the educational process, various types of practical tasks. The prospects for further use of distance education are highlighted in the article. They include application of tried and tested cloud technologies, systematic and comprehensive professional development of teachers; teacher-parent cooperation, preparing guidelines for students' parents; adapting types of tasks and their content to the conditions of distance and blended learning; launching teachers' own YouTube channels.

Keywords: cloud technologies, learning platforms, distance learning, secondary education, Fundamentals of Health.

Introduction

The transition to distance education, caused by the COVID-19 pandemic, has become an unexpected and quite serious challenge for all participants of the educational process – educators, teachers, students, pupils and their parents. Yet according to UNESCO, in the 21st century, children will spend only 30-40% of their time at school, 40% will be devoted to distance education, and the rest will go to individual studies. Therefore, although distance education entered our lives quite spontaneously, it will remain with us in the future. This is the evolution of society. That is why developing and improving all aspects of distance education require considerable attention and careful organization.

When the quarantine was introduced, teachers faced a number of challenges. How to organize the educational process? What platforms should be used for distance education? How to meet children's demands? How to motivate to study?

Outlining the general approach to the above mentioned problems, it is worth mentioning that for instance, the international organization OECD promptly reacted to new realities and created a public database of available platforms and programs for all educational institutions, among which the prominent place was occupied by the platform Google Classroom (used in Ukrainian schools as well), thanks to supporting 28 languages (Prybylova, 2017).

рівень навчальних досягнень, в той час як в учів 7 та 8 класів цей показник виявився досить низьким. З'ясовано, що результати зумовлені різною вмотивованістю, досвідом змішаного навчання та віковими психологічними особливостями учнів, включенням до освітнього процесу батьків, різними видами практичних завдань. Висвітлено пропозиції щодо використання у подальшій роботі дистанційної освіти: застосування вже перевірених та освоєння нових хмарних технологій; систематичне та системне підвищення кваліфікації учителів; співпраця педагогів з батьками та підготовка посібників для батьків школярів; адаптування видів завдань та їх змісту до умов дистанційного та змішаного навчання; ведення власного Ютуб каналу кожним учителем.

Ключові слова: хмарні технології, освітні платформи, дистанційна освіта, загальні середні освіта, основи здоров'я.

This way of educational process organization existed before the pandemic. It has been used to work with inclusive children (or those who are often ill), with gifted students, as well as to conduct research and projects, to revise the course content, for extramural education and, in case of interactive interaction between students and teachers.

It is known that the father of the remote mode was the English teacher Isaac Pitman (XIX century). The idea gained popularity only in the last quarter of the XX century. In Ukraine it appeared at the beginning of the XXI century, and only in 2004 its existence began to be regulated by normative documents.

In accordance with the structure of our research, the next section of the article, Literature Review, is devoted to analyzing the scientific works focused on the area of our study. Furthermore, the Methodology section presents the legal framework that forms the basis of the study, namely the current state educational documents regulating distance learning in secondary education institutions. It describes the base where the study was conducted, data collection tools, etc. The Results and Discussion section deals with the description of the experiment conduct and the presentation of its results in the form of snapshots of the platforms on which students worked, electronic schedule of Kharkiv Gymnasium № 14, the analysis of 5-9-grade students' learning outcomes. Conclusions are drawn in accordance with the stated purpose and

objectives, the results of the study are substantiated. The article presents the authors' position on the organization of teaching the subject «Fundamentals of Health» in grades 5-9 using cloud technology in the conditions of distance learning. The prospects for further research are also identified.

Literature Review

Distance education has become widespread and popular in recent years: it gained regulatory support, was advertised in popular science articles, obsessively offered by private schools to parents of children with special educational needs. However, only 182 Ukrainian schools actually practiced distance learning before the quarantine. It is interesting to note that in developed countries this index is also quite low (Komarova, 2020).

I. Ushkalenko and Yu. Zelinska (2018) distinguish three types of distance education: correspondent, electronic, online, and clearly describe the advantages and disadvantages of each of them.

According to O. Miastkovska (2015), distance education cannot replace traditional way of studying, yet, it can definitely act as a supplement to the latter.

D. Koller, co-founder of the powerful and popular educational platform Coursera, emphasizes equal access to education for all people and, in her opinion, only distance education can provide this opportunity.

Summarizing the research of the world leading psychologists, T. Kamenieva (2020) states that distance education can lead to irreparable consequences, in particular: reduced intellectual function of the brain and creativity, digital autism, insufficient psycho-emotional development, etc.

Most educators, researchers, practitioners (Adamova, & Holovachuk, 2012; Akimova, Savelieva, & Chernyshova 2014; Miastkovska, 2015; Prybylova, 2017) believe distance learning has its pros. It gives children an opportunity to practice at a convenient time and in different places, i.e. create equal opportunities for all students; helps to avoid psychological barriers; educates self-organization, etc. At the same time, there are a number of cons: information support infrastructure; lack of personal communication; impossibility of immediate practical knowledge application.

According to T. Sobchenko and S. Dotsenko (2019), the formation of digital competence of a teacher of natural sciences is quite important, as the constant improvement of digital technologies is a major factor in the modernization of education. Therefore, the authors believe that the organization of distance learning requires well-established digital skills, especially for teachers of general secondary education institutions.

Based on our own experience, we can add that communication with the student is very important for education, because modern education (especially distance education) tends to individualization. During the offline educational process, each student has the opportunity to ask questions and get answers immediately. Distance learning deprives students of immediate teachers' feedback. It may cause lack of interest, students' distraction. It is difficult for children to stimulate themselves to study individually, because they do not feel a part of the team, where there is also such a spur as competition (for example, to be the best student in class) or just an emotional discussion on a particular issue can facilitate learning.

During the lessons «Fundamentals of Health», students form beliefs about the priority of health as the main condition for the realization of human potential, a conscious attitude to their lives. Therefore, discussions always have an important place in the lessons. In our opinion, it is important to keep discussions in distance learning mode.

The following requirements are set for teachers working in the distance education system: to respond to letters very quickly; to praise students' efficiency; to set a clear schedule for online communication and strictly adhere to it; to create an atmosphere of psychological comfort, etc. It is important to buoy a favorable mood, emotional uplift. It is necessary to provide conditions for students' full self-realization, demonstrating their progress, boosting their self-affirmation and self-esteem.

One of the prior social tasks is to preserve and promote children's health – the state of their full physical, mental and social well-being.

L. Olsen and D. Allensworth (2012) underline the importance of children's health, which is a crucial prerequisite of their success. Therefore, promotion of students' health must be a high priority for the school and school curriculum. This will not only guarantee good progress in education, but will help maintain health in

extracurricular life and contribute to optimal physical, emotional, social and educational development of students.

Methodology

In Ukrainian schools, health-saving competence is provided through the educational field «Health and Physical Training», which is implemented through the integrated subjects «Fundamentals of Health» and «Physical Training». Nowadays acute respiratory disease COVID-19 caused by the coronavirus SARS-COV-2 is spread in Ukraine and worldwide, so it is the health teacher who should provide children with reliable information and science-based facts about the coronavirus in order to reduce fears and concerns about the disease. The UNICEF and NUS websites provide practical advice on «How teachers can talk to students about the coronavirus (COVID-19)». The United Nations Children's Fund (UNICEF) in Ukraine and the NGO «Smart Education», with the support of the Ministry of Education and Science of Ukraine, have developed distance lessons on coronavirus infection COVID-19 (Kharkiv Gymnasium № 14, 2020).

Therefore, the aim of the article is to analyze the results of teaching the subject «Fundamentals of Health» in 5–9 grades with the application of cloud services in the distance mode. The tasks of the article are as follows:

- to prove the possibility of teaching the subject «Fundamentals of Health» in 5–9 grades with the application of cloud services and learning platforms in the distance mode;
- to analyze learning outcomes of students of 5–9 grades;
- to outline the prospects of using this trend in further learning.

The study is grounded on the experience of general secondary education institutions (GSEI) on teaching the subject «Fundamentals of Health» in 5–9 grades with the application of cloud services in the distance mode, theoretical analysis of the actual GSEI documentation on the

organization of distance learning, information collection, formative and summative assessment on the course in 5–9 grades, surveying teaching staff, observation, evaluation, analysis and systematization of results.

The study is also based on state educational documents «Law on Education», the Concept of the New Ukrainian School, the Concept of Distance Education Development in Ukraine, Regulations on Distance Education of the Ministry of Education and Science of Ukraine, Guidelines for teaching subjects in general secondary education institutions in 2020–2021, curriculum for the integrated course «Fundamentals of Health», course schedule (Fundamentals of Health) for 5–9 grades in 2019/2020 academic year (II semester).

The study was conducted on the basis of Kharkiv Gymnasium № 14 of Kharkiv City Council from March to May, 2020. The total number of students is 383, among them: 5th grade – 101, 6th grade – 58, 7th grade – 60, 8th grade – 83, 9th grade – 81 persons. The study describes actual work experience. 65 GSEI teachers were also interviewed.

The data were collected through the Google platform, the Trello platform developed by Fog Creek Software, Edpuzzle, Classroom and other cloud technologies, which provided the opportunity to obtain sufficient empirical material (testing, questionnaires, surveys).

Results and Discussion

Kharkiv Gymnasium № 14 was among the first general secondary education institutions that posted an updated schedule of lessons on its website (Kharkiv Gymnasium № 14, 2020) with clearly defined cloud platforms and web services to conduct lessons (Letter of the Ministry of Education and Science of Ukraine No. 1/9-430, 2020).

Figure 1 shows the school schedule for 5-A grade of Kharkiv Gymnasium № 14 during the quarantine period.

	A	B	C	D	E	F	G	H	I	J	K	
1						5-А (Y)						
2		понеділок		ВІД РОБОТИ / ЧАС ОНЛАЙН КОНСУЛЬТАЦІЇ	вівторок	ВІД РОБОТИ / ЧАС ОНЛАЙН КОНСУЛЬТАЦІЇ	середа	ВІД РОБОТИ / ЧАС ОНЛАЙН КОНСУЛЬТАЦІЇ	четвер	ВІД РОБОТИ / ЧАС ОНЛАЙН КОНСУЛЬТАЦІЇ	п'ятниця	ВІД РОБОТИ / ЧАС ОНЛАЙН КОНСУЛЬТАЦІЇ
3	9.30-10.05 перерва 15 хв	1	Інформатика	Kir_Classroom; Робіна Classroom	Природознавство. Твор фото.відео.	Zoom	Мистецтво	classroom	Укр.мова(1,3)/ Основи.орг.(2,4)	osci.edpuzzle.classroom	Фізична культура	63
4	10.20-10.55 перерва 15 хв	2	Укр.мова	zoom 5309383245	Математика	jp232gv classroom	Математика	classroom	Фізична культура	63vd4rx	Іноз.мова(англ.)	AB classroom
5	11.10-11.45 перерва 15 хв	3	Історія України (зупинка історії)	zoom 4795559668 089213	Навчамося разом	Zoom 9158544551	Укр.мова	zoom 5309383245	Математика	classroom	Математика	ip232gv
6	12.00-12.35 перерва 30 хв	4	Іноз.мова(англ.)	AB classroom, I.O. class	Іноз.мова(англ.)	I.O. classroom A. B. classroom	Математика	jp232gv classroom	Трудове навчання	Classroom/ хлопчики classroom тімбасі	Укр.мова	zoom 5,
7	13.05-13.40 перерва 15 хв	5	Математика	zoom 6027134238 пароль 066830	Прир.Мов пз Земля	classroom	Іноз.мова(англ.)	I.O. zoom (7958592814)A	Укр.література	zoom 5309383245	Зарубіжна література	Zoom 9
8	13.55-14.30 перерва 10 хв	6	Фізична культура	63vd4rx	Укр.літ	classroom	Зарубіжна література	zoom	Іноз.мова(англ.)	AB classroom I.O.classroom	Прир.Мов пз Земля	class
9	14.40-15.15 перерва 5 хв						Російська мова	zoom 4680735910	Навчамося разом	Classroom		
10												

Figure 1. The school schedule for 5-A grade.
Source: the website of Kharkiv Gymnasium № 14 (2020)

From March to May, 2020, the integrated course «Fundamentals of Health» in 5–9 grades was taught on the web service Classroom, Edpuzzle and cloud platforms Zoom and Meet.

Kharkiv Gymnasium № 14 has been using elements of blended learning for more than five years, namely the «Flipped classroom»

technology using the Edpuzzle web service. The curriculum of Gymnasium № 14 states that since 2019 four times a semester teachers attend workshops on the introduction of blended learning technologies. During the quarantine, training videos and podcasts were posted on this web service.

Figure 2. The content on Fundamentals of Health on the Edpuzzle platform.
Source: the author's personal account on Edpuzzle platform.

The course «Fundamentals of Health» was created on the Google Classroom platform for 5–9 grades and student enrollment was organized. The training was organized in synchronous and asynchronous mode. Students were offered tasks in accordance with the topic of the lesson, short-term (online) and long-term deadlines for their implementation were set. All tasks were checked and evaluated. The tasks were composed according to a competency-based approach,

which involves interactive teaching methods. When selecting supplementary information for the lessons, special attention was paid to its content, which has to agree with students' age characteristics, educational opportunities and their real needs. Thus, an educational trajectory was implemented, which contributed to the formation of students' motivation to lead a healthy lifestyle.

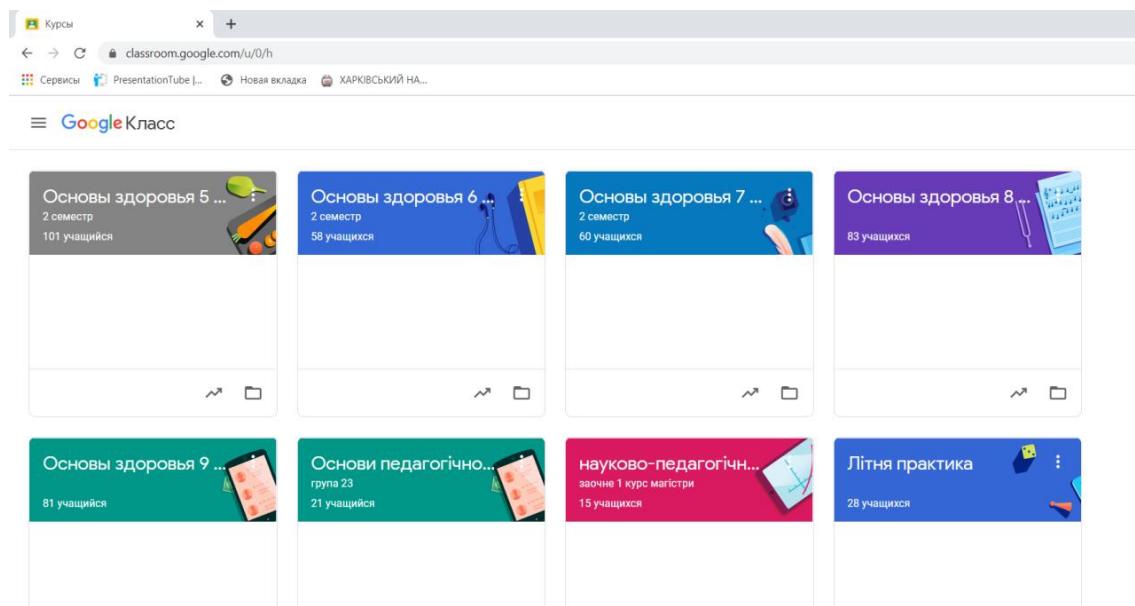


Figure 3. Teacher's working page on the Google Classroom platform.

Source: the author's personal account on the Google Classroom platform.

Students' learning outcomes were assessed in accordance with the indicative assessment requirements approved by the order of the Ministry of Education and Science of 21.08.2013 № 1222 «On approval of indicative requirements for assessment of students' learning outcomes on the basic disciplines in general secondary education» (2013).

The object of assessment of students' learning outcomes on the Fundamentals of Health is the emotional and value attitude to the surrounding

reality, following the rules of students' behavior in real life situations, formation of skills.

Communication with students was organized through video conferencing on Zoom and Meet cloud platforms. During the meetings teachers explained the theoretical material on the topic of the lesson, interviewed students, conducted summative assessment, students asked questions, talked to the teacher and each other.

The levels of learning outcomes of 5th grade students are presented in Figure 4.

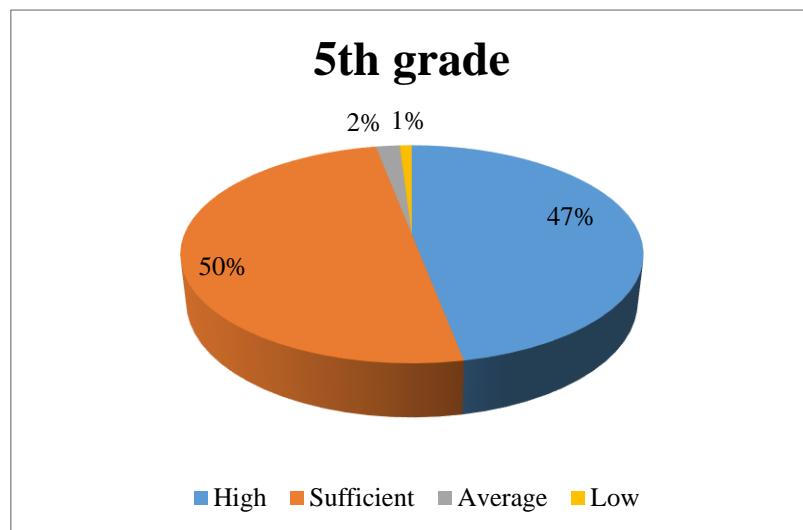


Figure 4. Levels of learning outcomes (5th grade)

Source: developed by the authors.

The high level of 5th students' learning outcomes (47%) is explained by fact that children aged 10-11 were able to easily adapt and switch to studying the course «Fundamentals of Health» online, either with the help of their parents or on their own. Our experience proves that students of 5th grade took the greatest interest in studying

the course in this format. They enjoyed completing e-tasks, especially, online projects that gave them a chance to demonstrate their creativity and imagination. The children remarked that during the quarantine they could devote more time to such activities. Figure 5 illustrates the progress of 6th year students.

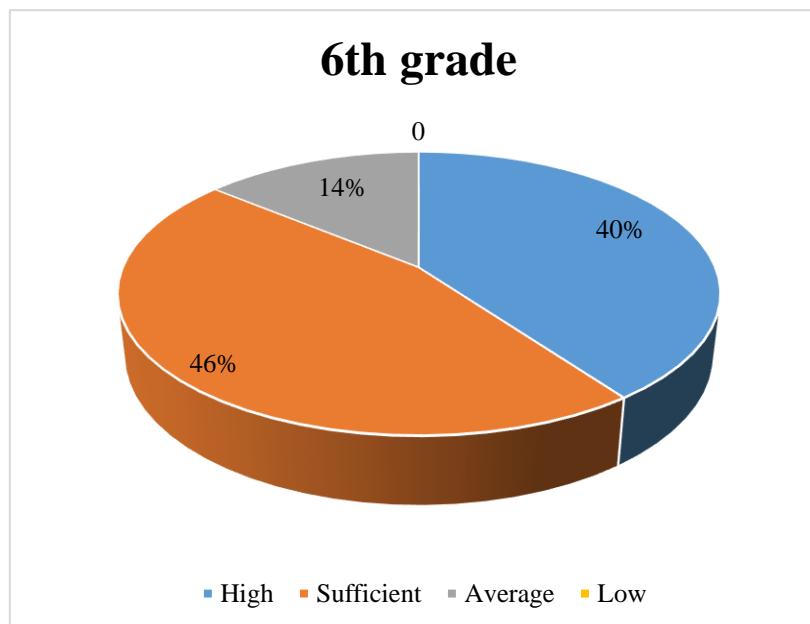


Figure 5. Levels of learning outcomes (6th grade)

Source: developed by the authors.

The majority of 6th grade students demonstrated high (40%) and sufficient (46%) levels of learning outcomes as they were already familiar with the elements of blended learning, namely «Flipped classroom» technology, which was introduced in the Gymnasium. The students

mentioned that they were mostly interested in posting educational videos, video and audio podcasts on Edpuzzle and video conferencing. The results demonstrated by 7th formers are presented in Figure 6.

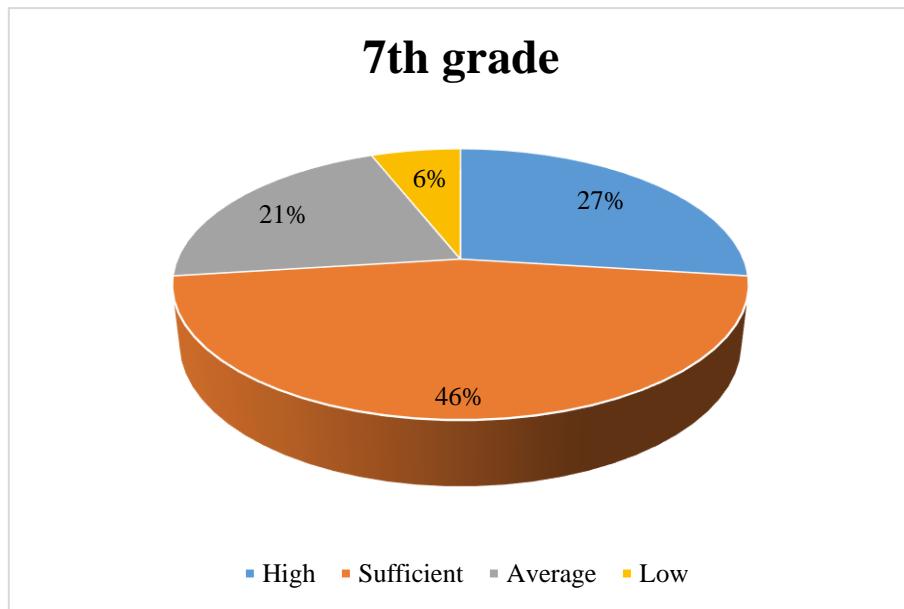


Figure 6. Levels of learning outcomes (7th grade)

Source: developed by the authors.

Such results of learning outcomes can be explained by the fact that younger adolescents (12-13 years) have reduced interest in learning. It is at this age that changes occur in children's

mental and physiological development. Teachers experienced difficult times getting the teens organized and engaged. Figure 7 concerns learning outcomes of 8th grade students.

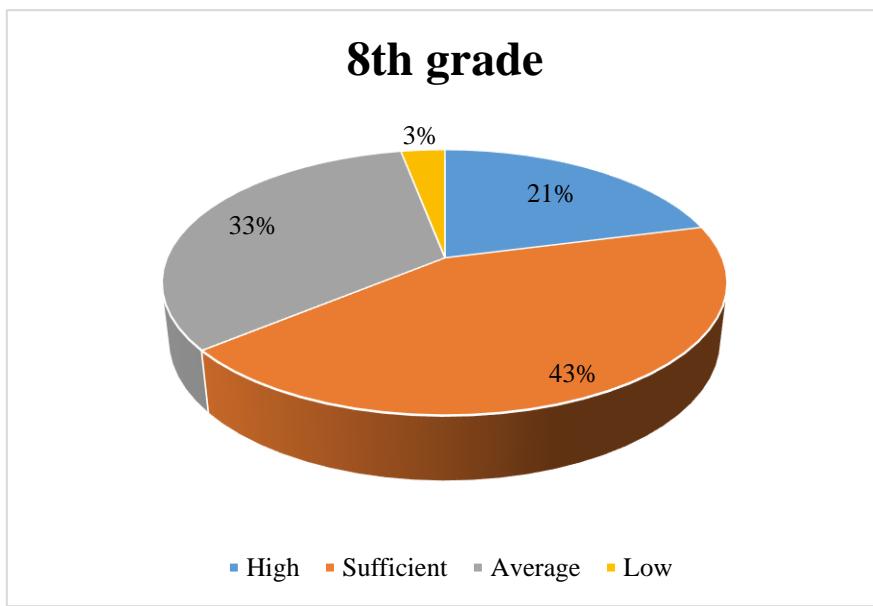


Figure 7. Levels of learning outcomes (8th grade)

Source: developed by the authors.

In 8th grade, lack of motivation, reluctance to learn hindered students' academic progress, which again can be explained by age-related

changes. The students worked on the Google Classroom, Zoom platforms. The results of 9th grade students are presented in Figure 8.

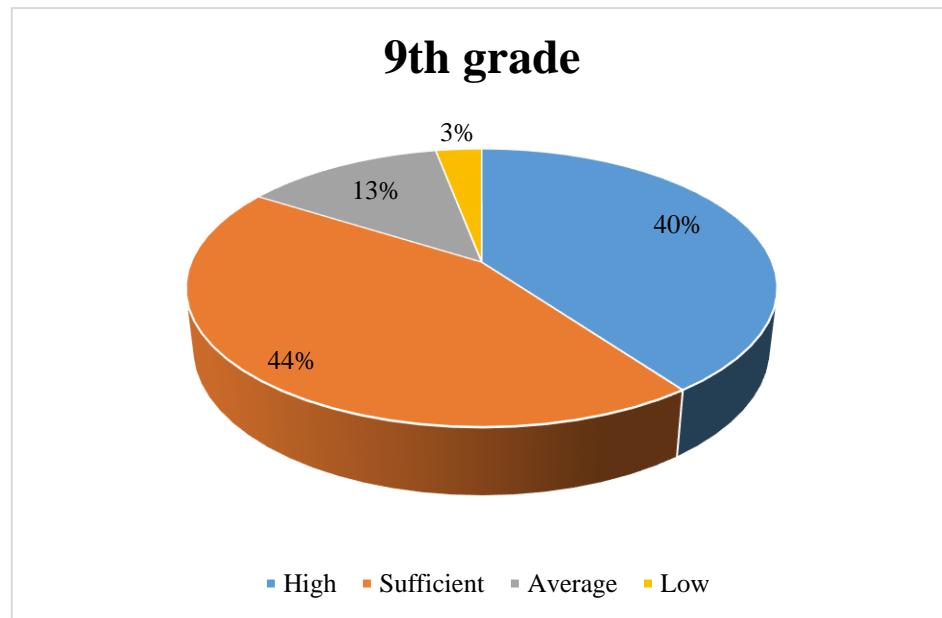


Figure 8. Levels of learning outcomes (9th grade)

Source: developed by the authors

In 9th grade, the course «Fundamentals of Health» is taught 0,5 hours per week. On the grounds of our own experience we find it worth mentioning that practical problem-based tasks and creative projects, scribing technologies on Google Classroom and Edpuzzle platforms work the best in the conditions of distance learning. These tasks fully corresponded to children's educational opportunities and their real needs. It should be stressed that the tasks were aimed at modeling certain life situations and contributed to the formation of skills that are developed during the course «Fundamentals of Health». 9th formers quickly got involved in the activities and worked really hard.

Thus, having analyzed students' learning outcomes on the subject «Fundamentals of Health» in 5–9 grades, we drew the conclusion that 5–6 students easily switched to online learning (video conferencing on Zoom and Meet cloud platforms). They also learned to work with Google Classroom, where they completed practical tasks. It can be explained by the fact that children had already had the experience of distance education gained with the introduction of blended learning technology «Flipped classroom». This is proved by indicators of high (47% and 40%) and sufficient (50% and 46%) levels of students' knowledge. It is worth mentioning that among 5–6 formers there was no one who did not get involved, or could not access the Internet, or did not have a means of technical training (a gadget, a PC, a laptop).

Regarding the academic progress of students in 7–8 grades, namely: high – 27% and 21%, sufficient – 46% and 43%, medium – 21% and 33%, low – 6% and 3%, there were certain problems and difficulties with online learning the subject «Fundamentals of Health». It was caused by both internal and external factors. Firstly, lack of motivation for learning due to age-related mental and physiological development. All teachers of the Gymnasium mentioned this fact during the interview. Secondly, about 8% of students in 7–8 grades did not have the opportunity to use the Internet, or did not get in touch for other reasons. This problem was solved successfully at the end of the school year. Those students got their tasks via Viber, Telegram, e-mail and completed them, but only in asynchronous mode.

The results of 9th formers, namely the high level (40%) and sufficient (44%) are attributed to the efficient organization of work, extensive use of various cloud technologies by the teacher and students' conscientious attitude.

Conclusions

In accordance with the aim we have analysed the results of teaching the subject «Fundamentals of Health» in 5–9 grades in the conditions of distance learning with the application of cloud technologies and drawn the following conclusions:



1. Teaching the subject «Fundamentals of Health» in 5–9 grades in a distance format is possible using the following cloud technologies and learning platforms:
 - organization of video conferencing with the help of Zoom and Meet cloud platforms (theory presentation, explanation, clarification, surveys, communication with classmates and teachers);
 - creating the course «Fundamentals of Health» in Google Classroom and students' enrollment (creating tasks, projects, practical work and providing instructions, posting educational presentations and videos, creating tests for summative and formative assessment);
 - students' registration on the Edpuzzle service (posting additional information in the form of educational video and audio podcasts).
2. The results of 5–9-grade students' academic performance have been analysed and justified. They testify that the highest indicators with high and sufficient levels of learning outcomes were demonstrated by students of 5th, 6th, 9th grades. The learners from grades 7 and 8 demonstrated lower results due to their age peculiarities characteristic of this period of learners' psychological and physiological development as well as to non-availability of access to the Internet. Thus, using cloud technologies when teaching the subject «Fundamentals of Health» online is expedient and justified.
3. We suggest the following steps to improve distance teaching of the subject «Fundamentals of Health» in 5–9 grades with the application of cloud technologies:
 - adaptation of the teaching methods taking into account modern online tools;
 - advanced teacher training (attending workshops, webinars, conferences, etc.);
 - using free popular learning platforms (HumanSchool, Edmodo), video platforms (Skype, WhatsApp), programs (Padlet, Flipgrid, ActivelyLearn, Storybird);
 - launching teachers' YouTube channel;
 - further introduction of blended learning technology «Flipped classroom»;
 - developing methodical recommendations for students and parents;
 - introducing electives to form a healthy lifestyle.

Finally, we should focus on the authors' position on the organization of teaching the subject «Fundamentals of Health» in grades 5–9 using cloud technology in the conditions of distance learning. It lies in the fact that the implementation of distance learning is not only a requirement of time and rapid development of information and digital society. The authors tend to believe that the distance format is in demand, has a positive effect on students' learning outcomes, provides students with the opportunity to reveal their personality and gives teachers the chance to demonstrate their creativity. The subject «Fundamentals of Health» is quite suitable for teaching in a distance mode, as proved by the results of the research and experience in teaching the discipline at school. Additionally, participants of the educational process benefit from the formation of their digital competence, which is among the key ones in the 21st century. However, the authors believe that the most effective is blended learning as it contributes to the formation of students' health-preserving competence and provides the opportunity to communicate with students both online and offline.

Prospects for further research include studying and testing modern cloud technologies when teaching the subject «Fundamentals of Health» in 5–9 grades in a distance mode, determining the degree of influence of various factors on students' academic progress

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Constitutionalism of European states: ensuring globalism in modern conditions

Конституціоналізм європейських держав: забезпечення в сучасних умовах глобалізму

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Abstract

Constitutionalism is a multidimensional phenomenon of state and socio-political life, which acquired different meanings and was filled with variable content in different periods of statehood development in connection with the formulation of constitutional ideas and principles and the formation of constitutional traditions, adoption of constitutions and their amendments. Today, ensuring the constitutionalism of European states has become an extremely essential issue. The work aims to analyze and study the provision of constitutionalism of European states in the modern conditions of globalism. Methodology: the historical method, the method of the generalization, the formal-legal method, method of analysis, comparative-legal method, method of social-legal experiment. Through the analysis of regulations of some European states and the views of some scholars, we can conclude that the modern idea of constitutionalization of the legal order is based on the postulates of constitutional theory and practical experience of democratic states.

Анотація

Конституціоналізм – є багатовимірним явищем державного та суспільно-політичного життя, що набувало різних сенсів і наповнювалося варіативним змістом у різні періоди розвитку державності у зв'язку з формуллюванням конституційних ідей і зasad та становленням конституційних традицій, прийняттям конституцій та внесенням змін до них. Сьогодні надзвичайно важливим питанням стало забезпечення конституціоналізму європейських держав. Метою роботи є аналіз та дослідження забезпечення конституціоналізму європейських держав в сучасних умовах глобалізму. Методологія роботи: історичний, узагальнення, формально-юридичний метод, метод аналізу нормативних документів, статей та монографій, порівняльно-правовий метод, метод соціально-правового експерименту. Таким чином, за підсумками роботи, можна узагальнити, що сучасна ідея конституціоналізації правового порядку ґрунтуються на постулатах конституційної теорії і практичному досвіді розвитку демократичних держав.

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Keywords: constitutional law, constitutionalism, globalism, European state, national legal system, society.

Introduction

Globalization processes lead to a change in the structure of the modern world, which results in the adjustment of national governance systems, changes in the planning of economic, political, and cultural development, and contributes to the continuous interdependence of the world. Such interdependence unifies and standardizes the conditions and factors of development of individual countries, serves as an indicator of determining the level of stability of development of states and their potential to meet the challenges of globalization, which today become the main criterion for integration into global or regional structures.

States that have an active system of constitutional governance and implement their geopolitical development strategy, preserve sovereignty, and have effective mechanisms of influence are able to meet globalization challenges. Given current trends, it is necessary to find out what modern globalization is, what forms it takes, whether this process is a necessary component of effective development, or whether it has a negative impact on the constitutionalism of each European state. But despite the questions raised, it is clear that globalization is a new type of world development, and, therefore, it is vital that every country in the world, regardless of the level of development, has the opportunity to find a place in the global space. These prerequisites indicate the need for further improvement of constitutional and legal regulation of significant social relations as a fundamental area of legal modernization of public relations in a modern democracy, built on the principles of constitutionalism.

In the context of modern research conducted by both domestic and foreign scholars and practitioners presented a large number of works devoted directly to the analysis of the nature and impact of globalization on the modern world.

The subject of the study is the social relations that arise, change, or cease in connection with the constitutionalism of European states in the context of globalism.

Ключові слова: конституційне право, конституціоналізм, глобалізм, європейська держава, національна правова система, суспільство.

Theoretical Framework or Literature Review

Such scholars as Voloshin (2015), Demchyshak (2015), Yengibaryan (2010), Campo (2007), Klemin (2004), Kodaneva (2005), Alebastrova (2006), Todyka (2000), Kovachev (2005), Krusyan (2010), Melnychenko (2011), Maklakov (2006), Maslovskaya (2012), Pabriks (2021), Shamrai (2018), Mosler (1999), and Tomuschat (1999) studied the phenomena of constitutionalism.

Thus, Krusyan (2010) drew attention to the peculiarities of constitutionalism in international law and modern Ukrainian constitutionalism. Moreover, Voloshin (2015) analyzed the phenomenon of constitutionalization of the international (supranational) legal order and analyzed in detail the basic concepts and practices of their implementation.

It should be remarked that Demchyshak (2015) studied in detail the features of the European integration process in Poland through domestic and foreign policy dimensions. At the same time, Melnychenko (2011) examined the constitutional reform of Poland. The scholar concluded that constitutional reform in Poland was made possible by the democratic changes in the country in 1989-1990.

Furthermore, Yengibaryan (2010) and Maslovskaya's (2012) research on constitutional development in the modern world seems impressive. In particular, scholars have paid attention to the study of some areas of constitutional change in foreign countries at the present stage.

Campo (2007) explored the European integration aspect of the constitutionalization of Ukraine's foreign relations. A noteworthy study was conducted by Pabriks (2021). Thus, the author drew attention to the influence of foreign policy on the state of constitutionalism of each state.

Klemin (2004) carried out a comprehensive analysis of European law in Germany. The author drew attention to the balance of national and supranational law and analyzed how German conservatism, conflicts and unity of legal norms affect the provision of constitutionalism.

What is fascinating is the research of Kodaneva (2005), who studied the British constitutional reform through the prism of the religious aspect. The author noted that religion plays a significant role in the formation of legal traditions and the establishment of constitutionalism.

Such scholars as Tatsiy and Todyka (2003), Orzikh and Krusyan (2009), Romashov (1998), and Tanchev (2005) were engaged in comparative legal research of the Constitution of the 21st century. Likewise, these scholars have analyzed in detail the constitutional and legal principles of statehood in some countries.

Thus, Stetsiuk (2015) paid attention to the trends of constitutional development in the contemporary world. The author paid exceptional attention to the historical experience of the constitutional development of Ukraine, as well as the peculiarities of this process at the present stage, and concluded that "constitutional development" is "natural" for European peoples (i.e., based on the essence of European mentality). Christian moral values, the centuries-old struggle of man for his dignity. "Constitutional development" is also seen as a reliable way to preserve the national identity of European peoples, ensure their well-being and guarantee the democratic future of Europe.

Habermas drew attention to the crisis of the European Union in the light of the constitutionalization of international law (Habermas, 2013). Shamrai's (2018) work is devoted to theoretical and methodological approaches to defining the concept of "global constitutionalism" in modern conditions of legal globalization and European interstate integration in terms of finding effective means of comprehensive legal modernization of society. The author analyzes the legal content of this category, shows its specific features, reveals the importance of improving the basic elements of social relations and constitutional modernization of society and the state in modern conditions of legal globalization and European interstate integration. Emphasis is placed on the need to further improve the constitutional and legal regulation of major social relations as a key area of legal modernization of public relations in a modern democracy, built on the principles of European constitutionalism.

Yubko (2010) analyzed the advantages and disadvantages of the French constitutional reform. Thus, the author drew attention to the main directions of reform and concluded that

French constitutionalism as an effective way of governing the state.

In addition, various articles on European constitutionalism and recommendations for further action of states were studied (Voloshin, 2015; Alebastrova, 2006; Chirkin, 2019; Kovachev, 2005; Maklakov, 2006; Maslovskaya, 2012).

Methodology

The methods used to analyze the research topic are: the method of generalization, the method of historicism, the method of analysis, the method of comparison, the formal-legal method, and the method of socio-legal experiment.

Thus, with the help of the method of historicism, we can study the development of constitutionalism in European states. Hence, the trend of rapid development of globalization processes among European countries was established. Ukraine is no exception.

The method of analysis became the basic method in writing this article, as it helped to explore a large array of theoretical developments of scholars on the concept of constitutionalism, both in domestic doctrine and abroad.

Moreover, generalization method has summarized the primary issues of ensuring constitutionalism among European states in the context of globalization, including the erasure of borders and the functioning of various supranational organizations.

The formal-legal method showed us the development of the concept under study through the letter of the law. The studied legal aspects, prescribed by law, provided an opportunity to comprehensively study the phenomenon of constitutionalism in different European countries.

Additionally, the comparative-legal method made it possible to compare domestic practice in ensuring constitutionalism with the practice of European states, including Poland, Germany, and France. European countries are increasingly in a situation of interdependence, which affects the provision of their constitutionalism in the new realities.

Eventually, the method of socio-legal experiment contributed to the assessment of changes in ensuring the constitutionalism of European states. Further, we will predict further

development of this notion to ensure constitutionalism in a globalized world.

Results and Discussion

General provisions on ensuring constitutionalism

Before studying the features of the constitutionalism of European states in the context of globalism, it is necessary to provide a definition of constitutionalism.

In general, the term "constitutionalism" is used in several senses: as a form of government that is really limited by the constitution; political system based on the constitution and constitutional methods of government; a theory based on the need to establish a constitutional order. The basis of this phenomenon is not only the ideals of the rule of law, which must be implemented in the process of reforming the state system but also the original traditions and desires of the people as a source of power (Voloshin, 2015).

From the historical study, it is seen that the first element in the mechanism of functioning of the process of constitutional development was the constitution. The epoch of the constitution dates back to the epoch of bourgeois revolutions and attempts to ensure human rights and the separation of powers in the state. One of the most noteworthy reasons for creating constitutions was the need to fix at the highest level the change of power relations in the transition of society and the state from feudalism to democracy and the creation of a legal basis for further democratic development. At the same time, the consolidation of human rights and freedoms and the separation of powers have become necessary elements in the process of formation of constitutionalism (Tatsiy, & Todyka, 2003).

The constitutional state was constantly evolving, changing, and improving social relations along with the phenomenon of "constitution" and played a role in the content of "constitutionalism" as such in general.

Over time, the concept of a constitutional state consisted of three basic elements (Table 1):

Table 1.

Three basic elements of a constitutional state. Data provided by Tatsiy, & Todyka (2003).

1.	The state is the guarantor of the confidence and security of each of its members in particular and all in general;
2.	The constitutional state is a state governed by the rule of law;
3.	In a constitutional state, the existence of a democratic order of exercise of state power becomes mandatory.

In the process of development of the "constitutional state", the list of its main (qualification) characteristics was constantly expanding and at the end of the last century reached the so-called "classical set", according to which most states were able to identify themselves as sovereign, democratic, social and legal. At the same time, in the constitutional and legal practice of some countries, "additional" or "complementary" characteristics of the latter began to appear, following the example of their designation as "secular", "multiethnic", "multicultural", "environmental", etc. (Krusyan, 2010).

At the same time, the constitutional provisions that characterized the state at the national level had several features specific to a particular state.

It should be mentioned that constitutionalism as a political and legal category becomes a reality only after the emergence of the constitution of

the state and the establishment of the constitutional state as such. Its substantive basis is expressed through the unity of constitutional and legal norms and the practice of their implementation. That is, constitutionalism is seen as a political and legal ideology, intellectual generalizations inherent in a certain stage of historical development. At the same time, constitutionalism is often perceived as a socio-political movement aimed at implementing relevant ideas (Orzikh, & Krusyan, 2009).

Thus, it can be argued that it would be wrong to attribute constitutionalism to the achievements of one nation or people. After all, this concept is a global phenomenon, born at the time of European political and legal culture and an essential universal value, civilizational heritage and, accordingly, is to some extent universal. Nevertheless, in any democratic state, constitutionalism can acquire certain features (Table 2).

Table 2.

Factors that may affect the characteristics of a national model of constitutionalism. Data provided by Shamrai (2018).

No	Factors that may affect the characteristics of a national model of constitutionalism
1	Historical traditions of the people in the field of state formation;
2	Belonging of the country to one or another system of law;
3	Level of legal culture;
4	The state of development of democracy;
5	Features of the national mentality, etc.

In highlighting the essence of constitutionalism as such in general and, in particular, as a national phenomenon (a phenomenon inherent in a state at a certain historical stage of its development), it seems logical to consider this situation from the standpoint of inseparable unity and interaction of several categories. Namely, constitutional theory, constitutional legislation, and practice of its implementation (Shamrai, 2018).

Therefore, we can conclude that the main ideological postulates are reflected in the constitution of the state, which indicates the achieved level of development of society. The Constitution is not only a normative legal act that has certain legal properties but also an ideological document that performs an ideological function, within which one can distinguish ideological and educational subfunctions. Simultaneously, the constitution as an ideological document is based on the presumption that the goals of society are the tasks of the state.

Features of ensuring the constitutionalism of European states in the context of globalism

Conditions of globalism, increasing international influence, intensification of hybrid wars, and other phenomena, make us pay attention to the place of constitutionalism in the modern world, its main trends, and prospects. Given this, it is important to analyze the features of ensuring the constitutionalism of European states.

As already noted, the concept of constitutionalism can not be considered primary or even independent, because it is derived from the concept of "constitution", both etymologically and scientifically, and theoretically.

Analysis of the content of constitutional changes in recent years in the context of globalism allows us to identify some areas of these changes.

The constitutionalism of European states is based on the development of certain principles. The Constitutional Law of the French Republic of July 23, 2008, enshrined in Art. 1 of the Constitution (Law No. 1958, 1958), the principle of equality not only of the rights of women and men but also of their responsibilities (Maslovskaya, 2012).

Along with the democratization of the political system, the improvement of constitutions is associated with the improvement of social policy of modern countries, and, therefore, the constitutions adopted in recent decades have reflected new challenges of socio-economic nature. Thus, some of them are about a socially oriented economy (for example, the Polish Constitution (Law No. 483, 1997), the Constitutions of Portugal (Law No. 1976, 1976) and Spain (Law No. 1978, 1978) say about the state planning of economic development (Shamrai, 2018).

Traditional objects of constitutional regulation are also changing, which demonstrates the direct impact of global constitutionalism on the traditional subject and method of constitutional law as the basic national branch of law. Also, there are new approaches to regulating the organization and activities of the state – the use of atypical forms of government, the trend of regionalization of states, enshrining in the constitutions of basic principles of public policy, which are increasingly reflected in the use of such constitutional characteristics as legal, secular, social, democratic, etc. (Yengibaryan, 2010).

An example of ensuring constitutionalism in the context of globalism is the constitutional reform in Poland, which was implemented taking into account world constitutional values and the trend of modernization of constitutional-legal regulation of public relations. Thus, on December 16, 1991, Poland and the EU signed the "European Agreement establishing an Association between the Republic of Poland and

the European Communities and States". The European Association Agreement provided for close cooperation between the EU and Poland. The turning point was the adoption of the new Constitution of Poland on April 2, 1997. The adopted Constitution was the result of long political discussions and negotiations. An important item "Europe" is contained in Art. 90 of the Constitution, which aimed to find a balance between preserving the principles of national sovereignty and the envisaged possibility of integration into the EU. In the art. 90 of the Constitution states that "the Republic of Poland may, based on international agreements, delegate to an international organization or international institution the competence of public authorities on certain specific issues" (Demchyshak, 2015).

France is considered to be a kind of "laboratory of constitutions". The reform of 2008 was carried out in order to strengthen the role of parliament, strengthen control over the executive branch, and the acquisition of new rights by citizens. This reform strengthened the role of parliament in the state mechanism, giving parliament new rights, including the right to adopt resolutions; allow or continue military intervention abroad; discuss drafts on the text corrected by the commission, not the Government; endowed with rights in the field of international and European politics (Maslovskaya, 2012).

In today's reality, any deviation from the "constitutional axis" is detrimental and can provoke both local (within one or more entities) and domestic and international conflicts. A new model of building a system of government is becoming increasingly apparent at the interstate level. Thus, the principle of subsidiarity enshrined in the acts of the Council of Europe means complementarity and interchangeability of authorities at the interstate, state, regional and local levels.

It is no coincidence that one of the sections of the XVII Congress of the International Academy of Comparative Law (July 2006, Utrecht, the Netherlands) was devoted to discussing the issue of constitutionalization of the international legal order. At the VII Congress of Constitutionalists, attention was drawn to a new stage in the development of constitutional law, which is expressed in the global constitutionalization of all spheres of society, strengthening state sovereignty, even in the context of interstate integration. These provisions were also presented in the recommendations of this international forum (Resolution No. 2007, 2007).

It is worth noting the rather interesting position of Judge Kamp of the Constitutional Court, who shares the constitutionalization of foreign relations, in which the role of the constitutional mechanism of state power is particularly important, especially given European integration processes in the country. The essence of this constitutionalization, according to Kamp, is to strengthen the foundations of the functioning of the state and public life as necessary conditions for their development (Campo, 2007).

The above indicates a noticeable trend towards the constitutionalization of international law. For example, drafting the Constitution of the European Union and the Constitutional Act of the Union State of Belarus and Russia.

In modern conditions, these ideas have been further developed in various concepts of constitutionalization of Mosler's international law (Mosler, 1999). Habermas formulated the conceptual position that international reality cannot be understood adequately if it is perceived as a "natural state" in the spirit of Hobbes (Habermas, 2013).

The dynamic impact of the constitution on the legal system can occur in two different types of socio-political and socio-economic conditions (Table 3).

Table 3.

The dynamic impact of the constitution on the legal system. Data provided by Habermas (2013).

The stable democratic constitutional regime and legal system	Legal system of transitional societies
Unification takes place as a normal, stable process and only intensifies with the amendment of the constitutional text, following which it is necessary to bring sectoral legislation and judicial practice in the interpretation and application of constitutional norms.	Transition to basic European values, such as democracy, rule of law, local self-government, etc.

Thus, ensuring constitutionalism is based on the postulates of the constitutional theory and experience of democratic European states and acquires a global supranational character.

Conclusions

The constitutionalization of international law can be described as a process of influence of the modern doctrine of constitutionalism, norms, and principles of constitutional law of different states on the normative system of international law. Under such conditions, international law is constantly under pressure from constitutional principles, thus gaining a more universal basis for its further development in the context of interstate integration.

The modern process of constitutionalization of the international legal order is a process of influence of the modern doctrine of constitutionalism, norms and principles of the constitutional law of different states on the normative system of international law. The processes of globalization inevitably affect the state of constitutionalism.

As for further scientific research, it is important to pay attention to constitutionalism in the context of the Covid-19 pandemic, which has confused the world and united around the idea of joint opposition to a dangerous virus.

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Status obligations of a “flag state”: modern international legal regime of the slaves’ transportation suppression

Статусні зобов’язання «держави прапора»: сучасний міжнародно-правовий режим протидії перевезенню рабів

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Abstract

The UN Convention on the Law of the Sea prescribes that vessels have the nationality of the State whose flag they are entitled to fly and that there must exist “a genuine link” between a “flag State” (a State which entitles a vessel to fly its flag) and the “flag vessels” (the vessels which are entitled to fly the States’ flag). But the Convention has neither definition of the term “genuine link” as a legal link “legal rights – legal obligations”, nor defines States’ and vessels’ rights and obligations. We have analyzed status obligations of a “flag State” which are related to suppression of illegal use of the “flag vessels”. The purpose of our study was to investigate modern international legal regime of the slaves’ transportation by sea suppression and to prepare the legal field to defining the full complex of a “flag State” status obligations. The methodology includes systematic, formal-legal methods, the methods of analyses and synthesis. The results highlight that the status obligations of a “flag State”, inter alia, those to suppression the transportation of slaves as an illegal use of the “flag vessels”, are those to form an integral part of the “genuine link” conception.

Keywords: flag State, flag vessel, genuine link, vessels’ illegal use, suppression of slaves’ transportation.

Анотація

Конвенція ООН з морського права передбачає, що судна мають громадянство держави, під прапором якої вони мають право плавати, і що має існувати «справжній зв’язок» між «державою прапора» (державою, яка надає судну право плавати під її прапором) та «судна під прапором» (судна, які мають право плавати під прапором відповідної держави). Але Конвенція не містить ані визначення терміну «справжній зв’язок» як правового зв’язку «юридичні права – юридичні обов’язки», ані визначення прав і обов’язків держав і суден. Ми проаналізували статусні зобов’язання «держави прапора», які пов’язані з припиненням незаконного використання «суден під прапором». Метою нашого дослідження було дослідити сучасний міжнародно-правовий режим припинення перевезення рабів морським транспортом та підготувати правове поле для визначення повного комплексу зобов’язань щодо статусу «держави прапора». Методологія включає системний, формально-юридичний методи, методи аналізу та синтезу. Результати підкреслюють, що статусні зобов’язання «держави прапора», серед іншого, щодо протидії перевезенню рабів, як різновиду незаконного використання «суден під прапором», є невід’ємною частиною концепції «справжнього зв’язку».

Ключові слова: держава прапора, судно прапора, справжній зв’язок, незаконне використання суден, протидія перевезенню рабів.

Introduction

Slavery is illegal throughout the world. Practices similar to slavery, such as debt bondage,

serfdom, forced labor, and the sale and exploitation of women and children, have long

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been on the agenda of international bodies, especially the ILO, and are prohibited in international anti-slavery conventions and multilateral treaties. In the field of human rights and fundamental freedoms.

The abolitionist movement began as an effort to stop the Atlantic slave trade and to free slaves in the colonies of European countries and in the United States. For the first time, the question of the slave trade was considered at the Vienna Congress of 1815, where the Declaration on the Abolition of the Slave Trade was adopted. The first universal treaty to combat slavery and the slave trade in the twentieth century, should be considered the Slavery Convention signed on September 25, 1926 under the auspices of the League of Nations. After the Second World War, the issue of slavery becomes the subject of UN consideration. On September 7, 1956, the Supplementary Convention on the Abolition of Slavery was adopted at the Geneva Conference.

It is generally accepted in the international maritime law to classify the suppression of the slaves' transportation by using seagoing vessels for this purpose as an intervention in the freedom of navigation in the high seas, that means the intervention in the exclusive jurisdiction of a "flag State" which it exercises over the "flag vessels" in the high seas – ocean spaces which are situated beyond the national sovereignty of any State.

But our proposition is to classify the transportation of slaves as an illegal use of the "flag vessels" and the suppression as the status obligation of a "flag State", which forms an integral part of the "genuine link" conception.

The purpose of our study is to analyze modern international legal regime which have the legal norms and legal rules related to regulation of contemporary problems of slaves, slavery and slaves' transportation by sea, namely definitions, legal characteristics and legal methods of suppression, prospects of application and the implementation of treaties.

Theoretical Framework or Literature Review

Both domestic and foreign scientists were interested in the problem of the modern slavery suppression, for example Weissbrodt (2002), Beydoun (2006).

Buckland (1908), Sawyer (1986), Watson (1991) declared that slavery was a bit of the "jus gentium" in Roman law.

Quirk (2006) explores the relationship between the historical events surrounding the legal abolition of slavery. He notes that slavery is often thought of as an obvious wrong that belongs in the past but this complacent viewpoint belies a range of complex and often longstanding problems, which fall under the rubric "contemporary forms of slavery".

It is generally accepted that the research of Bales (2012) is the first one to point the way to abolishing slavery in today's global economy.

Many researchers have paid attention to suppression of the slaves' transportation by using of seagoing vessels as an intervention in the freedom of navigation in the high seas, that means the intervention in the exclusive jurisdiction of a "flag State" which it exercises over the "flag vessels" in the high seas – ocean spaces which are situated beyond the national sovereignty of any State (Nordquist et al., 1995; Byers, 2004). But our proposition is to classify the transportation of slaves as an illegal use of the "flag vessels" and the suppression as the status obligation of a "flag State", which forms an integral part of the "genuine link" conception.

The well-known Korean author Kojima (2021), in her work «Modern Slavery and the Law of the Sea», argues that modern slavery (human trafficking, etc.) associated with the illicit maritime transportation is thriving in some parts of the world due to a lack of proper legal regulation, and in some cases complete legal uncertainty and lack of political will to eliminate it. The author has attempted to rethink the UN Convention on the Law of the Sea in order to provide additional opportunities for non-flag states to control the current practice of slavery at sea. The author seeks opportunities to increase the powers of non-flag states to take more effective action against foreign ships suspected of modern slavery on the high seas.

Angela Aparecida Roncheta Souza and Bruno Kneip Kratz (2021), in their article «Human Trafficking in Latin America», analyze the state of modern slavery in Latin America. The general conclusion of the authors is that slavery is far from eradication in Latin America, especially in the poorest countries of the region. However, the international community needs to make every effort to combat slavery in the region.

Carolina Villacampa Estiarte (2013) in her research «Modern Slavery and Its Legal-Criminal Relevance» analyzes a concept of modern slavery, its features, its forms and its

magnitude. The author addresses the question of whether the legal system incriminates sufficiently this type of behaviors, taking into consideration how this phenomenon is addressed in comparative law.

Further research into the issues under study should focus on increasing the powers of flag states to combat the transportation of slaves. In addition, it is necessary to introduce measures of responsibility for the countries concerned in the absence of control over violators of the established rules.

Methodology

The methodology used are systematic and formal-legal methods, as well as methods of analysis and synthesis.

We applied the systematic method to show the place of the norms of certain international conventions, as well as, multilateral and bilateral in the modern international legal regime of the suppression to the slaves' transportation by sea. In this sense, we have considered that the transportation of slaves by sea is an illegal use of the "flag vessels" and there are the status obligations of a "flag State", *inter alia*, to suppress the abovementioned using of ships, which are the obligations to form an integral part of the "genuine link" conception. It is advisable to start considering from the studying of the groundwork laid by the League of Nations and the United Nations which has made various restatements of the definitions of the terms "slave" and "slavery".

We handled a formal legal method to demonstrate the content of the "UNCHS'1958" and of the "UNCLOS'82". As a result, must be noted that the text of the Article 13 of the "UNCHS'1958" was copied without any changes in the Article 99 of the "UNCLOS'82". Moreover, Article 99 of the "UNCLOS'82" turns over towards the "every State" but, notwithstanding, prescribes measures, which are to be taken especially by the "flag State" with reference to "flag ships" – ships authorized to fly its flag. We think, that it is important to take into consideration that such measures include the prevention of the unlawful use of its flag for that purpose, that is – to use of its flag either by ships "authorized", or ships "not authorized" to fly its flag.

Methods of analysis and synthesis are used to generalize and draw conclusions about results of the study. Methods of analysis and synthesis,

which allow us to identify elements of the subject of study for more thorough study and then combine them, enriching the phenomenon under study with new knowledge, allowed us to draw conclusions about the inadequacy of international legal mechanisms to combat slavery at sea.

Results and Discussion

Preliminary notes

Although slavery has existed since ancient times the Declaration Relative to the Universal Abolition of the Slave Trade (Oxford University Press, 1815) was the first international instrument to condemn it (Weissbrodt, 2002).

"Yet more than twenty-seven million people" are still trapped in one of history's oldest social institutions (Bales, 2012; Weissbrodt, 2002). Employing a macro-historical perspective, J. Quirk take up the complex relationship between the historical and contemporary, introducing the concept of an "Anti-Slavery Project", which "builds upon the notion that the present status quo can be traced to both the remarkable achievements, and substantive limitations, of legal abolition (Quirk, 2006; Beydoun, 2006). The thorough analysis of the definition of slavery was made by Bales and Robbins (2001). The authors have attempted to build on theories and examples to clarify the identification of slavery by focusing on an irreducible core of three elements and have noted that assessing "the presence of all three can then be applied to a variety of social relationships: first, the complete control of one personal by another; second, appropriation of labor power; and third, the enforcement of these conditions by threats or acts of violence".

For the purposes of this article we will understand the term "obligation" – as a legal duty and the term "status" – as a person's legal standing or capacity – the term, which derives from Roman law, in which "it referred to a person's freedom, citizenship, and family rights (Martin, 1994).

The United Nations Convention on the High Seas, 1958 and The UN Convention on the Law of the Sea, 1982

The United Nations (1982) Convention on the Law of the Sea (generally known as UNCLOS'82) is among the conventions with universal implication, *inter alia*, on the suppression of slaves' transportation by sea

(further referred to as the “UNCLOS’82”). Every State which have ratified the “UNCLOS’82” obtain certain subjective rights, juridical obligations and responsibilities and, therefore, legal status – State Party – “state, which have consented to be bound by this Convention and for which this Convention is in force” (“UNCLOS’82”. Part I “Introduction”. Article 1 “Use of terms and scope”, paragraph 2 (1). Thus, States Parties “shall fulfil in good faith the obligations assumed” under the “UNCLOS’82” and “shall exercise the rights, jurisdiction and freedoms” recognized in this Convention in a manner which would not constitute an abuse of right (“UNCLOS’82”. Part XVI. “General Provisions”. Article 300 “Good faith and abuse of rights”).

According to Article 99 “Prohibition of the transport of slaves” (“UNCLOS’82”. Part VII “High seas”. Section 1. “General provisions”) every State Party “shall take effective measures”: 1) to prevent the transport of slaves in ships authorized to fly its flag; 2) to punish the transport of slaves in ships authorized to fly its flag; 3) to prevent the unlawful use of its flag for that purpose. Article 99 turns over towards the “every State” but, notwithstanding, prescribes measures, which are to be taken especially by the “flag State” with reference to “flag ships” – “ships authorized to fly its flag”. We think, that it is important to take into consideration that such measures include the prevention of “the unlawful use of its flag for that purpose”, that is – to use of its flag either by ships “authorized”, or ships “not authorized” to fly its flag. Article 99 defines that any slave taking refuge on board any ship, whatever its flag, “shall ipso facto be free” (“ipso facto” – with reason of the fact – legal form which claims that consequences of an action arose without any additional facts; “ipso jure” – with reason of a law – legal form which claims that consequences are arose logically from a law) (Osipov, 2009).

Earlier in the United Nations Convention on the High Seas, 1958 (United Nations, 1958) (further referred to as the “UNCHS’1958”) it was declared that “every State shall adopt effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag, and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall ipso facto be free” (“UNCHS’1958”. Article 13). So, it must be noted that, the text above was copied without any changes in the Article 99 of the “UNCLOS’82”. But it generally accepted that the “UNCLOS’82” have made “most important contribution” in the

struggle with slaves’ transportation by sea, “as far as, Article 99 wind up the gap between the norms of international law, which are abolished slavery, and the law of the sea (Nordquist et al, 1995).

The Convention to Suppress the Slave Trade and Slavery, 1926 and The Protocol amending the Slavery Convention signed at Geneva on 25 September 1926. The Convention to Suppress the Slave Trade and Slavery known as the “Slavery Convention, 1926”, was signed on September 25, 1926 and entered in to force on 7 March 1927 (further referred to as the “Slavery Convention”). This convention was created under the auspices of the League of Nations and serves as the foundation for the prevention and suppression of the slave trade. The High Contracting Parties have decided to conclude a Convention and have agreed on Article 2, but: 1) taking into consideration the General Act of Berlin (britannica,1885); the General Act and Declaration of Brussels (Oxford University Press, 1890); the Convention of Saint-Germain-En-Laye (University of Oregon, 1921) and 2) desiring: i) to complete and extend the work accomplished under the “Brussels Act”; and ii) to find a means of giving practical effect throughout the world to such intentions as were expressed in regard to slave trade and slavery by the signatories of the “Convention of Saint-Germain-en-Laye”, and recognizing that it is necessary to conclude to that end more detailed arrangements than are contained in that Convention. Thus, this Convention was “the first, really worldwide agreement on human rights” (Yegorova, 2005).

With the “Slavery Convention”, concrete rules and articles were decided upon, and slavery and slave trade were banned; so, the High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags (Article 3). We want to note that the last part of the Article 3 is dedicated to the “flag vessels” and, thus to the “flag States”.

The “Slavery Convention” states that “the slave trade” includes: i) all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; ii) all acts involved in the acquisition of a slave with a view to selling or exchanging him; iii) all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged; iv) in general, every act of trade or transport in slaves (Article 1, paragraph, 2). We have to notice that the



definition of the term “slave” was not agreed upon in the “Slavery Convention” and used now in the “UNCLOS’82” also without definition (see Art. 99); on our opinion, this term could mean “a person whose status or condition may be classified as the “slavery”. The “Slavery Convention” was amended in 1953 and 1955 (United Nations, 1953).

The essence of the term slavery is further refined and extended by the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (further – “Supplementary Convention”) (United Nations, 1957). The States Parties to the Convention had decided that the “Slavery Convention”, which remains operative, should be augmented by the conclusion of a supplementary convention designed to intensify national as well as international efforts towards the abolition of slavery and the slave trade. “Slave” means a person in such condition or status (Section IV. “Definitions”. Article 7). Article 3 (Section II. “The slave trade”) prescribes that the States Parties: 1) shall take all effective measures to prevent ships and aircraft authorized to fly their flags from conveying slaves and to punish persons guilty of such acts or of using national flags for that purpose (Article 3, paragraph 2 (a);.... 3) the act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or of being accessory thereto, shall be a criminal offence under the laws of the States Parties and persons convicted thereof shall be liable to very severe penalties (Article 7, paragraph 1).

Conclusions

The purpose of our study was to investigate modern international legal regime of the slaves’ transportation by sea suppression. The results found highlight that the transportation of slaves by sea is an illegal use of the “flag vessels” and there are the status obligations of a “flag State”, inter alia, to suppress the abovementioned using of ships, which are the obligations to form an integral part of the “genuine link” conception.

The modern international legal regime of the suppression to the slaves’ transportation by sea is formed by the norms of certain international conventions, as well as, multilateral and bilateral. Moreover, the groundwork laid by the League of Nations and the United Nations has made various restatements of the definitions of the terms “slave” and “slavery”.

Article 99 (“UNCLOS’82”) turns over towards the “every State” but, notwithstanding, prescribes measures, which are to be taken especially by the “flag State” with reference to “flag ships” – “ships authorized to fly its flag”. We think, that it is important to take into consideration that such measures include the prevention of “the unlawful use of its flag for that purpose”, that is – to use of its flag either by ships “authorized”, or ships “not authorized” to fly its flag. At the same time, it must be noted that, the text of the Article 13 of the “UNCHS’1958” was copied without any changes in the Article 99 of the “UNCLOS’82”. But it is generally accepted that the “UNCLOS’82” have made most important contribution in the struggle with slaves’ transportation by sea, as far as, Article 99 wind up the gap between the norms of international law, which are abolished slavery, and the law of the sea.

With the “Slavery Convention” and the “Supplementary Convention” concrete rules and articles were decided upon with the purpose to the slavery and slave trade be banned. Moreover, all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves are to be taken by all States. So, we want to note that this provision is dedicated, inter alia, to the “flag vessels” and, thus to the “flag States”.

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Constitutional principles of protection of family rights and interests of the child in civil proceedings

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Abstract

In today's society, paradigms and models of child-rearing, values, and opportunities of parents, competent authorities, and the court to ensure the rights of the child are changing. Most states have identified the protection of family rights and interests of the child, the avoidance of violence against the child, the prohibition of bullying, etc. among the priority areas of state policy. It is important to analyze the constitutional principles of protection of family rights and the concept "the best interests of the child" in civil proceedings, because it is the court that the legislator has the broadest powers in this area, compared to other jurisdictions. The work aims to study the guiding constitutional principles based on which the court can protect the family rights and interests of the child. The research methodology consists of general theoretical and special scientific methods, namely: hermeneutic, system-structural, structural-functional, historical-legal, comparative-legal, and formal-logical. As a result of the study, the mechanisms of the best possible protection of children's rights by the

Анотація

У сучасних умовах розвитку суспільства, змінюються парадигми та моделі виховання дітей, цінності та можливості батьків, компетентних органів та суду щодо забезпечення прав дитини. Більшість держав серед пріоритетних напрямів державних політик визначили захист сімейних прав та інтересів дитини, уникнення насильницьких дій щодо дитини, заборону булінгу тощо. Важливо проаналізувати конституційні засади захисту сімейних прав та інтересів дитини у цивільному судочинстві, адже саме суду законодавцем надано найбільш широкі повноваження в зазначеній сфері, порівняно з іншими юрисдикційними органами. Метою роботи є дослідження керівних конституційних принципів, на підставі яких суд може захистити сімейні права та інтереси дитини. Методологією дослідження складають загальнотеоретичні і спеціально-наукові методи, а саме: герменевтичний, системно-структурний, структурно-функціональний, історико-правовий, порівняльно-правовий, формально-логічний. В результаті проведеного дослідження проаналізовано механізми якнайкращого забезпечення прав дитини

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courts were analyzed. An analysis of current case law, including the case-law of the European Court of Human Rights, concluded that today courts and other competent bodies pay considerable attention to analyzing "how a child will be better" and make informed decisions and, if necessary, correct previous mistakes.

Keywords: constitutional principles, civil proceedings, the best interests of the child, child, family rights and interests.

Introduction

In the system of legal guarantees that ensure the exercise of any rights, the main thing is the protection through which the restoration of the situation that existed before the violation, prevention, and cessation of illegal actions is achieved. Safety of family rights and legally protected interests is the most significant guarantees for the existence of these rights and interests. This is since the rights and interests in any sphere of public life are not always exercised without hindrance. The protection of subjective rights is realized in the manner prescribed by law, i.e. by using the appropriate form. It is essential, in this legal procedure, to respect the best interests of the child.

The principle of the best interests of the child is gaining increasing attention among lawyers, public authorities, and the courts in dealing with children. However, at the constitutional level, the definition of "the best interests of the child" is not enshrined. Moreover, the legislation of Ukraine uses different names for this legal category - "best interests" and "highest interests", and the courts, in turn, differently protect the rights and interests at their discretion.

It is worth noting that the current approach to resolving family disputes involving a child is changing. The above issues are quite relevant today, as a third of civil cases arise from family relationships that directly or potentially affect the interests of children. Therefore, it is necessary to explore the basic principles of the concept of ensuring the "best interests of the child" under international law and national law with an approach to their reproduction through the prism of national jurisprudence.

Given the ambiguity of interpretation and the lack of normative definition of the interpretation of children's rights, it is mostly the prerogative of courts to consider family disputes on children's interests, it is major to analyze the constitutional principles of the family several supranational

courts. Analysis of current case law, including the case-law of the European Court of Human Rights, concluded that today courts and other competent bodies pay considerable attention to analyzing "how a child will be better" and make informed decisions and, if necessary, correct previous mistakes.

Ключові слова: конституційні засади, цивільне судочинство, права та інтереси, дитина, сімейні права та інтереси.

regulations. In addition, it is meaningful to study the mechanisms of protection of the rights and interests of the child in civil proceedings and analyze existing problems in litigation in terms of compliance with the interests of the child and develop proposals to improve legislation and jurisprudence to improve the protection of rights and interests of the child in civil proceedings.

The object of the study is the constitutional principles of safety of family rights and interests of the child in civil proceedings. The subject of the study is the social relations that arise, change, and end during the protection of the rights and interests of the child in civil proceedings.

Theoretical Framework or Literature Review
The main issue of this article was studied by: Evko (2018), Kravchuk (2017), Loboyko and Shilo (2015), Luspenik (2018), Nekrasova (2013), Olkhova (2013), Petrochko (2014), Stoyanova (2015), and Tuboltseva (2018).

Thus, Evko (2018) researched the peculiarities of judicial protection of family rights and drew attention to problematic aspects of civil law and process. The author's research reveals the peculiarities of litigation arising from family disputes. The author made a comparative legal analysis of family and civil procedural law. The result of this analysis was the author's conclusion that in the judicial protection of family rights, although there are dispositive principles, but the implementation of the subjects of family law dispositive principles in civil proceedings in protecting their violated family rights and legitimate interests has limited application compared to others. categories of civil cases. Also, the researcher stressed that the specifics of judicial protection of family rights depend on the specifics of family relationships, which have a strong personal character, but their protection is one of the tasks of the Ukrainian state. Based on this, in the judicial protection of family rights, although there are dispositive principles, the

implementation of the subjects of family law dispositive principles in civil proceedings in the protection of their violated family rights and legitimate interests has limited application compared to other categories of civil cases.

Another researcher, Kravchuk (2017), studied in detail the concept of "the best interests of the child" in Russian family law. The author explored both problematic aspects of ensuring rights and conducted an analysis of international experience.

Petrochko (2014) studied the notion of "the best interests of the child", their essence, and ways of providing given the Ukrainian experience.

The concept of judicial law in the context of judicial protection of rights and freedoms has been the subject of research by scholars such as Loboyko and Shilo (2015). In their work, the authors considered the controversial issues of the concept of judicial law, which is based on judicial protection of human rights and freedoms, and concluded that judicial law is not a branch of law because it does not have a specific subject of legal regulation. In particular, the authors considered the normative and practical value of the concept of judicial law as a source of new scientific knowledge on the convergence of theoretical and unification of regulations of the judiciary. The approaches developed by the authors were used in our study.

In his work, Luspenik (2018) examined exactly what and how the novelties of the civil process influenced judicial practice. Thus, the author analyzed in detail the features of the changes in 2016 to civil procedural law. For example, the author drew attention to a novelty in the evidentiary procedure, according to which copies of evidence (except physical evidence) introduced to the court are sent in advance or provided by the person submitting them to other participants in the case. In particular, he noted that Article 191 of the Civil Procedure Code (Law No. 1618-IV, 2004), devoted to sending copies of the statement of claim and the documents attached to it, does not specify the procedure for sending participants copies of electronic evidence. Thus, in civil proceedings there is a permissive nature of legal regulation, ie the subjects of civil procedural legal relations can perform only those actions that are expressly permitted by law. Therefore, in order not to cause problems in practice, it is necessary to clearly define which rule of procedural law is special and which is general. Another conclusion that follows from Part 9 of Article 84 of the Civil

Procedure Code – public availability of information eliminates the need to provide the parties with a copy of the evidence. As can be seen from the literal interpretation, this is not public information, which is determined by the law "On access to public information", but any publicly available information. The law does not define what public access is, so in this context, the question of the use of information from the Internet naturally arises, one of the most important features of which is its public availability. In the context of the interpretation of this article of the CPC, the author considers it appropriate to be exempt from the obligation to submit copies of evidence containing information available on the official websites of state and local governments, other reputable institutions, unified state electronic registers. Therefore, the author concluded that the procedures for submitting electronic evidence need further legislative refinement in order not to complicate their use in practice.

But Nekrasova (2013) studied the ways to ensure safety for the rights and interests in family and civil law, conducting a detailed analysis of them.

Based on international experience, Olkhova (2013) analyzed the principle of the best interests of the child in international humanitarian law.

Stoyanova (2015) examined the impact of certain provisions of the European Convention on Adoption in courts' consideration of adoption cases. At the same time, Tuboltseva (2018) paid more attention to ensuring the best interests of the child when the court considers adoption cases.

An important study was conducted by Churpita (2016), who analyzed in detail the conceptual principles of protection of family rights and interests in non-litigious civil proceedings.

From the above analysis of the literature, it can be summed up that the principles of protection of family rights and interests of the child have been the subject of research, but in civil proceedings this issue are insufficiently studied.

Methodology

During the study, the hermeneutic method was used to interpret the concept of "best interests of the child." With the help of system-structural and structural-functional methods, it became possible to reveal the relationship between the elements of the mechanism of judicial protection of children's rights and mechanisms of out-of-court

protection. The historical-legal aspect helped to understand the chronology of the development of legislation on family rights, its qualitative changes, and to determine the factors that influenced the development of legislation. Moreover, the use of historical and legal methods allowed to trace the evolution of legal regulation, and to explore the genesis of scientific views on the protection of family rights and interests in civil proceedings.

The comparative-legal method played an equally important role in conducting this study. This method was used to determine the place of the studied issue in different countries. Hence, the identification of the general and special constitutional principles of judicial safety in civil proceedings of the studied issue in domestic and foreign civil procedural law, as well as when comparing scientific views on the outlined issues.

A necessary role in the study was also played by the method of theoretical modeling in the analysis of social relations and their possible transformations because thanks to this method, it became possible to study potential changes in the context of judicial protection of children's rights.

Formal and logical methods (analysis and synthesis, induction and deduction, proof and refutation, comparison, generalization, etc.) helped to explore the specifics of protecting the family rights and interests of the child in civil proceedings. The induction and deduction helped to analyze the features of the relevant cases by the courts. The formal-logical method has traditionally become important in family law. It allowed the logical application of regulations, rules, and forms of law to individual situations. The system-structural method in the conditions of the rule of law permits applying the law from the standpoint of justice. The formal-logical method is used in the construction of classifications in science, provides an opportunity to further identify the features of individual legal phenomena, their legal nature. The formal-logical method provided an opportunity to periodize phenomena and formulate the content of legal categories according to their characteristics. In addition, this method allowed to identify other existing norms from the existing norms. With the help of induction, the general norm (principle) for the protection of family rights, in general, was derived from the norm that applies to all cases of protection of family rights of children. That is, in this regard, the general rules of law are like ready-made material for deductive work:

studying the content of the law, it became possible to draw logical conclusions, develop its general concepts and provisions and build on this basis a system of general principles of protection of children's rights. Both the inductive method and deduction were used in this study to systematize the empirical material to more accurately and consistently formulate the conclusions drawn from the study of the peculiarities of civil proceedings for the protection of children's rights.

Results and Discussion

Before considering the constitutional principles of safety of family rights and interests of the child in civil proceedings, let us consider the legal nature of subjective family rights and legally protected family interests as an object of protection in civil proceedings.

Subjective family law – type and measure of possible and permissible behavior of the subject of family relations, which consists of the right to perform their actions; authority to demand certain actions from the obligated party; the right to apply to the relevant authorities for protection of their violated, unrecognized or disputed right.

The family interest protected by law is the need and desire to use specific material and (or) intangible benefits, which may or may not be mediated by certain subjective family rights.

Given the relationship between subjective family law and the legally protected family interest, we can conclude that the latter, reflected in the minds of the entitled subject, is a meaningful factor in his volitional behavior, and subjective family law - a special legal means of private goals and, thus, protected by law (legitimate) family interest.

Subjective family rights and legally protected (legitimate) family interests, which are subject to protection in civil proceedings, can be divided according to the subjective composition of their bearers into:

- a) subjective family rights and legally protected (legitimate) family interests, which are held by the spouses;
- b) subjective family rights and legally protected (legitimate) family interests, which are held by parents and children, and;
- c) subjective family rights and legally protected (legitimate) family interests, the bearers of which are the subjects.

The legal development of the studied issue in civil proceedings can be explored through the following chronology of the adoption of regulations.

One of the most essential documents regulating the rights of the child is the Convention for the Protection of Human Rights and Fundamental Freedoms and the 1989 UN Convention on the Rights of the Child (United Nations, 1989).

Article 3 of the UN Convention on the Rights of the Child stipulates that in all actions concerning children, whether public or private, social security, courts, administrative or legislative bodies, the best interests of the child shall be a primary consideration. States Parties that recognize or permit the adoption of the adoption system shall ensure that the best interests of the child are a primary consideration (United Nations, 1950; United Nations, 1989).

Given the important role of protecting the rights of the child, attention should be paid to the interpretation of the principle of the best interests of the child. At the declarative level, the best interests of the child are taken into account in the administration of justice following the Guidelines of the Committee of Ministers on Child-Friendly Justice, adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Instruments. adaptation by States Parties to their judicial and extrajudicial systems to the specific rights, interests, and needs of children. The Guiding Principles are based on the principles enshrined in international instruments, as well as the case-law of the European Court of Human Rights. Among the highlighted fundamental principles of child justice, such as honor, dignity, protection against discrimination, and the rule of law, is the principle of the best interests of the child. Thus, member states must ensure that the rights of the child to the best interests of the child are exercised as a primary consideration in all matters affecting or affecting them (Committee of Ministers of the Council of Europe, 2010).

Therefore, the Guidelines state that when considering cases, the views and views of children must be duly taken into account when assessing the interests of children who are involved in or will be affected by the trial; all relevant authorities should take an integrated approach to take into account all interests that may be at stake, including psychological and physical health, legitimate, social, economic interests of the child.

At the constitutional level in Ukraine, the rights of children are enshrined, for example, Art. 51 of the Constitution of Ukraine proclaims the protection of childhood, equality of rights of children regardless of origin, prohibition of violence against children and their exploitation, protection and assistance of the state to a child deprived of the family environment (Law No. 254k/96-VR, 1996). Simultaneously, no article of the Constitution of Ukraine establishes age restrictions for the exercise of rights and freedoms and the performance of duties and does not contain a direct reference to the peculiarities of their implementation by the child.

No less significant act regulating the rights of the child is the Law No. 2947-III (2002), which establishes the principle of observance of the highest interests of the child. As a result of the analysis of norms of the Family Code of Ukraine it is possible to allocate classification of forms of protection of family rights, depending on the subject of protection:

Forms of protection of family rights

- court;
- guardianship and custody bodies;
- notary bodies (does not apply to personal non-property rights), and;
- in the form of self-defense.

Additionally, we consider it more appropriate to divide into jurisdictional and non-jurisdictional forms of protection of rights and interests.

The No. 2402-III (2001) states that the protection of children in Ukraine is a strategic national priority, which is important for the national security of Ukraine, the effectiveness of the domestic policy, and to ensure the realization of children's rights to life, health, education, social protection, comprehensive development and upbringing in a family environment establishes the basic principles of state policy in this area, based on ensuring the best interests of the child (Law No. 2402-III, 2001).

The Civil Procedure Code of Ukraine provides a general list of issues that need to be identified to decide on, for example, adoption, but we believe that more detailed attention of the court in considering and deciding the case should be paid to the circumstances that determine the legal grounds for adoption. Thus, the subject of judicial activity is to verify the grounds for adoption, the compliance of such adoption to the interests of the person to ensure stable and

harmonious living conditions (Law No. 1618-IV, 2004).

In deciding the merits of the application, the court is obliged to check: the consent of the child's parents to the adoption (if necessary); the applicant's ability to be an adoptive parent; whether the child is the subject of adoption following the law and whether the requirements of family law regarding the consent of the child are met; whether the conclusions of the guardianship authority and the adoption permit of the authorized body of executive power meet the necessary requirements (Law No. 1618-IV, 2004).

Therefore, the law establishes the obligation to observe the best interests of the child, but unfortunately, there is no normative definition of this concept. Given this circumstance, the body that most often deals with the notion of the best interests of children assesses the degree of observance of these interests in civil proceedings is the court.

For a clearer approach of the courts, let's analyze the approaches of the European Court of Human Rights (hereinafter – ECtHR) to the protection of children's rights.

One of the most discussed and applied decisions of the European Court of Human Rights is the decision in the case of M.S. v. Ukraine (application no. 2091/13) of 11 July 2017 (Judgment No. 2091/13, 2017). In this judgment, the ECtHR found a violation of Art. 8 of the Convention and stressed the need to take into account the best interests of the child, which take precedence over the interests of parents. Determining the best interests of the child requires a detailed study of the situation, taking into account various factors that may affect the interests of the child, following a fair procedure in resolving the dispute for all parties. Thus, in paragraph 75 of the judgment, in this case, the ECtHR noted that there is a broad consensus today, including in international law, to support the idea that in all decisions concerning children, the best interests of the child should be a primary consideration. The best interests of the child, depending on their nature and seriousness, may exceed the interests of the parents. The same ECtHR stated in paragraph 54 of the judgment in Hunt v. Ukraine (application no. 31111/04) of 7 December 2006 (Judgment No. 31111/04, 2006).

To understand the guidelines for the protection of family rights in civil proceedings, let us consider some legal positions of the Supreme Court on the

interpretation of the best interests of the child and the application of this principle in family matters.

In its decision in case № 712/10623/17 of 4 July 2018, the Grand Chamber of the Supreme Court stated that the provision on equal rights and responsibilities of parents in the upbringing of a child cannot be interpreted to the detriment of the interests of the child. Each case requires a detailed study of the situation, taking into account various factors that may affect the interests of the child, including his opinion, if he is able to formulate their own views according to age (Case No. 712/10623/17, 2018).

In this case, the father did not give the child consent to go abroad to study. The child's mother filed a lawsuit in court to obtain permission for the child to travel abroad without the consent and support of the father based on a court decision for the time of the child's education. The father objected to the lawsuit and said that the mother's claim contradicts current legislation, which determines the equality of rights and responsibilities of parents in raising a child, and this may lead to the actual deprivation of the child's father of the opportunity to participate in her upbringing and communication with her/him. The courts of three instances have determined that the child's departure abroad for the purpose of study and education is in his best interests. Therefore, the rights of the child must take precedence over the rights of the father. Based on the above, the mother's claim was satisfied.

The same approach is traced in the decision of the Civil Court of Cassation in case № 534/1578/18 of 18 March 2020 (Case No. 534/1578/18, 2020). The said decision states that the analysis of the rules of law and practice of the ECtHR gives grounds to conclude that equality of parental rights is derived from the rights and interests of the child for the harmonious development and proper upbringing, first of all, the interests of the child in a situation of the dispute must be determined, and only then the rights of parents. Any disputes between the parents in which the child is involved and which are resolved by the guardianship authority or the court, harm its physical and mental development and contradict the principle of ensuring the best interests of the child.

In the decision in case No. 372/3324/17 of April 14, 2020, the Civil Court of Cassation noted that the child is the most vulnerable party in any family conflict, and litigation of family disputes affecting the interests of the child is particularly difficult. The child is a subject of law and

(despite his minor age and incomplete civil capacity) has a certain amount of rights. One of her basic rights is the right to express her opinion and the right to have her opinion taken into account in matters concerning her life (Case No. 372/3324/17, 2020).

The above shows that the Supreme Court, in its consideration, seeks to thoroughly and fairly assess the circumstances of the case, based on the analysis to determine what is in the best interests of children and make informed decisions, if necessary, correcting errors made by previous courts.

Conclusions

1. The content of the concept of "best interests of the child" and its normative consolidation in national and international law are analyzed. The national case law on the application and interpretation of the principle of the best interests of the child in family matters is analyzed and the conclusion is made on the need to amend the national legal framework to form a single case law on children's rights.
2. It is determined that the safety of family rights and legally protected interests is the most significant guarantees for the existence of these rights and interests. This is since the rights and interests in any sphere of public life are not always exercised without hindrance.
3. It is investigated that, in the theory of law, there are different approaches of scientists to the selection of forms of protection of family rights. We consider the most appropriate division into jurisdictional and non-jurisdictional protection.
4. The analysis of the current practice of the ECtHR and the Supreme Court gives grounds to assert that at the level of courts there is a correct and detailed understanding of the principle of the best interests of the child, which does not contradict the provisions of international instruments. Simultaneously, making the necessary changes to the legislation will ensure the correct application of this principle by lower courts, guardianship authorities, and other state bodies that make decisions in cases concerning children.

Regarding further research, it is necessary to examine in more detail the international experience in regulating "family" litigation to implement the best foreign experience in

countries that are just beginning to protect the rights of children.

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Dispute on the Internet: the format of discourse, linguistic technologies, modern language tactics

Диспут в інтернеті: формат дискурсу, лінгвістичні технології, сучасні мовні тактики

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Abstract

The concept of discourse is fundamental to modern linguistics. Discourse is a connecting link for all linguistic research, and modern ideas about discourse, without exaggeration, reflect the process of formation of linguistic science. The purpose of this work is to analyze the linguistic and stylistic features of the dispute on the Internet, namely: the format of discourse, linguistic technologies, and modern language tactics. The subject of the study is the debate on the Internet as a way to find out the positions of the participants in the discussion. During the study, a number of general scientific methods were used: the method of analogy, the method of generalization, the method of observation, the method of comparison, the method of experiment, the method of analysis, and the historical method. As a result of the research, the format of discourse, linguistic technologies, and modern language tactics of debate on the Internet were analyzed. Thus, it is emphasized that in the debate on the Internet, a combination of verbal and nonverbal components of the message realizes such an important feature of media discourse as multimedia. Non-verbal means of communication

Анотація

Поняття дискурсу є фундаментальним для сучасної лінгвістики. Дискурс становить своєрідну з'єднувальну ланку для усіх лінгвістичних досліджень, а сучасні уявлення про дискурс, без перебільшення, відображають процес становлення лінгвістичної науки. Метою цієї роботи є аналіз мовно-стилістичних особливостей диспуту в Інтернеті, а саме: формат дискурсу, лінгвістичні технології та сучасні мовні тактики. Предметом дослідження є диспут в Інтернеті як спосіб з'ясування позицій учасників обговорення. Під час проведення дослідження було використано ряд загальнаукових методів: метод аналогії, метод узагальнення, метод спостереження, метод порівняння, метод експерименту, метод аналізу та історичний метод. У результаті дослідження було проаналізовано формат дискурсу, лінгвістичні технології та сучасні мовні тактики диспуту в Інтернеті. Так, наголошено на тому, що у диспуті в Інтернеті за допомогою поєднання вербального та невербального компонентів повідомлення реалізується така важлива риса медіа-дискурсу,

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become a kind of background for the message, which thus receives additional expressive-emotional-evaluative overtones, which helps to put in the mind of the recipient a particular idea. In addition, the extreme pragmatism of modern man creates new challenges for its information. Today, to enhance the "presence effect", it is necessary to create the illusion of a new reality, an integral part of which is Internet discourse.

Keywords: debate, discourse, linguistic technologies, language tactics, linguistic and stylistic feature, Internet discourse.

Introduction

In modern conditions of the development of public relations, the Internet has become a powerful means of communication and a way of forming public opinion. It is thanks to the Internet that society is influenced, various stereotypes about politics, culture, economics, etc. are formed. Thus, the formation of the consciousness of the modern individual is influenced by several factors, among which discourses and disputes play an important role. with human speech activity, can not do without expression, whether oral or written.

Discourse and debate are the focus of many sciences: linguistics, philosophy, psychology, communication theory, etc. The transition to the paradigm of dispute and discourse can be considered a natural development of linguistic thought. More and more modern media outlets are accessing the Internet, combining aspects of mass periodicals and inclusion in the global information network. The functional orientation of discourse involves the implementation of its three main strategies: to attract attention, inform and influence the audience. These strategies determine the leading features of discourse on the Internet, such as the alternation and contrast of standardized and expressive means, the social nature of communication, communicative general significance and accessibility, and multimedia. In general, close to the purpose of the discussion is a dispute, which is a public debate on a scientific or social topic, thinking about one idea, discussing it. The dispute implies freedom, freedom, sincerity of the participants' statements. They are not grouped.

Thus, in today's society, where the main driving force is information, the key discourse that implements the movement of social thought and forms a conceptual picture of the human world

як мультимодусність. Зокрема, невербальні засоби комунікації стають своєрідним фоном для повідомлення, яке завдяки цьому отримує додаткові експресивно-емоційно-оцінні обертони, що допомагає закласти у свідомість реципієнта певну ідею. Крім того, надзвичайна прагматичність сучасної людини створює нові виклики для її інформування. Сьогодні задля посилення «ефекту присутності» необхідно створювати ілюзію нової реальності, невід'ємно складовою якої є саме інтернет-дискурс.

Ключові слова: диспут, дискурс, лінгвістичні технології, мовні тактики, мовно-стилістична особливість, дискурс Інтернет.

has become a dispute on the Internet. Given the popularity of the Internet, the interest of linguists in this phenomenon is becoming apparent.

The terms "computer discourse" and "electronic discourse" are similar in meaning, as they imply communication via computer. Internet discourse differs from other types of discourse by specific principles and rules of structural organization and is characterized by genre diversity. Given the popularity of the Internet and the transition to more and more communication practices, it is safe to say, that linguistic intelligence in the field of Internet communication will increase in direct proportion to this process and will be able to fill existing gaps and shed light on controversial issues related to the peculiarities of communication on the Internet.

Given the significance of this issue, it is necessary to pay special attention to the linguistic and stylistic features of the dispute, differences in its formats, linguistic technologies, format, and tactics to achieve the desired result.

Theoretical Framework or Literature Review

Linguistic and stylistic features of the dispute on the Internet were studied as domestic scholars, but a comprehensive analysis of the dispute was not conducted.

Among the scholars who dispute and discourse issues are: Perhach and Smirnova (2019), Anderson (2020), Ruda (2021), Kozhemyakin (2016), Aleksandrova (2003), Akhrenova (2009), Volodina (2005), Galichkina (2001), Husar (2004), Dobrosklonskaya (2005), Zheltukhina (2003), Zavgordnya (2003), Ilchenko (2003), Kalmykov (2005), Kibrik

(2009), Kozhemyakin (2010), Pastukhov (2008), and Khalyapina (2005).

Aleksandrova (2003) studied the language of the media in the context of the collective space of society. According to Aleksandrova (2003), the media is a discourse, because they are dynamic, modern, and perceived by participants in communication in the context of current events. Akhrenova (2009), studied Internet discourse as a global intercultural phenomenon and its linguistic design.

According to Volodina (2005), the media can be seen as a form of "social dialogue". Galichkina (2001) focused on the specifics of computer discourse in English and Russian. The scholar defines computer discourse as a multi-genre functional variety of public dialogic and monologue speech that has emerged as a result of interpersonal computer communication. The subject of Husar's study (2004) was the ingvocognitive and communicative-pragmatic aspects of private newspaper advertisements. Meanwhile, Dobrosklonska (2005) in her work identified the role of the media in the dynamics of language processes.

Perhach and Smirnova (2019) devoted their work to define the concept of manipulation as a method of influencing the reader's consciousness, behavior, emotional and psychological state. The work aims to identify the goals of manipulative influence and the essential features of its use in modern print media. The study was based on a selection of articles from various Ukrainian and foreign-language publications. The authors believe that to determine the syntactic, stylistic, morphological, lexical, and semantic means of linguistic implementation of manipulation had to resort to the method of content analysis.

Morevoer, Ilchenko (2003) examined the expression of the name in the media in more detail. Kalmykov (2005) conducted a large-scale study of online journalism. The variety of parameters for the classification of discourses was the subject of Kibrik (2009). Also, Kozhemyakin (2010) analyzed mass communication and discourse methodology through a variety of research methods and discourse technologies.

Pastukhov (2008) considered the features of media texts, in turn, Khalyapina (2005) explored the features of discourses in foreign languages. Peculiarities of Internet media discourse were analyzed by Shevlyakova (2013), using materials

from English-language online magazines for teenagers.

Though a large number of works on the peculiarities of dispute and discourse, the topic of linguistic and stylistic features of dispute on the Internet remains incompletely studied; in the context of the above, this issue needs to be studied.

Methodology

During the writing of the article, such scientific methods were used as a method of analogy, method of generalization, method of observation, method of comparison, method of experiment, method of analysis, historical method.

Thus, the method of observation created a general description of debate and discourse on the Internet, analyzed trends in media discourse and political debate, which later allowed us to conclude linguistic technologies and modern language tactics of discourse on the Internet.

The analysis method was used to study the trends in the development of the dispute and found that despite the spread of the dispute on the Internet, the characteristics of the dispute remain the same as during the media dispute outside the Internet. Also, the theoretical analysis of "debate" and "discourse" covered the basic concepts of discourse, and, along with the text and concept, allowed to consider the genre in its discursive function of mediator between individual and society, which provides certain roles of author and reader of the information on the Internet.

Along with the method of analysis, the method of synthesis is used, which consisted in this study in the combination of individual aspects of the study into a single whole. In particular, based on the use of certain formats of discourse, linguistic technologies, and modern language tactics, their role in the formation of communication on the Internet was highlighted. Also, it should be noted that the use of such a method as synthesis, at different stages of the study acquainted with the general features of the object under study and helped to understand its essence.

The method of comparison was used to highlight the features of discourse and debate in different conditions and environments, which in turn allowed to make generalizations about the impact of language tactics on the outcome.

Moreover, the generalization method helped to determine the linguistic and stylistic features of

the dispute on the Internet and to draw conclusions about the relationship between tactics, strategy, and form of dispute. Thanks to the method of generalization, it was concluded that the communication process should be addressed as the unity of verbal and nonverbal components of communication, taking into account the influence of social and personal characteristics of the individual on his communicative behavior, including corporate discourse.

The use of the historical method made it possible to study the object of study in terms of features of development, which significantly enriches scientific research, testifies to the reliability of its results and conclusions, confirms scientific objectivity.

The method of modeling was expediently used in the formation of linguistic technologies and tactics of debate on the Internet. Thus, modeling different situations with their further usage in practice, it is more effective to pre-analyze the theoretical aspects, international experience, and model possible developments.

The method of analogy made it possible to establish the relationship of equivalence between the two systems under consideration on some grounds. Disputes on the Internet and beyond have become such systems.

In addition, such a method as an experiment was used. This method allowed us to predict the next stages of the transformation of the dispute on the Internet, given the current stage of development of public relations and technological progress.

Results and Discussion

Before analyzing the linguistic and stylistic features of the dispute on the Internet, it is essential to provide a definition of discourse and dispute.

In general, the term "discourse" was first used by the American scholar Harris in the theory of text linguistics in 1952 (Kalmykov, 2005).

At present, there is no single and generally accepted definition of the term "discourse", which can be explained by the wide popularity of this term, as well as the fact that it is the subject of interdisciplinary research.

On the one hand, discourse is related to the pragmatic situation necessary to determine the coherence of discourse, its communicative

adequacy, and interpretation, and on the other hand - with the mental processes of communication (psychological, sociocultural, ethnographic principles and strategies for generating and understanding speech in specific conditions). Discourse develops within a specific situation, and discourse analysis provides an understanding of human interaction aimed at achieving certain goals, with communicators interpreting each other's speech and actions. Thus, the discursive analysis takes into account extralinguistic factors and this expands the boundaries of interpretation.

The large number of discourse typologies that exist today is, on the one hand, a consequence of the fact that not all typologies have clear classification criteria and sufficient empirical material, and on the other – since each area of human activity can generate its type discourse. Moreover, the typology of discourse is always historically determined and in each case is chosen by the researcher to solve specific problems. This suggests that an exhaustive classification of types of discourse is hardly possible or appropriate. However, attempts to create a universal classification of types of discourse do not stop. Today, the leading criteria for distinguishing types of discourse are those that are related to the categories of discourse and can be distinguished in terms of formal, functional, substantive criteria. Thus, the whole general discourse can be logically divided by one or another criterion.

"Computer discourse" is defined as a set of texts that are united by a common theme related to modern computer and information technology. Accordingly, computer discourse should be understood as communication mediated by electronic means of communication. And the main feature of computer communication is the communication of communicators in cyberspace. Computer-assisted communication can take place on the local, national or global Internet.

Network communication is distinguished according to the mode of interactivity (online, offline), the direction of communication (monologue, dialogue, polylogy), the degree of openness and accessibility (open, private).

A new environment of communication has been formed on the Internet, which includes oral and written speech - the electronic environment. To implement computer discourse, it is necessary to have a technical tool (personal computer), extralinguistic factors (spatial, temporal distance, belonging to a certain social stratum, etc.),

familiarity with specific computer vocabulary that serves as a means of unity and self-expression of communicators.

There are the following signs of dispute:

- 1) electronic communication signal;
- 2) virtuality;
- 3) spatial and temporal distance;
- 4) mediation by technical means;
- 5) combination of letter, image-visual, and image-auditory components;
- 6) status equality of communicators;
- 7) the use of "smilies" to convey feelings, emotions;
- 8) combining different types of discourse, and;
- 9) observance of computer ethics (netiquette), etc.

Computer communication has become part of the multidimensional communication of the media. However, unlike traditional media, which is a communication between a socially fixed sender and an undecided addressee of speech, computer discourse enables individuals to communicate. The Internet is a combined way of presenting information to an audience. At the same time, various channels of transmission affect the content of the message transmitted, as well as the process of perception of information by the audience.

Power relations are an important component of the discursive context as a situation of communication, which includes "conditions of communication, subject line, time and place of communication, the communicators themselves, their relationship to each other."

Corporate discourse is a kind of institutional discourse, which is a purposeful communicative action that is implemented in the institutional sphere and manifests itself in interpersonal relationships within the given framework of status-role relations.

For the modern linguistic paradigm, it is significant to study the problem of achieving efficiency, the effectiveness of communication,

which is the subject of the theory of speech action. Achieving the effectiveness of communication is possible only with the adequate use of verbal and nonverbal components of communication. In this work, non-verbal components of communication are understood as prosodic, kinesic, and proxemic means used to convey information, organize interaction, form an image, think about a partner, influence another person.

The primary rules of the dispute are:

- non-interference of the teacher without the need for a dispute;
- constructive criticism;
- tolerance and tact of participants;
- the idea, phenomenon, or subject of discussion should be described exhaustively, systematically (in all aspects), and;
- essential statements should be systematized and generalized.

Dispute structure:

1. Definition of the idea, opinion, subject of discussion.
2. Announcement of the rules of the dispute. Discussion. Systematization and generalization of the statement. Summary. Reflection (EduDirect, 2021).

However, the debate on the Internet has several features.

Consider the example of mass media debate on the Internet. For example, one of the main tasks of mass media discourse is to meet the needs of society in the systematic assimilation of factual social context, depiction of current social reality, receiving, processing, and transmitting information to a wide audience, ensuring mass, orderly, regular and periodic dissemination of socially significant information. Types of media discourse are directly related to the genre-functional features of the media space (Table 1).

Table 1.

Types of mass media discourse according to performed communicative function and Implementation channel.
Data provided by Shevlyakova (2013).

Performed communicative function:	Implementation channel:
a) journalistic discourse;	a) tele-discourse;
b) advertising discourse, and;	b) radio discourse, and;
c) PR discourse.	c) computer discourse.

At the crossroads of mass media and computer discourses, a new type of discourse was formed - the Internet media discourse. Concerning traditional media, Internet media have the following advantages:

- Multimedia. The Internet allows you to combine visual, audio, print, and video components of different types of media;
- Personalization. Each of the Internet users can find information that interests him, information about any area of interest and human existence;
- Interactivity. The Internet provides dialogue, interaction, feedback between Internet users, unlike traditional media;
- Lack of intermediaries. Anyone with access to a computer and the Internet can publish information without hindrance, without interference or manipulation.

Comparing traditional media and online media, which emerged at the crossroads of media and computer discourses, we highlighted the following advantages of online media such as multimedia, personalization, interactivity, and the absence of intermediaries.

Conclusions

As a result of the study, the following conclusions were made.

1. Discourse on the Internet has such properties as an electronic signal of communication; virtuality; spatial and temporal distance; combining letter, image-visual, and image-auditory components; status equality of communicators; use of "smilies" to convey feelings, emotions; combining different types of discourse; adherence to computer ethics (netiquette). In turn, the central features of mass media discourse are the mass audience; thematic diversity; efficiency in obtaining mass information and its dissemination; availability of information.
2. The greatest influence on the linguistic features of the Internet dispute is the technological factor, and communication, being conceptually oral, is realized in writing, resulting in a new type of oral discourse with specific features at all levels of the language system.
3. Given the transition to numeral communication techniques, it should be emphasized that linguistic intelligence via Internet will increase (in direct proportion to this process).

Regarding further research, it is influential to examine the features of Internet linguistics in the context of political debate and to identify sustainable tactics of anti-crisis communication.

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The rule of law principle in the practice of the ECtHR and national courts

Принцип верховенства прав в практиці ЄСПЛ та національних судах

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Abstract

The study aims to reveal the constituent elements of the rule of law (RL), highlighted by the case law of the European Court of Human Rights and individual national courts. It also analyses the feasibility of implementing and consolidating such isolation as a way to overcome the declarative nature of the RL. The versatility of the meanings and content of this principle, its declarative nature of existence and consolidation gives rise to a number of issues, the absence of a solution to which is primarily manifested by the presence of negative consequences in practice, in particular, according to the generally recognized selection of the components of the principle of the RL (PRL), it is advisable and relevant to study official interpretations of the RL. The aim of the work is to identify some fundamental interpretations of the PRL to overcome its declarativeness. The methodological basis of the work consists of the following methods: dialectical, epistemological, functional, axiological, comparative legal method, method of system-structural analysis, method of generalization. The main conclusions are that the interpretation of the RL by the relevant judicial

Анотація

Дослідження направлене на розкриття складових елементів принципу верховенства права, виділених практикою Європейського суду з прав людини та окремих національних судів, а також аналіз доцільності здійснення та закріплення такого виокремлення як способу подолання декларативного характеру принципу верховенства права. Багатогранність значень та змісту вказаного принципу, його декларативний характер існування та закріплення породжує низку питань, відсутність вирішення яких в першу чергу проявляється наявністю негативних наслідків на практиці, зокрема, щодо загальновизнаного виокремлення складових принципу верховенства права, у зв'язку з чим доцільним та актуальним вбачається вивчення офіційних тлумачень принципу верховенства права. Мета роботи полягає у виявленні окремих основоположних тлумачень принципу верховенства права для подолання його декларативності. Методологічна основа роботи складається з наступних методів: діалектичний, гносеологічний, функціональний, аксіологічний, порівняльно-правовий методи, метод системно-структурного аналізу, метод

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bodies reveals and consolidates the multifaceted content of this principle, but the lack of systematization of such interpretation's risks creating complications in its practical application.

Keywords: rule of law, constitutionalism, human rights and fundamental freedoms, limits of state intervention, principle of legal certainty.

Introduction

Development of society, and with it the complication of relations «the state-human» system now requires the state to strengthen its position on recognizing man as the greatest social value and granting him appropriate privileges, maximizing respect for human rights, and creating favorable conditions for both participants in the system to maintain a balance of interests and goals. Such challenges of modernity lead to the formation of a critical vision of the existing constitutionalism of each individual state, which does not exist separately from other participants in the international political arena, and is therefore significantly influenced by the latter, especially when it comes to influence supranational organization, whose authority is recognized at the international level. Thus, the European Court of Human Rights (ECtHR) is a body whose jurisdiction extends to states that have signed the European Convention on Human Rights (hereinafter – the Convention) (Verkhovna Rada of Ukraine, 1950), so the conclusions set out in ECtHR judgments are binding on national courts of signatory states to the Convention, which, based in particular on this practice, can draw their own conclusions on the vision of certain issues. The legal realities of today require the consolidation of practical and theoretical achievements around the accomplishment of common goals, one of which can be considered the construction and dissemination of a strong model of effective constitutionalism, which must meet the requirements of modern civilized society. In turn, modern true constitutionalism cannot exist without the state's RL, which has historically been the basis of state governance, but the rapid development of society against the background of social, political, economic processes necessitates a rethinking of the declarative consolidation of the RL internationally and nationally.

узагальнення. Основні висновки полягають в тому, що тлумачення відповідними судовими органами принципу верховенства права розкриває та закріплює багатоаспектний зміст вказаного принципу, проте відсутність систематизації таких тлумачень ризикує створити ускладнення в його практичному застосуванні.

Ключові слова: верховенство права, конституціоналізм, права та основоположні свободи людини, межі втручання держави, принцип правової визначеності.

Thus, unquestioning observance of the RL is the primary task of any constitutional state governed by the RL. The PRL is a multifaceted ideological vector of the state as a whole, as it contains derivatives of such general principles as justice, equality, freedom, humanism, and so on. The RL forms the value image of the legal system and ensures the existence of true ideological constitutionalism in legal reality.

Within the framework of constitutionalism, the interpretation of the ECtHR and national courts of one of the most important principles of building a civilized and democratic state – the PRL – is of great importance. The interpretation of the PRL of the ECtHR at the international level, as well as other national judicial institutions locally, now serves as a basis for an in-depth understanding of this principle, which will highlight its main components. Consolidation of the RL is the lack of a clear legal definition of its content, which may result in the leveling of this principle due to the fact that the lack of its characteristics complicates the monitoring of violations. Moreover, generally accepted adherence to the ECtHR's legal position on the view of the RL by national courts should also be seen as a step towards the approximation of the laws of different states to each other at the level of constitutional doctrine.

The object of the study is the legal relationship within the interpretation of the RL by the European Court of Human Rights and individual national courts.

The subject of the research is the PRL in the practice of the European Court of Human Rights and the national courts of states.

Theoretical Framework or Literature Review

Due to the fact that the RL is not a new principle, its features have been studied by many scholars and practitioners in various fields of law.

For example, Bratasyuk (2015) studied the PRL as a constitutional basis of legal development, so he linked it, in particular, with such ideological concepts as justice, freedom, RL in society, spiritual and cultural phenomenon and more. Scholars have considered the PRL through the prism of the positions of natural law doctrine, which are embodied in the Constitution of Ukraine. The scientist once again proved that this principle should be considered a mega-principle. The works of Kozyubra, Pogrebnyak and Tselieva (2015) in the field of theory of state and law should be attributed to the disclosure of philosophical understanding of the PRL, its place among the values of the legal field. It is also important to compare this principle with the RL, within which it is established that both have common heterogeneous sub-principles, the combination of which determines the main purpose of the RL.

It is worth noting that Matveeva (2019) focused on the principle of legal certainty as an integral element of the PRL. The scientist devoted her research to establishing the essence of the principle of legal certainty as a component of the PRL, revealing its basic meaning and evolution, as well as defining requirements for compliance with the principle of legal certainty in law enforcement and rulemaking. Thus, the scientist has made a significant contribution to understanding the PRL through the prism of the principle of legal certainty.

The case law of the European Court of Human Rights as a system of interconnected and established principles, which together define the concept of the doctrine of the RL, was studied by Temchenko (2007). His works analyze some decisions of the ECtHR that are important for understanding the RL, as well as identify the main groups of principles of the RL: the principles of the RL on the form of law, the principles of the RL on the essence of RL, the RL in justice.

A significant contribution to the structuring of ECtHR practice within the RL was made by Pukhtetska (2010), who proposed and developed the idea of classifying such practice into groups according to the criterion of requirements for the content of the RL. In addition, the author's study of the formation and change of scientific views

on the content of the RL is of great importance given the impact of European integration processes, which in turn showed the imperfection of the current RL compared to European standards.

The achievement of Butkevych (2011), as an experienced practitioner and former judge of the European Court of Human Rights, is, in particular, that he identified five core values, which include the RL and which this principle requires adherence to. These achievements have significantly developed and strengthened the position on the need to follow the case law of the European Court of Human Rights in order to understand the content of the RL.

Such a new branch of law as sports law is actively formed on the general legal principles, one of the main of which is the RL. Problems of sports law in general, and ensuring the rule of law in the field of sports in particular, are engaged in Ukrainian researchers Kharytonov, Kharytonova, Tkalych, Bolokan, Samilo, and Tolmachevska (2021); Kolomoiets, T., Tkalych, M., Melnyk, P., Panchenko, B., & Tolmachevska, Y. (2021); Kharytonov, E., Kharytonova, O., Kostruba, A., Tkalych, M., & Tolmachevska, Y. (2020); Bolokan, I., Samoylenko, G., Tkalych, M., Panchenko, B., & Dmytriv, V. (2021).

At the same time, despite a significant amount of scientific research, the practical issue of the declarative nature of the existence of the PRL remains unresolved, in connection with which the analysis of the practice of the ECtHR and national courts in the framework of the vision of this principle can serve as an effective option for eliminating this declarativeness, therefore, requires further study.

Methodology

Both general and special methods were used in the research, thanks to which the set result was achieved and appropriate conclusions were made, which are important to further improve the understanding and consolidate the PRL.

Thus, the dialectical method has helped to establish a modern vision of the RL, as well as the relationships and features that arise in its interpretation and application. It became achievable to examine the RL as a legal phenomenon, consisting of a set of interrelated elements that somehow reinforce each other, filling and revealing the content of this principle.

The epistemological method contributed to a comprehensive consideration of the main legal positions of the European Court of Human Rights on the application of the RL and understanding of their meaning and essence by analyzing scientific sources, relevant legal acts and court decisions.

Using the method of system-structural analysis revealed the content of the concept of the RL, the essence of its declarative consolidation and identified a number of its constituent elements, which in turn served to assess the need for further interpretation of the RL by ECtHR and national courts and the application of existing judicial legal interpretations.

The functional method was used to clarify the main purpose of the RL and its main constituent elements, which is determined by the ECtHR, and the national courts of individual states. Thus, with the help of this method it was established, in particular, that the PRL serves the purpose of recognition at the international and national levels of human rights and freedoms, their observance and protection.

The axiological method is the basis of conclusions about the value of the PRL and overcoming its declarativeness to build a strong constitutional state governed by the RL. This method made it possible to perceive the RL through the prism of its interpretations as a crucial legal phenomenon, an element of culture and legal reality, socio-cultural phenomenon, as well as highlighting the value of its proper understanding and consolidation in order to achieve quality, democratic, social state system «The state-human».

Gratitude to the comparative-legal method, we corresponded specific legal positions on the interpretation of the RL by the national courts of the signatory states. The study analyzes some emphasis on the attitude and understanding of the RL by such courts of constitutional jurisdiction as the Constitutional Court of Ukraine, the Constitutional Court of the Republic of Lithuania, the Federal Constitutional Court of Germany and concludes that such interpretations are necessary by national courts, as the latter is as consistent as possible with the perception of this principle within a particular state.

The method of generalization allowed to draw attention to the existing problems of observance of the RL, which are related, in particular, to the declarative nature of its existence, which in turn complicate the practical application of this

principle in the legislative, executive and judicial branches.

The logical-legal method made it possible to consider the possibility of consolidating the universally recognized components of the RL as a solution to the problem of its declarativeness, as well as to note the need for future consideration of a relevant database containing legal conclusions courts of each individual state in order to optimize the application of interpretations of this principle.

Results and Discussion

Given the multifaceted nature of this principle, the general vision of constitutionalism and its role in the system of relations between the state and the individual depends on its understanding, interpretation and, as a consequence of perception. That is why the concept of the RL in the practice of the ECtHR occupies a special place and is explained in a significant number of its decisions from different angles, which at the same time reveal the essence of this fundamental principle.

It should be noted that the Convention for the Protection of Human Rights and Fundamental Freedoms (Verkhovna Rada of Ukraine, 1950) itself, which is interpreted by the ECtHR, does not contain a separate enshrinement of the RL, but the Convention, as an international source of law, is based on the PRL, which protects human rights and fundamental freedoms.

For example, in the judgment in Golder v. The United Kingdom, the ECtHR set out only one task to uphold the RL: human rights have a broader meaning than the right conferred on it by the state (Application No. 4451/70, A/18, 1997). However, according to the author, the problematic aspect of the RL is the declarative nature of its consolidation, as the Convention itself, as well as other international legal acts of the same force as the Convention, do not contain a clear definition of this principle, which significantly complicates its practical application and, as a consequence, the establishment of a violation of this principle. The solution to this problem could be a normatively established separation of components of the RL, which would determine its content.

The lack of a universal, comprehensive definition of the RL does not mean that it is a political declaration or doctrinal abstraction, as some politicians and sometimes legal scholars (usually proponents of legal positivism) believe. It is

customary to reveal the content of the RL mainly through its most essential features. Some foreign scientists have more than a hundred of such components (Kozyubra, Pogrebnyak, Tselev, & Matveeva, 2015).

At the same time, it is crucial in the process of clarifying the content of the RL in the context of its application to understand the RL as a single and indivisible principle, which, although consisting of separate elements, can be realized only if they are united. According to Kryzhova (2016), it is also necessary to be extremely careful about including one or another element in this principle, as there is a certain risk of excessive expansion of its content. This situation seems undesirable, because the clearer defined the PRL, the closer the prospect of its proper reflection in regulations and law enforcement. Similarly, oversimplification of this principle will have negative consequences, as it will lead to a narrow interpretation of it and, consequently, to limited implementation. Therefore, it is extremely important to determine the optimal structure of the RL, which will allow to establish its effective enforcement within the relevant legal system (Kryzhova, 2016).

According to the author, the beginning of the definition of the components of this principle was laid by the ECtHR, which by its decisions reveals the components of the RL and establishes vectors of good behavior of states, following which the RL can be considered.

Characterizing the common vision of the ECtHR on the PRL, it should be noted that the ECtHR interprets this principle as the rule of human rights and freedoms, as well as the priority of their provision. The ECtHR is convinced that the RL is a concept common to all articles of the Convention, as stated in the ECtHR judgment in Shchokin v. Ukraine (Application No. 23759/03, 2010). Such an understanding by the ECtHR of this principle may also mean that the latter interprets it quite broadly, in connection with which a violation of any article can be regarded as a violation of the PRL.

Thus, the RL is applied in the practice of the ECtHR not only in terms of disclosing its general content, but also is reflected in individual human rights in relation to the relevant circumstances. In the context of the above, it is worth paying attention to the main legal positions of the ECtHR, set out in its decisions, which allow to fully describe the relationship of the latter to the PRL.

Thus, the decisions of the European Court of Human Rights, which are aimed at disclosing the content of the quality of law within the RL, are important. A selective analysis of this group of decisions allows us to conclude that the ECtHR attaches to the essence of the RL the right to establish a state level of regulation of relevant relations, which would be clear to everyone and unconditionally observed by the relevant authorities.

In particular, in the judgment Kruslin v. France, the ECtHR, in interpreting Article 8 § 2 of the Convention, stated the following: At the same time, this provision implies the quality of a particular law. It requires that the law be made available to the person concerned, who can foresee the consequences of its application to himself, and that the law not be contrary to the RL. The decision also stated that the wording of the law should be clear and understandable enough to provide citizens with the necessary information about the circumstances and conditions under which public authorities are authorized to covertly and potentially dangerous interference with the exercise of individual rights (Application No. 11801/85, 1990).

Or, for example, in the Amuur v. France judgment, the ECtHR stated that the quality of a law requires that it be compatible with the RL, a provision which applies to all articles of the Convention (Application No. 19776/92, 1996), and in the case of Funke v. France clarified that the "quality" of domestic law under the Convention depends on the accuracy with which legislation and case law determine the scope and conditions of exercise of power, excluding the danger of arbitrariness (Application No. 10828/84, 1993).

Thus, the RL, according to the ECtHR, is directly dependent on the quality of the law, or rather the latter is part of this principle. The author believes that such a vision obliges states to carefully formulate a national legal framework, as well as to take measures to carry out educational work among the population within legal issues.

In turn, the "quality" of the law is closely linked to the principle of legal certainty.

In the text of the Convention, the principle of legal certainty is expressed in the requirements: the existence of legal grounds for interference with the rights of the individual; legal certainty of the crime; creation of courts on the basis of law; legal regulation of the procedure for appealing verdicts in criminal cases and payment

of compensation in case of miscarriage of justice; inadmissibility of re-conviction or punishment for crimes (Temchenko, 2007).

Consistent adherence to the principle of legal certainty contributes to a person's confidence in his stable legal position, in the formation of their own legal behavior with a clear perspective, stability and consistency of the entire legal system.

In order to coordinate their actions with the relevant regulations, a person must not only know them, but also anticipate the consequences of their behavior in certain life situations, that is, make their choices consciously and predictably. This is a guarantee of predictability and stability of society as a whole, which is aimed at ensuring legal regulation (Matveeva, 2019).

Indeed, adherence to the principle of legal certainty, which is derivative in nature, emphasizes the RL. However, the declarative nature of the latter mentioned above gives rise to its broad interpretation by both the ECtHR and other law enforcement agencies, which in turn may result in the inclusion of any legal principle in the RL or any activity of the state aimed at the implementation, protection and defense of individual rights. Thus, according to the author, there is a risk of devaluation of the RL due to its content overload, including other principles.

Given that the ECtHR is by legal nature a judicial body that interprets the provisions of the Convention in the context of appeals against national court decisions, access to justice and a fair trial are crucial in its work, which the ECtHR also understands as part of the RL.

Article 6 of the Convention (Verkhovna Rada of Ukraine, 1950) proclaims, *inter alia*, the right of everyone to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law to decide a dispute concerning his civil rights and obligations or to establish the merits of any criminal charges against him.

Given that the basic idea of law as a regulator of social relations should be to establish the value of man, the protection of his rights and interests is the basis of the RL, as it serves its overall purpose. Thus, the PRL directly relates to the possibility of a person exercising his right to protection, in particular judicial. The violation by the state of a person's right to access to justice and fair trial is in its very nature contrary to the RL, as the latter cannot be respected due to the

person's inability to apply to the authorities to initiate appropriate protection proceedings.

The link between judicial protection and the RL is addressed: in the judgment of the ECHR "Hornsby v. Greece", where the ECtHR emphasizes that the right to a fair trial should be interpreted through the preamble to the Convention, which in the relevant part proclaims the RL as part of the common heritage of the Contracting States. One of the fundamental aspects of the RL is the principle of legal certainty, which, among others, requires that final judgments be not called into question (Application No. 18357/91, 1997).

The decisions of the ECHR also show that the PRL includes requirements to limit the arbitrariness of public authorities to interfere in the exercise of human rights and freedoms. For example, in Olsson v. Sweden, the ECtHR found that compliance with the RL required "the existence of appropriate safeguards in domestic law against arbitrary interference by public authorities with the exercise of rights" (Application No. 10465/83, 1988), and in the decision in the case of Volokh v. Ukraine it stated the following: "... granting legal discretion to the executive branch in the form of unlimited powers would be incompatible with the PRL. Therefore, the law must define with sufficient clarity the limits of such discretion granted to the competent authorities and the procedure for its implementation, taking into account the legitimate aim of the measure to ensure adequate protection against arbitrary interference" (Application No. 474/32, 2006).

Thus, observance of the RL means, *inter alia*, the establishment of clear limits on state interference in the rights and freedoms of the individual, as on the one hand the RL allows some discretion of the relevant authorities on such interference, and on the other – prohibits crossing it. This is the manifestation of the regulation of relations – dictating the manner of behavior of a person to the extent that it is enough to maintain a balance of interests between the parties to the interaction. Returning to the basic idea of the RL, namely to ensure respect for human rights, it is worth noting another component of this principle, which distinguishes the ECtHR – effective control over the exercise of human rights and fundamental freedoms. Simultaneously, such control should be ensured, first of all, both by the state and the public, as only the state has the appropriate range of mechanisms to ensure such control, and public participation will ensure quality and transparency of the above control by the state.

In particular, the ECtHR judgment in Malone v. The United Kingdom provides that supervisory proceedings must respect the values of a democratic society as conscientiously as possible, including the RL, as explicitly stated in the Preamble to the Convention. The RL provides, *inter alia*, that interference by the executive with the rights of individuals should be subject to effective control, which should normally be exercised by the judiciary, at least as a last resort, as judicial control provides the greatest guarantees of independence, impartiality and independence. (Application No. 8691/79, 1984).

According to the author, an important role in ensuring control over human rights should be given not only to the judiciary, but also to monitoring, which can be carried out by both subjects of power and individuals, as the latter is aimed at protection.

In the judgment in Campbell and Fell v. The United Kingdom, the ECtHR, revealing the need for judicial guarantees of the RL, stated that public control over the judiciary was necessary to preserve and guarantee the right to a fair trial. In particular, this concerns the problem of the necessity and form of public announcement of a "judgment" (Application No. 7819/77, 1984).

The former judge of the European Court of Human Rights Butkevych (2011) proposes, given the lack of definition of the RL, to rely on five core values that reflect the RL and which this principle requires adherence to:

- 1) protection of human rights and freedoms;
- 2) the functioning of the state and its bodies related to the implementation of the law, the prohibition of state arbitrariness;
- 3) observance of the principle of equality of subjects of law (individuals and legal entities) before the law;
- 4) ensuring law and order in society;
- 5) the availability of effective and predictable justice (the right to access to court, the right to a fair trial, etc.).

All the above allows us to conclude that the RL is understood through the prism of natural law ideas about human rights and their place in the human-state system, and the ECtHR practice of interpretation and application of the Convention can be considered a shining example of legalization of such natural law ideas.

However, ECtHR decisions are usually taken into account by the judiciary in their proceedings.

However, given the declarative nature of the RL and the fact that this principle is the basis for building a constitutional state, the legal conclusions of the ECtHR should be taken into account by other branches of government in their decisions, as such decisions should be aimed at ensuring priority and effectiveness.

In turn, given the lack of a specific definition of the RL, national courts add a new color to its interpretation. Thus, it is possible to enshrine this principle in the constitutions of states, because, in particular, the RL is the basis of constitutionalism, and therefore their own vision of the RL is often expressed by courts of constitutional jurisdiction.

The norms of law revealed in the decisions of constitutional courts through the formation of legal positions are of a special interpretive nature, as they contain not only citations of the relevant norm, but also justification of its content and meaning, as in ECtHR decisions. Legal positions in this case should be understood as that part of the decision of the judicial body, which includes the consolidation of a special type of regulations, which, in turn, serves as an example to address issues that will arise in the future; in which the conclusions of the judges of the relevant court in considering a particular case are supported by certain grounds.

For example, the Constitutional Court of Ukraine in its decision of 2004 No. 15-rp / 2004 enshrined the understanding of the RL as the RL in society, and noted that the RL requires the state to implement it in lawmaking and law enforcement, including laws, which in their content should be permeated, above all, with the ideas of social justice, freedom, equality, etc. One of the manifestations of the RL is that law is not limited to legislation as one of its forms, but also includes other social regulators, including morals, traditions, customs, etc., which are legitimized by society and determined by the historically achieved cultural level. All these elements of law are united by a quality that corresponds to the ideology of justice, the idea of law, which is largely reflected in the Constitution of Ukraine (Case No. 1-33/2004, 2004).

It should be noted that this is not about the RL only in the state, but in society. The state, which must not have its own, partial interest other than society, must embody the idea of law in bills. They must be meaningfully filled with such values as: justice, equality, freedom, which are the semantic characteristics of law, express the idea of law. Thus, the RL is the rule of legal

equality in justice, freedom, good, truth, etc. in social relations, regardless of the normative design. The emphasis in the interpretation of the RL of the Constitutional Court of Ukraine is on the legal content, not the form of law (Bratasyuk, 2015).

The Constitutional Court of the Republic of Lithuania stated, in particular in its decisions of 13 December 2004, 17 November 2011, etc., that the constitutional PRL is a universal principle on which the entire Lithuanian legal system and the Constitution itself are based. This principle is an extremely capacious constitutional principle that encompasses many interrelated imperatives; its content should be disclosed in the light of various other constitutional principles, such as the rule of the Constitution, the sovereignty of the nation, democracy, good governance, the limitation of powers and the maintenance of public institutions. Thus, the constitutional PRL is linked, *inter alia*, to constitutional principles such as the sovereignty and democracy of the nation. In addition, the above-mentioned court emphasizes the connection between the RL and the responsibility of the state, noting that the government's responsibility to society is the RL enshrined in the Constitution, which states that the government serves the people and that citizens have the right to participate in the governance of their country, directly and through democratically elected representatives to defend their rights in court, etc. (Keturakene, Lubauskas, Sinkevičius, & Jalimas, 2020).

In turn, the Federal Constitutional Court of Germany expressed in its decision the vision of the RL as a bearer of ideas of justice that allow and require consideration of the interests of a properly functioning criminal justice system (Case No. 2BvR2025/07, 2009).

Thus, this judicial institution drew attention to the need to ensure the interests of the state as a direct participant in the introduction and establishment of the RL, thus once again consolidating the need to balance interests in the relationship "man-state".

In turn, in order to overcome the declarative PRL, it is advisable to interpret it by courts of general jurisdiction, not just constitutional, as proclaimed at the constitutional level, this principle is enshrined in codified procedural regulations.

This shows that not only the ECtHR makes a significant contribution to the RL, but the national courts of different states within their

powers also provide interpretation of this principle, which reveals exactly its content, which was enshrined in the constitution of the state, thus making such an interpretation binding on the authorities. The consolidation of the PRL in the legislative, executive and judicial plane means the consolidation and prosperity of the idea, according to which, due to the constitutional culture of the state, it is necessary to develop the concept of the RL in the legal life of society, taking into account the modern achievements of constitutional science, which is able to promote the RL.

However, there is a downside to the possibility of a formal interpretation of the RL by a large number of actors. Thus, each of the subjects of interpretation makes a significant contribution to understanding the content of the RL, but at the same time creates an accumulated array of legal opinions on this issue, which may complicate the practical application of this principle, and at worst – create contradictions. Thus, in order to overcome the declarative PRL, it is also appropriate to consider the creation of a future database, which would include the collection of court decisions, in particular the ECtHR, concerning the interpretation of this principle.

The ECtHR has repeatedly stated that the principle of legal certainty is an integral part of the RL. The position of the European Court of Human Rights is reflected in Ukrainian jurisprudence in criminal proceedings (references to decisions of the Supreme Court with such legal positions in criminal and other proceedings) (example – Application №1-330/11, 2020; Application № 800/284/17, 2018). An equally important component of the RL is the application of due process. As can be seen from the case law of the Supreme Court, the application of due process is an integral part of the RL and provides, *inter alia*, for the powers of public authorities to be defined by law, and requires officials to authorize and continue to act within the powers granted to them (Application №640/5023/19, 2021).

In view of the above, it can be concluded that the principle of the rule of law plays an important role in criminal proceedings, consists of separate components, and its interpretation is reflected in the practice of the ECtHR. In general, the observance of the constituent parts of the principle of the RL indicates that in criminal proceedings the state is aimed at recognizing man, his rights and freedoms as the highest social values.

Conclusions

1. An important role for the interpretation of the content, highlighting the peculiarities of the application of the RL is played by the ECtHR, a set of decisions of which demonstrates an expanded vision of the latter principle.
2. The ECtHR interprets the RL, through the prism of articles of the Convention, and focuses on the quality of law, in particular within the lawful restrictions on the exercise of human rights and freedoms, access to justice and a fair trial, authorities, etc.
3. The aspects of the RL highlighted by the ECtHR could be normatively enshrined and the basis for the introduction of the delimitation of the substantive PRL into individual components, which in turn would serve to eliminate the declarative nature of this principle.
4. A fundamental role in establishing the PRL and overcoming its declarativeness is played by the national constitutional courts of states that have proclaimed the PRL in their constitutions, as these courts states.
5. Within the framework of the activity of higher judicial bodies, first of all, constitutional courts, the direct application of the RL shall be ensured and its effectiveness at the level of national legal systems shall be guaranteed.
6. The legal positions of constitutional national courts are an important tool for ensuring the doctrine of the RL and its implementation in legal reality.
7. The lack of a normatively established definition of the PRL and its components, as well as the lack of systematization of legal conclusions on the interpretation of the RL are negative factors in adhering to the RL.

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Conceptual foundations for the systematization of crimes against the basics of national security of Ukraine and some other countries

Концептуальні основи систематизації злочинів проти основ національної безпеки України та деяких інших країн

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Abstract

Crimes against national security (CaNS) are considered the most dangerous encroachment on public relations, aimed at maintaining independence, defense, and the general constitutional order of the state. The lack of proper legal protection of these social relations prevents the stable functioning of the state and its institutions, which is interrelated with the fight against crime. Given this, it is essential to analyze the ground for the systematization of CaNS and a strong theoretical basis for the study. The article aims to analyze the general principles of systematization of CaNS. The object of the study is the diversity of ways of systematization of CaNS in Ukraine, Azerbaijan, and other countries. During the research, such methods were used as a generalization, formal-legal method, method of analysis of normative documents, articles and monographs, comparative-legal method. As a result of the study, the main ways of systematization of CaNS in different countries are examined and main characteristics of systematization are settled.

Keywords: crimes against the basics of national security, national security, system of crimes, systematization.

Анотація

Злочини проти національної безпеки (ЗпНБ) вважаються найбільш небезпечним посяганням на суспільні відносини, що мають на меті забезпечити державну безпеку, незалежність, обороноздатність, та загалом конституційний лад держави. Відсутність належної правової охорони вказаних суспільних відносин унеможливлює стабільне функціонування держави та її інститутів, що знаходиться у взаємоз'язку із боротьбою зі злочинністю. З огляду на це, важливо проаналізувати концептуальні основи систематизації ЗпНБ. Метою роботи є аналіз та дослідження загальних засад та принципів систематизації ЗпНБ. Об'єктом дослідження є різноманітність підходів до систематизації ЗпНБ в Україні, Азербайджані та інших державах. Методологія статті включає: метод узагальнення, формально-юридичний метод, метод аналізу та порівняльно-правовий метод. В результаті проведеного дослідження проаналізовано основні підходи до систематизації злочинів проти національної безпеки у різних країнах, встановлені головні маркери систематизації.

Ключові слова: злочини проти основ національної безпеки, національна безпека, система злочинів, систематизація.

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Introduction

Crimes against national security are one of the most socially dangerous crimes, as they encroach on the very existence of the state. In the current conditions of geopolitical instability and the attempts of some countries to redraw the internationally recognized borders by any means, the issue of adequate application of criminal responsibility to those who undermine national security becomes especially relevant. In particular, it is a question of proper systematization of such crimes. The research is devoted to this problem.

The authors of the article tried to analyze the very definition of crimes against national security, taking into account current challenges, distinguished relevant crimes from other socially dangerous acts and thoroughly investigated the problem of their systematization. At the same time, the study is based on the experience of Ukraine, Azerbaijan and a number of other countries for which the stated issues are relevant.

Ukrainian legislation defines national interests as vital material, intellectual and spiritual values of the Ukrainian people as the bearer of sovereignty and the only source of power in Ukraine, determining the needs of society and the state, the implementation of which guarantees state sovereignty of Ukraine and its progressive development.

Therefore, given the systemic and long-term nature of the threats to these interests, there is every reason to believe that national security should become a national idea for each state. Undoubtedly, to ensure national security, it is important to establish an effective mechanism for combating CaNS (hereinafter – CaNS). In general, national security is a state of protection of vital interests of man and citizen, society and the state, which ensures sustainable development of society, timely detection, prevention, and neutralization of real and potential threats to national interests, namely: existing and potential phenomena and factors pose a danger to these interests. Improving the efficiency of the public administration system is carried out by reforming the institutions of national security, increasing the level of professionalism and responsibility of officials in all its parts, which, obviously, is impossible without adequate intellectual and personnel support.

Following Article 1 of the Law 2469-VIII (2018), national security is the protection of vital interests of man and citizen, society and the state,

which ensures sustainable development of society, timely detection, prevention, and neutralization of real and potential threats to national interests in the areas of law enforcement, anti-corruption, border and defense, migration policy, health, education and science, science, technology and innovation policy, cultural development, freedom of speech and information security, social policy and pensions, housing-economy, financial services market, protection of property rights, stock markets and securities circulation, fiscal and customs policy, trade and business, banking services, investment policy, auditing, monetary and monetary policy, information protection licensing, industry and agriculture, transport and communications, information technology, energy and energy saving, functioning of natural monopolies, subsoil use, land and water resources, minerals, protection of ecology and environment and other areas of public administration in the event of negative tendencies to create potential or real threats to national interests; national interests are vital material, intellectual and spiritual values of the Ukrainian people as the bearer of sovereignty and the only source of power in Ukraine, determining the needs of society and the state, the implementation of which guarantees the state sovereignty of Ukraine and its progressive development; threats to national security – existing and potentially possible phenomena and factors that endanger the vital national interests of Ukraine.

Today, ensuring national security is in the spotlight among all countries of the world. Addressing issues related to countering national security is the cornerstone of their domestic and foreign policies, the development and practical implementation of which are directed to significant intellectual and human resources of the nation. This state of affairs is due to several factors that generate a set of interrelated tasks assigned to national systems and international security structures.

Theoretical Framework or Literature Review

The following scientists studied the theme of the article in their researches: Anashkin (1964), Afanaseenko and Stoykov (2015), Baranin (2019), Vecherova (2015), Gorbunova (2016), Ryabchuk (2007), Samedova (2017), and Shatanska (2017).

Therefore, Anashkin (1964) analyzed the peculiarities of the crime of "treason" and aimed

to determine the place of this crime in the system of CaNS.

Another scholars Afanasenko and Stoykov (2015) studied CaNS that encroach on political relations. The authors define crimes against the foundations of national security as provided by the Criminal Code (hereinafter refer to CC) as socially dangerous acts that cause significant damage to the security of the state and society in various spheres and related vital interests or threaten to cause such damage, and for the vast majority of which is typical, the goal is to weaken the state. Morevoer, Baranin (2019) analyzed and generalized the general theoretical principles of the systematization of crimes. Furthermore, Gorbunova (2016), studied in detail the systematization of CaNS on the example of prosecution for espionage and treason in Austria and Liechtenstein. Besides, Ryabchuk (2007) conducted a criminal law and criminological study of treason and espionage. Additionally, Samedova (2017) addressed the problematic aspects of the differentiation of criminal responsibility.

Further, Chuvakov (2017) analyzed how to counter CaNS. The author considered the genesis of the conceptual apparatus of such crimes, the process of establishing the nature, features, and types of analyzed crimes in the modern period. The author analyzes the problematic issues of differentiation of CaNS of Ukraine into certain types and the establishment of their specific objects, examines in detail both the main and additional features of the objective and subjective side of the analyzed crimes; their significance in the qualification of such crimes is determined and the legal analysis of CaNS of Ukraine is carried out taking into account the provisions of their improvement proposed by the author. Besides, Shatanska (2017) focused on the study of CaNS and their qualifiers.

Additionally, Vecherova (2015) concludes that the axiom "homogeneity of social relations" is inviolable, which requires a change of location of some articles of the criminal law. In addition, the researcher notes the need to rethink the benefits protected by law and the need to distinguish: crimes against the person, crimes against society, and crimes against the state.

David Pion-Berlin (1989) in his article «Latin American National Security Doctrines: Hard and Softline Themes» analyzes different versions of the Doctrine of National Security, which was spread in different Latin American countries in the 60-70s of the twentieth century.

Gabriel Marcella (2013) in the article «The Transformation of Security In Latin America: A Cause for Common Action» analyzes the concepts of national security that emerged in Latin America after the end of the Cold War. Mostly, these are the concepts of multidimensional security and security of the individual and society, in contrast to the classical understanding of national security, created by an external threat to the state.

Mamedov R.Y.O. (2016) in his article «Legal offenses against peace, human security, public safety under the criminal legislation of the Azerbaijan Republic» analyzes the legal offenses against the peace and security of mankind, public safety under the criminal legislation of the Azerbaijan Republic. In addition, the author touches on issues of cooperation between states in the fight against crimes against national security, in particular, the interaction of the CIS countries.

Aliyev A.I., Rzayeva G.A., & Ibrahimova A.N. (2020) in their article «Information Security: Legal Regulations in Azerbaijan and Abroad» analyze information security issues in the world and in Azerbaijan, in particular. The article compares laws and regulations of Azerbaijan and other countries in the cybersecurity policy between them. The article reveals the features of the organizational and legal regulation of the information security system as an integral part of state security.

The above analysis of the literature confirms the considerable attention of scholars and lawmakers to the issue of systematization of CaNS (both external and internal). However, a large number of studies do not diminish the significance of the research topic and require further research on the basic principles of creating a system of crimes in the field of state security in the challenges of modern society.

Methodology

The following methods were used in the study: generalization, formal-legal method, method of analysis of normative documents, articles and monographs, and comparative-legal method.

Thanks to the method of generalization, it became possible to draw conclusions about the variety of systems of CaNS, as well as the basis that became the basis for the formation of an approach to systematization. In general, the method of generalization is aimed at fixing the general features and properties of a certain class

of objects and making the transition from single to general, from less general to more general, including the systematization of CaNS, highlighting political CaNS, global crimes, etc.

Such a method as a formal-legal method was utilized to justify the need for continuous improvement of the current systematizations of crimes that threaten national security. In the study, this method allows us to trace the relationship between internal content and external expression of state and legal phenomena and institutions using legal techniques, the formal-legal method allowed us to formulate the main definitions of crime, national security, defense, constitutional order, etc. Moreover, this method contributed to the transformation of certain provisions and assumptions of the research question in the construction, concept, and typology, as well as helped to provide a definition of some controversial concepts.

The comparative-legal method helped to reveal the way of the systematization of crimes and approaches in foreign countries. As far as we know, the comparative-legal method helps to specify the number of general and special methods in the study of their subject, as it is due to its properties and patterns, and the basis for comparative-legal analysis is comparison, i.e. comparison of anything to establish similar or distinctive features, identify the same features or differences. Moreover, when using the comparative-legal method, such techniques as collecting and studying facts, analysis, abstraction, comparison, evaluation, and generalization were used. That is, the use of the comparative-legal method was carried out comprehensively. Thus, this method was considered the method of systematization on the example of Ukraine, Russia, and Azerbaijan. States interpret the need for systematization differently, but they all understand that logically constructed systematization plays an important role in the theory of criminal law.

Results and Discussion

General provisions on the systematization of CaNS

In chronological perspective, the concept of "national security" has deep roots. Analysis of history shows that the need for security is one of the main motives for people and communities. The problem of security and its provision at the level of developing a categorical apparatus of social science for many centuries has been the focus of philosophers, historians, political

scientists, and jurists. Already in antiquity and the Middle Ages, there is a certain concept that security is a complex socio-political phenomenon that is a priority goal and leading function of the state, which is achieved by special measures that are directly related to the existence and development of society and states.

In general, the main components of modern security interpretation are identified: external and internal threats; state security: defense and defense against external enemies; state security - the security of a special organization of public authority, the role of the state as the main subject of security, as well as the security of society and citizens. At the same time, especially in the Middle Ages, the security of the government was guaranteed by the existence of law and special state bodies, whose action was aimed at both threats outside the object of protection (authorities) and threats that arise in itself (own safety).

Simultaneously, when considering issues of national security in research and lawmaking, different terms are used: "security", "security of the individual, society, and state", "state security", "security of the country", etc.

The notion of "national security" reflects the connection of security with the nation, i.e. with a certain territorial and state community based on stable socio-political, economic, cultural, and other ties. A nation can include many nationalities, which is an ethnic community of people with their own traditions, rights, and culture. In this regard, national security, which characterizes the state of the nation as a holistic system, including social relations, public consciousness, institutions of society, and their activities that promote or hinder the realization of national interests in a particular historical context. Based on the central premises of the concept of national interests, the notion of "state security" can be defined as a state (property) of the state, which created the conditions for the existence of the constitutional system, sovereignty, and territorial integrity of the state, including, for example, Ukraine.

Problematic issues of national security can be rethought through a broad vision, i.e. through the concept of modern criminal policy. The primary task of the criminal policy of Ukraine is aimed at setting problems, indicating the grounds and directions, developing forms and methods of activity, deployment of forces and means, providing information, monitoring activities, and leadership. These constituent elements are

included in the criminal policy as its leading characteristics. This list can be achieved through a coordinated systematization of crimes against national security. Hence, to effectively organize the fight against crime, it is necessary to determine acts that are legally appropriate to recognize as crimes and to define the penalties that may be imposed by the court on behalf of the state for committing such acts. Such definitions are made based on the provisions of criminal law and are expressed in the criminal law of different states.

Thus, depending on the sources of threats to the foundations of national security of Ukraine, conditionally, all crimes under consideration can be divided into two types: 1) crimes that encroach on external security (treason) (Article 111 of the CC) and espionage CC) and 2) crimes that encroach on internal and economic security (Articles 109, 110, 112 and 113 of the CC of Ukraine).

In connection with these provisions, there is a need to establish the main criteria that determine the existence of such types of crimes and, accordingly, specific objects that contribute to the division of such crimes into appropriate types and in general, their systematization.

Establishing such criteria may make it possible to distinguish more clearly crimes against external security from, for example, crimes against internal security, and other types of crimes.

International experience in systematizing CaNS

Firstly, it will be logically to consider the conceptual basis for the systematization of CaNS on the example of different countries.

For example, criminal liability for crimes against state power is provided in Section XI of the current CC of the Republic of Azerbaijan (Law 302-IIQD, 1999), which consists of four sections (31, 32, 33, and 34), including articles 274 to 326 inclusive. In total, in Section XI of the 1999 CC. As of December 15, 2021, responsibility is established for 146 corpus delicti, most of which are crimes that do not pose a great public danger and less serious crimes (75.3%). It should be noted that since the years of the CC of the Republic of Azerbaijan in 1999, the normative volume of the analyzed section has changed significantly. It was supplemented by 14 new articles (42 corpus delicti), i.e. in total, 28.8% of crimes against state power were introduced into the Special Part of the CC in 1999 after its entry into force. The main feature of the

systematization of crimes against state power in the 1999 CC is that according to the constitutional provision on the priority of protection of human rights and freedoms for the first time in the history of criminal law this group of crimes in the Special Part is not only crimes against military service. However, it should be remarked that the transfer of a group of crimes against state power from the first (CC of 1922, 1927, and 1960) to the fifth place in the hierarchy of the Special Part of the CC of the Republic of Azerbaijan in 1999. means that the actions included in Section XI have become less dangerous. The location of crimes against state power in the system of the Special Part indicates only that the interests of the person protected by criminal law take precedence over the interests of the state, and this is in line with international humanistic and democratic principles of state-building. All chapters included in Chapter XI of the 1999 CC, to some extent separated in separate sections, predominate in all three previous CC of the Azerbaijan Republic of the Soviet period (1922, 1927, and 1960). Thus, the head of state crimes (counter-revolutionary crimes) opened special parts of all three CCs of the Soviet period, and they were systematized in separate chapters of crimes against government and official (official) crimes. Only crimes against justice were first separated only in the 1960 CC. CC of the Republic of Azerbaijan 1999, for the first time, united these groups of crimes in one section under the general title "Crimes against state power". At the same time, the list and content of the norms of these types of crimes have undergone significant changes due to the qualitatively new Constitution of the Republic of Azerbaijan in 1995, which proclaims human rights and freedoms, and the principle of independence and equality of three branches of government (executive, legislative and judicial) is the basis of a democratic state governed by the rule of law (Samandarova, 2021). The generic object of crimes against the structure of state power of Azerbaijan is public relations, which ensure state security, i.e. the state of protection and normal functioning of state power in general, as well as its institutions and bodies. The most dangerous of the crimes that make up this section are encroachments on the constitutional order and security of the state, as they affect the foundations of the social, political, and state system of the Republic of Azerbaijan, sovereignty, external and internal security. In the science of criminal law of Azerbaijan, there are many classifications of crimes that encroach based on constitutional security and defense capabilities of the state, and the most successful proposal is to classify crimes against the

constitutional order and security of the state into the following types:

- crimes that encroach on the external security of the Republic of Azerbaijan (Articles 274, 275, 276);
- crimes that encroach on the internal security (political system) of the Republic of Azerbaijan (Articles 277, 278, 279, 280, 281);
- crimes related to extremist activities (Articles 283, 283-1);
- encroachment on the economic security and defense capabilities of the Republic of Azerbaijan (Article 282);
- crimes that encroach on the security of national secrets (Articles 284, 284-1, 285) (Samedova, 2017).

In Ukraine, articles on liability for CaNS of Ukraine are presented in the first section of the Special Part. The generic object of the crimes provided for in this section is public relations for the protection of the foundations of the national security of Ukraine: its constitutional order, sovereignty, territorial integrity, defense. In other words, the generic object of these crimes is public relations, which ensures the very existence of Ukraine as a sovereign, independent, democratic, social, and legal state (Law 2341-III, 2001). Among the crimes that threaten national security, the Ukrainian legislator includes financing of actions committed for forcible change or overthrow of the constitutional order or seizure of state power, change of borders of the territory or state border of Ukraine; treason; encroachment on the life of a statesman or public figure; sabotage; espionage; obstruction of the lawful activities of the Armed Forces of Ukraine and other military formations, etc.

As for the Russian Federation, the legislator of the Russian Federation (Law 63-FZ, 1996) in Article 275 of the CC of 1996, pointing to the direct object of encroachment, uses succinctly stated: the security of the Russian Federation. Ryabchuk (2007) believes that the indication in the disposition of the article on the sovereignty and territorial integrity of the state is unnecessary because the external security of the state encompasses both of these concepts.

Also, without pointing to certain components of the object of the crime, for example, Article 175 of the CC of Kazakhstan (Law 226-V, 2014) in 2014 uses the most general concept of the object of encroachment - "National Interests of the Republic of Kazakhstan" or Art. 356 of the CC of the Republic of Belarus (Law 275-Z, 1999) in

1999 - "National Security of the Republic of Belarus" (Samedova, 2017).

It should be mentioned that the forms of treason are defined in the laws of most states in the post-Soviet space. The position of the Georgian legislator stands out in this series. The current version of the CC of Georgia (Law 2287, 1999) provides for liability for certain forms of treason as separate types of crimes in particular articles. For example, in Art. 308 – for violation of the territorial integrity of Georgia, in Art. 312 – for encroachment on the defense capabilities of Georgia, in Art. 313 – for the issuance of state secrets, in Article 314 – for espionage, in Art. 319 - for providing assistance to a foreign state, foreign organization or organization controlled by a foreign state in hostile activities (Samedova, 2017).

Traditionally, the betrayal of the state occupies a small place in the general structure of the crime of the Republic of Azerbaijan. However, given that this act poses a serious threat to the external security of the state, the relevance of the study of criminal liability for treason in the historical-legal and comparative-legal aspects is beyond doubt.

As we can see, CaNS occupy a significant place in the criminal system of each state and their proper systematization reflects the place of protection of human rights and their priority.

Conclusions

The systematization of crimes is based on various indicators that contribute to the differentiation of crimes that threaten the internal and external security of states. Establishing precise criteria makes it possible to clearly distinguish crimes against national security among other types of crimes. The presence of a set of criteria provides an additional opportunity to divide crimes against national security into certain types: those that encroach on external and internal security. It is considered necessary to group crimes against the foundations of national security into blocs, according to the areas of encroachment. Simultaneously, it should be emphasized that such a division is quite conditional and requires further rule-making work aimed at improving such a system of crimes.

Regarding further scientific research, it is necessary to study in more detail the positive international experience in combating the prevention of CaNS and to form a scientifically sound system of these measures.

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The impact of project work on international students' foreign (Ukrainian) language acquisition in high education

Вплив проектної діяльності на вивчення іноземними студентами іноземної (української) мови в системі вищої освіти

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Abstract

The paper concerns the project work during foreign language learning by international students in HEIs. There is the assumption that project work may influence positively international students' mastering a foreign (Ukrainian) language. The article aims to characterize the project activity and prove whether it can improve students' foreign language acquisition. The theoretical (analysis, generalization) and empirical (observation, testing, and experiment) methods were used. The experiment was conducted in which 32 first-year international students participated. Both the experimental ($n=16$) and control ($n=16$) groups were pre-tested and post-tested in September and December 2020 respectively. Students' skills in reading, writing, listening, speaking and use of language were checked. The data received before the experiment demonstrated almost a similar level of language acquisition in both groups. The results of the experiment pointed out improvement of the experimental group's members in every facet of the foreign language. The key points which impacted positively students' achievements were social-cultural topics meeting their interests, specially elaborated program of the project, and teachers' support. These findings proved the desirability of including project work in teaching HE foreign language courses for international students.

Анотація

Стаття присвячена проектній роботі під час вивчення іноземної мови іноземними студентами у ЗВО. Існує припущення, що проектна робота може позитивно впливати на оволодіння іноземними студентами українською мовою як іноземною. Стаття має на меті охарактеризувати проектну діяльність та довести, чи може вона покращити опанування студентами іноземною мовою. Для досягнення мети були використані теоретичні (аналіз, узагальнення) та емпіричні (спостереження, перевірка, експеримент) методи. Було проведено експеримент, у якому взяли участь 32 іноземних студента першого курсу. Експериментальна ($n=16$) і контрольна ($n=16$) групи пройшли попереднє та наступне тестування у вересні та грудні 2020 року відповідно. У студентів перевірялися навички читання, письма, аудіювання, говоріння та користування мовою. Дані, отримані до експерименту, продемонстрували майже одинаковий рівень володіння мовою в обох групах. Результати експерименту показали, що учасники експериментальної групи вдосконалили усі аспекти володіння іноземною мовою. Ключовими моментами, які позитивно вплинули на досягнення студентів, були соціально-культурна тематика проектів, яка відповідає їхнім інтересам, спеціально розроблена програма для підготовки проекту та підтримка викладачів. Ці результати підтвердили

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Keywords: foreign language, higher education institution (HEI), international students, project work, social-cultural topics.

доцільність включення проектної роботи до викладання курсів іноземної мови для іноземних студентів.

Ключові слова: іноземна мова, заклад вищої освіти (ЗВО), іноземні студенти, проектна робота, соціально-культурна тематика.

Introduction

Rapid integration processes in various spheres of politics, economics, culture, ideology, mixing and displacement of nations and languages, internationalization of higher education actualize the problem of intercultural communication, mutual understanding of communication participants belonging to different cultures. Universities in many countries are becoming active providers of educational services not only for citizens of their country but also for foreigners. For example, the number of international students who get higher education at Ukrainian universities, both in English and Ukrainian, is growing every year. These processes require changes in teaching methodology and solving new problems in the theory and practice of teaching foreign languages.

Long experience of authors' teaching proves that students face similar difficulties in foreign language learning such as fear of making mistakes in pronunciation or grammar; shortage of vocabulary to express their opinions or feelings in a foreign language and so on. In our opinion, teaching foreign languages should be based on an activity approach, which means that the learning process should be as close as possible to the learner's future activity in society. We share the opinion that the activity approach is based on the recognition of activity as the basis, means and decisive condition for the development of creative and active personality. It is this particular approach that makes it possible to avoid the gap between theoretical knowledge and its use in practice (Biletska et al., 2021).

Working with information in any language requires the development of certain intellectual skills: the ability to analyze information, select the necessary facts, build them in a logical sequence, the ability to put forward arguments and counterarguments, etc.

So, we think that it is a matter of great importance to find out an alternative way to provide students with appropriate and creative activities for effective foreign language learning meeting their interests and needs. That's why we believe that

the process of foreign language learning can be effectively actualized by using the method of project work, which combines the ability to work with various information sources and the ability to adequately present the work result. Project activity is a direction of pedagogy, which is aimed at the applied use and improvement of students' knowledge and skills in modern educational systems (Yermakov, 2003). Based on the points mentioned above, the project approach seems to be one of the few available, effective and productive ways to develop, or at least sustain international learners' knowledge of the foreign language.

The discussions of aspects regarding project-based learning are interesting and various. However, the impact of the project activity on international students' foreign (Ukrainian) language acquisition in higher education has not been a matter of thorough consideration. This determines the relevance of the theme of our research. The study is timely and can contribute to the scientific purposes of theory and methods of teaching foreign languages on the whole and international students in particular. Its results can be used to achieve some practical benefits to stimulate foreign language learning by means of project work.

The study hypothesizes that the project work in the context of the international students' foreign (Ukrainian) language learning can support, or even improve their language skills. The compliance of project tasks and topics with the international students' needs and interests is believed to be essential for effective project work implementation.

The purpose of this article is to characterize the peculiarities of the project activity and prove whether it can improve international students' foreign (Ukrainian) language acquisition in higher education. Thus, the paper objectives are: to analyze the theoretical grounds (definition, gist, characteristics, principles, typology) of international students' project activities in the context of foreign (Ukrainian) language learning and teaching; to take a fresh look at the project

activity implementation and find out its impact on international students' foreign (Ukrainian) language proficiency by the experimental way.

Theoretical Framework

There is no single opinion in education science on how to define the project method. The following ideas are worth mentioning. The project method is a teaching and learning technique in which the learners undertake a task, or a research exercise, that has usually been initiated by the teacher (Jarvis & Wilson, 2005). The project method is also discussed under headings like project work, project approach, and project-based learning (Peters, 2017). "It is a subform of action-centred and student-directed learning in which learners engage in practical problem solving for a certain period of time" (Peters, 2017).

The modern method of teaching foreign languages has its specific transformations of the definition of the project work. In particular, the project work is considered as a certain set of learners' training and cognitive techniques and actions that allow solving a particular problem as a result of individual cognitive actions and involving the presentation of these results in the form of a specific product of activity (Polat, 1989). According to Khatamova, Ismailova & Akbarova (2019), the project is a creative activity of learners, corresponding to their physiological and intellectual abilities, taking into account the requirements of the standards. The main idea of such an approach to teaching a foreign language is to shift the emphasis from various types of exercises to the active mental activity of students, which requires proficiency in certain linguistic means for its design (Khatamova, Ismailova & Akbarova, 2019). Gasparyan, Lashova & Pipchenko (2018) consider the project work as a special form of organizing the students' communicative and cognitive activity, having a common goal, agreed ways to achieve an overall result. Haines's explanation of project work should not be left out: "Projects are multi-skill activities focusing on topics or themes rather than

on specific language targets. In addition to project work provides students with opportunities to recycle known language and skills in a relatively natural context" (Haines, 1989).

Also, scholars highlight the characteristic features of the project work: use of acquired knowledge and skills; compliance of topics and tasks meet the students' real interests and needs; creative orientation of the process; focus on practical results and very often a visual presentation of the result; emphasis on students' work (individual and group) and intensive out-of-class activity; the use of the language in situations close to the conditions of real communication; selection of language material, types of tasks and work sequence in accordance with the theme and purpose of the project (Koval, 2019).

In the context of project-based learning, the matter of appropriate organization of the project work is of great importance. Such activities as preparation, planning the way to perform the project, performance of it, and reporting the products and assessing are key steps that allow the creation of more opportunities for the learners to study (Cuong, 2017).

There are furthermore different approaches to the typology of projects in the language teaching environment. For instance, three types of projects are distinguished: a group project, in which research is carried out by the whole group, and each student studies a certain aspect of the chosen topic; mini-project, dealing with conducting an individual sociological survey using questionnaires and interviews; a project based on work with literature, implying selective reading on the topic of interest to the student and suitable for individual work (Shcherbakova, 2011).

Also, Konyshova's idea to present the didactic typology of project works developed by Polat in the form of a table merits attention.

Table 1.

Didactic typology of projects (Konyshova, 2004, 72).

The distinctive criterion of project type	Sub-types
By activity	Research, creative, role-playing, informational, practice-oriented
By substantive areas	Monoprojects, interdisciplinary projects
By nature of coordination	Project with open, explicit, hidden coordination
By nature of the contacts	Domestic, regional, international
By number of participants	Individual, paired, group
For the duration of holding	Short-term, medium-term, long-term duration

In the learning process of HEI, the above-mentioned types of project works do not exist in their pure form, so educationalists have to deal with mixed types of project works. However, any project work has one or another type of coordination, terms, and stages of implementation, higher or lower number of participants. It should be noted that project works should be applied and intercultural. That is, the content and methods of their implementation should correspond to the needs and main types of activities of students.

Methodology

Following the purpose and objectives of the research theoretical and empirical methods were used. The theoretical ones were analysis and generalization of scientific literature on the problem of the research. The empirical methods included observation, testing and experiment to find out if project activity improves the international students' foreign (Ukrainian) language acquisition and statistical methods to evaluate the results of the experiment.

The experiment was carried out in Sumy National Agrarian University (SNAU), Ukraine, in autumn-winter 2020 with first-year international students. Students gave written consent to participate in the experiment. They were informed about the possibility to refuse without negative consequences. The experimental group consisted of 16 international students (age 18-21) who were involved in social-cultural foreign (Ukrainian) language project activity in addition to learning and teaching under traditional methods. The control group included 16 international students (age 18-21) as well but they were taught traditional methods. The gender differences were not taken into consideration in the research. The same tasks and activities were used for the analysis of the language acquisition level (writing, reading, listening, speaking, and use of language skills) before (September 2020) and after (December 2020) the experiment.

To compare the test result between pre-test and post-test in both groups the authors use some steps. Those are calculating the students' mean score of the test, calculating the group's mean score percentage, and calculating the students' improvement score from pre-test to post-test into percentage in each group. In analyzing the data of the pre-test, the first step is to get the mean score of the control and experimental group. It is calculated as follows: $\bar{X} = \frac{\Sigma x}{n}$. Where, \bar{X} – mean score, Σx – the sum of the observations, n –

number of the observations. The second step is to know the percentage of students' mean score. It is calculated by using as follows: $P = \frac{\bar{X}}{N} \times 100\%$. Where, P – the percentage of students' mean score, \bar{X} – mean score, N - maximum mark for the test (equal to 100 points). To find the improvement score from pretest to post-test the following formula is used: $P_i = P_2 - P_1$. Here, P_i - the percentage of improvement score, P_2 – the percentage of students' mean score for post-test, P_1 – the percentage of students' mean score for the pre-test. The calculation results were rounded to integers following the rounding rules.

Results

After a thorough analysis of modern scholars' opinions on project activities mentioned above, we consider the project work in the context of international students' foreign (Ukrainian) language learning as the organization of international students' communicative and cognitive activities in a manner that involves them in active learning and reciprocal interaction in the education environment. The purpose of such interaction is a creative search for the necessary material and its further processing to solve an actual problem. Such a communicative and cognitive activity ends with the presentation and defense of a very real practical result, designed in one way or another.

The implementation of the foreign language project for international students should underpin the following basic principles of using project-based methods: the principle of communication; the principle of situational conditionality; the principle of problematicity; the principle of co-study of language and culture; the principle of autonomy. In addition, the topics for the project activity should be elaborated taking into account the preferable communicative area and the syllabus requirements. Regarding the first-year international students, their preferable communicative area is social-cultural which is in line with the foreign language course of the HE (Lushchyk et al., 2020).

By the didactic typology of project works presented above, to work with first-year students we proposed projects that can be characterized by the type of activity as search information; subject matter area as socio-cultural; open coordination project; by the number of participants – group project, by the length – average length (2 months). Introducing the project work into the training practice the set of goals are suggested to be achieved: provide a group of students an

opportunity to use the acquired research experience; to implement students' interest in the topic of research, enhance the knowledge about it; to demonstrate, sustain and improve the level of proficiency in a foreign language; to achieve a higher level in learning, self-development, social maturity. Students were asked to prepare a socio-cultural project in the form of a PowerPoint presentation on the following topics: "Guide to the country of studying for foreigners"; "Guide to the city of studying for foreigners"; "The city of studying for international students' attraction"; "Places that impressed me in the

country (city) of studying"; "National customs and traditions".

In the process of implementing the project method as training research students carry out various activities. They can be represented in the form of a chain: problem statement, collection of available data, "verification" of data, experimentation, drawing up a research plan, formulating conclusions, the reflection of the results. In general, the project work is carried out in several stages. They are detailed in table 2.

Table 2.
Stages and steps of project work.

Stages	Steps
Search	<ul style="list-style-type: none"> 1. Defining the topic of the project. 2. Defining the purpose of the project. 3. Discussion of the project structure, drawing up a work plan. 4. Presentation of language material and pre-communicative training. 5. Collection of information from various sources (student's life experience, work with information on the topic).
Design	<ul style="list-style-type: none"> 1. Group work. 2. Adjustment work (discussion of interim results, teacher's facilitation to students and correction of possible students' mistakes, presentation and processing of new material: lexical, grammatical, socio-cultural). 3. Analysis of the collected information, coordination of students' actions in each mini-group.
Technological	<ul style="list-style-type: none"> 1. Preparation of the project presentation (PowerPoint, video for social networks, photo exhibition). 2. Demonstration of project results. <p>Project assessment and analysis:</p> <ul style="list-style-type: none"> - carried out by the teacher (control of language acquisition and development of communicative competence); - self-evaluation; - mutual evaluation;
Final	

Next an example of the organization of one of the projects "National customs and traditions" is introduced. Students involved in the project had a language proficiency level of A2-B1. Preparation and work on the project lasted 30 hours over 12 weeks. The aim was to create a guidebook about customs, traditions and holidays in the country of studying. Students used their smartphones, cameras, video cameras, computers as the equipment to carry out the projects. The teacher's preliminary preparation involved the creation of recommendations for students, visits to the library, museums, galleries, speaking local people. Preliminary training of students covered the creation of a list of holidays, customs, traditions that they would like to explore and highlight in their project, as well as the search for information about them in various sources.

Work on the project began with a discussion of research objects (family holidays and traditions, public holidays, folk customs, traditions, holidays), etc. Then international students were divided into groups of 2-3 people and after the discussion chose the objects of the project to their preference. The teacher acted as a moderator and facilitator of their work in accordance with the stages and steps described above. Students began to gather information for their projects, which was coordinated and adjusted by the teacher. If necessary, the teacher assisted in analyzing the collected information, in preparing the project results for demonstration. The projects were presented to groupmates, students of the preparatory department.

At the beginning of the experiment, a correction course of acquired knowledge for 5 weeks at the beginning of the academic year in the amount of

10 hours was taught to students of both groups (control and experimental). The data obtained as pre-testing showed that students in both groups

had almost a similar level of language proficiency. This is shown in Table 3, Table 4, Diagram 1.

Table 3.
Pre-testing results in the control group.

	Respondent's name	students' pretest score (0-100)
1.	Student 1	69
2.	Student 2	75
3.	Student 3	67
4.	Student 4	78
5.	Student 5	63
6.	Student 6	90
7.	Student 7	79
8.	Student 8	86
9.	Student 9	92
10.	Student 10	71
11.	Student 11	76
12.	Student 12	60
13.	Student 13	74
14.	Student 14	93
15.	Student 14	81
16.	Student 16	84
Total Score		1238
Students' mean score		77.37
Mean score in percentage		77.37%

Table 4.
Pre-testing results in the experimental group.

	Respondent's name	students' pretest score (0-100)
1.	Student 1	75
2.	Student 2	75
3.	Student 3	82
4.	Student 4	67
5.	Student 5	60
6.	Student 6	80
7.	Student 7	70
8.	Student 8	90
9.	Student 9	73
10.	Student 10	83
11.	Student 11	85
12.	Student 12	73
13.	Student 13	92
14.	Student 14	65
15.	Student 15	74
16.	Student 16	87
Total Score		1231
Students' mean score		76.93
Mean score in percentage		76.93 %

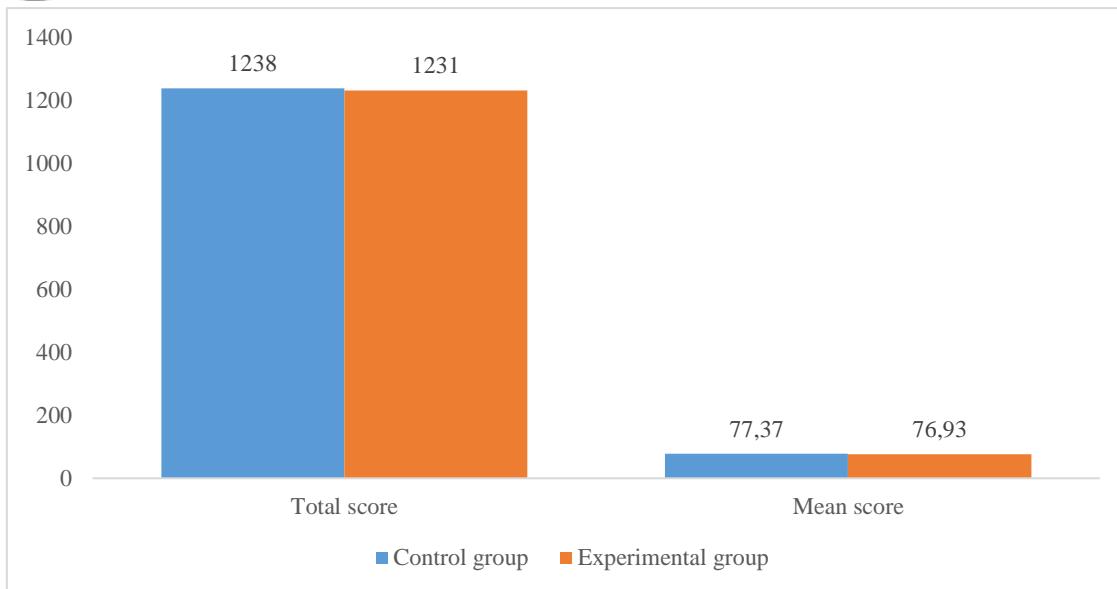


Diagram 1. Comparison of the pre-test results in the control and experimental groups. The results before and after the experiment in the control (the left-hand blue figure) and experimental (the right-hand orange figure) groups.

At the end of the pedagogical experiment, international students of both groups performed a test of reading comprehension (using the tasks: answer the questions, fill in the gaps, choose the correct answer), use of language (write a short letter in a foreign (Ukrainian) language on a proposed topic), listening (watch a short video of socio-cultural content and define if the

statements are true or false and complete the sentences), speaking (present a spontaneous monologue on a proposed topic; during the conversation with the interlocutor prove own point of view on the proposed problem).

Post-testing results are presented in Table 5, Table 6, Diagram 2.

Table 5.
Post-testing results in the control group.

	Respondent's name	Students' post-test score (0-100)
1.	Student 1	70
2.	Student 2	75
3.	Student 3	72
4.	Student 4	80
5.	Student 5	65
6.	Student 6	96
7.	Student 7	83
8.	Student 8	86
9.	Student 9	94
10.	Student 10	75
11.	Student 11	79
12.	Student 12	65
13.	Student 13	75
14.	Student 14	95
15.	Student 15	83
16.	Student 16	85
Total Score		1278
Mean score		79.88
Mean score in percentage		79.88 %

Table 6.
Post-testing results in the experimental group.

	Respondent's name	Students' post-test score (0-100)
1.	Student 1	84
2.	Student 2	83
3.	Student 3	90
4.	Student 4	75
5.	Student 5	68
6.	Student 6	86
7.	Student 7	76
8.	Student 8	97
9.	Student 9	78
10.	Student 10	90
11.	Student 11	87
12.	Student 12	76
13.	Student 13	97
14.	Student 14	69
15.	Student 15	76
16.	Student 16	92
Total Score	1324	
Mean score		82.75
Mean score in percentage		82.75%

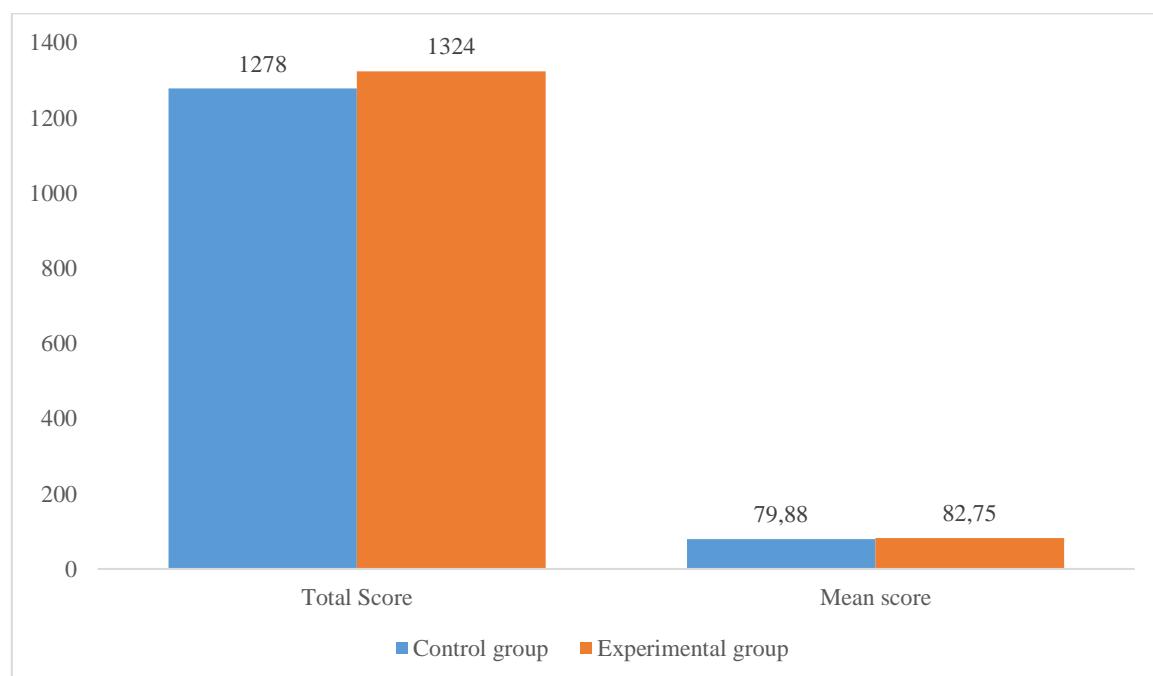


Diagram 2. Comparison of post-test results in control and experimental groups. The results before and after the experiment in the control (the left-hand blue figure) and experimental (the right-hand orange figure) groups.

After systematic work on project preparation in the experimental group during the period in the described conditions, international students showed positive dynamics in the development of

reading, writing, listening, speaking skills. Mean scores' improvement from pre-test to the post-test in the control group is presented in Table 7, Diagram 3.

Table 7.

The improvement score from the pre-test to the post-test in the control group.

Score	Pre-test	Post-test	Students group percentages' improvement
Total score	1238	1278	
Students' mean score	77.31	79.88	
Mean score in percentage	77.31%	79.88%	2.57%

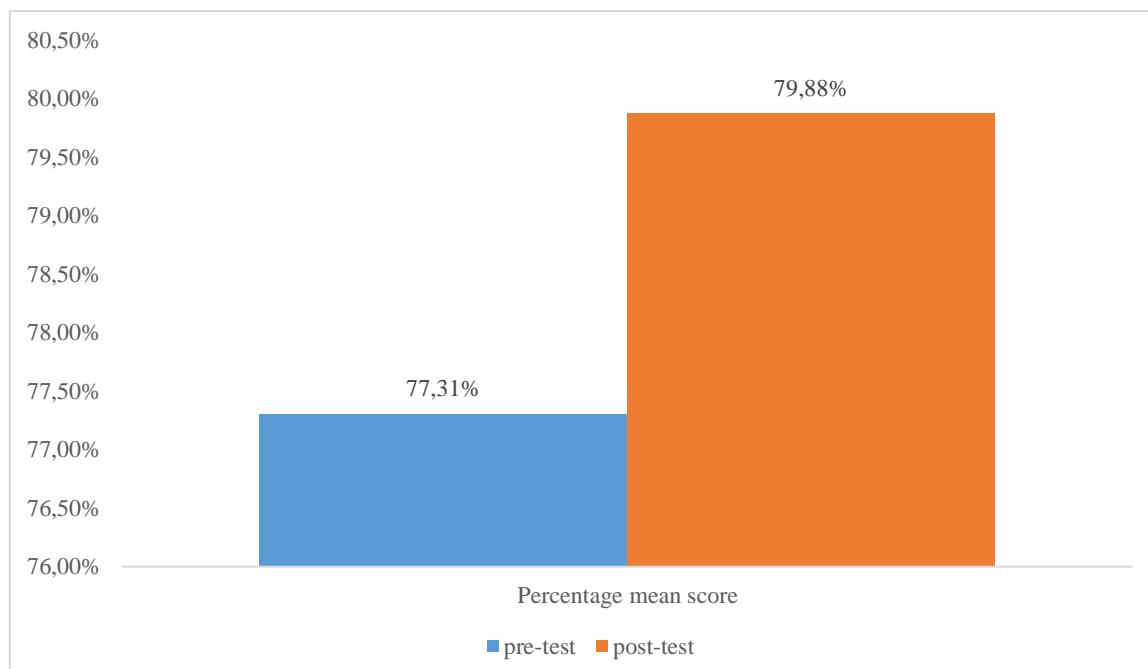


Diagram 3. Comparison of the improvement percentage mean score from pre-test to the post-test in the control group.

Mean score percentages' improvement from pre-test to the post-test in the experimental group is presented in Table 8, Diagram 4.

Table 8.

The improvement score from pre-test to the post-test in the experimental group.

Score	Pre-test	Post-test	Students group percentages' improvement
Total score	1231	1324	
Students' mean score	76.93	82.75	
Mean score in percentage	76.93%	82.75%	5.82%

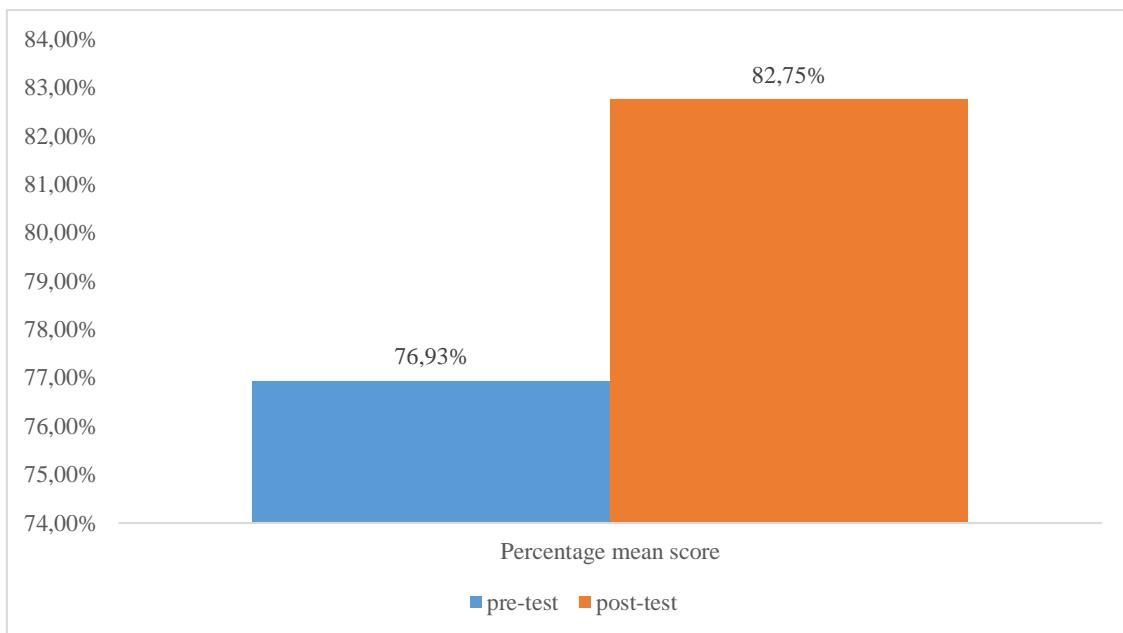


Diagram 4. Comparison of the improvement percentage mean score from pre-test to the post-test in the experimental group.

As Diagram 5 shows at the end of the experiment in the experimental group compared with the control group, the test results are better.

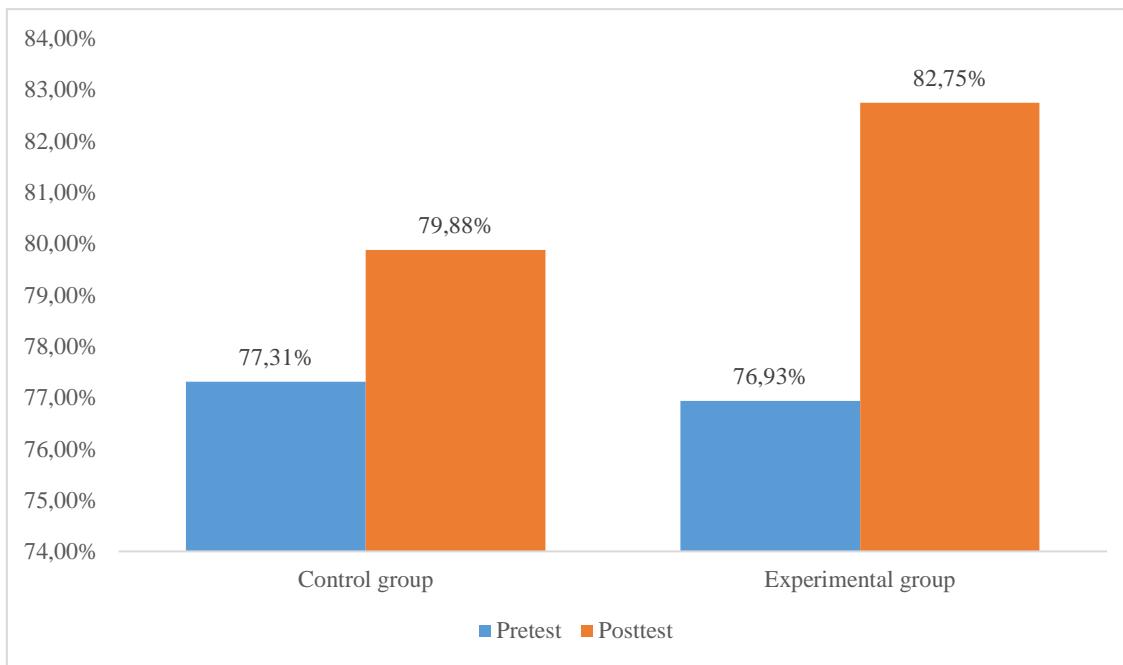


Diagram 5. Comparison of the improvement percentage mean score from pre-test to the post-test in the control and experimental groups.

Analysis and comparison of mean score improvement in percentage on the results of post-test in the control and experimental group are

also worth attention. The appropriate data are represented in Table 9 and Diagram 6.

Table 9.

The improvement of the mean score in percentage on the results of post-test in the control and experimental group.

Score	Control group	Experimental group	The improvement score
Students group percentages' score	79.88%	82.75%	2.87%

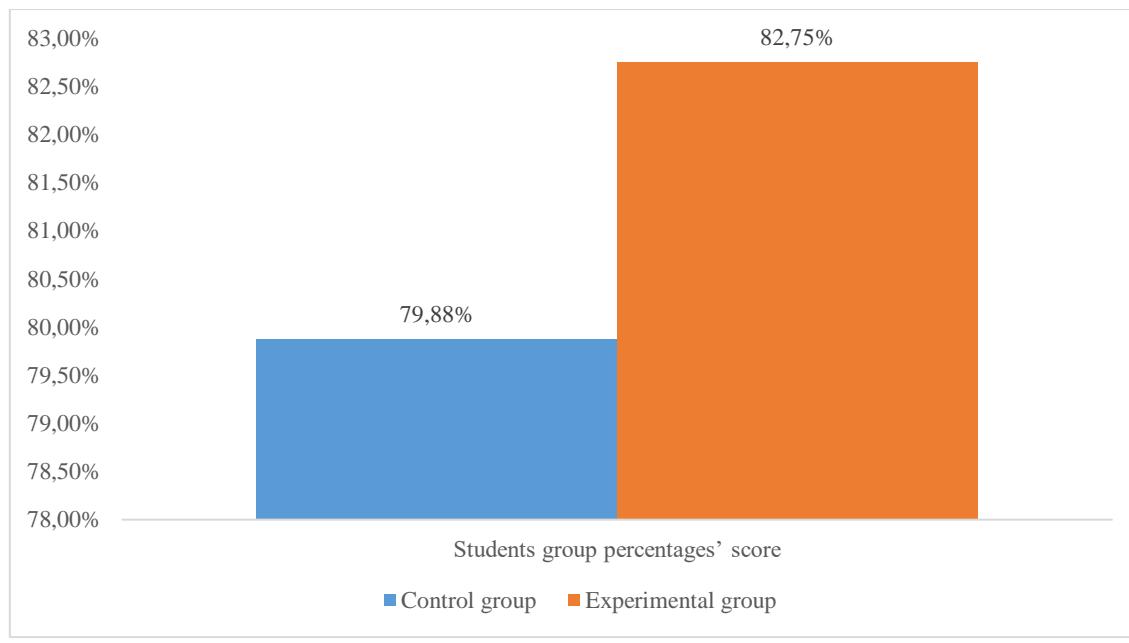


Diagram 6. The comparison of the improvement of students' mean score in percentage on the results of post-test after the experiment in the control (the left-hand figure) and experimental (the right-hand figure) groups.

The resulting data prove that international students in the experimental group improved their foreign (Ukrainian) language acquisition on average in 5.82 scores (5.82 %) compared with the results of the control group 2.57 scores (2.57%). So, the results of tests in the experimental group revealed that the post-test scores and mean score were higher than their pre-test scores after project activity implementation. Therefore, it can be concluded that international students' foreign language acquisition improved after the study.

The results of the study show that project activity during foreign language learning was effective for improving international students' language acquisition. The quantitative data analysis demonstrates progress in students' foreign language acquisition in the experimental group after the project activity implementation. Also, the participants of the experimental group enhanced their vocabulary and overcame possible individual awkwardness and fear that often arise when communicating in a foreign language. Such results in the control group can

be explained by the fact that project activity involved all the components of foreign language competence (reading, writing, speaking, listening). In addition, the topics and stages of the implementation process for the project activity were drawn up especially for the needs of the first-year international students, taking into account the syllabus requirements (Lushchyk et al., 2020). And what is more, it confirms that methods of assistance and didactic support elaborated and suggested by the teachers were suitable for students' language level.

On the whole, international students' progress in a foreign language enables us to claim that the general improvement of the experimental group is significant. So, the statistical importance of the results obtained in the study is noteworthy too. The results of the experiment are specifically related to that circumstance that project activity fostered the international students to look for the necessary information and process it with pleasure, to be interested in a foreign language outside the classroom, to have positive attitude for foreign language learning; also, project

activity boosted and encouraged real-life interaction. It should be emphasized the international students' high motivation determined by the fact they perform their project meeting their interests and views but not only the necessity to pass for a mark.

Project activity provided international students with opportunities to practice speaking, writing, listening skills through performing the presentation tasks as well as being involved in interaction with authentic environment. While preparing their projects students engaged in real communication and could apply topical knowledge and language skills. The stages of project work stimulated them to practice different skills (reading, writing, speaking, listening) during the learning and working process. In addition, they research the topic, search and process the important information from different sources in a foreign language. The presentation tasks and didactic underpinning were favorable and helpful for students' foreign language acquisition enhancement and promote them to use foreign language genuinely and deliberately.

Discussion

The experiment confirmed and extended the available knowledge of other scholars concerning the role of project activity in the process of foreign language acquisition.

The researchers' approach to understanding and defining the project activity mentioned above corresponds to internationally recognized studies. They relate to project-based learning both in general (Pecore, 2015; Thomas, 2000) and in the context of foreign language learning (Alan & Stoller, 2005; Yufrizal, 2021). Projects are defined as "complex tasks, based on challenging questions or problems, that involve students in design, problem-solving, decision making, or investigative activities" (Thomas, 2000) as well as "an in-depth investigation of a real-world topic worthy of a student's attention and effort" (Yufrizal, 2021).

Analysis and generalization of characteristics, principles, and typology of projects allowed authors to focus on the aspects relevant for international students' foreign language learning. They are also close to the concepts introduced by Nguyen & Nguyen (2019). The procedure of project activity involved several steps similar to stages of classroom planning, carrying out the project, reviewing and monitoring described by Richards & Schmidt (2011) but in the study they

were specially expanded and detailed for international students. The system for the implementation of the project activities developed by the researchers is in line with such key components of project-based learning as learner-centered environment, collaboration, curriculum content, authentic tasks, multiple presentation modes, etc. identified by Barrows (1988), Dewi (2016).

As it was demonstrated in our study, bearing in mind the above-mentioned points is beneficial for international students' foreign language acquisition. This research is alongside the experience of other scholars (Yufrizal, 2021; Brooks & Wilson, 2015; García Mayo, 2019). Our outcomes confirm opinions from other research in the area, which show that project activities enable students to integrate language skills and content knowledge to complete the projects (Simpson, 2011; Syzenko & Diachkova, 2020).

Also, this study demonstrates a good implementation plan. The results show that students not only received the necessary and sufficient preparation for the performance of projects but also improved their knowledge of a foreign language. In contrast, Poonpon (2011) indicates that inadequate preparation and lack of a clear plan to assist students can impede the successful completion of the project.

With regard to the improvement of students' language acquisition, the results of the study correspond to those of Srikrai (2008), Sirisrimangkorn (2021) who pointed out the beneficial effects of project-based learning on the students' language skills. In the current work the post-test results of the experimental group in reading, writing, speaking, and listening as well as vocabulary knowledge were enhanced because they were used to gain, analyze, and synthesize social-cultural information as international students working on their projects.

Integrating all four skills is not only an efficient use of class time but also each of the skills can reinforce each other through common vocabulary and language patterns. In order to create a balance of language skills, integration may be the best method of teaching. Integrating not only skills but also language and culture can have a mutually beneficial effect. (Oxford, 2001).

The selection of topics for project activities with a focus on socio-cultural content is also supported by modern researchers and considered as a means of contributing to the study of a



foreign language (Apple & Kikuchi, 2007; Frances, 2018; Lushchyk et al., 2021; Maida, 2011; Tabaku & Ecirli, 2014).

So, these findings and observation imply that properly organized project activities in which language skills, processing information from a variety of sources and authentic social-cultural topics and environment are merged and represent real-life tasks have a positive impact on foreign language acquisition by international students.

Conclusion

This study considered how project activity dealing with social-cultural content can be implemented in the context of foreign language learning by international students to foster them to use their language skills to wider knowledge and perform the task. It also evaluated how the social-cultural project combining in and outside the class activities improve international students' foreign language skills. The analysis of post-test results showed that the project implementation was appropriate for the course because students could apply and enhance their foreign language skills in real-life contexts during the project activity. A thorough plan and proper pedagogical support contributed to both the successful implementation of students' projects and the improvement of their foreign language acquisition.

The study gives some important educational findings. First, the theoretical issues in the area are numerous and diversified. They serve as a useful foundation for the practical application of the project activity in foreign language teaching and learning. Second, as the experiment demonstrates, the project activity has a positive impact on international students' ability to enhance their language skills during project implementation and stimulates their further foreign language acquisition. Performing the project is a complex, challenging, dynamic process that stipulates integration of relevant reading, writing, listening and speaking skills, knowledge to complete and introduce it. At the same time, the authors' support provided to students which covered the range of elaborated steps contributed significantly to the international students' headway in studying and foreign language acquisition. Thus, it makes sense to incorporate such social-cultural projects into foreign language learning by international students especially demonstrating the possibilities of language use outside the classroom in an authentic environment. It encourages them to use language skills and

support their confidence in foreign language mastering

Prospective research may revolve around drawing on a variety of project activities in the process of foreign language learning using other criteria to test and evaluate their influence on students' foreign language acquisition.

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Intuition as a philosophical reflection at the time of COVID-19 pandemic

Інтуїція як філософська рефлексія в період пандемії COVID-19

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Abstract

By January 2021, the number of Internet users amounted to 4.7 billion, while the social media audience hit the 4.2 billion mark. Two-thirds of the world's population use mobile phones daily. The average Internet user spends 42% of his time in the global network. These figures prove convincingly that the Internet has become an integral part of human life. However, man's using the Internet involves increasingly the risk of cybercrime perpetrated against the user. The purpose of the research is to assess the potential of Big Data technologies to combat cyber fraud as a form of cybercrime. The study used the statistical data provided by the Prosecutor General's Office of the Russian Federation and the publications in scientific journals. The methodological basis of the research is represented by a combination of general scientific and special scientific methods, with analysis, statistical method and systemic approach being the major tools. It was found in the course of the research that fraud constitutes the majority of crimes on the Internet. To counteract it, mobile operators and banks use

Анотація

Автори розкривають важливість питання про безумовне прийняття певних обмежень в соціальному житті в період пандемії COVID-19, зробивши основний акцент на вивченні інтуїтивних процесів і філософської рефлексії про формування поведінкових реакцій в соціумі, що і є метою даної статті. Проаналізувавши існуючі концептуальні підходи, автори відзначають, що в даний час існує декілька теорій інтуїції, які пояснюють її сутність і зміст - такі як гносеологічна, містична, і як первинна сверхраціональна ступінь осягнення «цілісного буття», що несе в собі ідею освоєння світу. Вчені стверджують, що згідно гносеологічної логіці, ми мислимо від абстрактної інформації про COVID-19 до конкретних випадків, пов'язуючи їх воєдино, тим самим змінюючи звичні форми поведінки на більш асоціальні. COVID-19 викликав універсальний психосоціальний вплив, що викликав масову тривогу, економічний тягар і фінансові втрати – які карантин тільки посилив. І подальше ставлення до ситуації

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anti-fraud techniques based on Big Data analysis. The paper provides an overview of services and programmes based on artificial intelligence and Big Data technologies, aimed at detecting and preventing telephone and internet fraud, used by law enforcement agencies in various countries. The paper concludes that Big Data has changed the vector of law enforcement activity from reactive to proactive.

Keywords: information, Big Data, cybercrime, cyber fraud, anti-fraud.

Introduction

The beginning of the 21st century is marked by events that have irreversibly changed every person's life. COVID-19 that had burst into measured and virtually socially foreseen life, outlined the boundaries of the future – unacceptable, impossible and certainly unpredictable. It is quite surprising that at the threshold of digital revolution we faced an uncontrollable and almost unpredictable state of our society. The situational awareness based on social foresight and social perspicacity will allow society to somewhat reduce the level of tension and panic – and in turn will help to avoid maladaptation of society at all structural levels.

And this situation of maladaptation is increasing due to the spread of coronavirus infection, which affects the emotional state of people as a result of a lack or excess of information (Leshchyna, Asieieva, Vasylieva, Strelnikova, & Kovalska, 2021). Any information we possess affects our cognitive intuition, that is, it becomes the basic foundation of our perspicacity. And the further attitude towards the situation of the pandemic depends on how functions the mechanism of perspicacity and sensory-substantive activity of a social personality, which is focused on changing the surrounding social environment and oneself.

The emergence of previously unknown form of the COVID-19 virus has focused the world's attention on itself, thereby causing shock and perception of the situation as a crisis. In such cases the person interprets the event within the framework of his own experience or recalls similar situations from the experiences of others.

пандемії залежить від того наскільки спрацьовує механізм проникливості, чуттєво-предметної діяльності соціальної особистості, яка спрямована на зміну навколошнього соціального середовища і себе. Грунтуючись на вивчені механізмів формування інтуїтивної поведінки, слід готувати ґрунт до формування неусвідомленого засвоєння переживання складних ситуацій не в згуртуванні з групою, а індивідуально, базуючись на умовах підпорядкування авторитету в складних ситуаціях. Надання чітких інструкцій, створення нових алгоритмів реагування дозволить сформувати правильні знання про поведінку в ситуації пандемії.

Ключові слова: інтуїція, філософська рефлексія, проникливість, пандемія, дезадаптація, COVID-19.

According to epistemological logic, we think from abstract information about COVID-19 to specific cases, binding them together and, thereby changing the usual forms of behavior to more asocial. COVID-19 has caused a universal psychological effect, triggering the mass anxiety, economic burden and financial losses – and the lockdown has only strengthened it. The deterioration in the quality of life, loss of productivity and growing social inequalities will have long-term consequences for the world society development. The sense of necessity of making a quick decision interferes with the logical comprehension of the crisis situation and causes panic. Thus, a person in a state of panic cannot foresee the reality, his consciousness, sociocultural and individual psychological properties of the personality are blocked. Under the influence of frustrating situations, the mind begins to «work» fluctuationally, that leads to inhibition of a person's ability to fully realize his actions. Thus, the logistics of actions are lost, intuition as a way of discovering the world (inherent solely to humans) ceases to function normally. This leads to deviation of the hypothetical-deductive nature of cognition, thereby contradicting one of the basic principles of mechanics formulated by Isaac Newton. (Newton, 1989; Kravchenko, 2002).

Theoretical Framework or Literature Review

The scientific world community is considering the issue of predicting the consequences of open border crossing under lockdown conditions. For example, scientists Subhra Rajat Balabantaray,

Archisman Mohapatra (2020) emphasize that in the context of the interconnected and interdependent global economy, governments failed to foresee the importance of promptly imposing restrictions on international travel. In early 2020, international trade and travel continued mainly as usual, leading to the rapid spread of the virus. Countries whose governments have been more active coped with the pandemic without absolute isolation. They either took a strong position against lockdown (e.g. Sweden, Germany and in the early days the UK) or did so after strict control measures (e.g. New Zealand, Australia, Croatia and Greece).

However, Subhra Rajat Balabantaray and Archisman Mohapatra (2020) claim that the uncertainty about the unfolding pandemic and decisions about the lockdown implementation were usually made without strategies of realization, exit and mitigation. From their point of view, low- and middle-income countries (LMICs), where the lockdown had led to significant socio-economic problems, should have carefully weighed this decision. All of their socio-economic systems are chronically under-resourced and face problems that cannot be quickly remedied. This has aggravated problems for people, countries and the world as a whole. People have lost their jobs and livelihoods. Appeared an increase in reports of stress, anxiety, depression, suicide, and domestic violence. Some countries implemented a lockdown in very short time periods (for example, India and Italy), which absolutely heightened the panic-stress moods.

Subsequent declines in quality of life and productivity, rising social inequalities and feelings of sociocultural injustice are likely to have long-term implications for the further development of society. At the individual level, loss of livelihood can lead to functional impairment and mental health problems (Balabantaray & Mohapatra, 2020). And to the socio-cultural maladaptation not only of individual society members, but also of society, the country and the institution of the state as a whole.

Tina Lindhard (2020) shifts the focus of our attention during a pandemic from the external to the internal state, and from the overusing of logical thinking, related to the brain, to the sensory mind, connected to the heart. This epistemological method of cognition is based on intuition. However, in order to find solutions to the many problems we face today, far more people need to learn to penetrate into their hearts.

The author scientifically proves that the importance of sensory intuition is crucial for solving urgent problems associated with COVID-19 (Lindhard, 2020 p. 181-194).

In this situation, from our point of view, perspicacity is of great importance not only as a quality of a person, expressed in the ability to notice, feel, anticipate and predict the intentions, actions and deeds of other people, the development of processes and phenomena in real conditions (Nakonechnaya, 2016), but also, from a philosophical point of view, «direct guessing (we would even say: «prediction», «forecasting» – E. B., I.O.) or understanding of one or another logical connection» (Ilyichev, Fedoseev, Kovalev, & Panov, (Ed.) 1983, p. 368).

It seems important to us that the modern scientist Singh Siddhart (2020) views perspicacity as often intuitive decisions. So, in his study, he describes situations during a pandemic, where the insecurity of any person is a threat to himself. In his opinion, the COVID-19 pandemic has changed the definition of economic principles. Situations such as panic buying and hoarding can be explained through the perception of the threat. During a pandemic, the «pure rational» person is replaced by the «emotionally rational» person. During pandemics, people often make intuitive decisions. The author describes solutions based on behavioral research. His findings on the importance of behavioral changes and the shaping of new behavioral strategies can help reduce the spread of the COVID-19 virus (Siddharth, 2020).

At the same time, for us seems to be important the Kantian understanding of intuition as a way by which cognition is directly correlated with one or another object; and as that by means of which we take an object for granted (Kant, 1994, p. 59). In this case, we come to a philosophical and logical understanding of intuition as the ability to «comprehend the truth through its direct perception without justification by means of proof» (Ilyichev et al, 1983, p. 216), which is significant when analyzing the consequences of a pandemic.

Methodology

Taking into account the serious consequences of non-compliance with quarantine measures due to lack of perspicacity and the lack of elementary forecasting based on intuition among most of the world's population, it is extremely important to understand why people resist measures compliance. Since the early days of the virus

outbreak, misinformation about COVID-19 has spread widely on social networks, radio and the media. In order to understand how people often react to information about COVID-19 and whether they are ready to change their behavioral habits, we investigate: the effect of panic on intuition – whether it predicts beliefs that the COVID-19 pandemic is a hoax; and perspicacity as predicting that compliance with quarantine measures (e.g. social distancing and more frequent hand washing or wearing a medical mask in public areas) is a real situation in society. Our research aims to explore the opportunities of intuitive perspicacity to overcome the false conviction associated with panic in modern society, and to develop a system of human behavior, social groups and society as a whole, that is aimed at overcoming panic in the context of a pandemic.

The term «intuition» and the philosophical teachings about intuition for the first time originated in ancient Indian and ancient Greek philosophy.

Even the ancient Greek philosopher Plotinus believed that intuition is a divine way of instantly knowing something.

The word «intuition» was included into European philosophy back in the 13th century as an analogue of the ancient Greek term, which meant the knowledge of an object not in parts, but as a whole.

Plato, Descartes, Locke, Spinoza were of the opinion that intuition is direct knowledge that does not need proof and is perceived as reliable. At the same time, René Descartes reduced all the acts of thinking that allow us to gain new knowledge without fear of error, to two – intuition and deduction.

However, Immanuel Kant denied Cartesian intellectual intuition and emphasized sensory intuition and pure intuition of space and time.

In the process of cognition, as I. Kant suggested, there are involved two components: sensory experience and rational thinking. Moreover, rational thinking has, in his opinion, its own categories: category of quantity, category of quality (internal certainty, orderliness, a set of properties of a specific phenomenon), category of relationship (independence and belonging, reason and action, interaction), category of modality (way of existence of a specific phenomenon) (Kahn, 2003).

A. Schopenhauer considered as the organ of intuitive cognition the intellect. According to him, the mind transforms intellectual cognition into abstract. The latter does not expand knowledge, but only gives it a new form, capable of performing practical functions and being an object of interpersonal communication (Toshchenko, 2011).

J. Piaget considered intuition as figurative objective thinking, characterizing mainly the pre-logical stage of development (Posadova, 2014), believing, like K.G. Jung, that with the age, the role of intuition somewhat decreases and it gives way to a more social type of thinking – to a logical type. K.G. Jung called intuition that maternal soil from which grow thinking and feeling as rational functions (Jung, 1998). Thinking and intuition are two areas on the scale of awareness inherent to the inference process. Thus, intuition is assimilated to thinking – this is an unconscious inference, this is the process of generating decisions that flows unconsciously. A person may not realize some part of the process, or the whole process (Litvinova, 2002, p. 135-150).

Modern scientific paradigms define intuition as an extremely important moment in the complex and unconscious interaction of feelings, reason and experience. Sometimes it is interpreted as a certain focus of knowledge, which in its essence is not the initial stage of the latter, but a transitional link from one level to another. Under the influence of the ideas of existentialism (M. Heidegger, J. P. Sartre), intuition lost its epistemological characteristics and turned into a special way of human being in the world, which gives us the opportunity to consider it from the point of view of social philosophy.

The philosopher Mario Bunge (Bunge, 1967, p. 94), considers the most commonly used meanings of the term intuition, such as quick perception, imagination, abbreviated reasoning and sound judgment. M. Bunge distinguishes between sensual and intellectual intuitions. Sensual intuition, according to M. Bunge, has the following forms:

1. Intuition as perception. Intuition as perception is expressed in the process of rapid identification of an object, phenomenon or sign. Clear understanding of meaning and relationship or sign. The ability of interpretation.
2. Intuition as imagination. Ability to imagine or geometric intuition. The ability to form metaphors: the ability to show the partial

identity of features or functions, or complete formal or structural identity in various objects. Creative imagination.

Bunge classifies intellectual intuition (intuition as mind) as follows:

1. Intuition as mind. Accelerated inference – a rapid transition from one statement to another, sometimes with quick omissions of individual links. The ability to synthesize or generalize perception. Common sense – is a judgment based on ordinary knowledge and not based on special knowledge or methods, or is limited by the passed stages of scientific knowledge.
2. Intuition as an estimation. Sound judgment, phronesis (practical wisdom), perspicacity or insight: the ability to quickly and correctly assess the importance and significance of the problem, the plausibility of the theory, the applicability and reliability of the method, and the usefulness of the action. Intellectual intuition as a common way of thinking (Bunge, 1967).

Having analyzed the existing conceptual approaches, we can note that currently there are several theories of intuition that explain its essence and content – as an epistemological, mystical, and as a primary superrational level of comprehension of "integral being", that involves the idea of mastering the world. That eventually acquires the look of a fairly clear guidelines of moral, political, scientific consciousness, providing a person with a certain direction of mastering the world, taking into account his needs and interests.

Thus, the common to all interpretations of intuition is the recognition of the immediate type of intuitive knowledge – it represents knowledge without awareness of the ways and conditions for acquiring. From this point of view, intuition is synonymous with perspicacity.

This peculiarity causes confusion among a number of scientists, who erroneously put the categories «intuition» and «perspicacity» in one row. Meanwhile, these concepts have different, albeit in some way similar semantic content.

The Philosophical Encyclopedia gives the following definition of perspicacity – direct guessing or understanding of one or another logical connection. It is crucial to distinguish perspicacity, understanding a priori from cognition a posteriori. Perspicacious person – is observant, prescient, noticing a lot (Isachenko,

2003). That is, we are talking about the human characteristic, his judgment abilities.

Intuition (Late Latin *intuitio* – contemplation, from *in* – in, inside; Lat. *tui* – be able, grow numb (become numb), you, to you; Lat. *ti* (tum) – after, then, also from Lat. *intueor* – look fixedly) seems to be the ability to mentally assess the situation and, using the principle of idealization deduced by Galileo Galilei (a person can assert something without actual observing in reality), bypassing reasoning and logical analysis, instantly make the most correct decisions in a given situation.

From our point of view, intuition is the ability of a person and humanity to directly comprehend the truth based only on previous experience and without prior logical reasoning. Consequently, the category «intuition» is much larger than «perspicacity».

It is essential to understand that intuition is the most important unit of cognition in the system of relationships «I» – «YOU» – «WE». At the same time, the focus on understanding the other person is associated with empathy, as a sphere of interpersonal relations in the structure of emotional intelligence and as a personality trait, and allows to empathize with feelings that are identical to those observed, that is, it is irrationally to cognize the inner world of another person. Hence the possibility of interpreting intuition as a determinant of perspicacity, which is due to intuition as a method and ability to assess intelligence: the ability to quickly and correctly estimate the importance and significance of the information received, phronesis (practical wisdom) and sensory intuition as the ability to interpret.

In this context, for the cognition of a person's existence by an essential quality – existential, the independence of judgments is presented as a necessary component of perspicacity, directly related to the ability of making independent decisions and controlling oneself.

Research on perspicacity allows to consider it in two aspects: in the first, as the study of the social perception mechanisms, which anticipates the analysis of the interpersonal perception process and the study of various effects that accompany this process (stereotyping, halo, primacy, indulgence, novelty, and so on) (Andreeva, 2001; Kovalenko & Kornev, 2006), in the second – as an analysis of a person's individual characteristics in the context of his perception, with the emphasis on the description of a person's emotional states, character traits, actions, etc.

(Derevyanko, 2016; Gubsky, Korablev, & Lutchenko, 2003).

From the point of view of psychology, O.P. Sannikova characterized perspicacity as a complex psychological formation, a personality trait that integrates and systematizes special knowledge and special personal qualities that allow an individual to accurately understand people, their incentive reasons for behavior, activities, and also to make perfect forecasts (Sannikova, 2009).

From the point of view of synergetics, the mechanism of intuition can be presented as a mechanism of self-organization, self-construction of visual and mental images, ideas, visions, thoughts.

However, when a person is under stress, in a state of anxiety and often uncertainty, his perspicacity is blocked and a person is not able to listen to his intuition. This precludes him to make adequate decisions in a crisis situation, which is now the COVID-19 pandemic.

Results and discussion

Some philosophers compare intuition with convictions or belief. For example, David Lewis (Lewis, 1983) writes: our «intuition» is simply opinions; our philosophical theories are the same. Some of them are common, and other are sophisticated; some are particular, and some are general; some hold on more firmly, some are less. But this all is just opinion. (Joel Pust 2017).

Such comments enable us to assume the following: obviously, there is a close connection between intuition and convictions, since a person usually believes the content of his intuition. If someone has found the way to a satisfactory resolution of the paradox and has identified a false judgment, it often happens that a person still has the intuitive sense that the rejected judgment is true. In this case, it is important to note a significant feature of intuition – its relative causal independence from explicit conviction. By analyzing the aforementioned, we can conclude that intuition is convictions with a suitable etiology.

V. F. Reyna (Reyna, 2021) studied the interconnections between analytical thinking, false convictions and observance of various COVID-19 recommendations at different times during the pandemic and in several different countries. According to her research, people with false convictions about the COVID-19 pandemic

were less likely to follow COVID-19 recommendations. Researchers have emphasized that dispositional analytical thinking is a strong and consistent means of predicting false convictions, conspiratorial beliefs and misconceptions about COVID-19. The connection between analytical thinking, intentions and behavior is less visible. While analytical thinking comprehensively cannot predict the correctness of the required behavioral acts or intentions to change people behavior during a pandemic. The findings of her research correspond to the model according to which people unwilling to participate in these thinking and reflexive cognitive processes are less likely to demonstrate socially correct behavior because they considered a pandemic as a hoax. Since this study had been carried out on March 21, 2020, many US states introduced mandatory social distancing measures. However, the public opinions on the value and necessity of these measures were divided (Reyna, 2021).

Intuition in social perspicacity is based on rational thinking («intellectual intuition»). Therefore, insight does not come accidentally, but as a reality comprehended in a special way, understanding of a huge amount of information and the formation of one's own judgments due to the inclusion of analytical thinking processes. At the same time, it is crucial to take into account individual psychological characteristics of a person. Individuals who are more prone to panic, hysteria and cyclicity while constantly monitoring the negative information in the social media about a pandemic will intuitively block useful information about precautionary measures. And in these conditions, intuition can acquire the stability of prejudice or delusion if, being effective in relation to one social process, it becomes unquestioningly transferred to other social processes and phenomena – forming not intuitive connections, but false unconscious attitudes, in relation to one or another phenomena. At the same time, it should be noted that the positive reinforcement of false ideas will play a negative role and reduce people's confidence to their intuition, which directs the instinct of self-preservation that contributes to the acceptance of restrictions imposed by the pandemic in social interaction and will in no way contribute to its stalling and control.

Intuition can turn into daydreaming if it does not rely on a significant information base. In this case, it becomes akin to quackery, which operates with random, little related one to another clues, and relies on speculations and arbitrary interpretation of the events that came to

hand (Toshchenko, 2011). And often such a process is triggered while receiving false information from the media, and this process affects the people's behavior associated with panic during the COVID-19 pandemic. The deliberate exaggeration of the situation about the pandemic in the media only disorients people and forms fears, phobias, aggravates stress and neuroses, which, in turn, deactivate the natural intuitive processes aimed at self-preservation. In this context, it is important to understand the role and significance of innate ideas that are inherent in thinking initially and are not acquired from experience and cannot be changed on the basis of experimental knowledge. Usually these are ready-made ideas or concepts on which people rely as true, or ideas inherent in thinking as potential abilities and inclinations. The key importance is that these possibilities should be realized, seen and supported, and also used when deciding the future of one or another process or phenomenon. The imposition and blocking of social contacts for people as for social beings, causes internal resistance and triggers psychological defense mechanisms to block this information. Since this contradicts the natural way to which a person is accustomed, most states cannot achieve the compliance with quarantine measures and social distancing. Being in isolation with a constant information flow about the deterioration of the epidemiological situation, without knowing when this situation gets resolved, in the absence of ready-made algorithms for solving this problem, a person finds himself in a state of frustration, which forces him to combat and resist the imposed rules and regulations. Therefore, there are a lot of violations in different countries: protests, riots, strikes, etc.

Of course, there is no state that in the current situation can afford to abandon restrictions under the increased COVID-19 incidence. But the approach to providing the information necessary for saving lives should be changed. Based on the study of the intuitive behavior formation mechanisms, it is important to pave the way for the formation of an unconscious assimilation of the experiencing difficult situations not in cohesion with a group, but individually, basing on the use of obedience to authority in difficult situations. Providing clear instructions and creating new response algorithms will help to form correct knowledge about behavior in a pandemic situation. Due to the constant mutation of the virus, humanity for some more time will have to live in conditions of limited social interaction. The importance of unconditional acceptance of certain restrictions in social life is

quite acute today, therefore, the study of the intuitive processes of the behavioral acts formation is gaining relevance.

Conclusions

It is important to support public opinion, and this process will take years and for that reason should be started now. Leaders must make a concerted effort to explain why this research is saving lives. And, more broadly, they must explain the importance of science in coping with the pandemic impact.

Intuition exists and plays a significant role in cognition. The process of scientific and, moreover, artistic creativity and comprehension of the world is no means always carried out in an expanded form divided into stages. Quite often, a person covers a difficult situation with his thoughts, without going into all its details, and simply not paying attention to them. This is especially evident in military battles or when making a diagnosis. Intuition is essential in moral life, in historical and humanitarian knowledge in general.

It should be noted that the effectiveness of the solution is enhanced by special motivation. Moreover, in the situation when ineffective methods of solving the problem are exhausted and the search dominant has not yet faded away – the less automated the method of action, the more chances to solve the problem. The specialist's intuition usually surpasses the amateur's intuition.

Therefore, the point of view that intuition is regarded as evidence in philosophy will be best considered as the view that, with respect to many fundamental questions of philosophy, our justification of belief lies in the fact (at least essentially) that we have the appropriate intuition. It does not mean that all explicit philosophical reasoning can be correctly presented as starting with statements that assert that we have intuitions of various kinds.

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Social policy in Ukraine during the Covid-19 pandemic and its impact on public finance

Соціальна політика в Україні під час пандемії Covid-19 та її вплив на публічні фінанси

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Abstract

The Purpose of the article: research and analysis of social policy in Ukraine during the COVID-19 pandemic and its impact on public finances. Methodology: dialectical method of cognition of social phenomena, logical-semantic and formal-logical methods, special-legal method. Conclusions and results: it is noted that an important aspect is the implementation of social policy based on distributivity, that is, competent authorities being able to conduct their activity on the basis of redistributive processes aimed at overcoming socio-economic inequality among different segments of the population. Emphasis is placed on the effectiveness of introduction of a remote form of work that enables employees to continue to perform their duties. The growing level of digitalization of public services is justified. The introduction of a range of measures to support the population and business in Ukraine since 2020 has been studied. It is found that social support of citizens in this period can be considered in two aspects, as direct and indirect. Direct social support is a set of measures taken by the government to ensure the implementation of social rights of citizens by increasing the amount of social benefits. Indirect social support

Анотація

Мета статті: дослідження та аналіз соціальної політики в Україні під час пандемії COVID-19 та її вплив на публічні фінанси. Методологія: ділектичний метод пізнання соціальних явищ, логіко-семантичний та формально-логічний методи, спеціально-юридичний метод. Висновки та результати: у статті відзначено, що важливим аспектом є здійснення соціальної політики на основі дистрибутивності, тобто провадження компетентними органами своєї діяльності на основі перерозподільчих процесів, орієнтованих на подолання соціально-економічної нерівності серед різних верств населення. Акцентовано увагу на дієвості впровадження дистанційної форми здійснення працівниками своїх обов'язків. Обґрунтовано зростаючий рівень цифровізації державних послуг. Окреслено запровадження цілого комплексу заходів для підтримки населення та бізнесу в Україні, починаючи з 2020 року. Встановлено, що соціальну підтримку громадян у даний період можна розглядати з двох аспектів, як безпосередню та непряму. Безпосередня соціальна підтримка – це комплекс заходів, здійснюваних урядом для забезпечення

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of citizens should include measures taken by the government to curb unemployment.

Key words: social policy, home-based work, social support, social rights.

реалізації соціальних прав громадян, шляхом збільшення розмірів соціальних виплат. До непрямої соціальної підтримки громадян варто віднести здійснювані урядом заходи, що здійснюються задля стимулювання безробіття.

Ключові слова: соціальна політика, надомна праця, соціальна підтримка, соціальні права.

Introduction

The introduction of quarantine plunged the world economy into crisis. In all countries, there is a decline in GDP, the labour market is also under severe pressure. It is no exaggeration to say that the COVID-19 pandemic led to the greatest crisis in the field of health care, but at the same time became a litmus test that showed the existing socio-economic problems in other spheres of state and public life and created a huge challenge for the social system. Only well-developed countries, taking numerous socio-political anti-crisis measures, can meet such challenges and the success of this process depends on many factors, including economic situation, appropriate legislation, adherence to fundamental human rights principles, coherence of government, timely implementation of reforms etc.

Apart from the fact that most of the actions of European governments were aimed at increasing the flexibility of infrastructure and health workers, European countries are also implementing other measures to maintain social status and stabilise the economy. These include easier access to unemployment benefits, tax benefits, soft loans, and the possibility of deferring social security contributions. In fact, there is social compensation. At the same time, local and national coronavirus control strategies in many cases increase the burden on those most in need of care.

An important aspect is the implementation of social policy based on distributivity, that is, competent authorities being able to conduct their activity based on redistributive processes aimed at overcoming socio-economic inequality among different segments of the population. In this regard, it is necessary to coordinate the two most important areas of public policy, which are budget and social. Therefore, the effectiveness of social policy directly depends on the amount of funds in the budget, and their implementation should be built in such a way as to ensure economic growth while solving social problems.

It should be noted that Ukraine, for a number of objective reasons, is in a state of limited finances and cannot afford the same amount of assistance as in developed European countries, but some steps are being taken now (Holosnichenko, 2020, p. 165).

Consensus forecast “Ukraine: the impact of COVID-19 on the economy and society” (vision of post-pandemic development in 2020-2024 through the eyes of experts and youth) (UNICEF, 2020), conducted by the Department of Strategic Planning and Macroeconomic Forecasting of the Ministry of Economic Development, Trade and Agriculture shows that, according to experts, in 2022-2024 Ukraine's economic growth will accelerate. All elements of demand will also have a positive trend. Growth in investments will make 9.3% on average annually for the period. Unemployment will reach pre-pandemic level, which is 8.2%, only in 2024. Ukraine will need from 1 to 2 years to restore the lost potential during the first wave of the COVID-19 pandemic.

Methodology

The choice of research methods is determined by the goal, specifics of the object, subject and objectives of the study. A systematic approach to their application allowed to conduct a comprehensive study of the principles of social policy in a pandemic, to establish the level of preparation of the state for modern challenges, to identify shortcomings in legal regulation.

The methodological basis of the study is the dialectical method of cognition of social phenomena. While conducting the study, we also used general scientific and special methods. Logical-semantic and formal-logical methods were used in streamlining the existing conceptual framework for the definition of “electronic public service”. The special legal method made it possible to characterise the social policy of the state in the context of the COVID-19 pandemic as a legal phenomenon and its impact on public

finances. The historical and legal method helped in the study of domestic legislation and its development.

Literature review

Many scientific works of domestic and foreign scientists are devoted to the study of social policy in the context of the COVID-19 pandemic. D. Holosnichenko, Y. Chuprina, N. Lukyanova and O. Zaytseva, I. Kudriavtsev, S. Silchenko and D. Serbina, N. Buchanan, D. Aslaner, D. Burgessc and others made a significant contribution with their publications.

In his study "Social security of citizens in the context of coronavirus", D. Holosnichenko (2020) concludes that, in terms of improving the financial situation, one of the effective measures to overcome the economic crisis could be abolition of fines and penalties on loans. Another measure he points out is the introduction of repayment holidays, not only for small and medium-sized businesses, but also for ordinary consumers.

N. Lukyanova and O. Zaytseva conducted a thorough analysis in the field of legal mechanisms for the protection of labour and social rights of workers (2021). Labour rights have also been the subject of research and other scientific publications by Y. Chuprina and several other scholars who have highlighted their scientific results in the work "Constitutional Guarantees of the Right to Work in a COVID-19 Pandemic" (Chupryna, Murtishcheva, Kravtsov, Poproshaieva, Zakomorna, 2021). Another important scientific achievement for analysis in the context of this topic was the work "Covid Pandemic and Amendments to Employment Law in Ukraine and Europe" (Kudriavtsev, Kotova and Arsentieva, 2021). Research of remote work and conclusions that deserve attention are contained in the scientific achievements "Remote Work: Current State and Prospects of the Legal Regulation Development" (Silchenko and Serbina, 2021). The positive consequences of the introduction of telecommuting have been highlighted by foreign scholars in their publications (Buchanan, Aslaner, Adelstein, MacKenzie, Wold, Gorr, 2021).

Research findings

On March 24, 2021, the European Committee of Social Rights has published a formal Statement on COVID-19 and Social Rights, which contains recommendations for current states in the light of the current world situation and calls for change

in legislation, policy implementation and resource allocation in the coming years. The Statement on COVID-19 and social rights was based on the 1989 European Social Charter, which was ratified by Ukraine in 2006.

Investing in social rights is of paramount importance when it comes to coping with and recovering from the COVID-19 pandemic. The member states of the European Social Charter must take all necessary measures, including the redistribution of resources, to combat the virus and ensure the rights of their populations, particularly the most vulnerable groups. If necessary, this will require States parties to take positive measures to ensure equal enjoyment of rights (Council of Europe, 2021). It is emphasized that the success of efforts to overcome the current crisis depends most on the involvement of the social partners and civil society in the planning, implementation and evaluation of these efforts.

The main areas of social policy are:

- ensuring economic security;
- protection of employees and the appropriate level of remuneration;
- providing a person from birth to old age with normal conditions for life and development;
- ensuring effective protection of the population: improving the quality of social protection; health, culture, housing, demographic improvement;
- creating the necessary conditions for the functioning of the family.

Each of these areas has been negatively affected by COVID-19 and therefore requires timely government intervention.

All measures aimed at ensuring a minimum level of social protection are primarily aimed at obtaining a sufficient income, for example, in the event of illness, unemployment or old age. In addition to the economic goal of providing income, state social policy is aimed at maintaining social equality in society.

From the economic point of view, the state's activities in the field of social policy can be divided into the provision of compulsory social insurance, which includes health care, pensions, unemployment insurance, long-term care and accident insurance, as well as measures of state redistribution in case of special burden, for example, by paying child, parent and housing benefits, as well as unemployment benefits.

On December 4, 2020, The Law of Ukraine "On Social Support of Insured Persons and Business Entities for the Period of Restrictive Anti-Epidemic Measures Introduced to Prevent the Spread of Acute Respiratory Disease COVID-19 Caused by SARS-CoV-2 Coronavirus in Ukraine" was adopted (Law No. 107-IX, 2020).

This law defined three forms of implementation of social support:

- one-time financial assistance to insured persons;
- one-time financial assistance to business entities;
- one-time compensation to business entities.

All forms of social support involve a one-time payment from the state. It should be noted that on April 9, 2021, The Law of Ukraine "On Assistance to Insured Persons for the Period of Restrictive Anti-Epidemic Measures Introduced to Prevent the Spread of Acute Respiratory Disease COVID-19 Caused by SARS-CoV-2 Coronavirus" suspended the previous Law of Ukraine on providing social support in the form of one-time assistance to insured persons, that is, the first of the aforementioned forms of social support. Instead, assistance was introduced to insured persons – payments from the State Budget of Ukraine and local budgets in connection with the loss of wages by employees of economic entities whose work was temporarily suspended due to the introduction in 2021 of restrictive anti-epidemic measures and due to the partial loss of the income of natural persons – entrepreneurs whose economic activity is temporarily suspended due to the introduction of additional restrictive anti-epidemic measures related to the spread of coronavirus disease (COVID-19) (Law No. 1358-IX, 2021). Accordingly, the established amount of such assistance at the expense of the State Budget of Ukraine is UAH 8,000, and at the expense of the local budget – in the amount determined by the decision of the local government. According to the data published by the Pension Fund of Ukraine, as of June 7, 2021, the Pension Fund of Ukraine financed UAH 2,719.5 million. (Pension Fund of Ukraine, 2021). To ensure such payments in 2021, the Ministry of Social Policy was allocated funds in the amount of UAH 1,400,000 from the special fund of the state budget of Ukraine (Resolution № 328, 2021).

An insured person who meets the requirements established by the above Law of Ukraine has the right to apply for assistance within 30 days from the date of introduction of additional restrictive

anti-epidemic measures related to the spread of coronavirus in the relevant administrative-territorial unit.

It is worth noting the significant progress in the digitalisation of public services, which was provoked by the COVID-19 pandemic, as filling out and submitting an application is possible only in electronic form using the Unified State Web Portal of electronic services. In recent years, the latest technologies have caused a huge wave of changes in the activities of many spheres of public life around the world (Latkovska, Marushchak, & Oleksiy, 2021). The prevalence of information and communication technologies in the modern world makes it virtually impossible to lead a daily life without them. Today, it is difficult to name a sphere of public life that would not be affected by digitalisation, which is the conversion of data into digital format using technology. Adaptation of digitalisation is very important, in particular, for the banking sector (Marushchak, 2021).

In general, the COVID-19 pandemic crisis has had a positive impact on digitalisation for all countries. The reason for this is that measures to curb the spread of the pandemic have forced governments and businesses to redirect much of their activities and services online. Governments have begun to use digital technologies to improve the quality and accessibility of services, streamline administrative procedures, and improve the effectiveness of social protection programs. Companies are also increasingly implementing measures aimed at continuing their activities by studying business models online and improving the remote working opportunities of their employees.

The second form of social support is one-time financial assistance to economic entities – a one-time payment of the state to economic entities to preserve jobs in order to pay employees of the economic entity one-time financial assistance during the implementation of restrictive anti-epidemic measures related to coronavirus diseases.

Unlike the previous form of social support, the amount of one-time financial assistance to businesses is not fixed and is determined in proportion to the reduced working hours of the employee. The maximum amount of such assistance may not exceed UAH 8,000 per employee. Supervisory powers in this area are performed by the employment centre, which controls the targeted use of funds transferred to the entity for payment of one-time financial

assistance to employees by conducting an inspection within 180 calendar days after payment of such assistance to the entity (Resolution № 1231, 2020).

Emergency measures by governments, including job closures, have often been implemented on the advice of health authorities. Re-creation of jobs is not an easy task and should be carried out considering not only the general recommendations of health authorities, but also standards and procedures of labour protection. This is an important condition, but the recommendations of public health authorities in many countries do not pay enough attention to these standards (Lukyanova, & Zaytseva, 2021).

The third form of social support is a one-time compensation to economic entities – a one-time payment of the state to economic entities that are legal entities, in order to reimburse the costs incurred for the payment of a single contribution to compulsory state social insurance (Law No. 1071-IX, 2020). Thus, business entities are entitled to receive one-time compensation if, as of October 31, 2020, their main type of economic activity belonged to the List of types of economic activity approved by the legislation of Ukraine. The amount of one-time compensation of the business entity is calculated as the average value of the amounts paid by the business entity of the single contribution to the obligatory state social insurance for ten months. The list of economic activities is established by a resolution of the Cabinet of Ministers of Ukraine dated December 9, 2020 № 1236 "On Quarantine and Introduction of Restrictive Anti-Epidemic Measures to Prevent the Spread of Acute Respiratory Disease COVID-19 Caused by SARS-CoV-2 Coronavirus in Ukraine". They include retail trade in textiles, electrical goods, books, sports equipment, games and toys, clothing, footwear and leather goods, watches and jewellery, film screenings, theatre and concert activities, etc.

Another social benefit, the amount of which increased under quarantine, was unemployment benefits. For the period of quarantine, the Fund of Compulsory State Social Insurance of Ukraine in the Event of Unemployment has increased the minimum amount of unemployment benefits from UAH 650 to UAH 1,000.

Addressing unemployment is currently one of the main challenges facing the government. The impact of the COVID-19 pandemic on the development of the situation on the Ukrainian labour market leads to a direct and indirect

reduction in the involvement of labour in economic activities. This situation is a consequence of the temporary ban or restriction of many economic activities in Ukraine. In addition, there was a sharp change in demand for various goods and services of domestic and foreign enterprises.

It is no secret that many business owners, institutions, and organizations lost significant income during the pandemic, and workers lost not only income but also work. Therefore, it is necessary to analyse the regulatory framework of the institute of dismissal at the initiative of the employer (Chupryna, Murtishcheva, Kravtsov, Poproshaieva, & Zakomorna, 2021). One of the consequences of the spread of COVID-19 was significant changes in the labour market. While much attention is paid to the regulation of labour relations, a number of mechanisms are being developed to resolve conflicts between employees and employers, to protect their legal rights, because every employee must be sure that the risks associated with his work are minimized (Kudriavtsev, Kotova, & Arsentieva, 2021).

One way to address such risks is to legislate for the ability of employees to perform their duties remotely. Yes, we do not yet know exactly how COVID-19 will change our world in the long run, but one thing is clear today: social distancing and social isolation are needed to slow the spread of the virus. This issue became especially relevant with the beginning of the epidemic.

Thus, it can be argued about the emergence of a new type of workplace relations, which differ in their implementation from the usual. Such relations are still an exception. This is partly due to the lack of reliable experience, and partly due to the lack of legal regulation, which causes a number of legal problems.

Today, the basic document in the field of legal regulation of remote work is the International Labour Organisation's Homework Convention № 177 adopted on June 20, 1996. It should be clarified that Ukraine has not yet ratified it. Article 3 of this Convention provides that each Member which has ratified this Convention recognises, conducts and periodically reviews national policies in the field of work from home aimed at improving the situation of home-based workers (The Homework Convention C177, 1996). The member does it in consultation with the most representative organizations of employers and workers and dealing with home-based workers, and with employers'

organizations that provide work to home-based workers, where such organisations exist.

The term “home-based work” itself is defined by the Convention as work performed by a home-based worker under three conditions:

- work is performed at the place of residence, or in other premises that do not belong to the production premises of the employer;
- work is performed for a fee;
- the purpose of the work is the production of goods or services in accordance with the instructions of the employer and does not depend on who provides the equipment, materials or other resources used.

During 2020-2021 The Verkhovna Rada of Ukraine has made some changes in the current domestic legislation in the field of home-based work. In fact, the parliament has legalised the changes that have existed in the Ukrainian labour market for some time. But they became apparent during quarantine, when a significant number of people moved to work from home. Relevant proposals for the regulation of remote work take into account some provisions of acts of the International Labour Organization on home-based and remote work. And although these international legal acts have not yet been ratified by our country, their norms can serve as a guide for the legislator (Silchenko, & Serbina, 2021).

In particular, the Code of Labour Laws of Ukraine in 2021 was supplemented by Article 602 “Remote Work”. Thus, there is a legal definition according to which remote work is a form of work organisation in which work is performed by an employee outside the work premises or territory of the owner or his authorized body, anywhere chosen by the employee and using information and communication technologies (Law No. 322-VIII, 1971).

A necessary aspect of home-based work is the provision of persons working remotely with all social and labour guarantees provided by labour legislation. Therefore, an important point was the establishment of the Standard form of employment contract for telecommuting, which is approved by the Central Executive Body, which ensures the formation of state policy in the field of labour relations.

Part 8 of Article 179 became an innovation in the Labour Code of Ukraine. According to it, persons on childcare leave may, if they wish, work part-time or at home.

More and more world-renowned companies are supporting the idea of working from home and flexible schedules. This is facilitated by new technologies that allow you to conduct virtual video calls. Even now, according to statistics, the percentage of employees working remotely is constantly growing, as are the offers of such work.

There is a tendency to increase remote labour in the market. Therefore, remote work will soon become a reality, and is likely to be implemented as a combination of old norms and new norms established by the COVID-19 regulatory policy (Buchanan, Aslaner, Adelstein, MacKenzie, Wold, & Gorr, 2021).

At the same time, the COVID pandemic has shown that many organizations, including governments, were unprepared to address unexpected IT and service challenges. In the future, in the event of any other crisis, which is inevitable due to climate change – floods, droughts and fires, organisations need to seriously plan and organise staffing and service delivery through IT systems (Afriantyal, Artatanaya, & Burgessc, 2021).

Another significant innovation in 2021 in the field of social support was the program of the President of Ukraine “e-Aid” aimed at supporting small and medium-sized businesses affected by the pandemic and stimulating the vaccination process. It is expected that by the end of 2021, 8 million citizens will apply for a payment of one thousand hryvnias. To this end, the Parliament of Ukraine approved changes to the budget and pledged UAH 8 billion for payments to vaccinated citizens.

The legal basis for the provision of social support in this way was the Law of Ukraine “On the peculiarities of the provision of public (electronic public) services” from 15.07.2021. The law established the legal definition of electronic public service – a service provided by public authorities, local governments, enterprises, institutions, organizations under their management, including administrative services (including automatic), which is provided with using information and telecommunication systems on the basis of an application (request) submitted in electronic form using information and telecommunication systems (including using the Unified State Web Portal of electronic services), or without submitting such an application (request) (Law of Ukraine No. 1689-IX, 2021).

In addition to those outlined above, in general, a whole range of measures has been implemented since 2020 to support the population and business in Ukraine. In case of violation of tax legislation in the period from March 1 to May 31, 2020, no fines were applied, but this rule did not apply to VAT, excise tax and rent. The deadline for submitting the annual income tax return was extended by two months until July 1, 2020. In addition, the parliament suspended the requirement to pay the tax on commercial real estate and land, defining quarantine in connection with COVID-19 as a force majeure under legal agreements. Tax audits at enterprises were also suspended.

Tenants were also temporarily exempted from payments for renting facilities that were not used during the quarantine period. However, the legislative changes exempted the tenant from paying rent not for the period of quarantine or in connection with its introduction, but only if the introduction of quarantine led to the impossibility of using the leased object.

The current situation in Ukraine has a negative impact on relations with the International Monetary Fund (IMF), and they risk further complicating the economic picture in Ukraine. In 2021, Ukraine expected to receive the second tranche of \$ 2.2 billion from the IMF under the Stand-by Arrangement program worth \$ 5 billion, approved in June 2020. However, the last negotiations with the IMF ended in February 2021 with no forecasts as to when the next tranche will be issued. The IMF expressed deep concern over issues such as corruption, gas prices and the Constitutional Court's crisis, and called for structural reforms in these areas, as agreed in previous agreements. There is a risk of insolvency if Ukraine continues to receive no IMF financial support. In such a scenario, even significant issues of international Eurobonds may not be enough to maintain financial stability (OECD report, 2020).

Conclusions

Social human rights should be seen as the category of rights most affected by the coronavirus pandemic. This has been affected by many of the limitations associated with COVID-19. Ukraine, like several other countries, has learned from the current situation and is trying to minimise the impact of new restrictions on human rights. Undoubtedly, it is extremely important to pay attention to the most vulnerable groups of the population – the elderly, the disabled. Therefore, it is natural that most of the

social support measures taken in the midst of the pandemic were aimed at the most economically vulnerable categories of citizens. A large part of the population has become the object of social support for citizens, and social protection takes place in many areas that shape our daily lives.

In its statement, the European Committee of Social Rights draws attention to the rights set out in the European Social Charter, which have been particularly affected by the coronavirus crisis: rights related to work and employment, the right to social security and protection against poverty and social exclusion, the right to housing and education. States parties must ensure that measures taken against the crisis, including economic and social policies, do not lead to direct or indirect discrimination in the enjoyment of social rights.

In connection with the coronavirus pandemic, the government has implemented measures in various areas of domestic policy – financial, monetary and social. It can be said that all of them were emergency measures, as they were carried out under extraordinary circumstances. Decisions and actions aimed at their implementation include a range of tasks such as maintaining business, supporting employment, social protection, and public health.

Social support of citizens in this period can be considered in two aspects, as direct and indirect.

Direct social support is a set of measures taken by the government to ensure the implementation of social rights of citizens by increasing the amount of social benefits; providing subsidies, soft loans; deferral of taxes and other mandatory payments; facilitating the conditions for receiving insurance benefits.

Indirect social support of citizens should include measures taken by the government to curb unemployment, support business, and so on. For example, government promotion of non-standard forms and conditions of employment, financial and tax-credit mechanisms targeted at the most affected industries, small and medium-sized businesses.

From an economic point of view, the state's activities in the field of social policy can be divided into the provision of compulsory social insurance (which includes health care, pensions, unemployment insurance, long-term care and accident insurance), as well as state redistribution measures in case of special burden, for example, by paying child benefits, unemployment benefits.

Over the past two years, Ukraine has taken a decisive step towards overcoming the pandemic crisis, which has led to inevitable changes in many areas. First of all, the changes affected the legislation, which became necessary because in the conditions of COVID-19 the legal regulation of relations in the state and society did not correspond to the actual state of affairs and did not provide a legal opportunity to help improve the situation.

The main means of social policy are benefits and payments aimed at social support. Changes have also taken place in this area, in particular, the state has introduced three forms of social support: one-time financial assistance to insured persons; one-time financial assistance to business entities; one-time compensation to business entities.

It is necessary to note the changes in the field of digitalisation, which are positive in nature, and which were caused by the pandemic. In this area, the state has gained new heights and significantly improved the state of digitalisation of public services. Thus, from now on, even while self-isolated, a person can use public services through the online services "Diia" and "e-Aid".

In conclusion, it is worth noting that the long-term consequences of the COVID-19 pandemic are not yet visible. It is extremely difficult to predict the future situation, as most of the measures taken in the implementation of social policy directly depend on the state of the economy in the country, which, in turn, depends on the course of the pandemic. But today, we can say that the state is not left out and is trying to improve the situation.

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Selfie neologisms in social networks

Селфі неологізми у соціальних мережах

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Abstract

The paper deals with modern trends in word formation connected with the development of virtual communication, social networks distribution and the possibility to be present in cyberspace on a permanent basis. The research concentrates on social media interaction as the main source of neologisms that reflect and describe digital portraits Internet users make and post on the web. Preconditions for newly coined words to continue their existence and become common are considered. Digitalization provides a large spectrum of opportunities for neologisms to be noticed by a wider audience and creates a demand for new coinages. At the same time, a new word should be similar to those existing in a given language in order to arouse interest of potential users. For this reason, the article considers different mechanisms of neological word formation that proved to be efficient. The

Анотація

У статті розглядаються сучасні тенденції словотворення, пов'язані з розвитком віртуальної комунікації, поширенням соціальних мереж та можливістю постійної присутності в кіберпросторі. Дослідження зосереджується на спілкуванні у соціальних мережах як основного джерела неологізмів, які відображають і описують цифрові портрети, які користувачі Інтернету створюють і публікують у мережі. Розглядаються передумови для того, щоб нові слова продовжували своє існування та ставали загальноприйнятими. Діджиталізація надає широкий спектр можливостей для неологізмів бути поміченими ширшою аудиторією та створює попит на нові утворення. При цьому неологізм має бути схожим на лексеми, які існують у даній мові, щоб викликати інтерес у потенційних

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methods used allow to assess the derivational potential of new coinages, define the most productive word building techniques, adequately interpret the words' meaning and classify the neologisms under consideration into groups. The results obtained show relevance of digital portrait-based coinage in modern English and demonstrate prospects for further research in the field of digital communication neology.

Key words: blending, digitization of communication, neologism, nonce-formation, selfie.

Introduction

It is definitely hard to exaggerate the role of a person's digital presence in the 21st century. In today's world people's image in social networking sites seems to be sometimes more important than their offline appearance due to the digitization of communication which gives people a possibility to connect with spatially distant people within seconds. Body-centrism and narcissism promoted to such a great extent by numerous celebrities in social networks is affecting teenagers and young adults and seems to have started and in some cases to have won the fight with a permanent elaboration of a person's inner world and one's virtues. Mass obsession with one's social network profiles and self-made portraits made the buzzword 'selfie' the Oxford Dictionaries Word of the Year 2013 (Ahmed, 2017). Further on it became the parent-word for other numerous neologisms of self-taken pictures which can now be flatly categorized. The authors' primary research focus is on the neologisms which name various types of selfies shared in online communication and the adjacent phenomena.

It's a well-known fact that neologisms have been the focus of research of numerous linguists, such as J. Algeo, D. Crystal, R. Fischer, A. Lehrer, P. Hohenhaus, A. Mcmahon, K. Maxwell, A. Rey, P. Stekauer, M. Mostovyi, and many others all of whom have proposed different approaches to defining the term. Some linguists focused on specific spheres in which neologisms are born, for instance, K. Karpova (2019) studied culinary neologisms in the English language, O. Horbach and O. Hryniuk (2018) analyzed German compound neologisms in marketing. In this study we consider the variety of terminological approaches to defining

користувачів. У дослідженні розглядаються продуктивні механізми неологічного словотворення. Використані методи дозволяють оцінити дериваційний потенціал неологізмів, визначити найпродуктивніші прийоми словотворення, якісно інтерпретувати значення слів та класифікувати розглянуті неологізми за групами. Отримані результати свідчать про актуальність неологізмів, які називають нові види цифрових портретів у сучасній англійській мові та демонструють перспективи подальших досліджень у сфері онлайн неології.

Ключові слова: телескопія, діджиталізація, неологізм, окажоналізм, селфі.

'neologisms' as opposed to 'nonce-formations' and provide our own definition of both phenomena.

The research also considers productive word-forming mechanisms of new types of selfies and digital networking phenomena, namely affixation, blending, compounding, repurposing and the combination of two word-forming mechanisms.

Theoretical Framework

First of all, let us study different definitions of the term 'neologism' and taking them all into consideration, propose our own definition. It is difficult to disagree with a Ukrainian researcher M. Mostovyi (1998) who states that linguists and lexicographers have not so far and will probably never reach terminological unanimity in defining 'neologisms' as there are no clear criteria to do so. What is more, it is necessary to consider the distinction between neologisms and nonce-formations (often referred to as *occasionalisms* by many linguists).

A. Rey (1995) defines a neologism as a "unit of the lexicon, a word, a word element or a phrase whose meaning, or whose signifier – signified relationship, presupposing an effective function in a specific model of communication, was not previously materialized as a linguistic form in the immediately preceding tag of the lexicon of the language. According to the model of the lexicon chosen, the neologism will be perceived as belonging to the language in general or only to one of its special usages; or as belonging to a subject – specific usage which may be specialized or general". Interestingly, A. Rey

(1995) mentions that in the 3rd edition of Webster's Dictionary a neologism is defined as "a meaningless word coined by a psychotic".

P. Hohenhaus (2005) notes that nonce-formations and neologisms are frequently used as synonymous terms, however, the linguist disagrees with such an approach. P. Hohenhaus states that the former are new coinages in the absolute sense, whose existence is typically limited to a single occasion, therefore, nonce-formations are somewhat in between actual words and possible words. On the other hand, neologisms are not new in the absolute sense, as they are the existing vocabulary, their novelty is diachronical. Thus, when a nonce-word starts being used by other speakers, it acquires the status of a neologism, which the linguist calls a transitional phenomenon as its status of a nonce-formation has been lost, however, it has not been fully institutionalized yet.

R. Fischer (1998) proposes two approaches to defining nonce-formations. On the one hand, the linguist states that nonce-formations are spontaneous coinages which are rarely used. On the other hand, in accordance with Keller's theory of language change nonce-formations may be treated as intentional linguistic actions. When a certain number of speakers start using a formation with similar intentions, institutionalization starts with a nonce-formation being transformed into a neologism (Fischer, 1998).

D. Crystal (2008) claims that spontaneity and purposefulness are both possible in the process of nonce-word formation. The linguist defines a nonce-word as 'a linguistic form which a speaker consciously invents or accidentally uses on a single occasion [...]'. Nonce formations have occasionally come to be adopted by the community – in which case they cease, by definition, to be 'nonce' (forms used 'for the (n)once'), and become neologisms'.

We support both approaches to defining the term, i.e. the spontaneous and the intentional ones, as we consider that the intentional character of forming certain neologisms may be explained by an author's desire to create a special expressive word or a collocation to produce a particular stylistic effect.

R. Fischer (1998) states that a neologism is a word whose status of a nonce-formation has been lost, however, it is still considered to be new by most members of a given speech community. The linguist adds that familiarity, availability and

learnability are crucial for the survival of neologisms, however, it is frequency and coverage that are the most important factors for a neologism's inclusion in the dictionary. R. Fischer also stipulates that most dictionaries label their headwords in accordance with their frequency as follows: rare (one citation), infrequent (from two to ten citations), common (from eleven to 100 citations), frequent (more than 100 citations). On the other hand, P. Stekauer (2010) claims that 'frequency of usage' is an unreliable and vague term in this respect which we fully agree with.

A Ukrainian researcher of neology K. Nykytchenko (2015) defines occasionalisms as "words or meanings of words, invented to meet the needs of a particular occasion in order to catch the reader's attention, shock or provoke, create hidden meanings (semantic condensation) and express the author's evaluation".

According to the recent statistics provided by the Global Language Monitor, approximately 5,400 new words appear annually, however, it is only around 1,000 of them that find their way to printed press (Bodie, 2016).

A. McMahon (1994) notes all neologisms have to contend with a conservative mindset rejecting their existence and the linguist claims there are two opportunities for neologisms of any kind to live on in a certain culture. Firstly, the chances for survival are high should they be introduced by an outstanding person or published by a reputable source (also Bodie, 2016; Evans, 2012). Thus, the 1960s neologism *grok* which was invented by an American author Robert Heinlein in his novel *Stranger in a Strange Land* (Evans, 2012) managed to enter the mainstream later on and is now defined in the Oxford Advanced Learner's Dictionary as '(US English, slang) to understand something completely using your feelings rather than considering the facts' (OALD). Similarly, *McJob*, coined by a sociologist Amitai Etzioni in the Washington Post to denote 'a low-paying job that requires little skill and provides little opportunity for advancement' (MWD) and popularized by Douglas Coupland in his *Generation X: Tales for An Accelerated Culture* may serve as another example of a prominent-source newborn (Evans, 2012).

Therefore, we disagree with K. Nykytchenko (2015) who states that 'the creators of neologisms remain unknown' as we believe that in most cases nowadays it is possible to identify the authorship of a certain neologism.

The second reason for acceptance is when a certain society deems the denomination of certain notions and objects to be necessary (McMahon, 1994). Undoubtedly, a vast majority of new words appear when the need to denominate new phenomena and objects arises. Interestingly, there have been instances when the same neologisms were thought up by different people who state they were unaware of each other. One of the examples is ‘software’, which, according to A. Metcalf (2002) was born twice. The first ‘parent’ of the computer term is J. W. Tukey, a statistician at Princeton University who used the neologism in the *American Mathematical Monthly* in 1958. Surprisingly (or on the contrary), the term was created by an electrical engineer from California P. Niquette who claimed to have coined ‘software’ as a prank in 1953 and to have used it in his numerous lectures and speeches. However, the scientist never believed it would ever be taken seriously. Overall, A. Metcalf states that the lexeme was predestined to be coined those days as there was an urgent need for it to name a new phenomenon.

The authors of this article assume that three reasons are vitally important for a new coinage to continue its existence. Firstly, any neologism is bound to originate in a public cradle, otherwise it does not stand a chance of being introduced to the general society and thus may be treated only as a nonce-formation. Secondly, the demand for a denomination of a new phenomenon must spur its creation. The last but not the least, the authors of this work agree with R. L. Evans (2012) who states that for a neologism to start being commonly used, it must bear resemblance to other words.

D. Minkova and R. Stockwell (2009) also note that rarely are words coined from scratch, in most cases they are based on some pre-existing word or its part. As it has already been mentioned, most humans are conservative by nature and adopting a new lexeme might be a real challenge unless it follows conventional word-formation patterns. Exceptions to the rule may certainly exist, however, it is difficult to find the supporting statistics (Maxwell, 2006)..

As regards neological word formation, most linguists provide 12 main mechanisms of word formation, namely:

- 1) derivation (*e-waste, pre-clashed, pre-visualize, undertourism, slashie*);
- 2) compounding (*selfie-conscious, Selfie-Fever, serial returner*);

- 3) blending or portmanteaus (*selficide, gravatar, walkumentary*);
- 4) clipping (*celeb, perm, tux*);
- 5) conversion (*to friend, genius*);
- 6) abbreviations (*LOTFL, FONC, cab*);
- 7) loanwords (*tycoon, taboo, flea market*);
- 8) back formation (*edit>editor, liaise>liaison, donation>donate*);
- 9) repurposing (*gate>Watergate, deflategate, gamergate, nipplegate*);
- 10) eponyms (*Alzheimer's, wellington, sandwich*);
- 11) onomatopoeia (*bunch, bump, cuckoo*);
- 12) reduplication (*flip-flop, picnic, hip hop*);
- 13) error (*scramble>scrabble*) (Lehrer, 1996; McMahon, 1994; Bodle, 2016).

Moreover, some words undergo a combination of methods, for instance ‘yuppie’ is a combination of initialism ((y)oung and (up)wardly mobile) and suffixation (-ie).

A. Bodle (2016), however, states it is the portmanteau that is the ‘only player in town’ in terms of neological formation. A. Lehrer (1996) also notes that ‘blending has become a truly productive process in contemporary word formation, not only in English, but in French, German, and other languages’

A. McMahon (1994) in her turn claims it is affixation and compounding which are the most productive techniques in English, whereas conversion, blending, clipping, back formation and acronyming are used less often. K. Ahmad (2000) notes that around 40 per cent of neologisms in Merriam Webster were formed by means of affixation, and approximately 60 per cent underwent compounding.

It should also be noted that classification of neologisms into word-formation mechanisms may pose certain challenges as words can be categorized differently by speakers, moreover, classification can change. A. Lehrer (1996) illustrates it with the word ‘workaholic’, a blend of ‘work’ and ‘alcoholic’. In the process of resegmentation ‘-(a)holic’ has become a part of other lexemes referring to certain addictions or obsessions (*sugaraholic, foodaholic, chocoholic, shopaholic*) and for some speakers it functions as an independent suffix. Nonetheless, other speakers still treat new obsessions as blends of ‘alcoholic’ plus other words.

Taking into account the aforementioned approaches to defining neologism, we define the latter as a recently coined or an existing word or a word combination which names a new

phenomenon or concept but which is still not actively used by most members of a speech community. By contrast, a nonce-formation is either a spontaneous coinage created to meet a one-off communicative need or an intentional author's playful creation coined to impress a reader.

Methodology

In the course of research 75 neologisms denoting new types of selfies (38 items) and other phenomena connected with communication in social media (37 items) were selected by means of sampling from the following lexicographic sources: About Words – Cambridge Dictionaries Online Blog, Buzzword Archive by K. Maxwell in Macmillan Dictionary, Oxford Advanced Learner's Dictionary Tenth Edition by A. Lea and J. Bradbery, Urban Dictionary, Word Spy. The research data also include new vocabulary from relevant Internet sites, such as www.nytimes.com; <http://www.theguardian.com>; <http://nypost.com>; <http://www.dailymail.co.uk> etc.

The choice of methods for the current research is based on its aim, objectives and the collected data.

Therefore, the following linguistic methods have been used: 1) structural (to study the derivational potential of the neologisms coined in online communication as well as to examine blending, compounding and affixation as productive neological techniques in the modern English language); 2) semantic (to analyse the lexical meanings of online vocabulary under investigation); 3) classification and systematisation (to group neologisms into particular categories on the basis of their meanings).

Results and Discussion

Nowadays the World Wide Web serves as a fruitful corpus of recently-produced texts which contain newly coined words (Cook, 2010). In the framework of this research we study numerous neologisms naming various types of selfies. Owing to the fact that the number of the latter is permanently growing, *-fie* is recognised as a suffix by certain linguists (Peters, 2014) and we also share this opinion.

A recent coinage ***Generation me*** (compounding) (Cambridge Dictionary, 2021). denotes the people born at the beginning of the 21st century most of whom are more self-centered than

previous generations. On the other hand, digitization of communication has created ***generation scroll*** (compounding) (Cambridge Dictionary, 2021), i.e. the people who communicate, read news, watch TV etc on their computers or telephones rather than socialize face-to-face. There is even a neologism ***triplescreen*** (compounding) (Lea & Bradbery, 2020), which describes the actions of those who simultaneously use their phones, laptops and televisions.

Let us consider the 'selfie' neologisms that name certain body parts. Should a person believe her/his legs, feet or toes deserve public attention, they may want to share them with their online friends and followers by posting ***leggies*** (affixation *legs+ies*), ***footsies*** (affixation *foot+s+ies*) (Cambridge Dictionary, 2021), ***footfies*** (affixation *foot+fies*) (Peters, 2014), ***selffeet*** (blending *self+feet+s*) (Word Spy, 2022), and ***toefies*** (affixation *toe+fies*) (Peters, 2014). The limbs may as well be photographed on the background of some beautiful places proving that the legs'/feet's owner is enjoying him/herself and wants to share their happiness with less lucky online users. ***Shoefies*** (affixation *shoe+fies*) (Cambridge Dictionary, 2021), i.e. selfies of one's footwear are also becoming popular in social media.

A person's hair is one of the objects onliners brag about through ***helfies*** (affixation *hair+fies*), stunning manicure is shared through ***nailfies*** (affixation *nail+fies*). Mischievous ***tonguefies*** (affixation *tongue+fies*), ***boobfies*** (affixation *boob+fies*), and ***eyefies*** (affixation *eye+fies*) picture the photographers' tongues, boobs, and eyes correspondingly (Peters, 2014). Love for one's bottom encourages its owner to take ***belfies*** (blending *bottom+selfies*), ***bumfies*** (affixation *bum+fies*) or ***buttfies*** (affixation *butt+fies*) (Peters, 2014). Pictures of a person's naked or topless body are termed ***nudies*** (affixation *nude+ies*) (Hofmann, 2014). The latter have given rise to a sort of an online sexual revolution neologised as ***sexting*** (blending *sex+texting*) (Hofmann, 2014). However, sharers of nudies must bear in mind that there is always a chance that such pictures might be thoroughly studied by ***parent creepers*** (compounding) (Hofmann, 2014), i.e. parents who follow their children's social activity online. ***Creepers***, ***stalkers*** or ***lurkers*** (affixation all the three *creep+ers*, *stalk+ers*, *lurk+ers*) (Hofmann, 2014) are the people who frequently visit a user's online profile, comment on their updates and/or might be involved in trolling (Hofmann, 2014).

The people who pride themselves on being physically fit and yearn to demonstrate it to their friends and followers in social networks post **welfies** (blending *workout+selfies*), **gelfies** (blending *gym+selfies*) (Maxwell, 2003-2020), **gymfies** (affixation *gym+fies*) (Peters, 2014) and **yogis** (repurposing) (Maxwell, 2003-2020). It is worth mentioning that sometimes it is extremely difficult to guess the meaning of a certain neologism, especially without a supporting context. For instance, the abovementioned **belfies** and **welfies** in which only the first letter of the defining lexeme remains may baffle a listener.

A selfie portraying a drunk person is called a **dreflie** (blending *drunk+selfie*) (Maxwell, 2003-2020), and the one in which the drink (beer) is specified is a **beerlie** (affixation *beer+fie*) (Peters, 2014). Depending on the photographer's location, there are also **bedfies** (affixation *bed+fies*) and **snowfies** (affixation *snow+fies*), and for those less lucky – **workfies** (affixation *work+fies*) (Peters, 2014). On the other hand, more intelligent users promote reading habits by posting the pictures of themselves near their favourite bookshelves. Such shots are known as **shelffies** (affixation *shelf+ies*) (Maxwell, 2003-2020) or **bookshelffies** (affixation *bookshelf+ies*) (Maxwell, 2003-2020).

However, selfies are starting to face competition and there is a suggestion that the buzzwords **couple** (affixation *couple+ie*) (Cambridge Dictionary, 2021), **ussie** (a 'selfie' of several friends) (affixation *us+s+ie*) and **grelfie** (group selfie) (blending *group+selfie*) (Peters, 2014) might make selfies and their variations the thing of the past (Griffiths, 2014). The difference between the two types of photographs lies in the fact that **couples**, **grelfies** and **ussies** are considered to be less egocentric than selfies, as they focus on relationships rather or more than on a person's physical valuables. Other possible options of group-taken selfies are **threefies** (affixation *three+fies*), **fourfies** (affixation *four+fies*), **fivefies** (affixation *five+fies*), and **sixfies** (affixation *six+fies*) (Peters, 2014).

The launch of a new smartphone, the Nokia 8, informally called The Bothie Phone, has revolutionized the way people take pictures due to the introduction of a dual sight-mode feature. The latter enables users to make hybrid photographs named **bothies** (affixation *both+ies*), i.e. split-screen photographs and videos shot with the help of front and back cameras simultaneously (Cambridge Dictionary, 2021). Undoubtedly, the **bothie-bilities**

(affixation *both+ie* + blending *bothie+abilities*) of the model give the Nokia 8 an indisputable advantage over its market competitors in **the Snapchat and Instagram era** (compounding for both neologisms) (Pierce, 2017).

Technological advances and the introduction of drones to the mass-market have made **dronies** (affixation *drone+ies*) a new form of self-expression that is on its way to make selfies outdated (Word Spy, 2022). Not only do drones allow people to take photographs, but short videos as well.

The neologism **geobragging** (affixation *geo+bragging*, although someone might treat it as a blend of *geographic+bragging*) names incessant 'updating of one's social network status with the information about one's current location aimed to show off and thus attract the attention of other users or make them jealous (Urban Dictionary, 2005-2020). A synonymous neologism is **gloatgram** (blending *to gloat+Instagram*), which may be either an Instagram post of one's geographic location or a picture of appetizing food (Urban Dictionary, 2005-2020).

One more trend in photographs posted on social media sites, **plandid**s, portray a person who looks unaware that their picture is being taken. The blend of 'planned' and 'candid' seems to represent a huge fraud as the two lexemes contradict each other and staged photographs are in no way totally genuine and sincere (Lea & Bradbery, 2020).

The so-called photoneologism **felfie** (blending *farm+selfie*) denotes a picture taken at a farm, i.e. with farming equipment or livestock (Gray, 2014). The trend has turned out so popular that it induced the creation of a website <http://www.felfies.com/> on which farmers can share their photographs. Some online users are deeply convinced that their pets shouldn't be left aside online attention, which is why they might also share **dogfies** (affixation *dog+fies*) and **catfies** (affixation *cat+fies*) (Peters, 2014). Interestingly, **dog shaming** (compounding) is very popular with dog owners nowadays. When pet owners notice that their animal companions misbehave they may expose them to public criticism: a naughty pet is granted a 'guilty' sign around their neck and the picture is posted online (Cambridge Dictionary, 2021). As a matter of fact, the Facebook Dog shaming community has approximately 195, 000 subscribers. The online community of dog lovers is so large that there is a demand for **dogfluencers** (blending

dog+influencers), i.e. dogs whose presence and photographs in social networks can promote a certain company or a brand (Cambridge Dictionary, 2021). It is, therefore, by no means surprising that **DoggoLingo** (affixation (*doggy>doggo*) + compounding *doggo+lingo*) was developed (Cambridge Dictionary, 2021). The latter represents a special online language used mainly on social media sites to refer to canines and describe their behaviour.

It is worth mentioning that not all people demonstrate confidence when taking pictures of themselves for their social media accounts, some of them may feel **selfie-conscious** (compounding) (Urban Dictionary, 2005-2020) in public places as other people might be staring at them (Bennett, 2014).

Moreover, there is a counterreaction on the part of those who disapprove of obsession with selfies, which is reflected in the neologisms depicting a pejorative attitude towards self-made portraits. One of the new coinages is **narcisstick** (blending *narcissistic+selfie stick*) (Word Spy, 2022), which some people frown upon by claiming that it takes the fun out of selfies by making the procedure too easy. On the other hand, monopod lovers argue that they allow one to take a prettier picture of oneself as one is not limited by the length of their arm (Goldberg, 2014).

The neologism **ugly selfie** (compounding) embodies one more backfire to narcissistic self-portraits. By posting unattractive selfies young people try to fight back the pressure modern standards of beauty and striving for physical perfection (at least in photographs) are exercising on them (Word Spy, 2022).

Moreover, obsession with selfies may have dramatic consequences for those wishing to stand out from the crowd and picture themselves in a particularly dangerous location. The neologism **selfiecide** and the derived adjective **selficidal** denote or characterize an accidental death which was caused by an attempt to take a selfie in a dangerous setting (Urban Dictionary, 2005-2020). For instance, a report in the Journal of Family Medicine and Primary Care in India indicates that 259 people died while taking selfies in dangerous places between 2011 and 2017 in comparison with only 50 people killed by sharks. The statistics sound alarming as in 2011, there were only three selfie-related deaths, however, in 2017 their number stood at 100 (Keeley, 2019). Some linguists treat **selfiecide** and **selficidal** as blends of '*selfie*' and '*suicide*'

or '*suicidal*' correspondingly, however, we believe *-cide* and *-cidal* are independent suffixes, therefore, in our opinion, the neologisms underwent affixation.

The Internet and social networks have become a treasure trove for global brands which advertise their products among users. Therefore, social networks are used by people not only for self-representation and communication proper, for some individuals they are a source of income. There is a new category of online users called **influencers** (repurposing) (Urban Dictionary, 2005-2020) followed by a lot of people mostly on Instagram. **Instafamous** (blending Instagram+famous) (Urban Dictionary, 2005-2020) influencers usually include makeup, fashion, hairstyle or food bloggers who are sponsored by different companies to promote their products for a certain fee (**sponcon** (blending *sponsored+content*) and thus influence what people buy or the lifestyle they follow. A small number of followers on social media makes one a **micro-influencer** (affixation) (Cambridge Dictionary, 2021). On the other hand, **outfluencers** (blending *out+influencers*) propagate a more active lifestyle involving outdoor activities, extreme sports etc (Cambridge Dictionary, 2021).

There is one more cohort of Instagram influencers called **cleanstagrammers** (blending *cleaning+Instgrammers*) who post tips about cleaning and housework and promote certain cleaning products at the same time. **Friendvertising** (blending *friend+advertising*) is a means of promoting one's product when companies create heart-warming, touchy or funny videos that users will share with their social friends, however, all of them are still covert online commercials (Cambridge Dictionary, 2021).

Speaking about one of the most popular social networks all over the world nowadays Instagram, it is worth mentioning that sometimes users can have two accounts there: a **rinsta** (blending *real+Instagram*) (Urban Dictionary, 2005-2020) and a **finsta** (blending *fake+Instagram*) (Urban Dictionary, 2005-2020). The former is a so-called official, public one with no confidential information about the user, whereas the latter is followed by one's closest people only. Private and funny information and pictures are to be found in *finsta*, thus, the user won't be frowned upon by fellow students, colleagues and society in general (Urban Dictionary, 2005-2020).

The results of spending too much time online and overusing one's gadgets can be both physical and psychological. Among the former, informal collocations *tech neck* (compounding) (Cambridge Dictionary, 2021), and *text neck* (compounding) (Maxwell, 2003-2020) characterize wrinkles on a person's neck and throat caused by lowering one's head to regularly use a phone, a laptop, a tablet computer etc.

Another example of a 'neck' neologism is an Internet frenzy called *NekNomination* (compounding *neck+nomination*) (Cambridge Dictionary, 2021), which is connected with alcohol abuse. To stay 'trendy', a user is supposed to post online a video of him/herself drinking (necking) a large portion of alcohol and the second rule stipulates that the act is to be recorded in some dangerous setting. At the end of the video the drinking hero (heroine) *NekNominate*s (Cambridge Dictionary, 2021). (compounding *neck+nominate*) a person to continue the procedure and post their video online. Thus, the flashmob might involve a considerable quantity of people.

Interestingly, the metaphors in which a human body serves as a source domain according to G. Lakoff's theory are gaining ground in the sphere of modern technologies as well. One of the most recent language coinages exemplifying body-centrism is *infobesity* (blending *information+obesity*). Its synonyms such as *over-consumption of information* (compounding), *the digital deluge* (compounding) support the idea that humans confront and digest much more information than our ancestors (Coplin, 2014).

Addiction to social networks and crafting of one's online image may also cause *hyper-documentation* (affixation) (Word Spy, 2022), which presents excessive description of one's daily activities in social media. The users who get carried away with sharing private information in social networks are now called *datasexuals* by analogy with *metrosexuals* (Word Spy, 2022). It is worth pointing out that *-sexual* along with *-fie* has also become one of the most productive suffixes in neology, giving rise to *technosexuals*, *ecosexuals*, *sapiosexuals*, *fauxmosexuals*, *retrosexuals*, *ubersexuals* (Word Spy, 2022) to name a few.

Conclusions

Nowadays digitization of communication has made people's self-representation online as and sometimes even more important than their offline

appearance. The image a person creates in social networks is conveyed by a variety of means, and photographs, in particular, selfies have undoubtedly become one of the most widely-used tools to make one's profile attractive. The research has shown that selfies have given rise to a huge variety of 'spin-offs' which have been discussed in this work.

Different approaches to defining neologisms and nonce-formations have been analysed and our own definitions of the two phenomena have been provided in the framework of this research. We define neologisms as recently coined or existing words or word combinations which name new phenomena or concepts but which are still not actively used by most members of a speech community. By contrast, nonce-formations are either spontaneous coinages created to meet a one-off communicative need or intentional author's playful creations coined to impress a reader.

The practical focus of our research was on new types of selfies that are shared in social networks and other connected phenomena. The research has shown that different types of selfies make up the majority of analysed neologisms coined in the sphere of online communication (51% of the analysed neologisms). Such an abundance of new types of selfies proves that self-centrism and obsession with one's body are firmly established in users' presence online, mostly in celebrities', adolescents' and young adults' social network profiles. The research has revealed that affixation is the most popular word-forming mechanism of new types of selfies and the notions connected with digital networking (50% of the analysed neologisms). Neologisms coined by means of blending account for 26% of the total, compounding – for 19%, repurposing and the combination of two word-forming mechanisms account for approximately 0,03% both. Therefore, the statistics gained in our research contradict with A. Bodle's (2016) aforementioned statement about portmanteau being the 'only player in town' in terms of neological formation. In our case it is affixation that wins first prize in word-forming competition.

Our future research will be devoted to other productive spheres in which modern neologisms are formed, in particular culture, ecology, economy, family, fashion, food, tourism etc. Moreover, other word-forming patterns, in particular, clipping, conversion, acronymy etc. will be analysed.

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Development of strategic mechanisms for high-tech enterprises in the digital economy environment

Разработка Стратегических Механизмов Высокотехнологичных Предприятий в Среде Цифровой Экономики

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Abstract

The article is devoted to the development of conceptual provisions and recommendations for the development of strategic mechanisms for the work of high-tech enterprises in order to form an effective leadership strategy in the digital economy. The methodological basis of the study is based on the use of fundamental concepts, publications of modern specialists and scientists on the problems of digitalization. We used such scientific techniques and methods as: synthesis, comparative analysis, systemic and structural approach and method of expert assessments. The theoretical basis of the study was made up of scientific works of foreign and Russian scientists in the field of organizing strategic management, developing strategies and mechanisms for the development of enterprises operating in various sectors of the economy and conducting digital transformation. The process of client-oriented management is considered from the perspective of ecosystem development, which made it possible to form a set of rules for the effective construction and management of ecosystems. The author proposes a model of a roadmap necessary for developing a leadership strategy; the central element of the proposed map is a business model modified based on the synthesis of digital technologies.

Keywords: strategic management, digital ecosystems, technological transformation, digital economy, economic systems.

Аннотация

Статья посвящена разработке концептуальных положений, рекомендации по развитию стратегических механизмов работы высокотехнологичных предприятий с целью формирования эффективной стратегии лидерства в среде цифровой экономики. Методическая основа исследования построена на использовании фундаментальных концепций, публикаций современных специалистов и ученых по проблемам проведения цифровизации. Применялись такие научные приемы и методы как: синтез, сравнительный анализ, системный и структурный подход, метод экспертных оценок. Теоретическую базу исследования составили научные труды зарубежных и отечественных ученых в сфере организации стратегического управления, разработки стратегий и механизмов развития предприятий, работающих в различных отраслях экономики, проведения цифровой трансформации. Процесс клиентаориентированного управления рассмотрен с позиции экосистемного развития, что позволило сформировать набор правил эффективного построения и управления экосистемами. Автором предлагается макет дорожной карты необходимой для разработки стратегии лидерства, центральным элементом предлагаемой карты является модифицированная на основе синтеза цифровых технологий бизнес-модель.

Ключевые слова: стратегическое управление, цифровые экосистемы, технологическая трансформация, цифровая экономика, экономические системы.

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Introduction

A new stage in the development of the technological process is associated with the integration of a complex of digital technologies into various sectors of the economy. The economies of almost all countries are currently faced with an important choice: to leave their product policies unchanged or to embark on the difficult path of digital transformation that will reorganize markets and will also help to form fundamentally new consumption patterns, which will be based on the information component of Everything as a Service (EaaS) (Frolov et al., 2019; Zakharov et al., 2019; Boev, 2020). The development of a strategy for the development of a high-tech enterprise must necessarily take into account the changes that occur at the physical level, i.e. changes in the nature of production assets, which means the digitalization strategy acquires the status of an actual tool for implementing the transformation process, in order to adapt to changes in the digital technological environment (Weissman et al., 2017). The digital strategy being developed is a unique document of the enterprise, which is based on promising programs and development plans, including, of course, innovative/investment ones, which means that in no case can they be copied, and in this regard, development methods acquire special relevance, which should answer the questions "how?" and "what?". The classic strategy answers the question "how?" by well-known and proven methods, but "what?" depends on environmental factors, then within the framework of a digital strategy, these issues need to be worked out (Cordon et al., 2016; Ageev, 2019). Are high-tech enterprises changing their previous strategy to successfully overcome the challenges of digital transformation and take advantage of the new opportunities that digital technologies provide, or is the spectrum of these technologies already being applied without any changes in enterprise strategy? For any strategy, long-term goals are very important, since it is the time horizon that makes it possible to determine the constancy of the goal and only a sharp change in external factors or internal conditions are good reasons for revising goals. At the same time, the main strategic trends are (Gerasimenko & Slepenkova, 2019):

- creation of a digital environment at the enterprise, but based on the use of platform solutions, within which interaction between various participants will be carried out through the use of digital services (Butkovskaya & Sumarokova, 2019);
- development of a system for organizing digital asset management of an enterprise; implementation of analytical transitions from: descriptive to predictive and then to prescriptive;

gradual transition from using an audit approach to a fully controlled business model;
 application of technology "digital twins" for technological processes;
 expanding the functionality of the service model within the framework of EaaS concept;
 application of the concept of E2E-business to better take into account the interests of end users (Agarwal & Helfat, 2009).

Without taking into account the above tendencies, the process of survival of a high-tech enterprise, as well as the preservation of business, becomes almost impossible. This means that search, selection, development and subsequent adaptation of methods aimed at forming an effective digital strategy for a high-tech enterprise is an urgent and demanded task, and the digital strategy toolkit is becoming the most important intangible asset of the industry (Sharko & Saveliev, 2019; Asadullina, 2020). The hypothesis of scientific research is that for the process of developing a multi-component development strategy for a high-tech enterprise operating in the digital economy environment, it is necessary to apply a transformation mechanism based on the integration of assessing the level of its digital maturity, which must correspond to the resource provision of the enterprise. The purpose of the research carried out in the article is to develop recommendations related to the formation of a leadership strategy for high-tech enterprises in the digital environment (Veas Iniesta & Estay Sepúlveda, 2021).

Theoretical Basis

The number of scientific publications and studies related to digitalization and the use of various digital technologies is quite large, but in a lot of works, as a rule, only certain types of solutions are contained, or the solutions are rather conditionally generalized, which does not allow them to be fully applied to high-tech enterprises. Scientific papers highlighting the issues of the concept of "Industry 4.0" often promote solutions that are associated with technical, production and technological upgrades (including IoT technologies), as a result of which will lead a high-tech enterprise to a strong dependence on the environment, consumers and suppliers, because they consider the environment as a given element (Kwilinski, 2018) (Porter & Heppelmann, 2015; Abdelaal et al., 2018). The use of such a term as "infocommunication" enterprises leads to an attempt to reduce the role played by high-tech industrial enterprises, but at the moment there is no practical evidence that it is infocommunication companies that receive clear economic and production advantages (Hill, 2017). In connection with this circumstance, it can be concluded that there are very few developments that

are aimed at digitalizing the production structures of an enterprise that contain practical solutions.

Fundamental theoretical research in the strategic management environment is presented in scientific works of the following authors: H. I. Ansoff, D. Kipley, A. O. Lewis, R. Helm-Stevens, R. Ansoff, (2019), E. Penrose (1955), A. Jr. Chandler (1990), J. Trout (2004), M. Porter, J. E. Heppelmann (2015), R. Grant (1991), S. Thun, P. F. Kamsvåg, B. Kløve, E. A. Seim, H. Y. Torvatn (2019), C. Cordon, P. Garcia-Milà, T. F. Vilarino, P. Caballero (2016), R. Agarwal, C. E. Helfat (2009), T. Hill (2017). When analyzing the new innovative business environment, the authors of the study used the works of: B. Demil, X. Lecocq, V. Warnier, (2018), B. W. Wirtz, A. Pistoia, S. Ullrich, V. Göttel, (2016), G. R. Carroll, Y. P. Huo, (1986), M. Hossain, A. H. Lassen, (2017), et al. The study of issues related to the competitive advantages received by enterprises after digital transformation was considered in the works of: A. Teslinov (2020), E. D. Weissman, N. S. Nikiforova, S. A. Nosova (2017), Yu. A. Kovalchuk, I. M. Stepnov (2017), etc. When studying aspects of the digital maturity of an enterprise, the authors took as a basis for the work the following authors: A. Boev (2020), A. Ageev (2019), A. Asadullina (2020), I. Tarasov (2019), V. Ya. Zakharov, O. V. Trofimov, V. G. Frolov, D. I. Kaminchenko, A. A. Pavlova, (2018), etc.

The approaches to determining the effectiveness of digital strategies that have formed to date do not give a fully unambiguous answer to the question of why the low level (if we take research conducted by consulting firms as a basis) investments in the digital transformation of enterprises and how it is possible to create a favorable climate within the enterprise for additional the inflow of investments aimed at digital transformation (Stepnov & Kovalchuk, 2018; Gerasimenko & Slepennkova, 2019). In today's difficult conditions, a comprehensive view of digitalization of high-tech enterprises has a high degree of relevance, which means that the chosen topic of the research conducted in the article has an important practical aspect (Kovalchuk & Stepnov, 2017; Stepnov, 2018). The analysis of practical experience in the construction and operation of ecosystems allows highlighting the basic rules necessary for the construction and effective management of an ecosystem, which will increase its chances of success in carrying out the digital transformation of a high-tech enterprise (Weissman et al., 2017; Zakharov et al., 2018):

1. To make the choice of the right type of ecosystem. The choice in this case has a direct degree of dependence on the current position of the enterprise in the market, its capabilities and goals and, of course, strategic objectives.

It is assumed that several types of ecosystems may be required for a wide variety of purposes. The ecosystem management model will depend on the type of ecosystem choice in the future (Tarasov, 2019).

2. To determine the type of the driving model. Any ecosystem must have a "conductor", i.e. the main company that organizes and manages the ecosystem, forms the strategy for the participants, sets the level of responsibility, determines the interaction mechanisms so that all partners know what to expect. The main factor required for the development of an ecosystem is the ability to scale technologies, since the needs of our customers are becoming more and more diverse every day, which means that the platform is becoming more complex. A personalized attitude will require companies to adapt technology and scale it depending on the market of presence.
3. To develop a monetization strategy. It is necessary to consider how the system will create value and generate an approach. A competent definition of the value proposition of the platform will allow filling the void formed in the market, which in the future will require maintaining a balance of supply and demand. A product based on intelligent technologies has a high price and is able to generate a stream of income received from the service, while the platforms can take on part of the transaction cost (Stepnov & Kovalchuk, 2018; Ansoff et al., 2019).
4. The priority of partnership is a high level of value. It is necessary to focus on partners who have high levels of commercial/strategic importance in order to further maximize the value created within the ecosystem. It is necessary to take a step-by-step approach to the design and development of the ecosystem, because the process of its creation may be delayed. In order to scale up quickly, attention must be paid to and shortened the time of partners/complementors in the ecosystem.
5. Maintain a high level of flexibility and mobility. Partner agreements with a high degree of flexibility and mobility will allow the ecosystem to respond quickly to various changes taking place in the business landscape. The platform business requires a different mindset, i.e. we need to be prepared for the fact that some ideas will fail and will not bring income to the enterprise (Carroll & Huo, 1986).

The analysis shows that the most effective strategies are those aimed at increasing income/sales through the use of various digital technologies. It is practically impossible to confirm or prove at a theoretical level that any reduction in costs resulting from the integration of intellectual tools will continue to lead to a decrease in costs



(Zakharov et al., 2019; Teslinov, 2020). The exception in this case is the group of processes related to the implementation of mutual settlements and IoT. Table 1 shows the final results of

comparing the use of general methods aimed at the formation of digital transformation strategies in the classification compiled by T. Hill (2017).

Table 1.

Comparative analysis of the possibility of using general methods aimed at the formation and development of strategies in the framework of digital transformation based on the classification proposed by T. Hill (2017)

Strategy formation methods	Basic goals	What takes into account							What provides						
		T-1	T-2	T-3	T-4	T-5	T-6	T-7	P-1	P-2	P-3	P-4	P-5	P-6	P-7
<i>Marketing concept "4P"</i>	Develop an effective marketing mix	+	±	±	-	+	±	-	+	-	-	-	±	±	-
<i>ADL/LC matrix</i>	Strategic business units	+	±	±	-	±	+	±	-	-	+	±	-	±	±
<i>AIDA model</i>	Organization of links in marketing	+	±	-	-	+	±	-	-	-	±	±	±	+	+
<i>Benchmarking</i>	Growth of key quality indicators	-	-	+	+	+	+	+	+	-	-	+	±	±	±
<i>BCG matrix</i>	Forming product portfolio	±	±	+	+	+	+	-	+	+	+	-	-	-	-
<i>Assessment and analysis of competitors' behavior</i>	Identification of strengths and weaknesses	+	±	+	+	+	+	+	±	+	-	-	-	-	-
<i>Diffusion of innovation</i>	Development and launch of a new product	-	-	+	+	±	±	-	-	-	-	-	±	±	±
<i>Targeted policy matrix</i>	Segment prioritization	-	-	+	+	+	+	-	-	-	-	±	+	+	+
<i>Greiner's growth model</i>	Recognize the growth phases of an enterprise in time	-	-	+	±	±	±	-	-	±	+	±	±	±	±
<i>F. Kotler's five-level model</i>	Adding value product	+	+	±	±	+	+	-	-	-	-	±	±	+	+
<i>Determination of market capacity</i>	Determine capacity and service cost	+	+	+	+	±	±	-	±	-	-	-	±	+	+
<i>7S model</i>	Checking "health" of enterprise	±	-	-	-	-	-	+	+	±	±	+	±	-	-
<i>New product pricing</i>	Identification of the price of a new product	+	+	±	±	±	±	-	+	-	-	-	±	+	+
<i>PEST analysis</i>	Analysis of macro factors and the future of enterprise	±	±	+	+	±	±	-	+	-	-	-	+	±	±
<i>Price elasticity</i>	Price rise/fall analysis	+	+	±	±	-	-	-	-	-	-	-	-	+	+
<i>Product life cycle</i>	Formation of enterprise strategy	±	+	±	±	±	±	-	-	-	-	-	-	±	±
<i>Segmentation</i>	Creation of competitive advantages	+	+	±	±	+	+	-	-	-	-	-	-	±	+
<i>SERVQUAL</i>	Results of the enterprise	+	+	±	±	±	±	-	-	-	-	-	-	±	±
<i>SIMALTO</i>	Customer evaluation of product upgrades	+	+	±	±	±	±	-	-	-	-	-	-	+	+
<i>Stage-Gate model</i>	Development and launch of new products	±	±	±	±	+	+	-	-	-	-	-	-	+	+
<i>SWOT analysis</i>	Company assessment and product growth	+	±	+	+	+	+	+	+	+	±	-	-	-	-
<i>Equivalent value line in business strategy</i>	Product price and benefit management	+	±	+	+	+	+	-	±	-	-	-	±	±	±

Note:

It takes into account (T):

- change of consumers (short-term (T-1), within 5 years (T-2);
- impact of new trends (on the enterprise (T-3), on competitors in the industry/business (T-4));
- degree of influence of digital platforms (on the level of competition (T-5), on the organization of cooperation (T-6));
- degree of maturity of IT infrastructure (T-7).

It provides (P):

- definition of digital goals (P-1);
- formation of the process of transition from the current state to the target (P-2);
- transformation of the organizational structure (P-3);
- increase in digital culture indicators (P-4);
- emergence of new unique digital business models, digital ecosystems (P-5), services (P-6), sharing (P-7).

Materials and Research Methods

The fundamental concepts presented in the works of the classics of economic theory and management and publications of modern scientists on the problems of digitalization were used as the methodological basis of the study. Such scientific methods and techniques were used as analysis, synthesis, deduction and induction, systematic approach, comparative analysis, system-structural approach and method of expert assessments. The hypothesis of the study is that in order to develop a strategy for an industrial enterprise operating in a digital economy, it is necessary to use a transformation mechanism based on the introduction of an assessment of its digital maturity, corresponding to the resources and opportunities for cooperation and cooperation of the business model, taking into account the implementation of the ecosystem approach.

The method aimed at forming a digital leadership strategy is based on the classic idea of J. Schumpeter, which is that the main (strategic) task of entrepreneurs is to update the production structure by purchasing innovative technologies/products/services/materials for the subsequent production of a new type of product or service. The digital leadership strategy, which

is in the “Industry 4.0” concept, is reduced to the transformation of the production structure of a high-tech enterprise (Penrose, 1955). The digital ecosystem has managed to combine various features, which will allow it to carry out the task of transforming the structure, due to the fact that the business within the framework of this system gains an advantage in the speed of accounting for changes in the new environment, i.e. it is able to quickly detect new trends and then make management decisions based on actual data (Hossain & Lassen, 2017; Zakharov et al., 2018). Digital leadership has two main types: aimed at developing various opportunities, which subsequently help to develop and implement new business models, or involves the transformation of an existing business model (Carroll & Huo, 1986). A digital leadership strategy is a process of quality development of ecosystem opportunities followed by economic assessment that will allow control over the value chain. As a part of the study, the authors developed a digital leadership strategy that will allow enterprises to operate in the digital economy (Figure 1).

The practice of organizing the management of pilot projects, as one of the features of the project office, which is most often used for the development of various programs of the digital economy, is not a prerequisite for its scaling. In the course of the study, it was determined that the scaling process did not become an integral part of digital projects/programs, but required additional costs, as well as adaptation of primary-level solutions (Butkovskaya & Sumarokova, 2019; Thun et al., 2019). Digital solutions and in particular artificial intelligence have a certain degree of dependence on the types of the program/strategy for the development of digital technologies chosen by the enterprise. It becomes obvious that the overwhelming number of well-known strategies, such as: growth strategy, cost optimization and "deep ocean", on the one hand, turn out to be immune to digital processes, but on the other hand, their choice will require additional justification from the management of the enterprise. A significant role is assigned to the head, who is directly responsible for digitalization. The integration of digital technologies and artificial intelligence should be dealt with by specialized experts/specialists in the field of management, their presence in such industries that are not experiencing the first digital wave (aircraft construction, medicine, mechanical engineering, chip design, etc.) is very important (Wirtz et al., 2016).

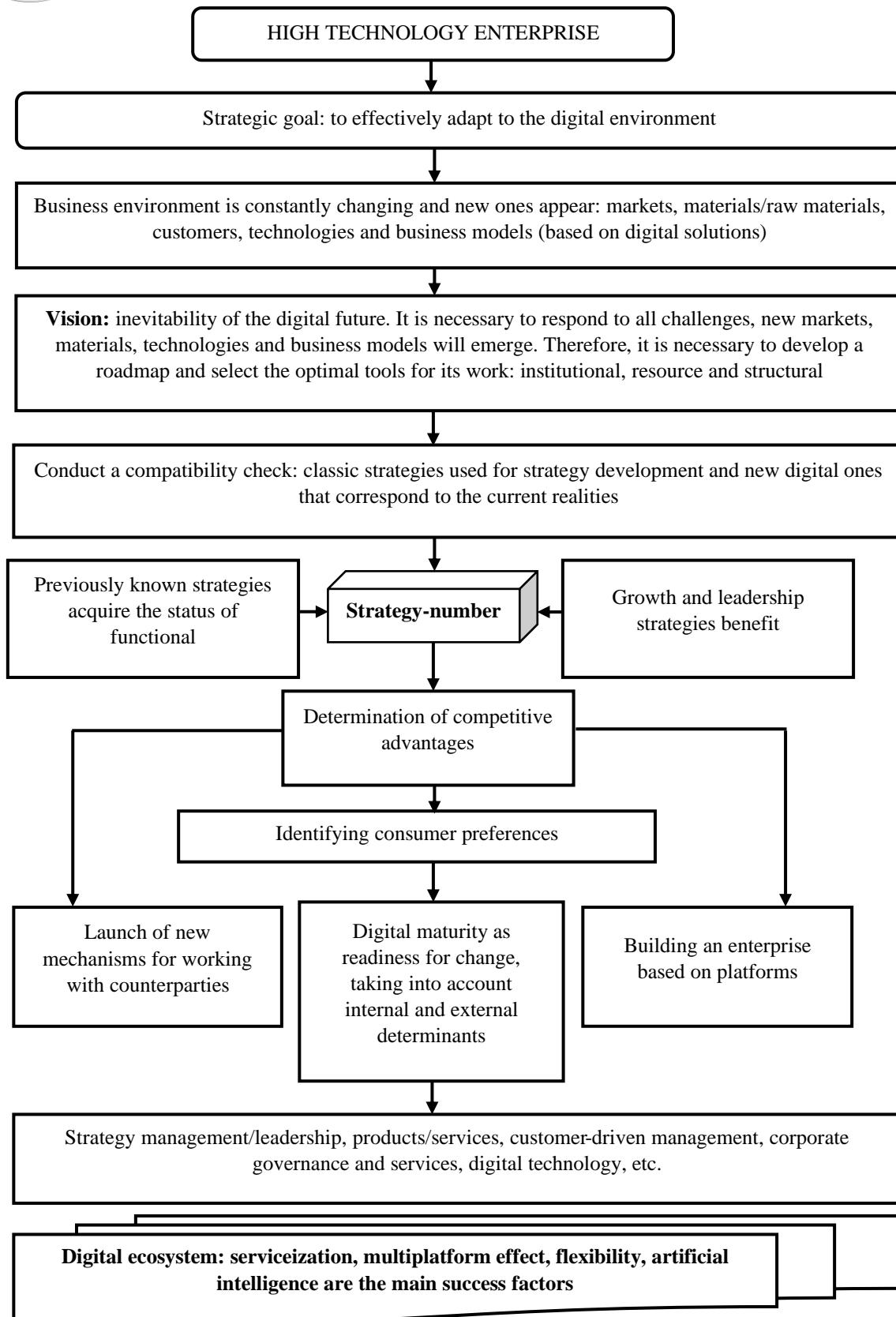


Figure 1. Development of a leadership strategy within the framework of the "strategy-digital" view (source: author)

A significant role is given to the functionality of the manager, who is directly responsible for digitalization. The issues of integration of digital technologies and artificial intelligence should be dealt with by specialized experts/specialists in the field of management, their presence in industries that are no longer experiencing the first digital wave (aviation, medicine, mechanical engineering, microchip design, etc.) is especially important (Trout, 2004; Zakharov et al., 2019). Private tools for digital marketing work do not currently provide tangible benefits that could be confirmed by digital analysis.

Artificial intelligence to date has not been able to convert the speed of calculations and the amount of information used into quality and offer an effective unique effective management solution (Lecocq et al., 2010; Boev, 2020). The question

of subordination arises: if the overwhelming majority of managers do not consider it expedient to submit to artificial intelligence, then polls among specialists show the opposite effect (Grant, 1991). It is especially important to note the organization of interaction between different artificial intelligences, since the currently existing view to assessing the effectiveness of digital solutions is not yet able to demonstrate any significant assessment of the possibility of organizing interaction between artificial intelligence of different enterprises, which can lead to possible leakage of information and commercial data (Kovalchuk & Stepnov, 2017; Demil et al., 2018). Taking into account the problems outlined above, the authors propose a version of the roadmap, which will be a continuation of the "strategy-figure" view (Figure 2).

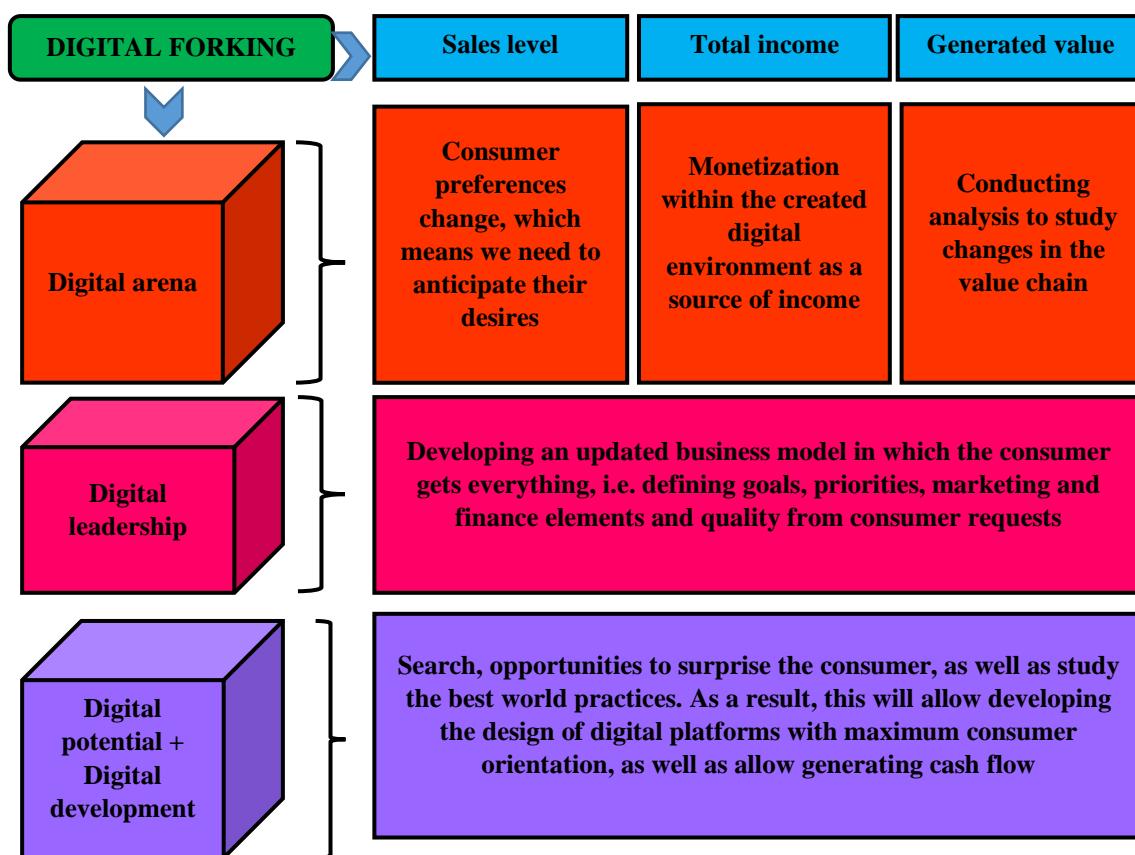


Figure 2. Roadmap model for the implementation of the leadership strategy (source: author)

Results

Digital leadership is the development of ecosystem opportunities and strategy of digital leadership is determined by economic evaluation of the share of control over the value chain. The author's view on the leadership strategy for the conditions of the digital economy, taking into

account the concept of "strategy - digital" is presented in the Figure 3. Digital solutions, and especially artificial intelligence, turn out to be dependent on the type of strategy that the company implementing the "digit" implements. It is quite obvious that many well-known strategies (including growth strategies, cost reduction strategies and blue ocean strategies)

turn out to be, on the one hand, immune to digitalization in a particular industry, and on the other hand, their choice requires additional justification. The set of functions of the head responsible for digitalization plays an important role. Despite the widespread popularity of "digital officers", the implementation of artificial intelligence should be dealt with by professionals in the field of strategic management, especially in industries that are experiencing not the first

(such as medicine and education), but the second or third wave of digitalization: aircraft manufacturing, chip design, etc. The passion for private tools, including as for digital marketing, does not currently lead to unambiguous confirmation of the effectiveness of digital analysis. Artificial intelligence has not yet been able to turn the speed of calculations and the amount of data used into quality, offering a truly unique solution.

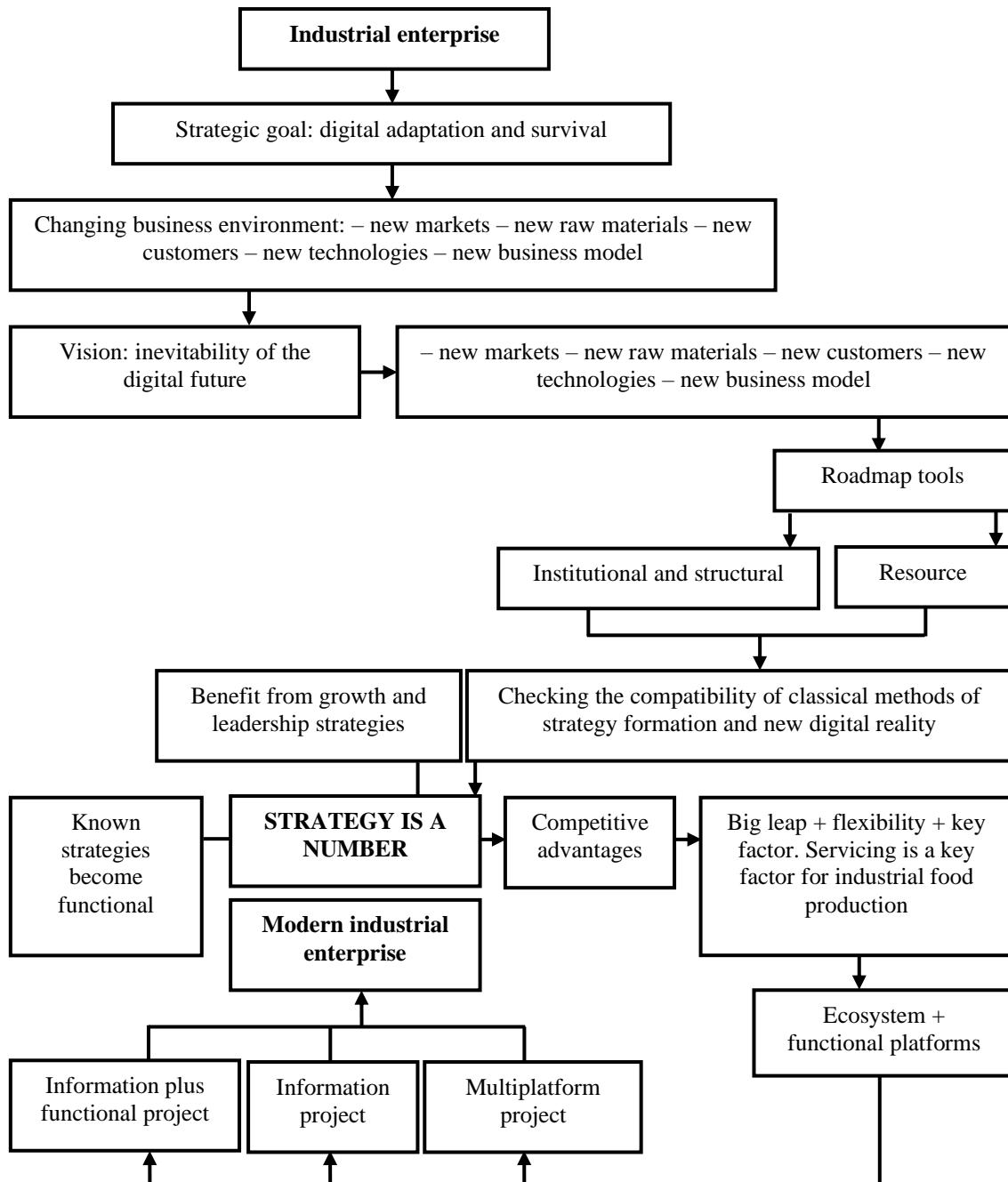


Figure 3. Development of a leadership strategy within the concept of "strategy - digital" (source: author)

In organizations that focus on existing market offerings, it is much more difficult to create fundamentally new business models. It points to a paradoxical situation that requires the creation of new organizational mechanisms that provide both enough autonomy to create new business models and a way to ensure implementation. Potential solutions for this could be, for example, the use of regulated processes in a working organization that have a clear goal (specified to specific key indicators) to ensure organizational integration (for example, through a sandbox mechanism) for updating business models or improving performance measurement systems, and controls that directly account for the actual application of the updates. In the study, the author found that the selection of a competitive environment ("sandbox" mechanism) is more effective.

Possible organizational decisions should be systematized into four types of projects for strategic adaptation of the service model within the enterprise:

- initiative type "I", within one unit (existing, newly created or invited external team) based on the idea of one or more initiators who are directly involved in the provision of services;
- initiative plus functional type "IF", when, at the initiative of external suppliers, the developed concept is implemented in several departments of enterprises, usually related to sales;
- logistic type "L", which uses the principles of the sharing economy of products located in warehouses and with individual consumers; this type of project is practically independent of the main business process of the organization and can be launched inside and outside the organization, using only access to resources (finished products and logistics);
- multiplatform type "MP", fully focused on the needs of customers and allows integrating own business processes and third-party vendors.

The analysis of four types of projects made it possible to establish that they can become the

core of a practical strategic adaptation of service for an industrial enterprise. One of the key takeaways is that early assessment of value added by incorporating features into a business model (before manufacturing changes are initiated) is critical. In addition, scaling up (from Type I to Type MP) suggests that the smallest working platform can yield more results than waiting for the most efficient platform, provided there is enough time to create a Type I project. But at the same time, it should be understood that minimalism provides efficiency, but limits the completeness of new transformations. The advantage of "IF" type projects is that they create new business opportunities supported by digital product platforms using a separate business development function. At the same time, it should be noted that they will be conservative in relation to the idea of early integration into a single platform.

Undoubtedly, projects of type "I" and "IF" are not feasible without entrepreneurial initiative. This need, at least initially, is not driven simply by an internal process or management level within organization. Therefore, for those companies that focus on product strategies (and related platforms), it is necessary to recommend organizational forms in which a legacy strategic approach can coexist with a more independent entrepreneurial spirit. The contradiction between projects "L" and "MP" is radical, because in the first case, the initiative of the business model does not affect production, and in the second case it is the driving element. On the other hand, for projects "I" and "IF", the potential synergy between the old and the new in the organization will not be realized, but instead the need to create the right conditions for new product offerings increases. These conclusions allow recommending the following: given the availability of resources, the type "L" project can be a separate business solution, while the implementation of another project, or be carried out independently.

As a result, the Figure 4 shows the process of organizing the selection of projects focused on the service strategy of industrial enterprises.

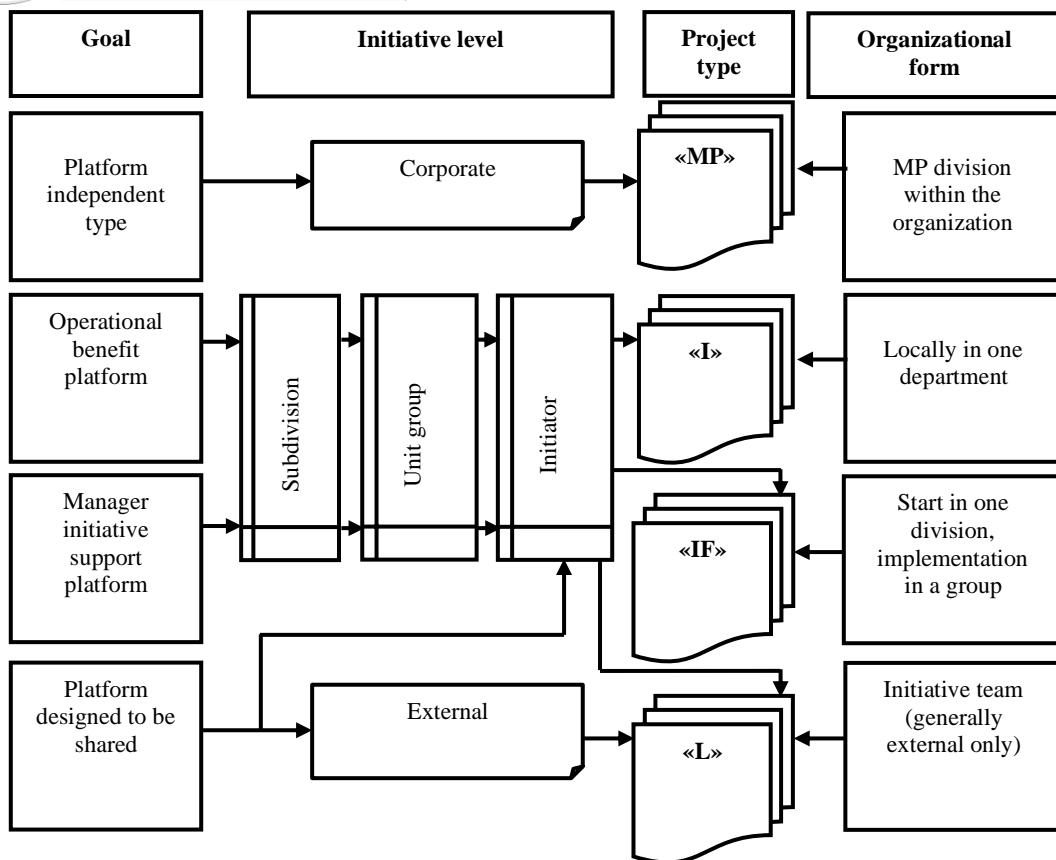


Figure 4. The process of organizing the selection of projects focused on the service strategy of industrial enterprises (source: authors)

In general, the sequence of actions for industrial enterprises to adapt the service strategy seems to be the following sequence:

- analysis of the results of the digital maturity assessment and conclusions about the readiness of individual departments, entire corporation and interaction with the external environment;
- choice of leadership strategy;
- substantiation of the need for product maintenance (as a minimum level of service);
- substantiation of the need to refuse to purchase and the possibility of acquiring a service (as the highest level of service);
- determination of the possibility of cooperation with competitors on the basis of service platform;
- assessment of business model changes;
- selection of the type of project for the implementation of the service platform;
- substantiation of organizational forms;
- integration into a single system of implemented projects.

Discussion

The widely known technological concept "Industry 4.0" currently does not have a unified scientific and practical methodology, but it already fully claims to be a universal digital production and technical standard. As a result, this leads to the fact that a rather frequent mention of "Industry 4.0" in the context of a certain technological breakthrough is interpreted by each company independently, which fully confirms the opinion about the free design of the environment. A number of tasks can still be successfully solved by already well-established methods that allow developing an effective strategy, for example, based on a structural or resource approach. Taking into account the rather frequent mention of the strategy associated with reducing the level of costs, the proven fact of effective implementation is still a strategy based on leadership, and not a strategy for optimizing costs. Refusal to take on costs does not mean that there will be a general decrease in the level of costs. When developing a strategy, the role played by the competitive environment remains, but the degree of its variability increases; it becomes not given, as in classical methods

(Porter & Heppelmann, 2015; Stepnov & Kovalchuk, 2018; Sharko & Saveliev, 2019).

The analysis of scientific literature, carried out within the framework of the article, showed that there are a huge variety of opinions that it is competitive advantages that ultimately become the value that is present in business models, which allows concluding about its leading role. A modern industrial enterprise must definitely start implementing internal and external platforms, because it is the platform development process that is the main way of carrying out the transformation process, after digitization. The basis for the formation of competitive advantages in the digital economy is the business model used by the enterprise, therefore, we can agree with the conclusion made by many specialists and experts that the strategy forms a competitive advantage, people and innovative culture support and develop it, and technology and communications, allow realizing these competitive advantages in practice. Of course, it is the business model that is the mirror image of the communication process, as a system of relations between all participants, without exception, to generate income (Wirtz et al., 2016).

Many high-tech enterprises fully understand the values of the new digital technologies that they plan to implement, but they cannot use them instantly, for this they need to transform the business model. The process of forming a business model is inextricably linked with management based on a customer-oriented approach, within which the interaction of internal and external platforms takes place (Stepnov, 2018; Asadullina, 2020). The structure of platforms is heterogeneous, which means that it is possible to use several types of platforms at once when making a strategic choice, for example, from data/information transfer to joint design development. The analysis of the properties of the business model allows coming to the conclusion: rapid growth of innovative technologies is observed in horizontal strategies within which the merger takes place, for example, value chains are created. The direction of further research should be aimed at analyzing the development of digital cooperation within the boundaries of the created ecosystems, since it is they that allow enterprises to obtain significant advantages. Separately, it is necessary to study the issue of the development of vertically integrated enterprises that can simulate the creation of ecosystems in order to maintain their leading positions.

Conclusions

The formation of abilities capable of changing over time should become one of the key elements of the management system of a high-tech enterprise in the digital economy environment. The vector of orientation of the digital economy consists in the emergence of various breakthrough technologies, ideas in completely different areas, which means that for effective work, high-tech enterprises need to constantly monitor technological, production and information know-how, and then integrate into their activities only those that are most consistent enterprise profile. For a high-quality and effective integration of digital innovation, a high-tech enterprise needs to have absorptive capacity, which, taking into account its internal dynamic capabilities, coupled with the necessary resources, will contribute to the formation of a long-term advantage.

It should be noted that for the almost ubiquitous "digitalization", all innovations taking place in the economy, including their subsequent interaction with each other, will be fully provided at the expense of a person. The degree of progress in any economic sector depends primarily on the potential of employees and specialists of the enterprise, as well as on the quality of work of enterprises operating in these sectors. The value of human capital in the digital economy will continue to grow and become a defining component of the success of a high-tech enterprise. The spectrum of digital technologies will enable creative people to fully express themselves through the practical implementation of new innovative ideas, which will allow the enterprise to acquire new opportunities for obtaining "know-how". Undoubtedly, all this will actively contribute to obtaining the additional factors necessary for the creation of a competitive advantage by the enterprise.

In the digital economy environment, the structural methodological basis of strategic planning will not change. The new leadership strategy, which is created through the work of modern platforms, will be put into practice, which will allow launching new technologies in the management sphere. However, these technologies will be based on well-known, classical methods and principles of management and planning. Advanced technical tools will enable enterprise managers to apply a wide range of tools in the field of strategic planning, but to understand the principles of this process; it will additionally require managers to manage complex digital technical tools. The trend of the

digital economy is to improve the qualifications of employees and, of course, the integration of various technical means into various types of processes of a high-tech enterprise. In this context, a certain contradiction is formed when, on the one hand, technical means provide significant assistance to the management process, and on the other hand, they require certain skills/abilities from employees and managers, which already today raises the question of the need to update the professional training and qualifications of these specialists in order to implement full transition to the digital economy.

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The analysis of the implementation of inheritance law in selected EU countries

Аналіз реалізації спадкового права окремих країн ЄС

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Abstract

The purpose of the article is to analyze the peculiarities of the inheritance procedure of individual European countries. The subject of the study is the implementation of inheritance law in Spain, Germany and Austria. The research methodology includes the use of general scientific and special methods of scientific cognition: dialectical, historical and legal, formal and logical, method of hermeneutics, generalization, comparison, etc. Research results. The procedures for implementation of the right to inheritance in Spain, Germany and Austria are considered. The forms and features of making wills in these countries are studied. The cases of acceptance and rejection of inheritance are analyzed. The right of minors to make a will is covered.. The practical implication lies in the possibility of applying international norms in the legislation of Ukraine. Value / originality. The Authors' proposals on the implementation of European experience in the inheritance legislation of Ukraine are given.

Key words: heir, inheritance, testament, testator, will.

Анотація

Метою статті є аналіз особливостей процедури спадкування окремих європейських країн. Предметом дослідження є реалізація спадкового права в Іспанії, Німеччині та Австрії. Методологія дослідження включає в себе використання загальнонаукових та спеціальних методів наукового пізнання: діалектичний, історико-правовий, формально-логічний, метод герменевтики, узагальнення, порівняння тощо. Результати дослідження. Розглянуто порядок реалізації права на спадок у Іспанії, Німеччині та Австрії. Визначено форми та особливості складання заповітів у цих країнах. Проаналізовано випадки прийняття та відмови від спадщини. Висвітлено право неповнолітніх осіб на складення заповіту. Практичне значення полягає у можливості застосування міжнародних норм у законодавстві України. Цінність/оригінальність. Наведено пропозиції авторів щодо впровадження європейського досвіду у спадкове законодавство України.

Ключові слова: спадкування, заповіт, спадкоємець, спадкодавець.

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Introduction

The inheritance institution in the civil law of any legal system is closely related to all other types of property rights. After the death of a person, property, which is based on property rights and other property rights, often remains. They are subject to inheritance upon the death of the owner. The question of what remains after the death of the deceased owner, to whom it should be transferred, in what order and to what extent is in the focus of attention of society and the State from ancient times to the present.

It should be noted that Roman private law is the foundation of modern inheritance law. All the basic ideas, concepts and principles originate from it. The first research related to the study of inheritance law appeared in the early 50's in domestic science, but its boundaries were very narrow, given the period of new economic policy at the time. The Civil Code of the USSR of 1963 revealed the concept of a will, strengthened the role of family ties in inheritance, but did not regulate the concept of inheritance. Instead, considerable attention was paid to inheritance by will and law, which are still relevant today.

The adoption of the Civil Code of Ukraine in 2003 was the impetus for the development of the doctrine of inheritance law. It was believed that the civil code of any State reflects its values, on which the future is built.

At present, in the context of rapid economic recovery, ensuring public access to quality and fast-track public services, and taking into account the European aspirations of our country, which is guided by international experience in hereditary law, we consider it necessary to analyze the legal consolidation and regulation of inheritance in some EU countries.

Methodology

The methodology of the article is based on general and special methods of scientific knowledge, the use of which is determined by the purpose, object, and subject of research.

The method of hermeneutics is used in the process of studying the texts of foreign legislative acts and research materials.

The application of historical and legal method allows to trace the historical development of the studied phenomenon in European countries.

With the help of formal and logical (dogmatic) method the norms of civil law and practice of their application in such countries as Spain, Germany and Austria are analyzed.

The method of summarization is applied to the draw relevant conclusions and suggestions.

Literature Review

The development and implementation of inheritance law is the subject of research by many domestic scholars. Thus, Kukhariev (2020) considered in his dissertation "Discretion within Inheritance Law" the concept of discretion, which aims to improve the legal regulation of inheritance relations. As the result, basic models of hereditary discretion were established, which are the forms of expression of legal freedom in the area of inheritance.

Valakh (2009) conducted a classification of legal facts that cause the dynamics of inheritance, identified legal facts that lead to the termination of the inheritance. Besides, the researcher distinguished between model and specific (individual) hereditary legal relations.

Fedorych (2018) analyzed the ways of exercising the right to inheritance, which are realized by concluding a unilateral agreement by the heir in the work "Exercise of the right to inheritance under the civil legislation of Ukraine". The researcher also formulated the concepts of "right to inherit" and "exercise of the right to inherit".

Zavgorodnia qualified disputes arising from hereditary legal relations in her study "Court proceedings in disputes arising from inheritance" (2016), in which the problems of proof, presumptions and adjudication of disputes prejudices in disputes arising from hereditary legal relations have been studied.

The work by Alina (2020) also deserves attention. The study clarifies the place of IT objects among the traditional objects of inheritance law. There are also features of digital objects that affect the possibility of their inheritance in the event of the death of the owner. However, the specifics of inheritance law in the countries of the European Union are not fully considered in these works.

The features of Spanish inheritance law are investigated by Wiedermann (2020). She states that it is different from other European nations,



so it is very important to know its aspects. She considers the legal basis for Spanish inheritance law, the process of making will, the property that can be donated and the amount of the tax enshrined.

Elseven (2021) proves that German inheritance law is a complex legal field, made even more challenging in cases involving testators with assets and property abroad. The scholar studies the types of will in this country, statutory succession, the compulsory share of the inheritance and the community of heirs under German law, as well as international inheritance cases and the German inheritance legal system.

Austrian inheritance law has the following features: 1) property located in Austria is always inherited by Austrian rules; 2) the estate is inherited by the heirs if there is no will; 3) children and the spouse always have a share in the inheritance; 4) marriage is not the ground for common property ownership; 7) if the child is left without parental supervision, a guardian is appointed to administer his (her) property rights; 8) there is no inheritance tax in Austria (abolished on 1st August 2008) (Marth 2021).

Results and Discussion

Inheritance law is part of the legal system of each State. It has always been and remains relevant, as it is a sphere of public relations, which to some extent affects each individual. At the same time, inheritance law has always distinguished itself by its conservatism, conditionality of its historical, cultural and religious development, which determines its different legal regulation in each country.

The active development of integration processes necessitates the study of the experience of European countries in addressing issues arising in national legislation.

The inheritance process in Ukraine and the countries of the European Union includes some differences. Therefore, we propose to study the law of succession in such countries as Spain, Germany and Austria.

Spain's inheritance law is part of the Civil Code and determines the further fate of the rights and obligations of an individual after his (her) death. Inheritance in the event of death must first and foremost meet the requirements of legal certainty – it is mandatory to extend the relationship after the death of the owner. These rules are regulated by Section 3 of the Spanish Civil Code, in

particular by the Articles 657 – 1087 (Royal Decree No. 206, 1889).

According to Article 667 of the Civil Code of Spain, a will is an act by which a person disposes of all or part of his (her) property after his (her) death. Accordingly, the heritage can include:

- property rights transferred (and not terminated with the death of the testator);
- property obligations that do not end with the death of the debtor;
- intellectual rights retained by a person after his (her) death (copyright).

Personal rights, family rights, public or administrative rights are not included in the inheritance.

The forms of the will, according to Article 676 of the Civil Code of Spain (Royal Decree No. 206, 1889) are: general (común) and special (especial). General one is, in turn, divided into: 1) handwritten; 2) open; 3) closed. Special one is divided into: 1) of a military man; 2) of a seaman; 3) compiled abroad. We suggest to consider some of these forms in more detail.

A will is considered to have been written by hand if the testator made it under the conditions, enshrined by Article 688. Such conditions are: 1) reaching the age established by law (from 14 years; for this form of will – 18 years); 2) handwritten and signed, indicating the date of its compilation; 3) if there are words that have been altered, struck out, rewritten, they should be certified by a signature; 4) foreigners can make such a will in their native language. Besides, the will should be legally certified by a notary (some scientists state that it should be certified by the judge of the court of first instance, so we will use the term "authorized person").

As Sidenko (2017, p. 195) correctly notes, the establishing of such a will has its own peculiarities. Indeed, the person who becomes the owner of the inheritance must, apply to the competent authority (Notario competente) with a will within 10 days after he (she) learned of the testator's death. After making a will and confirming the death of the testator, the authorized person verifies the document for authenticity. This can be done in the presence of three witnesses. If the authorized person concludes that the will is valid, he (she) formally declares its entry into force (Article 693 of the Civil Code of Spain) (Royal Decree No. 206, 1889).

The open will must be made by the testator personally or orally in the presence of a notary. After that, the notary reads the will aloud, specifying whether everything written is true. This process can be conducted in the presence of witnesses or other persons if desired. After the will is announced, the testator signs it. It is interesting to note that in the event of imminent security or epidemic the testator is unable to make a will. In such cases, five witnesses without a notary and three witnesses without a notary are involved in the procedure, respectively (Articles 700, 701 of the Civil Code of Spain) (Law of Spain 1889).

A private will is written only and must be signed manually. In some cases, there is a requirement to sign every page of the text, including corrections and strikeouts (Article 706 of the Civil Code of Spain) (Royal Decree No. 206, 1889).

Execution of the private will is allowed under the following conditions:

- the document must be in a sealed envelope without any damage;
- the testator is obliged to seal the will or do it in the presence of a notary;
- the testator officially confirms that the envelope he provides to the authorized person contains written (printed) will, executed in accordance with the requirements;
- the notary puts the number and a special seal on the envelope with the will, after which the envelope is signed by those present;
- after performing all legal actions, the notary transfers the envelope to the testator or a person authorized by him (her).

The person keeping the will must submit it to the authorized judge within 10 days from the date of the testator's death.

The regulation of a will made abroad also deserves attention. Spaniards have the right to make wills outside the country in accordance with the conditions established by the law of the country in which they are. They can also make open and private wills at a diplomatic or consular post. In this case, all the formalities enshrined in Chapters 5 and 6 of the Civil Code of Spain are observed. The diplomatic mission or consular post shall send a copy of the open will or act of execution of the closed will with the signatures and seal to the authorized body of Spain. If the will is kept by an agent of a diplomatic or consular post, he (she) shall transmit it to Spain

after the death of the person along with the death certificate. After that, the ministry of foreign affairs (El Ministerio de Estado) publishes information about the death of a person in the newspaper (la Gaceta de Madrid) and all those interested have the opportunity to withdraw the will (Article 736 of the Civil Code of Spain) (Royal Decree No. 206, 1889).

The Spanish Civil Code also enshrines inheritance without a will (De la sucesión intestada) or "by law". Such inheritance is provided for when:

- the person dies without making a will or his (her) will is invalid;
- if the heir is not specified for all or part of the property;
- if the heir does not fulfill the conditions imposed on him (her) or refuses to inherit;
- if the heir cannot inherit.

Besides, if there are no heirs by will, then the property is transferred to the relatives or the State "by law".

It should be noted that the acceptance and renunciation of the inheritance is completely voluntary and has retroactive effect until the death of the person (testator) (Article 988 of the Civil Code of Spain) (Royal Decree No. 206, 1889).

The next country, whose inheritance law we propose to consider, is Germany.

The Constitution of Germany provides for the right of inheritance, the content and scope of which are determined by law. German civil law regulates inheritance relations through established forms of disposition of property after the death of a person. That is, the right of inheritance can be exercised in one of these forms, the most common of which is inheritance by will.

A testament refers to one of the forms of disposition of property along with the inheritance contract (Erbvertrag) in the inheritance law of Germany. According to Article 1922 of the German Civil Code (Introductory Law to the Civil Code, 1994), after the death of a person, his (her) property (inheritance) passes as a whole to one or more heirs. The testator has the right not to determine the heir (s) or to restrict the relatives or one of the spouses in such a right. If there are no heirs (one of the spouses, relatives) by the time the inheritance is opened, then the federal land (last domicile) is the legal heir. If the testator

is German, who was not a citizen of any of the federal lands, the inheritance passes to the federal treasury (Article 1936 of the Civil Code of Germany). The inheritance passes to the heir with the right to refuse it. Instead, the federal treasury cannot renounce the inheritance.

Acceptance and refusal of inheritance are also regulated by law. Thus, the heir cannot renounce the inheritance if he (she) has accepted it or the waiver period has expired, but the person can refuse the inheritance by filing an application to the court within 6 weeks from the moment of establishing the fact of the will or the fact of death (Article 1944 of the Civil Code of Germany) (Introductory Law to the Civil Code, 1994).

A minor can also make a will, provided that he / she is 16 years old at the time of making it. The consent of a legal representative or other person is not required in this case.

The Civil Code of Germany provides for two forms of will: 1) notarized (public will); 2) handwritten will.

A public will occurs when the testator announces his last will (orally) in the presence of a notary or sends him (her) a written statement. Such a statement may be transmitted both officially and confidentially.

The text of the handwritten will must be signed by the testator (even if the text itself is printed). The date, time and place must be indicated. Such a will may be transferred for safekeeping to the State agency, of which the testator receives a receipt.

It is also worth noting about the settlement of the extraordinary will (Article 2249 of the Civil Code of Germany) and the sea will (2251 of the Civil Code of Germany) (Introductory Law to the Civil Code, 1994).

The Civil Code of Germany distinguishes common (general) testament (Gemeinschaftliches Testament), which is quite widespread. It can be made only by spouses. That is, the right to create it does not belong to the bride (s) or persons living together.

In 2017, the Law introducing the right to marry for persons of the same sex (Law No. 52, 2017) came into force in Germany. That is, same-sex couples can also make joint will. It is interesting that in the period from 2001 to 2017, joint will could also be drawn up by persons who are

"extramarital partners" (Law of Registered Civil Societies, 2001).

The civil law does not reveal the essence of the joint will, but analyzing this normative act, we can conclude that it has the following features:

1. Composed in a simplified form. If an ordinary will is drawn up with the participation of a notary and in the form of a personal statement (handwritten will), the joint will is made in the form of a self-written statement signed by the participants. The time, place and date are also indicated. The will is considered invalid without these attributes. Besides, according to Article 2231 of the Civil Code of Germany (Introductory Law to the Civil Code, 1994), a joint will does not require registration by a notary. Instead, the spouses must submit such a will for safekeeping to the Central Electronic Register of Wills, which has been operating since 2012. After the death of the testator, the notary opens a joint will.
2. It is the "unified act", although the opinions of researchers are divided here. Some scientists believe that the joint will does not always have to be "one and whole", as the will of each spouse may be different. The representatives of another approach believe that a joint will is exclusively a "single act". According to Article 2270 of the Civil Code of Germany (Introductory Law to the Civil Code, 1994), if the spouses have entered a common (interrelated) will into the testament, there can be no question of different orders, as failure or invalidity of one expression of will has similar consequences for another one. Thus, drawing up a joint will, the spouses agree on a common approach to the issues of hereditary succession.

That is, non-reciprocal orders (testamenta reciproca) in a joint will may take place, but alongside mutual ones. For example, one of the spouses determines the other as his (her) heir, even if the latter does not establish such an order.

The set of rights and obligations of the deceased, if they did not arise as a result of legal relations of a purely personal in nature; in Austria it is called the "hereditary estate" or the inheritance of the deceased.

Austrian inheritance law is governed by the Civil Code of Austria (Maslov 2011), in particular Sections by 8 – 15, Part Two (Articles 531 – 824).

The exclusive right to receive the entire inheritance or a certain part of it is called the right of inheritance (Article 532 of the Civil Code of Austria) (Maslov, 2011). It is a property right that acts against anyone who intends to misappropriate the inheritance.

The right of inheritance is based on: 1) the will of the testator (which is declared in accordance with the law); 2) the inheritance agreement; 3) law. That is, there are three forms (ways) of inheritance. The Code stipulates that these three forms can be carried out jointly (between relatives).

The right of inheritance occurs from the moment of death of the testator. An order by which the testator (in case of his death) transfers his property or part of it to one or more heirs is called the last will of the testator and is one of the forms of inheritance. If the last will (order) of the testator determines the heir, then such a decision is called a will. If it includes other provisions it is called codicilli (codicillus). The Code states that the last will of the individual must be proclaimed free from coercion, deception and influence (Article 565 of the Civil Code of Austria) (Maslov, 2011). The forms of proclamation of the last will are: outside the court, in court, orally, in writing, with or without witnesses.

Minors under the age of 14 are not allowed to declare their last will. Children between the age of 14 and 18 may declare their last will only before a court or notary, except in cases provided for in Article 597 of the Civil Code of Austria – when a person is unable to express his (her) will or there are extraordinary circumstances.

Inheritance by law occurs as follows: if the deceased did not leave the last will; if he (she) did not dispose of all his property; if he (she) has not duly notified the persons who are legally entitled to part of the inheritance; if the heirs are unwilling or unable to accept the inheritance. The heirs by law are one of the spouses and those persons who are provided by the queues of inheritance (Article 730). Under Austrian law, there are four such queues.

Proper inheritance is subject to judicial review; the court also carries out the transfer of property. Anyone who wants to inherit must prove in court his (her) legal status, which is provided either by the last will of the testator, or by the testament, or by law. If the court establishes the legal status of the heir, the inheritance is transferred to him (her) and the court proceedings are closed.

Besides, under the contract of inheritance, one of the spouses, who determines the heir independently, may be "bound" by such an order – at the time of death, a quarter of the testator's property should be available for other dispositions (Article 1253 of the Civil Code of Austria). The orders of both spouses are valid only if they mutually identify each other as heirs, or one of spouses. If the heir is the third party, such will may be revoked (Burandt et al., 2019). It should be noted that such an agreement may be concluded only between spouses, already registered partners or engaged (subject to further marriage). In this regard, we can draw a parallel with German law.

Conclusion

Analyzing the above material, we can conclude that the legal regulation of inheritance in the countries of the European Union is somewhat different, but has one goal – the proper transfer of rights and responsibilities of the person in the event of his death. The conditions for acquiring an inheritance are consideration of this fact (by an authorized person, court, etc.) and transfer of property. It is also important to be able to renounce the inheritance on the grounds established by law. In some cases, the last will of the testator is the prerequisite for the right to inherit.

Thus, inheritance is a legally established transfer of property and individual personal non-property rights and obligations from one person (testator) to another one (heir). The principles of inheritance are: freedom and expression of will of the testator and the heir (s); universality of hereditary succession; sequence; family character; confidentiality of will; protection of hereditary property; reimbursement of expenses, etc.

The study of international experience on the issues of inheritance aims to improve domestic legislation. In particular, the introduction of hereditary will, which is made by minors aged 14 to 18 (on the example of Austria) deserves special attention. Necessary conditions for this act are: written form; date, time, signature of the person; notarization; participation of legal representatives.

Taking into account the experience of Germany, we propose to regulate the issue of restricting the right of one of the spouses to inherit in our country. That is, if one of the spouses (when making a will of the spouses under Article 1243 of the Civil Code of Ukraine) does not want to

transfer the share of property belonging to him (her) on the right of joint ownership to the other spouse, such property becomes the property of the State. The person should enshrine his (her) will in the testament, regardless of the desire of the other spouse.

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Criminal law principles in the fight against crime

Кримінально-правові принципи у боротьбі зі злочинністю

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Abstract

The purpose of the article is to analyze the criminal law principles in the fight against crime, to introduce a distinction between them and general principles of the State. The subject of the study is the criminal law principles in the fight against crime. Methodology. The following methods were used to achieve the goal of the Article: formal logic; description; historical and legal; comparative law; dogmatic. Results of the research. The paper analyzes and criticizes the criminal law principles in the fight against crime. Their essence and significance in the general context of combating crime are highlighted. Each principle is analyzed separately in the context of their relationship with the general principles of criminal law policy of the State. Practical meaning. It is proposed not to consider the principle of justice as criminal law one, but to place it within the framework of general philosophical principles and categories such as kindness, decency, humanism, humanity, honesty, etc. Value / originality. It is confirmed that the law on criminal liability must be fair, and therefore effective, which stems from the very matter of justice as a socio-philosophical category.

Анотація

Метою статті є аналіз кримінально-правових принципів у боротьбі зі злочинністю, їх відмежування від загальних принципів держави. Предметом дослідження є кримінально-правові принципи у боротьбі зі злочинністю. Методологія. Такі методи були використані для досягнення цілей статті: формальної логіки; опису; історико-правовий; порівняльно-правовий; догматичний. Результати дослідження. У роботі піддаються аналізу та критиці кримінально-правові принципи у боротьбі зі злочинністю. Розкривається їх сутність і значення, роль і місце в загальному контексті протидії злочинності. Аналізується кожний принцип окремо через призму їх взаємозв'язку із загальними принципами кримінально-правової політики держави. Практичне значення. Пропонується принцип справедливості не вважати кримінально-правовим, а віднести його до системи загально філософських принципів та категорій "доброти", "туманності", "людяності", "чесності", "порядності", тощо. Цінність / оригінальність. Підтверджується те, що закон про кримінальну

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відповіальність повинен бути справедливим, а значить і ефективним, що витікає із самої матерії справедливості, як соціально-філософської категорії, а не принципу.

Ключові слова: кримінально-правові принципи, філософські категорії, взаємозв'язок, правові категорії, поняття.

Introduction

Criminal law principles are a kind of foundation of State's criminal law policy in the fight against crime. They reflect not only the tasks of the State in this area, but are important for legislative activity. These principles are a kind of regulator and benchmark for law enforcement as well. This, in turn, is the appropriate guarantor of the right policy of the State, its validity and legality. Criminal law principles are the link between forensic activity and the whole set of norms of legislation on criminal liability. Can the principles of criminal law policy fully cover the criminal law principles in the area of fighting crime? Two categories of principles reflect their legal nature, the search for selection criteria, formulate the guidelines of public policy, and reveal their content and meaning of existence.

They coincide in many ways and relate as legal matter. The principles of criminal law policy are reflected in general terms and are a relative specification for a particular area. These principles should be distinguished from criminal law principles. The principles of criminal law policy have a larger scope in terms of integrative processes, while criminal law principles exist for specific tasks in fighting crime. The former cannot be considered criminal law ones, as they are the basis of all legal policy of the State.

The need to take equity outside the system of criminal law principles is due primarily to the fact that this is not a principle in nature, but a philosophical category. Criminal law principles have specific, unique features and legal matter. The category of "justice" has a philosophical direction and occupies a corresponding place in the system of general philosophical categories, such as kindness, decency, humanism, honesty, humanity, etc.

Global processes of our time force to be in constant search for regulation of new social relations, which is the basis for public policy. One of such tasks is the State's criminal law policy of the State in the fight against crime. Relevant State institutions are established, judicial and law enforcement systems are

reformed, domestic legislation in general and the legislation of Ukraine on criminal liability in particular are improved to solve this problem. The basis for solving these problems is criminal law principles in fighting crime. The entire State's criminal law policy depends on their observance and application. This issue has recently received due attention, but different views of scientists and law enforcement indicate the existence of unresolved issues. This applies primarily to the issue of assigning different principles to one system, which is a misconception. Scientists have come to believe that such categories exist in the system of principles, which are generally in the system of general philosophical categories.

Thus, the aim of the study is the attempt to analyze the criminal law principles in the fight against crime in more detail, to distinguish them from the general principles of the State's criminal law policy. It is proposed to remove the category of "equity", which is called the principle of justice, from the system of criminal law, because it belongs to such categories as kindness, decency, humanism, honesty, humanity, etc. by its socio-philosophical nature. This will enable the State to carry out its tasks in combating crime in a more specific and professional manner.

Methodology

The choice of the methods of the research is determined by the characteristics of the purpose, objectives, object and subject of the research.

In particular, the dialectical method allows to consider the criminal law principles in the development and taking into account the basic laws of dialectics.

Historical method involves the study of the principles of criminal law in their historical development. It is a tool for understanding the present and predicting the future. The application of this method determines: recourse to the analysis of relevant historical criminal law sources; consideration of the formation,

development and functioning of criminal law principles in domestic and foreign legislation; research of the relevant normative legal acts, etc.

Dogmatic method provides commentary on the principles of criminal law of Ukraine and the practice of their application, as well as serves to systematization of criminal law principles, disclosure of their essence, clarifying the content of certain principles by interpreting them.

The method of systematization allows to demonstrate the internal construction of the norms, from which the principles of criminal law follow, their relationship and interdependence with other criminal law concepts and categories.

Synergetic method allows to expand and enrich the concepts and categories of criminal law principles.

Literature Review

Principles play a significant role in legal activity, as they first of all consolidate law-making and justice, give internal integrity to the current legal system, and guarantee the realization of the rights and interests of Ukrainian citizens. They ensure the unity of the process of implementation and determination of the effectiveness of legal policy of the State (Maksymiv 2016, p. 87). In this regard Chernyshevskyi (1949, p. 225) once rightly remarked that "Who has unconscious principles in all logical comprehensiveness and consistency, has not only mess in his head, but in the affairs as well".

Principles are not only the basis for any branch of law, but also the basis for public policy, including criminal law and criminal procedure policy and are fundamental, defining ideas. Dal (1998, p. 431) defines the principle as the scientific or moral basis, the basic rule, the base from which there is no retreat. Beliaiev (1986, p. 21) correctly states that "any policy should be principled and based on certain fundamental ideas".

Fris (2005, p. 126) highlights the principles of criminal law policy; Zahurskyi (2014) speaks about the principles of criminal procedural policy of Ukraine. According to Lopashenko (2012, p. 155), the principles of criminal law policy in general are separate results of such a policy, which includes the formation of the principles of criminal law influence on crime; they consist of the principles of criminal law and the principles of law enforcement.

Baldwin (1912) formulated the fundamental principles of criminal justice: 1.the person must be duly informed of the charge against him (her), and have the right to the proper legal aid; 2. the court, which hears the case, should be competent and independent; 3. The judgment should be pronounced by that court; 4. it must be immediately brought to the attention of the convicted person. 5. it must be commensurate with the gravity of the crime and be fair.

Jerome Hall (1960) stated that the criminal law can be analyzed at different levels of abstraction. At the lowest level are the specific rules defining individual crimes. Criminal law doctrines are at a higher level of abstraction. Doctrines are conceptually broader than rules and sometimes override their application. General principles of the criminal law are at the highest level; they provide theoretical basis explaining what is common to crime and which Professor Hall describes as "the ultimate norms of the penal law".

Robinson (2021) identifies the following core principles of criminal law: the punishment principle: wrongdoing deserves punishment; the meaning of wrongdoing; the blameworthiness principle: blameless conduct should be protected from criminal liability; the proportionality principle: the extent of liability and punishment should be proportionate to the extent of wrongdoing and blameworthiness; constructing a criminal code.

Results and Discussion

The activities of any State in general and the activities to combat crime in particular, should be based on conceptual, based on the methodological foundations of the provisions and conclusions.

In order to justify its purpose, the activities of the State must be transparent, based on an appropriate system of ideas and principles.

With the range of appropriate theoretical and practical approaches to combating crime in the State its institutions are stable; there is a high level of legal awareness of civil society and trust in the current government. Solving important issues of the State in the fight against crime is impossible without the established principles constituting them. Such principles express and reflect the specified tasks of the State. It is equally unrealistic to implement criminal policy outside and through the system of its principles:

in many ways, it is the principles enshrined in the law that give effect to it (Dahel 1982, p. 31).

Criminal law principles are important in the legislative process, as they should be reflected in the light of the guiding ideas of State policy in the fight against crime. Prior to the adoption of the relevant law, the activities of the State should be aimed at the necessity, validity and social conditionality of its adoption. After the adoption of such a law, its effectiveness largely depends on the degree of consideration in the law-making process of criminal law principles. Criminal law principles keep the legislation on criminal liability within certain limits and indicate the correct direction and expediency of its formation. They provide an opportunity to ensure the necessary unity and stability. The regulation of law enforcement activities are criminal law principles. These principles are an appropriate guide for practical activities in the fight against crime. Such activities are carried out in accordance with current legislation and are consistent with the State policy on this issue. State control over such activities serves as an appropriate guarantor of its correctness, necessity, reasonableness and legality.

Their understanding in civil society plays a significant role in the adoption of criminal law principles in fighting crime. The practice of combating crime shows that in the legal consciousness of society, respect for legal principles is much more important than knowledge of specific criminal law.

We must agree with Filimonov (2002, p. 11), who notes that "the role of the principles of criminal law is to serve as a mediating and connecting link between forensic activities and the whole set of legal norms that form criminal law".

Criminal law principles are a kind of foundation of State policy in the fight against crime, which is only a relevant element of this fight. This raises the question of whether the principles of criminal law policy can fully embrace the criminal law principles in the sphere of fighting crime. Surely, they cannot. Two categories (groups) of principles reflect their legal nature, the search for selection criteria, formulate the guidelines of public policy, revealing their content and meaning.

The main provisions, ideas, views, approaches underlying the tasks of the fight against crime form the theoretical foundations for the principles of public policy in this fight. Scientific

knowledge of laws, legislation, various government agencies, political parties, associations, public organizations and unions are the basis for the development of these principles. Scholars perceive and understand these principles in the fight against crime in different ways, taking into account the practice of applying the relevant norms and principles.

This demonstrates the depth and importance of the challenge facing State policy in combating crime. Speaking about the definition of criminal law principles, Kovalev (1971, p. 18) notes that the "stage" at which the work is carried out is characterized as the stage of single and "unorganized" searches, where every researcher wanders around in a chaotic accumulation of material, "scoops out" separate legal concepts, definitions, specific features and at their own risk "rewards" them with the titles of the principles of criminal law. This is fully consistent with the fact that these principles can be applied to characterize the study of principles of State policy in the fight against crime.

They coincide in many ways and relate as legal matter. However, these principles should not be compared, although they are close to each other, but there is a difference between them. Some scholars (including Maltsev (2004, p. 275)) believe that criminal law principles are primary in relation to the State's criminal law policy principles and the role of the latter is subordinate and official, which is to more accurately and fully reflect the content of the principles.

We can hardly agree with this view, as the principles of State policy in the fight against crime are not enshrined in law and can be reflected in any policy documents of the State level. The principles of State policy in the fight against crime are reflected in general terms and are the appropriate specification for a certain direction. In general, it is obvious that the principles should be distinguished from criminal law principles, which perform the specific tasks in the fight against crime. When characterizing the principles of criminal law, first of all we should focus on the basic ideas and principles in the area of combating crime, through which the law on criminal liability forms criminal remedies for this fight and the practice of their application. The above shows that these principles are a kind of component of public policy in the fight against crime. The principles of humanism and justice are inherent in any sphere of the state, but the first manifests itself more clearly in the public policy of the fight against crime, and the second one is intrinsic to criminal policy. There is a certain

relationship and interdependence between these principles, which indicates their relationship.

The principles of the State policy in the fight against crime are decisive in the nature of the legislation on criminal liability and the practice of its application. They are the constituent principles of the law on criminal liability. At the same time, they differ from each other, as the principles of State policy are the main factors in the formation of criminal law principles. The latter are concretized precisely on the basis of the principles of State policy. From the point of view of objective perception of the specified principles, they are inextricably linked among themselves by legal matter, and therefore are perceived at first sight equally. If we analyze these groups of principles in more detail, not all criminal law principles are among the principles of State policy. However, the latter are important because they contain guiding and principled ideas of State policy in the fight against crime.

The principles of State policy reflect not only the diverse interests of society in the fight against crime, but also the very specifics of this fight, which is characteristic of the law on criminal liability.

Criminal law principles are based on the general principles of the legal policy of the State, including in the area of combating crime.

General principles are at a higher level and determine the principles of legal policy of the state as a whole. They are not part of the system of criminal law principles. Boskholov (1999) restricts these principles at the level of general principles without specifying those that define the State policy in the fight against crime. This point of view is not convincing because it does not have a sufficient scientific basis.

The criminal law principles include:

- the principle of compliance of State policy in the fight against crime with other elements of this policy;
- the principle of taking into account socio and legal psychology;
- the principle of saving repression;
- the principle of expediency;
- the principle of inevitability of responsibility;
- the principle of differentiation and individualization of responsibility and punishment;
- the principle of social justice.

In our opinion, the principles should have a different title than the one proposed by Fris (2005, p. 53). The very legal nature of these principles suggests that they are the reflection of the State's struggle against these criminal norms of criminal law. The name of these principles proposed by Fris is general in nature and does not reflect the specifics of activities in the fight against crime, which is inherent in the rules of substantive law. Moreover, these principles cannot be considered criminal law, as they are general principles that underlie the legal policy of the state as a whole.

Further, Fries (2005) notes that the general principles are not included in the system of principles of criminal law policy, as they are at a higher level, defining the principles of legal policy of the Ukrainian state as a whole. So it is precisely these general principles that are the principles of the State's criminal law policy, and not the criminal law principles in the fight against crime.

It is clear that the proposed name of the principles by Fris (2005) is not absolute. This suggests that there are still many gaps in this issue that need to be addressed in future research.

State policy in the fight against crime is part of the overall State policy. It plays an extremely important role and is a key element in establishing criminal activity. All other elements of the former exist in the context of certain criminal law principles.

These principles may not always determine certain elements of State policy in the area of combating crime. The lack of such a possibility is explained by the fact that some of these principles have their own, unique characteristics. However, being in one system of principles, they should not contradict the other ones. Such a contradiction can lead to an imbalance in the work as a whole and the solution of problems in the fight against crime.

In the criminalization process, the legislator, first of all, should take into account socio-legal psychology, historical traditions and ideas about crime and non-crime, moral and ethical categories and other values. There are the objective laws of the development of nature, humanity, the State. The very existence of mankind is under the influence of these laws. But in the process of the existence the person also influences these laws (positively and negatively), drawing positive components for his (her) existence and development. The same approach



to resolving interethnic and religious issues can lead to negative consequences, as the social and legal psychology of the people differs greatly. At the same time, the perception of social values of different nationalities is completely different not only in relation to individual States, but also within the State itself. Therefore, it is not only social and legal attitudes at the international level that are controversial, but there are also interstate conflicts. These are, for example, conflicts between some Balkan countries, the Middle East, the countries of the African continent, etc. National minorities living on the territory of Ukraine have their own system of social and legal coordinates, which is taken into account in the process of combating crime. The implementation of the State program in such a struggle takes into account the social and legal psychology of all nationalities living in Ukraine. Article 24 of the Constitution of Ukraine (Law of Ukraine No. 254k/96-VR, 1996) states: "Citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics". Failure to observe and ignore the principle of conformity of public policies can lead to negative consequences, the emergence of interethnic and interfaith conflicts. Criminal law regulations will be ignored and not enforced, which may lead to massive violations of the law by the general public.

Criminal law principles reflect the policy of the State in the fight against crime, which is a peculiar reflection of the principle of economy of repression ("minimum minimorum"). It is an indicator of State policy at all stages of its implementation. If it is necessary to classify the relevant action as one that should be combated by criminal law, the above-mentioned principle plays an important role in this matter. After all, it determines the degree of public danger of the act and solves the question of applying the necessary measures of influence. Exaggerating such measures can only lead to negative consequences. If a positive result can be achieved only by applying harsh measures of influence, then criminal repression is inexpedient and harmful.

The need for criminalization should be determined by its expediency and contain such penalties, types and amounts that would allow to minimize punitive elements to solve the tasks set before the law. Excessive repressive policies resemble the "boomerang" principle, where the

desire to establish control over "everyone and everything" leads to irreparable consequences. This is a gross violation of the principle of economy of repression. The norms adopted in violation of this principle are unjustifiable and harmful. Criminal law instruments should be cost-effective and lead to the desired results. This means that such a result can be achieved without the actual application of punishment. If it is possible to release a person from criminal responsibility and punishment, it is necessary to apply the rule of law for his (her) release, confirming the principle of economy of repression.

Positive result in the fight against crime will take place only when the means of influencing the perpetrator are the least repressive. This approach to solving this important issue has a huge positive effect and a correct understanding of criminal law principles in practice. In this case, a kind of psychological arrangement for law enforcement and judicial authorities on the use of exclusively punitive methods of combating crime is made. This principle ("minimum minimorum") is organically combined with the principle of expediency, as the latter also reflects the purpose of the application of measures of criminal law influence.

It is advisable not to overstate the possibilities of criminal repression and to avoid excessive liberalization (mitigation). This principle is a kind of result of the choice and application of criminal repression in practice. The main task of these measures is to combat crime in general, correction and re-education of individual offender in particular (general and special prevention). The principle of expediency is inherent not only in the fight against crime and lawmaking. It is in general a kind of barometer of social life in general and of each individual in particular. Methods and techniques to combat crime will be justified if they are substantiated in terms of their feasibility. Only then can we talk about legality and justice. In practice, there are many cases of deviation from this principle, which entails a violation of criminal law. Such consequences cannot be justified by any expediency or inexpediency.

In law enforcement, these principles are mainly taken into account the purposes of punishment (Tkachevskyi 1970, p. 7). It is difficult to agree with this view; such narrow interpretation does not comply with the principle of law at all. Moreover, such a principle cannot be considered in terms of criminal law principles.

To this we may add the need to share "supportive" measures in the process of implementing the principle of feasibility where required by specific criminal policy objectives in combating anti-social behaviour of particular individuals.

Therefore, in accordance with the principle of expediency, all measures of criminal law influence should be defined, applied and used there to ensure the achievement of the goals set before them.

Among the criminal law principles in the fight against crime, the principle of inevitability of responsibility occupies an important place, as it detects and discloses crimes, prosecutes perpetrators, applies penalties and compensates for the damage caused by the crime. This principle is a kind of general prevention, as it demonstrates the capacity of the law to combat crime.

However, the law's capacity to combat crime is restricted. The legislator influences the level of crime by adopting new laws, sometimes without taking into account many objective factors (economic situation, mass diseases, etc.). There is a situation when law enforcement agencies cannot fight crime to a certain extent, using the opportunities provided by law. As a result, crime detection and prosecution rates are low. The result of such ineffective work is the unjustified and excessive criminalization of various acts that cannot be classified as crimes due to the degree of public danger.

This leads to disillusionment with the law enforcement system in society and unjustified and unreasonable involvement of human and material resources. This state of affairs has a negative impact on the fight against crime in general. Therefore, when starting work on any bill, this principle should be taken into account as the main principle for future tasks to be performed by the adopted law. When adopting the law on criminal liability, the legislator knows in advance that the above principle will be implemented through the prism and punishment is an inevitable consequence of the crime.

However, this principle cannot be reduced to the application of punishment. It also plays crucial role in the introduction of other measures of criminal law influence. In this case, there is no contradiction between the principles and their obvious organic unity and relationship. The use of various methods of responding to the crime confirms the fact that the position of the State in

the fight against crime remains stable. This is another confirmation of the State's adherence to criminal law principles in the fight against crime in general and the principle of inevitability of punishment in particular.

The analyzed principle organically combines criteria that are also inherent in the principle of differentiation and individualization of responsibility and punishment. The latter makes it possible to proportionally apply the provisions of the law on criminal liability not only in terms of repression but also to decide on the application of other measures of criminal law influence. Any legislation in general and national one in particular provides clear guidelines for the application of appropriate methods of influencing different categories of perpetrators. It is no coincidence that the legislation of Ukraine on criminal liability contains sections providing for different types and levels of penalties and exemptions (sections X, XI, XII, XV of the General Part of the Criminal Code of Ukraine) (Law of Ukraine No. 2341-III, 2001)).

In the implementation of this principle important is the balance of general and special rules, analysis and search for the features of the crime and connection between different legal phenomena. The search for and the elimination of contradictions in the legal evaluation of the acts committed is evident.

Strict requirements of individualization of responsibility and punishment should be observed when applying the norms of the law on criminal responsibility. To do this, first of all one needs to take into account the nature and severity of the act, the reasons and conditions of its commission, the identity of the perpetrator and other circumstances. Mitigating and aggravating circumstances are also important. Through the prism of all these circumstances, the individualization of criminal responsibility and punishment acquires its legal significance and becomes an important component of this principle. The study of the concept of justice goes back a long time, beginning with the since the advent of man on earth.

At first glance, this category is not relevant to legal science, given that laws and other regulations should be above all just, as they reflect the social and legal nature of the society and the State. However, as centuries of practice have shown, not all laws have been just and do not meet the criteria to be met by social law.

Changing socio-economic formations and the emergence of new social relations and their regulation have forced legal science to use and explore such a category as justice. In our opinion, justice is a kind of middle ground between opportunity and outcome. Moreover, this issue is subjective and evaluative and is more socio-philosophical than legal one. However, legal science has accepted this category as legal and uses it as a principle of justice. The legislator uses the term "justice" when establishing a criminal prohibition to define the rules of conduct and their limits. Therefore, this principle of justice is abstract and declarative in nature and it is more philosophical than legal one. Marks noted that justice is "the most abstract expression of law itself" (1961, p. 273).

Fris (2005, p. 61) states that the attribution of justice to the principles of Ukrainian criminal law policy allows to take it beyond the narrow legal framework, fills it with legal content, emphasizes the political importance of justice in the fight against crime.

It is difficult to agree with this statement, because the very concept of "justice" is much more significant and performs functions that are inherent in any sphere of public life. It seems that only criminal law policy, according to professor Fris, paved the way for the principle of justice in the fight against crime.

The multifaceted nature of justice as one of the criminal law principles in combating is extremely significant. This category permeates all law-making and law-enforcement activities. In deciding whether to criminalize or decriminalize an act, the public interest should be taken into account by the legislator. The criterion of equity is sufficiently precise and can be said to be a sensible standard for assessing the degree of responsibility of a social norm to public interests (Kudriavtsev 1972, p. 176). It's accurate, but it's logical.

The change in public relations requires the improvement of legislation on criminal liability, which is non-static. Some norms supplement the current legislation; the others lose their meaning and are subject to decriminalization. What role does the category of justice play in this case? It allows for an objective assessment of the role of a norm the legal system and prediction of further rule-making activities. The legislator should always monitor the mood of public opinion and, if necessary, respond to society's request to regulate public relations in the fight against crime. There are many norms in the legislation of

Ukraine on criminal liability that are not effective enough and their public danger does not correspond to the signs of a crime. It is no coincidence that these crimes are classified as criminal offenses. Very little jurisprudence exists for crimes against the peace, security of mankind and the international legal order (Chapter XX of the Special Part of the Criminal Code of Ukraine) (Law of Ukraine No. 2341-III, 2001)). This indicates that the possibilities of these norms are not fully used, although such crimes as war propaganda (Article 436 of the Criminal Code), piracy (Article 446 of the Criminal Code) and mercenary (Article 447 of the Criminal Code) are committed quite often in the world.

Conclusion

Any criminal law norm contains an element of justice by its legal nature, as it arises for the settlement of relevant social relations. The responsibility for committing crime is punishment, i.e. the reaction of society, the State to the violation of justice and aimed at protecting justice. In this case, the relationship between crime and punishment is traced. Such a reaction of the law to the crime is a kind of confirmation of this category. However, even if there was no category of justice in criminal law, this relationship between crime and punishment would be based on the formal logic of the formula "crime – responsibility – punishment".

As Karpets (1973, p. 92) correctly points out: "punishment should adequately reflect the views of the people on crimes, on the perpetrators, on measures to combat crime." Therefore, when adopting the law, special attention should be paid to the construction of sanctions of criminal law, which should take into account the idea of justice of punishment for the crime. It is in this area of law that the category of justice and conviction in the correctness of the court's decision is manifested. Yakovlev (1982, p. 93) emphasizes: "without coercion, criminal justice would be powerless, without education, not humane". However, the category allows a variety of tools of criminal-legal influence on persons who have committed a crime to be used in practice; and, where necessary, various types of exemption from criminal responsibility to be widely applied.

It should be noted that the disadvantage of domestic legislation is primarily that to date, no criminal law principles have been enshrined in law in the fight against crime.

In this regard, a logical question arises: can such a philosophical category as justice be a criminal

law principle at all? In our opinion, it cannot. The effectiveness of fair criminal liability laws is due to the fact that justice for them derives not only from lawmakers, but also from citizens. That is, as we see, this is not about the principle of justice, but about the category of justice. The law on criminal liability can be fair when it is in conformity with the natural law of social (including economic) exchange between people. This is further evidence that the law on criminal responsibility must be fair, and therefore effective, which stems from the very matter of justice as a socio-philosophical category.

In conclusion, it should be noted that the so-called principle of justice is one of the criteria in the fight against crime and should not be in the system of criminal law principles. This is a separate philosophical category, which occupies an appropriate place in the system of general philosophical categories, such as kindness, decency, humanism, humanity, honesty, etc. (Kostenko 2008, p. 256).

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Constitutional and legal framework for gender equality in Ukraine and world countries

Конституційно-правові засади гендерної рівності в Україні та зарубіжних країнах

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Abstract

This research aims at a comparative analysis of the constitutional and legal foundations of gender equality in Ukraine and other countries, as well as the study of the constitutional and legal provision influence on the indicator of Global Gender Gap Index. The research uses the method of analysis, synthesis, comparison, generalization, systematization, cluster analysis. Research results on the influence of constitutional and legal provision on the Global Gender Gap Index, there are three groups among the EU countries: countries with a higher level of gender equality (Global Gender Gap Index between 0.784-0.861: Ireland, Finland, France, Germany, Spain, and Sweden); countries with a more or less high level of gender equality (Global Gender Gap Index between 0.762-0.778: Latvia, Netherlands, and Portugal), and countries with an average level of gender equality (Global Gender Gap Index between 0.688 and 0.726: Greece, Cyprus, Luxembourg, Malta, Romania, Slovakia, Hungary, Czech Republic). The first group of countries has a more advanced constitutional and legal provision for gender equality. In the second group – the principles of constitutional and legal provision for gender equality are not fully implemented. In the third group – the constitutional and legal provision

Анотація

Метою дослідження є компаративний аналіз конституційно-правових засад гендерної рівності в Україні та інших країнах, а також вивчення впливу конституційно-правового забезпечення на показник глобального індексу гендерного розриву. У дослідженні застосовується метод аналізу, синтезу, порівняння, узагальнення, систематизації, кластерний аналіз. Результати дослідження вплинуватимуть на показник Глобального індексу гендерного розриву виділених серед країн ЄС трьох груп: країни із більш високим рівнем забезпечення гендерної рівності (Глобальний індекс гендерного розриву 0,784-0,861: Ірландія, Іспанія, Німеччина, Фінляндія, Франція та Швеція), країни із відносно високим рівнем (Глобальний індекс гендерного розриву 0,762-0,778: Латвія, Нідерланди, Португалія) та країни із середнім рівнем (Глобальний індекс гендерного розриву у межах 0,688 – 0,726: Греція, Кіпр, Люксембург, Мальта, Румунія, Словаччина, Угорщина та Чехія). Для країн першої групи характерне досконаліше правове забезпечення гендерної рівності; у другій групі принципи забезпечення конституційно-правових засад гендерної рівності

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needs reviewing and improvement. Ukraine characterized by gender inequality, violence against women, low level of the legal protection of women, limitation of their access to participation in public, political and economic life.

Keywords: Constitutional and legal framework, gender equality, Global Gender Gap Index, gender policy.

Introduction

Ensuring equal rights of men and women under the increasing globalization, internationalization, and mega-regionalization processes is one of the important aspects of law-making activities of the state, as well as an indicator of the effective functioning of society. The current state of socio-economic development testifies about the special significance of this problem for Ukraine since the society is still not fully aware of its existence. Even though the Constitution of Ukraine (1996) regulates the democratic principles of state development, guarantees the freedom of personality, general political and legal principles of gender equality, the life realities prove the presence of the gender inequality problem and its special acuteness both in society and in different institutions.

The desire to integrate into the world economic, legal space and the chosen course of building European democratic institutions, confirms the need to affirm the gender equality value, to prevent gender discrimination, and to ensure equal rights of men and women to participate in decision-making, to realize opportunities and to combine family and professional responsibilities. The problem of researching the constitutional and legal foundations and state mechanisms to ensure gender equality in Ukraine and foreign countries, therefore, is extremely relevant.

This research aims the comparative analysis of the constitutional and legal framework of gender equality in Ukraine and other countries, as well as the study of the constitutional and legal provisions' impact on the Global Gender Gap Index.

Literature review

The proclamation of all people's equality before the law based on democracy, granting women

реалізовуються не в повній мірі; у третій - конституційно-правове забезпечення потребує перегляду та удосконалення. Для України характерна присутність гендерної нерівності, вчинення насильних дій щодо жінок, низький рівень правового захисту жінок, обмеження їх доступу до участі в суспільно-політичному та економічному житті.

Ключові слова: конституційно-правове забезпечення, гендерна рівність, Глобальний індекс гендерного розриву, гендерна політика.

equal rights and opportunities for self-realization on a level with men in the process of establishing social society is defined by gender equality. The democratic changes that have taken place in Europe have not been able to stop the spread of discrimination based on gender. For quite a long time, the national and international law-making practice has focused on the creation of new documents, which normative and legal support was aimed at the protection of human and civil rights. However, when it comes to gender equality, the problem is not limited to women's rights. In this context, the focus is on the equality of men and women in their own lives and society.

In this light, the Council of Europe, by adopting the Gender Equality Strategy for 2018-2023 (Council of Europe, 2018), has attempted to standardize European human rights and rule of law legislation based on the introduction of rights and opportunities for men and women. According to this normative legal act, gender equality implies equal rights, equal importance, opportunities, responsibilities of men, women, boys, and girls, as well as their equal participation in all spheres of public and private life, equal access to resources, and rights.

It should be noted that the problem of gender equality in Ukraine is urgent, and its solution is aimed at achieving parity of women and men in all spheres of political, socio-economic life, society and at applying special measures to eliminate the opportunities' imbalance. The Law of Ukraine (Law of Ukraine № 2866-IV 2005) "On ensuring equal rights and opportunities for women and men" regulates the main directions of state policy on ensuring equal rights and opportunities for women and men, defines the mechanism for ensuring equal rights and opportunities, and also establishes the legal framework for preventing and counteracting

gender-based violence and liability for violation of legislation in this sphere. In addition, the law defines a list of government bodies authorized to perform the functions of implementing gender policy.

The regulatory support of gender equality in Ukraine is at a sufficiently high level, as evidenced by some legislative and regulatory legal acts; harmonized with the norms of international law. In addition, the Constitution of Ukraine establishes the equal legal status of men and women, defines equal opportunities for its realization based on equal participation in public life. In particular, Article 21 protects the equality of all people in their dignity and rights, inalienable and inviolable. Article 24 enshrines the equality of rights of women and men before the law, ensures the provision of equal constitutional rights, freedoms, and opportunities in social, political, and cultural activities, education and training, choice of place of work and its payment, establishing pension benefits, as well as creating conditions, under which women can combine work and motherhood. It should be mentioned that in most of the countries of the former Soviet Union women are much less incentivized to work than men. Women have much less incentive to invest in their training and self-development, as their careers are intermittent and last for a shorter time.

To prevent and counteract discrimination, the Law of Ukraine (Law of Ukraine № 5207-VI, 2012) "On the Principles of Preventing and Combating Discrimination in Ukraine" was adopted, an organizational and legal mechanism for preventing and counteracting discrimination, in particular, based on gender and administrative, civil and criminal liability for violation of the requirements of this law was determined, while domestic violence was recognized as a criminal offense. Fritsky and Romanyuk (2017) believe that violence against women is one of the unresolved problems that require immediate legal intervention by the state, and the responsibility for committing such crimes, according to the Criminal Code of Ukraine № 2341-III (2001), is too liberal.

Among the main obstacles to gender equality by The Concept of the State social program to ensure equal rights and opportunities for women and men until 2021 (Order № 229-r, 2017) are identified the discrimination and the existence of significant structural barriers in many areas that limit women's ability to enjoy their basic rights. In particular, progress in women's political participation, access to justice, and the

elimination of gender stereotypes and sexism have been too slow. In addition, violence against women and economic dependence on men is not the only important problem at this stage. The results of retrospective analysis of gender equality suggest that by the XX century, the legislation of most countries subordinated women to men, and the presence of women in public life was excluded (Mohanty, 1988). At this stage, men were the greatest obstacle to women's advancement in politics and economics (Razavi & Miller, 1995). At the same time, any financial independence of women and their right to dispose of property were denied. Only at the end of the XX century in Europe, the concept of gender development of society begins to be popularized, and women began to get equal rights with men. During this period, the idea of gender equality was documented in the UN program, which proclaimed the ability of women to contribute to the economic development of the world community (Hazel, 2000).

In European Union countries, legal systems took gender differences into account, giving women and men equal social status. The development of law-making in such countries is based on the principle of gender-developed legislation. The main disadvantage of research on the constitutional and legal foundations of gender equality in the European Union countries is the lack of their comprehensive nature and the direction into separate areas. However, the positive experience of gender equality for Ukraine is interesting and useful because a comparison of the norms of the Constitution of Ukraine (1996) with international acts shows their sufficient consistency and, in some cases, actually repeats their content.

Methodology

The study uses the method of economic analysis, synthesis in the study of theoretical and methodological foundations of a particular problem; the method of comparison in the analysis and evaluation of indicators; cluster analysis in grouping the countries of Europe and Ukraine on the indicator of the global gender gap index; method of generalization and systematization in forming hypotheses and conclusions. Ukraine and the EU countries were chosen to conduct the research.

The information database of the study is based on the reports for 2017-2020: The Global Gender Gap Report on the Global Gender Gap Index indicators and its sub-indices.

Results and Discussion

Since gender inequality is one of the manifestations of a population's socio-economic deformation, its empirical assessment becomes important. International organizations, together with regional institutions, annually calculate the Global Gender Gap Index, which tracks the achievement of gender equality according to such indicators as (1) economic participation and opportunity; (2) educational attainment; (3) access to health care; and (4) political empowerment. Based on the results of these studies, it is possible to comprehensively

characterize the state of gender equality in a particular country.

Using the data of the Global Gender Gap Report during the period 2017-2020, we will calculate the dynamics of the Global Gender Gap Index in Ukraine (Figure 1), which assesses the country's ability to distribute its resources and opportunities among men and women. According to the analysis results and indicators values, the most favorable situation for gender equality was in 2019 (its value is 0,721). There were no stable trends during the analyzed period, and fluctuations of the indicator indicate the presence of gender inequality in the country.

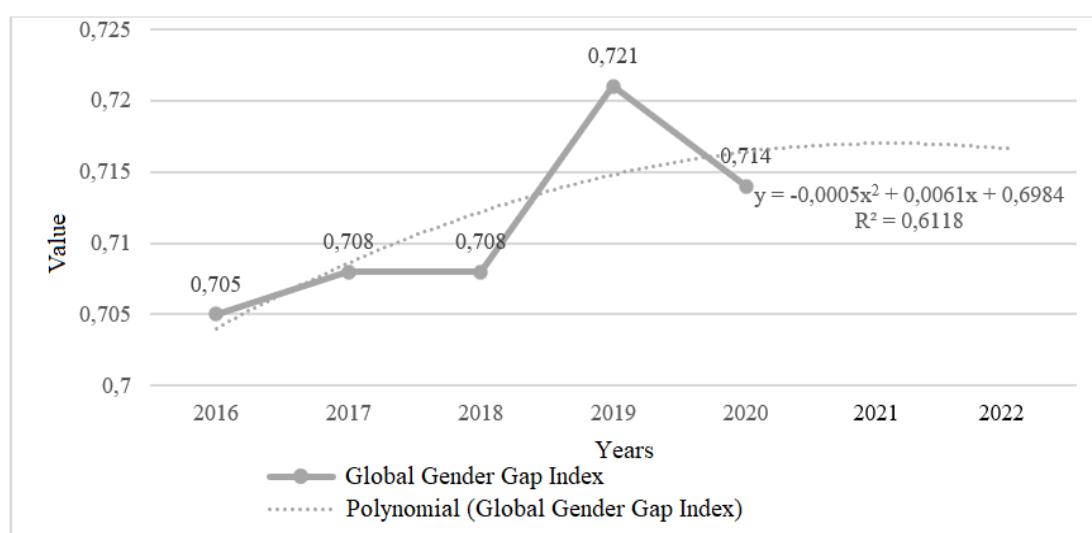


Figure 1. Dynamics of the Global Gender Gap Index in Ukraine, 2016-2022 (2021-2022 – forecast estimates)

Source: Calculations based on *The Global Gender Gap Report -2017*, *The Global Gender Gap Report - 2018*, *The Global Gender Gap Report - 2019*, *The Global Gender Gap Report -2020*.

For more detailed research, we suggest deepening the calculations and tracing the change of sub-indices of the Global Gender Gap Index in Ukraine for the same period (Figure 2). The obtained data shows that during the period, under consideration the situation was unambiguously stable concerning such indicators as the level of education and access to the health care system. There was no unambiguous positive trend for economic participation and opportunity, and the value of the indicator ranged from 0.736 in 2016 to 0.747 in 2017 and declined to 0.732

between 2019 and 2020. At the same time, the value of the policy empowerment sub-index was at 0.107 in 2016 and 2017 and increased significantly by 0.064 in 2019. However, this index went down to the 0.147 mark during 2020. In general, it can be argued that the most optimal are the indicators of access to education for women and men, as evidenced by the value of the corresponding sub-index – 1. The levels of rights and opportunities received by both sexes in Ukraine in obtaining access to the health care system and rights to medical care.

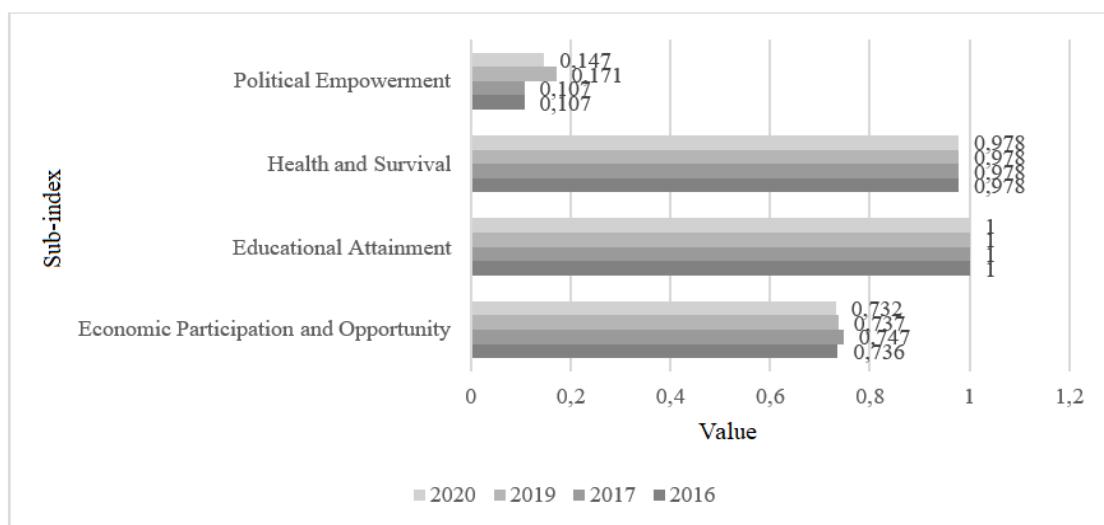


Figure 2. Dynamics of the Global Gender Gap Index sub-indices in Ukraine, 2016-2017 and 2019-2020

Source: Calculations based on *The Global Gender Gap Report - 2017*, *The Global Gender Gap Report - 2018*, *The Global Gender Gap Report -2019*, *The Global Gender Gap Report - 2020*.

Concerning women's economic participation and opportunities for financial independence, there are tangible distortions, confirming a downward trend.

The most critical situation is about the empowerment of women in politics. The results suggest a hypothesis that the constitutional and legal mechanism for ensuring gender equality in this area is imperfect and does not protect women's rights to political participation, thus limiting their access to political participation.

Despite quite substantial achievements in the field of legislative and regulatory support of gender equality in Ukraine, constant popularization of the fight against violence against women, and the use of international experience in combating gender inequality, the desired effect has not yet been achieved. The formation of gender policy is within the process of European integration development (Pishchulina, 2016). As for the constitutional and legal foundations of gender equality in the countries of the European Union, their formation begins with the EU creation and is one of its priorities. Analyzing the main documents of the European Union, it was found that each of them contains articles on non-discrimination, ensuring equality of rights of men and women, and standards of equality concerning men and women are part not only of the primary legislation but also of the acts issued by the European Union institutions (British council, 2017). The principle of gender equality is enshrined in the EU Directives, and non-discrimination is considered a basic principle of

individual rights and is enshrined in the Charter of Fundamental Rights of the European Union (EUR-Lex, 2012a).

In addition, Consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union with protocols and declarations (EUR-Lex, 2012b) stipulate the equality of men and women and respect for their rights and freedoms. Among the main features of European legislation in the field of combating gender discrimination and affirming the principle of gender equality are: (1) the development of special measures to achieve equality between men and women, which aim to prohibit direct and indirect discrimination; (2) the prohibition of victimization, persecution and committing acts containing signs of sexual harassment; (3) the assignment of compensation and sanctions for violations of the law; (4) adopting specific legislation and regulations on gender equality; (5) introducing institutions to protect established rights (Chichkalo-Kondratska et al., 2019).

While appreciating the constitutional and legal foundations of gender equality in foreign countries, attention should be paid to the fact that the analysis of the Global Gender Gap Index in the European Union (Figure 3) has not had a steady upward trend. Some countries, in particular Austria, Belgium, Bulgaria, Ireland, Italy, Cyprus, Lithuania, Malta, the Netherlands, Germany, Portugal, Hungary, Finland, France, and the Czech Republic, have failed to achieve an increase in the value of this indicator, in Luxembourg, Slovenia and Sweden it has

remained almost unchanged, while in Greece, Denmark, Estonia, Spain, Latvia, Poland, Romania, Slovakia, and Croatia, by contrast, it has significantly decreased compared to the previous year. This situation indicates that there are significant problems in ensuring equality of rights, freedoms, and opportunities for men and women.

At the same time, the international and national healthcare system caused by the COVID 2019 pandemic affected women more than men. According to the Global Gender Gap Report 2021 (World Economic Forum, 2021) estimates that 5% of all working women and 3.9% of men lost their jobs, deepening the gender gap in areas where parity had already been achieved.

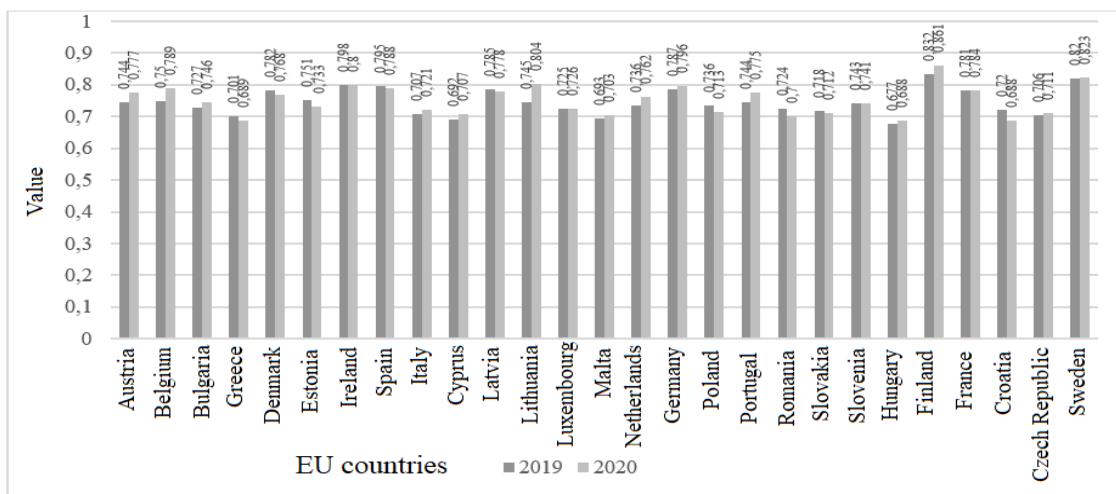


Figure 3. Global Gender Gap Index dynamics in the EU countries, 2019-2020

Source: Calculations based on *The Global Gender Gap Report-2019*, *The Global Gender Gap Report - 2020*.

We consider it reasonable to compare the constitutional and legal framework of Ukraine and the EU countries. In addition, we assume that the legislation of Ukraine is partially implemented with the norms of international law in this area, and the presence of gender inequality to a greater or lesser extent exists in all countries. It is obvious that the society of post-Soviet

countries is not aware of the gender inequality problem and perceives it as artificially traced from Western society.

To detail the research and confirm the hypothesis, we will cluster the EU countries and Ukraine according to the Global Gender Gap Index (Table 1).

Table 1.

Clustering the EU countries and Ukraine according to the Global Gender Gap Index in 2019 and 2020

2019			2020		
Country	Cluster number	Euclidean space	Country	Cluster number	Euclidean space
Denmark		0,037	Austria		0,041
Ireland		0,002	Belgium		0,020
Spain		0,031	Ireland		0,004
Germany	1	0,016	Spain		0,022
Finland		0,043	Lithuania	1	0,056
France		0,028	Germany		0,017
Sweden		0,032	Finland		0,089
Austria		0,051	France		0,028
Belgium		0,021	Sweden		0,036
Estonia		0,007	Bulgaria		0,031
Latvia		0,052	Denmark		0,022
Lithuania	2	0,046	Italy		0,055
Netherlands		0,019	Latvia	2	0,047
Poland		0,019	Netherlands		0,022
Portugal		0,007	Portugal		0,032
Slovenia		0,051	Croatia		0,032



Bulgaria	0,027	Greece	0,029
Greece	0,012	Estonia	0,030
Italy	0,058	Cyprus	0,009
Cyprus	0,033	Luxembourg	0,039
Luxembourg	0,023	Malta	0,027
Malta	0,029	Poland	0,003
Romania	3	Romania	3
Slovakia	0,023	Slovakia	0,013
Hungary	0,061	Slovenia	0,050
Croatia	0,023	Hungary	0,034
Czech Republic	0,011	Czech Republic	0,027
Ukraine	0,031	Ukraine	0,018

Source: Calculated by the authors

The European Union countries are grouped into separate clusters. Each cluster has individual characteristics and features of socio-economic and political development. It's evidenced by the results of conducted assessments based on one of the methods of multidimensional statistical analysis (cluster analysis), which allows determining the relationship between the sub-indices of the Global Gender Gap Index.

The results of this research allow us to distinguish several groups of the EU countries, which have both common and distinctive features of gender equality.

Group 1. Highly developed countries, where the gender gap is minimal (Finland - 0,861; Sweden - 0,823; Germany - 0,796; Spain - 0,788; France - 0,784). In such countries, the level of constitutional and legal provision of gender equality is high, the level of women's access to participation in political, economic, and public life is rather high.

Group 2. The countries with a high level of socio-economic development, where the gender gap tends to grow (Latvia - 0,778; Belgium - 0,777; Portugal - 0,775; the Netherlands - 0,762). However, the human rights system of this group of countries cannot sufficiently ensure gender equality and mitigate the problems of discrimination, sexism, and restrictions on women's right to participate in socio-political and economic life.

Group 3. The countries with a medium level of socio-economic development, where the gender gap is significantly lower (Hungary - 0,688; Greece - 0,689; Romania - 0,700; Malta - 0,703; Cyprus - 0,707; Czech Republic - 0,7 - 0,726 and Ukraine - 0,714). The constitutional and legal framework of such countries was formed under the influence of remnants of the Soviet Union, is still incomplete, and requires harmonization and standardization. This group of countries is characterized by ignorance of the

problem of gender inequality in society, the existence of gender stereotypes, frequent manifestations of violence against women, and significant restrictions on women's rights to participate in politics and economic life. The system of gender in the societies of these countries is often positioned as dichotomous and hierarchical, and the deepening of gender inequality is caused by empirically grounded and socially constructed social differences.

Let us note that in the conditions of 2019, Ukraine was included in 3 clusters with such EU countries as Bulgaria, Greece, Italy, Cyprus, Luxembourg, Malta, Romania, Slovakia, Hungary, Croatia, and the Czech Republic. In 2020, the situation has slightly changed, and Ukraine, according to the results of the values of the analyzed indicator, is placed in the same 3 clusters with Greece, Estonia, Cyprus, Luxembourg, Malta, Poland, Romania, Slovakia, Slovenia, Hungary, and the Czech Republic, where is observed very slow progress. Based on the obtained data, we can state that Ukraine has a stable position among the post-Soviet countries with similar mental, socio-economic and geopolitical features. The constitutional and legal framework for gender equality in this group of countries is similar.

Regarding the study of EU countries in other clusters, it should be noted that Ireland (0,800), Germany (0,796), and Spain (0,788) have quite a high value of the indicator. It is necessary to note that Sweden (0,823) and Finland (0,861) are considered to be the most gender-equal in the modern world.

Let us note the peculiarities of gender equality in Denmark, where the Global Gender Gap Index in 2020, compared to 2019, decreased significantly by 0,014 points from 0,782 to 0,768. Denmark is considered as a country with a fairly high level of women's participation in political life and their representation in parliament, which is 37.4% (Gerbut, 2019). In comparison, in Ukraine, this

indicator in 2019 was 20.5% (Parline, 2019), in 2021 - 20.8% (International Centre for Policy Studies, 2017), and in countries that have gender quotas average 26.2% (Slovo i Dilo, 2020), which is two times less. At the same time, the Danish legislation does not provide special provisions for granting a specific number of electoral seats to women, i.e., there are no gender quotas. In Ukraine, the Constitution (Article 71) (Constitution of Ukraine, 1996) stipulates elections to state and local government bodies are free and take place by secret and equality-based ballot, as well as general and direct voting rights.

However, it should be noted that the largest asymmetries in the European Union countries

and Ukraine are observed for the indicator of women's access to participation in political and economic life (Figure 4). At the same time, there is a positive trend of rights and opportunities equality in access to education and health care, which indicates the overcoming of the gender gap in these areas and rights equality between men and women.

In particular, in 2019, the most significant gap in terms of political participation was in the countries included in the third cluster, including Ukraine, and in 2020 the countries of the second cluster were affected by it. At the same time, in the countries of the third cluster, this gap was significantly reduced.

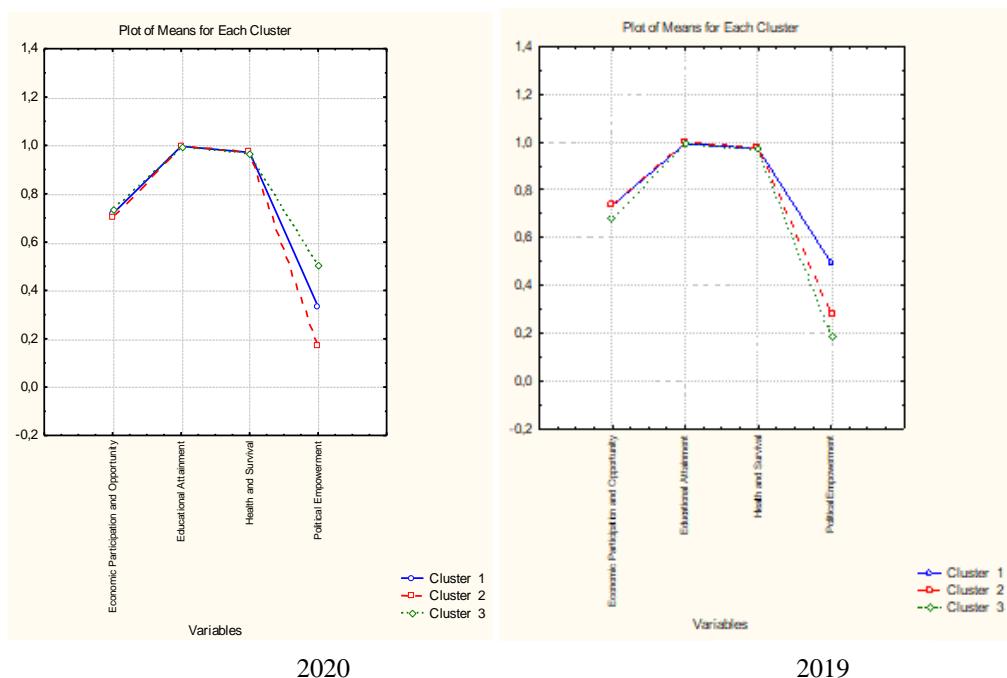


Fig. 4. Differences between the EU countries and Ukraine on the Global Gender Gap Index sub-indices in 2019 and 2020

Source: Calculated by the authors

It should also be noted that the approval of the Concept of communication in the field of gender equality (Order № 1128-r, 2020) has increased women's access to more than 450 professions and positions, as well as eliminated discriminatory norms, including in the security and defense sector because the increasing role of women in peacekeeping and conflict prevention has been proven (Nikodinovska-Stefanovska, 2013). This normative legal act has somewhat weakened socially accepted stereotypes about women's role, place, and position in the labor market because the labor gender division is quite tangible (Tinker, 2019). There is a misconception that women are more demanding working

conditions and less flexible to work overtime (Becker & Gary, 2015). Furthermore, research proves that Germany is the most developed country in the European Union for women's participation in the security and defense sector, with about 10% of the total number of women serving in the armed forces (Vasilevski & Pavlov, 2013).

It is necessary to draw attention to the issue of gender equality to prevent and counteract gender inequalities. The priority in this context is to inform women about their rights, freedoms, and opportunities. The second equally important task is to challenge stereotypes about women's roles

in society, economy, and politics (Ballington, 2008) and the need to cover up violations of women's rights to gender equality. Because the United Nations Convention on the Elimination of All Forms of Discrimination against Women (United Nations, 1979) proclaims the obligation to ensure the equal rights of men and women to enjoy socio-economic, cultural, social, and political rights, and makes any violence against them a crime.

Conclusions

The following tendencies, in the context of increasing globalization and European integration processes, highlight several problems in ensuring gender equality:

1. Increase of gender-based violence, which is more often demonstrated to the female gender. This type of violence includes domestic and sexual violence, including in the workplace.
2. Gender inequality in the labor market, which manifests itself in discrimination in the workplace. An obvious example is gender segregation, which provides for differences in wages for work in high-paying prestigious areas. It has been established that men occupy a dominant position in power, politics, and business, occupying the highest managerial positions, and, accordingly, the size of their pay is significantly higher than that of women.
3. Ensuring gender equality in politics, which indicates the level of democratization and civilization of society, and gender quotas, the practice of which in some countries of the European Union has proven its effectiveness, is a promising area for ensuring gender equality.
4. Bringing Ukrainian legislation into conformity with constitutional principles of equality and established European norms. In addition, criminal liability for committing acts of violence against women should be strengthened.
5. Introduction of gender innovations as a stimulus for improvement of scientific and technical developments based on gender integration (What is gender innovation?).

In conclusion, by having systematized scientific research in the sphere of constitutional and legal provision of gender equality in Ukraine and the European Union, we can assert that this issue attracts the attention of the world community and citizens of individual countries. Legal regulation

in this sphere is at the stage of formation, development, and standardization at both the national and European levels. It has been established that to ensure gender equality in the countries it is not enough to establish the principle of gender equality based on constitutional and legal regulation. In this context, the need to form effective mechanisms for implementing gender equality standards and state policy to ensure it. The Constitution of Ukraine (1996) and the majority of basic laws of foreign countries enshrine the principle of rights' equality and opportunities for men and women, and subordinate regulatory legal acts detail them. However, the presence of significant stereotypes and non-recognition of the presence of the problem of gender inequality in society, restrictions on the rights, freedoms, and opportunities of women lead to the deformation of the mechanism to counter gender inequality and protect women's rights in the socio-political and economic life.

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Social education of students in the conditions of electronic learning

СОЦИАЛЬНОЕ ВОСПИТАНИЕ В КОНТЕКСТЕ ТРАНСФОРМАЦИИ ИДЕЙ ЭЛЕКТРОННОГО ОБУЧЕНИЯ

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Abstract

The purpose of the article is to analyze the essence of the process of social education in the process of transforming the ideas of elegiac. Methodology: the article presents analysis of social education at the university. An electronic survey among students made it possible to identify significant elements for social interaction and the student's realization as a qualified specialist in cyberspace. Results: the article reveals the socializing potential of constructive use of electronic, remote, information and communication technologies. Organization of social education process in the context of e-learning contributes to training of specialists who are ready to implement effective interaction in order to achieve personal and professional results.

Key Words: social education, social adaptation of students, professional training, cyber socialization, distance educational process, electronic technologies.

Аннотация

Цель статьи: анализ сущности процесса социального воспитания в процессе трансформации идей электронного обучения. Методология: в статье представлен анализ процесса социального воспитания студентов вузов. Электронный опрос среди обучающихся позволил выявить значимые элементы для социального взаимодействия и реализации студента как квалифицированного специалиста в киберпространстве. Результаты: в статье раскрыт социализирующий потенциал конструктивного использования электронных, дистанционных, информационно-коммуникационных технологий. Организация процесса социального воспитания в условиях электронного обучения способствует подготовке специалистов, готовых к осуществлению результативного взаимодействия для достижения личных и профессиональных результатов.

Ключевые слова: социальное воспитание, социальная адаптация студентов, профессиональная подготовка, киберсоциализация, дистанционный образовательный процесс, электронные технологии.

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Introduction

Socio-cultural transformation of e-society actualizes the change in the process of socialization of individual. Electronic-visual systems have become the basis of interaction, shifting direct interpersonal communication in vocational training to the background. Nevertheless, the importance of interpersonal communication in educational process remains acute. Most of all, the need for the organization of communication and interaction appears when building an educational process that contributes to the successful socialization of students and, as a result, the successful formation of a competent specialist.

However, global IT and the need to implement the distance learning process actualize the need to create conditions for social education through technical means. The educational process is carried out in two environments: socializing objective reality and socializing innovative alternative reality (cyberspace).

Cyberspace is a kind of network information embodiment of educational sphere (Pleshakov, 2014).

The primary tasks of professional educational institutions in the context of e-learning are to prevent the limitation of the sphere of perception and the formation of a clear understanding of the boundaries of virtual reality by the individual, as well as the meanings and rules of social behavior. With the inevitable inclusion of the student in information interaction and flows, the implementation of social education process becomes an object for intensive study (Dobudko et al., 2019). The changing process of socialization contributes to the formation of a new type of specialists who are ready to communicate and successfully carry out educational and professional activities in electronic conditions (Aleshchanova et al., 2018; Shashlo et al., 2018).

The unpredictability of the new social environment creates conditions for the development of flexible, adaptive thinking (Kiseleva et al., 2019). However, at the same time, educational process in electronic format should be controlled, since the free flow of events causes the risk of the formation of a personality not ready to adapt to the socio-cultural environment and to the independent organization of the process of professional and personal improvement (Tsarapkina et al., 2021).

Modern social education is not spontaneous, created by society, it is a purposeful activity to form a personality and a competent specialist who solves issues in conditions of instability and uncertainty using electronic tools (Ivanova & Korostelev, 2019).

This is a two-pronged process. On the one hand, it is organized by the state, defining its infrastructure, on the other – by group and individual subjects. Among the tasks of social education, it is worth highlighting: individual and collective assistance for socialization in a certain space (Goncharov et al., 2021); assistance to the student in making independent decisions.

Virtualization of educational space, the communicative environment, has become one of the reasons for innovative changes in the formation of a competent personality of a specialist.

Attention to students' education as an integral element of educational process, as an element associated with the existence of a person in the conditions of cyber socialization is of high importance. Modern social education requires regular monitoring.

Theoretical framework

The modern educational process is based on several electronic categories, which include:

- virtualization of educational space;
- cyberspace;
- e-learning.

A.P. Moiseeva, O.A. Mazurin, O.A. Perepelkin reveal virtualization as a form of communication. Its peculiarity lies in the intangibility of the impact (Moiseeva et al., 2010). One important aspect of virtualization is to create an alternative social space. Virtualization is carried out due to the intensification of information and communication technologies and the development of science.

As a result of the introduction of innovative computer solutions, e-learning is developing, which includes the educational process using personal computers, smartphones, VR simulators and other digital devices. Interest in digital devices around the world is increasing, as demonstrated by Google Trends analytics.

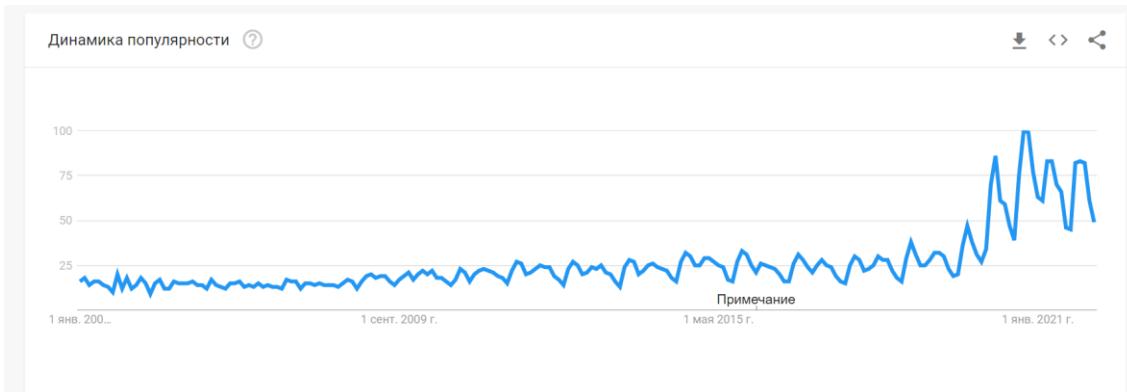


Fig. 1. Dynamics of the global popularity of e-learning from 2004 to 2021 (according to Google Trends)

D.E. Dobrinskaya, who bases her work on the work of S. Lash and J. Barlow, reveals some important characteristics of cyberspace. She explains cyberspace as a digital environment that allows the formation of complex systems for the interaction of different agents to receive, exchange, process and transform information and interact in a multitude of networks (Dobrinskaya, 2018).

Cyberspace allows you to combine the leading activities of students, which include analytical, reflective, organizational, research, allows for social interaction in the process of professional training.

Researchers note a decrease in the role of traditional institutions in the education of the individual and an increase in the influence of the information and media space (Shmeleva et al., 2020; Zheltukhina et al., 2021). The integration of a person into modern society takes place using a large number of electronic tools. Education in the conditions of e-learning integrates a person into the system of social connections.

Social education involves adaptation of a young person to student environment. Social adaptation in a broad sense is revealed as an individual's ability to adapt to the surrounding social environment or his gradual integration into society (Akvazba et al., 2019). As a result, self-awareness and role-playing behavior are formed, which, in turn, contribute to the formation of adequate connections with people around them and are a prerequisite for active productive activity. Adaptation is the most important factor that determines the degree of involvement of students in the educational process (Petrovicheva et al., 2019). Analysis of approaches to the definition of adaptation has revealed many of its definitions. The majority defines its essence, firstly, as adaptation of

individuals to various conditions, and secondly as the permanent influence and interaction of a person, including students, and his environment (Mazanyuk et al., 2020).

Social education is a process aimed at the assimilation of socially significant values, views and ideas by students, as well as the formation of behaviors that promote active interaction in a social environment.

Social education and e-learning are closely interrelated (Nagovitsyn et al., 2020). The mass transition to the use of distance technologies has revealed the need to restructure the educational process (Pinkovetskaia et al., 2020).

Social education begins at a very early age - preschool. A number of modern studies are devoted to this issue (Golovanov et al., 2021); (Demidov et al., 2016 a); (Demidov et al., 2016 b); (Demidov et al., 2019); (Moskvina et al., 2019).

It should be noted that the concept of virtual computer socialization was introduced by scientists more than ten years ago (Demidov et al., 2020). The growth rate of electronic tools in the educational process has since become significantly higher and the share of their use has increased significantly (Vaganova et al., 2020b). Cybersocialization is defined as the process of qualitative changes in the structure of a person's self-consciousness that occur due to the influence of electronic technologies (Kharytonov et al., 2019).

Among the principles of which social education in the electronic environment is based, there are:

- the principle of humanization (the formation of an educational space based on the subject-subject relations of a teacher and a student,

- orientation to the harmonization of their interests, cooperation);
- the principle of democratization (achieving openness of an educational institution for the interaction of administration, teachers and students);
- the principle of cultural conformity (the educational process corresponds to modern culture, allows you to form the ability to assimilate existing spiritual and material values).

The principles of social education allow the student to gently enter into the process of interaction and continue it (Vaganova et al., 2020a).

Social education performs the following functions:

- adaptive (adaptation of the student to the environment based on his individual characteristics) (Efremenko et al., 2020);
- rehabilitation (restoring the student's capabilities and encouraging him to further personal and professional development);
- preventive (implementation of preventive measures in order to prevent the inclusion of a student in a negative social environment).

Electronic tools used in the educational process contribute to active interaction among students. Solving joint tasks, they are involved in independent activities (Bulaeva, et al., 2018).

Methodology

The article presents an analysis of social education process of university students for the period from 2018 to 2021. A deductive method of assessing the development of personality and its vital activity within the framework of educational opportunities of information and communication, digital technologies, taking into account socio-cultural, personal and individual characteristics, is applied.

The study was conducted in several stages: input, analytical, direct research, final.

450 students of higher educational institutions took part in the study. Yandex Vzglyad was used to conduct the survey. An electronic survey was conducted among the students. The students' entry into social interaction was analyzed from the point of view of the elements formed, the most significant (in their opinion) in the process of professional training.

Results and discussion

The analysis of social education process allows us to note that its greatest effectiveness is achieved through the consulting role of the teacher and self-organization on the part of students, supported by reflection.

The figure shows the dynamics of the use of electronic tools in the process under consideration. The tools used were divided into 4 groups: virtual reality technologies, remote technologies, computer (technical equipment), electronic applications for operational communication.

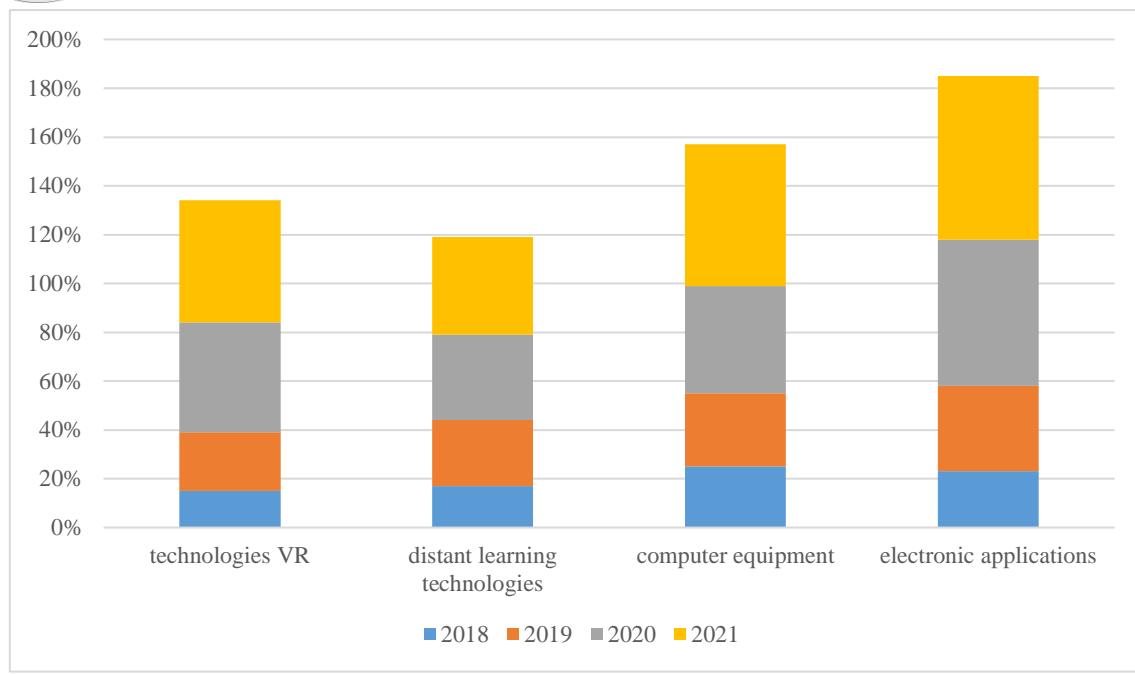


Fig. 1. Dynamics of the use of electronic tools in the social education of students (2018-2021) (based on the results of the analysis of research papers for a four-year period)

We see an increase in the percentage of electronic instruments sold compared to 2017. The main jump occurs in 2020, due to the massive transition to the distance learning process due to the COVID-19 pandemic. In 2021, the trend towards the use of electronic, information and communication technologies continues to gain momentum.

Table 1.
Results of student survey.

Element	Answer in%
A responsibility	70%
Motivation	68%
Initiative	65%
Ability for professional and personal self-improvement	71%
Willingness to cooperate and effective teamwork	80%
Creative problem solving	85%
Independence	90%

The majority of student responses reflect the positive dynamics of the implementation of the educational process in electronic conditions. A high degree of independence in the consulting role of a teacher gives students the opportunity to build effective interaction in solving many educational tasks. This activity allows them to enter into remote interaction with a clear understanding of the virtual world boundaries.

Students were asked to note the elements, the development of which contributes to social education through information and communication technologies.

The table shows the main results.

Conclusions

Students are active subjects of public life who, in connection with the development of the information society, build social relationships within the virtual space, cyberspace. And socialization takes place precisely in these conditions.

The new strategy of life activity in cyberspace contributed to the formation of a special type of socialization – cyber socialization, which

became a consequence of the transformation of e-learning ideas.

The student's existence in an alternative innovative reality is determined by the level of development of self-awareness and motivation, as well as factors of the socializing environment (micro-, macro-, meso-).

Building social education in the context of e-learning is a structured and controlled process that allows students to become both an active member of society and a specialist ready to build effective communication links using distance, electronic technologies.

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Modern means of communication in professional education

СОВРЕМЕННЫЕ СРЕДСТВА КОММУНИКАЦИИ В ПРОФЕССИОНАЛЬНОМ ОБРАЗОВАНИИ

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Abstract

The purpose of the article is analysis of communication tools implementation in vocational education. In the course of scientific research, relevant means of communication were identified. The analysis of students' thesaurus development shows effectiveness of chosen educational tools and means in the process of professional training. Modern means of communication expand possibilities of professional training of students. Students must be ready to perform team activities, learning to conduct a professional dialogue in order to achieve the set goals.

Key Words: means of communication, social communication, communication, practice-oriented educational environment, thesaurus, electronic means of communication.

Аннотация

Целью статьи является анализ реализации средств коммуникации в профессиональном образовании. В ходе научного исследования были выявлены актуальные средства коммуникации, используемые в отечественных и зарубежных учебных заведениях. Анализ сформированности тезауруса студентов показывает результативность используемых в процессе профессиональной подготовки средств. Современные средства коммуникации расширяют возможности профессиональной подготовки студентов. Готовые к осуществлению совместной деятельности, обучающиеся способны вести профессиональный диалог с целью достижения поставленных целей.

Ключевые слова: средства коммуникации, социальная коммуникация, общение, практико-ориентированная образовательная среда, тезаурус, электронные средства коммуникации.

Introduction

The new era of global information and the desire for adaptation in the context of digital globalization have led to the emergence of means that change the type of interaction of individuals in society. Globalization is entering the next

digital phase, where the role of information flows and data exchange channels is increasing. Thus, there is a need for introduction and use of modern communication tools in vocational education. Since students are the most active stratum of

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society, showing a high readiness to use innovative tools and striving for dynamic self-development, the involvement of modern means of communication in educational process is the most valuable and relevant (Vaganova et al., 2020a).

Modern education today can be represented as a complex communication system, in which both level and quality of the submitted material are important, as well as the transmission channels used in this process, ensuring the required speed of receiving messages that provide feedback. Exactly these factors often affect self-realization of students in research activities, various projects, competitions, contests and other events aimed at developing professional competence and soft skills of students (Vaganova et al., 2020b).

The task of a modern university is to involve students in the active use of communication tools to organize professional interaction (Nezhelskaya, 2020). In the process of professional training, students know new models and types of social communication.

Since emotional and psychological aspects of communication are important in the preparation process, it is necessary to pay attention to these components as necessary elements of network communication in teaching a competent specialist (Kiseleva et al., 2019; Shmeleva et al., 2020). These processes are closely related to creation effective practice-oriented educational process (Petrovicheva E.A. et al., 2019).

The more active the communication process is, the faster the feedback and the higher the possibility of achieving higher educational results are.

The level of professional communication reflects terminological and conceptual apparatus development, developed with the help of modern electronic means. Considering the conceptual apparatus, we speak of it as one of the indicators of the ability to carry out professional interaction and readiness to carry out professional activities.

The relevance of communication means will reveal the analysis of electronic tools used for interaction both in Russia and abroad.

Theoretical framework

Communication is a dialogue with the aim of transmitting a certain amount of information. The concept of social communication became

widespread precisely with the beginning of the development of information and communication technologies, when communication began to include emotional aspect (which appeared primarily in full-time training) (Akvazba et al., 2019; Goncharov et al., 2021). In the conditions of electronic interaction, communication involves not only informational, but also personal-existential communication (which originally referred only to the concept of "communication") (Mazanyuk et al., 2020). In other words, it is necessary to pay attention to the fact that universities are solving the problem of building social communication between students, including the transfer of information and active interpersonal emotionally colored communication, contributing to the solution of professional problems and issues in an online format (Aleshchanova et al., 2018; Nagovitsyn et al., 2020).

Communication as a directed connection is a universal mechanism for transforming socio-cultural space, forming a professional thesaurus of students (Kharytonov et al., 2019), training a competent specialist capable of interacting within a team (Dobudko et al., 2019).

Modern means of communication make it possible to realize its integral functions: activation, prohibitive, destabilizing (Vaganova et al., 2020a). The activation function allows you to activate the student's performance, to induce him to perform certain actions (Demidov et al., 2020). The prohibitive function prohibits the learner from all but one action to assess possible risks (Ivanova & Korostelev, 2019). The task of destabilizing function is to show the complexity and multidimensionality of professional tasks and life in general (Bulaeva, et al., 2018). If a student adheres to one opinion and accepts one of the sides, then he is forced to oppose it to other opinions. In digital environment, these processes cause certain difficulties (Tsarapkina et al., 2021 ; Zheltukhina et al., 2021). Revealing some aspects of communication process, we pay attention to the features of the "implementation of the capabilities of modern means of its construction (Pinkovetskaia et al., 2020).

Modern means of communication make it possible to build a high-quality training process in a remote format by structuring educational space, taking into account the emotional component of the personality of students and selecting the appropriate educational technologies that develop necessary competencies (Mazanyuk et al., 2020). At the same time, we pay attention to such means of

communication that contribute to development, first of all, of professional competencies) (Efremenko et al., 2020).

Electronic means of communication are usually called tools that facilitate the organization of the process of transferring information and necessary materials to each other. Various applications and educational platforms are involved, which means communication through text messages, file transfer, and through webinars, conference calls, video calls (Shashlo et al., 2018).

Issues of communication interaction are also explored in the following publications (Golovanov et al., 2021); (Demidov et al., 2016a); (Demidov et al. 2019); (Moskvina et al., 2019); (Demidov et al., 2016b).

Methodology

The study involved 354 students of higher educational institutions. The article presents an analysis of scientific works, which made it possible to identify the percentage of communication tools used by students for educational purposes in domestic and foreign educational institutions. Communication tools were divided into two categories: messengers for the operational interaction of students performing a project (any other task) in one team and communication tools that offer the widest functionality, allowing you to exchange not only messages, but also large enough files, while interacting not only with my fellow students, but also with teachers.

Table 1.
Domestic and foreign means of communication in the electronic space.

1	% Domestic educational institutions Foreign educational institutions		2	% Second category Domestic educational institutions Foreign educational institutions	
First category	Domestic educational institutions	Foreign educational institutions	Second category	Domestic educational institutions	Foreign educational institutions
WhatsApp	80%	18%	LMS	78%	30%
Viber	82%	15%	MOODLE	77%	80%
Telegram	90%	60%	Coursera	35%	2%
Discord	40%	70%	Geekbrains	45%	30%
VK	78%	5%	Mirapolis	40%	32%
Facebook	40%	80%	iSpring Learn	43%	26%
WeChat	15%	85%	Web Tutor	47%	46%
QQ	5%	69%	Canvas	70%	75%
Snapchat	23%	43%	Google Classroom		
Line	4%	25%			
Zoom	86%	50%			
Skype		60%			
		69%			

To check development of professional thesaurus, a scale from 1 to 5 points was used, where 5 is 100%. Each point is assigned a qualitative characteristic of a specific indicator. The use of pedagogical testing made it possible to identify the student's average score for a specific communicative quality of a professional thesaurus. The average score was distributed by levels: less than 2 points - low level, 2-2.6 - below average, 2.7-3.4 - average level, 3.5-4.3 - above average, 4.4-5 - high level. Using the method of qualitative characteristics, an assessment was made of the formation of a professional thesaurus and its communicative qualities.

Results and discussion

Organization of internal and external communications occurs using variety of means. An electronic survey among students made it possible to identify a variety of means of communication and communication used in learning process. The tools were divided into two categories. The first category: for individual use in the process of performing practical work (for operational interaction between students who are in the same team or subgroup). The second category: for mass use (at the university level and for performing larger-scale work in an electronic environment).

The table presents the results of the means of communication analysis used by foreign and domestic students.

The number of people using WhatsApp and Viber abroad is mainly Russian-speaking. In overseas educational institutions, students prefer to use Facebook, WeChat and Discord. Russian students most often use WhatsApp, Viber, Telegram, as well as the VK social network. Frequently used electronic educational platforms in Russia include Moodle, Coursera (despite the

fact that this platform is massive open online courses), as well as Google Classroom. Overseas, Coursera and Google Classroom are of the greatest interest. As a means of conducting webinars, students most often choose Zoom and Skype.

Further, the data is presented in graphical form.

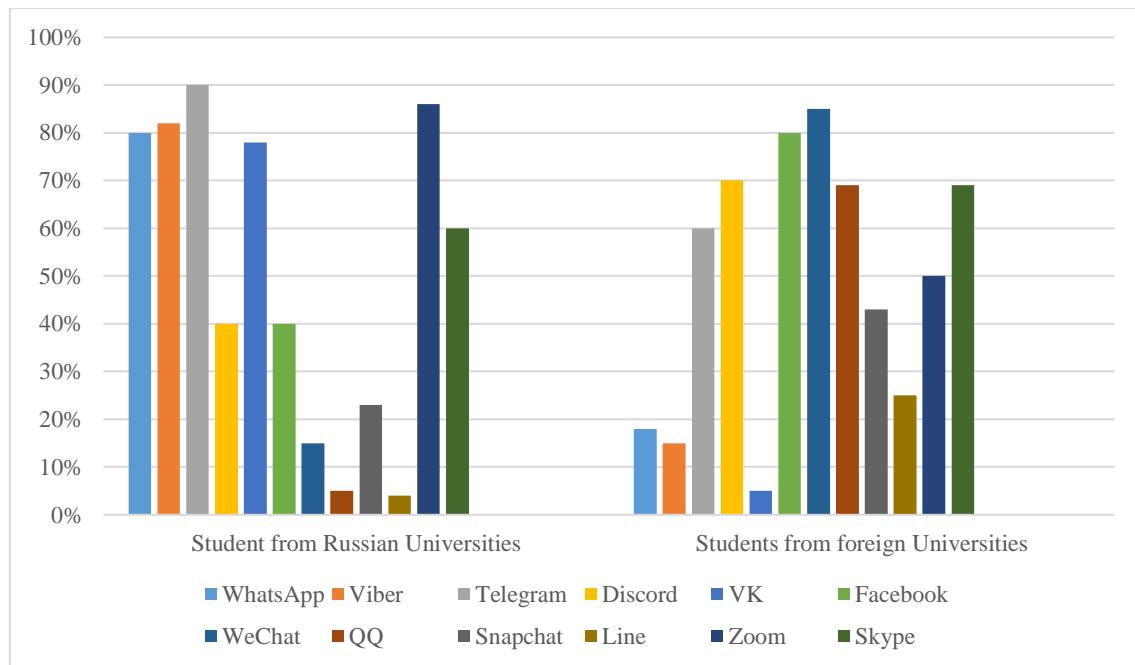


Fig. 1. Graphical results of research data in the first category (based on the analysis of scientific literature)

(Moscow Psychological and Social University, Russian State University for the Humanities, Volgograd State Socio-Pedagogical University, Russian University of Transport (MIIT), Moscow Aviation Institute, Military University of the Ministry of Defense of the Russian Federation)

As practice shows, many of the possibilities of the funds used on an individual basis can be realized in the implementation of large projects, in which a large number of students become participants.

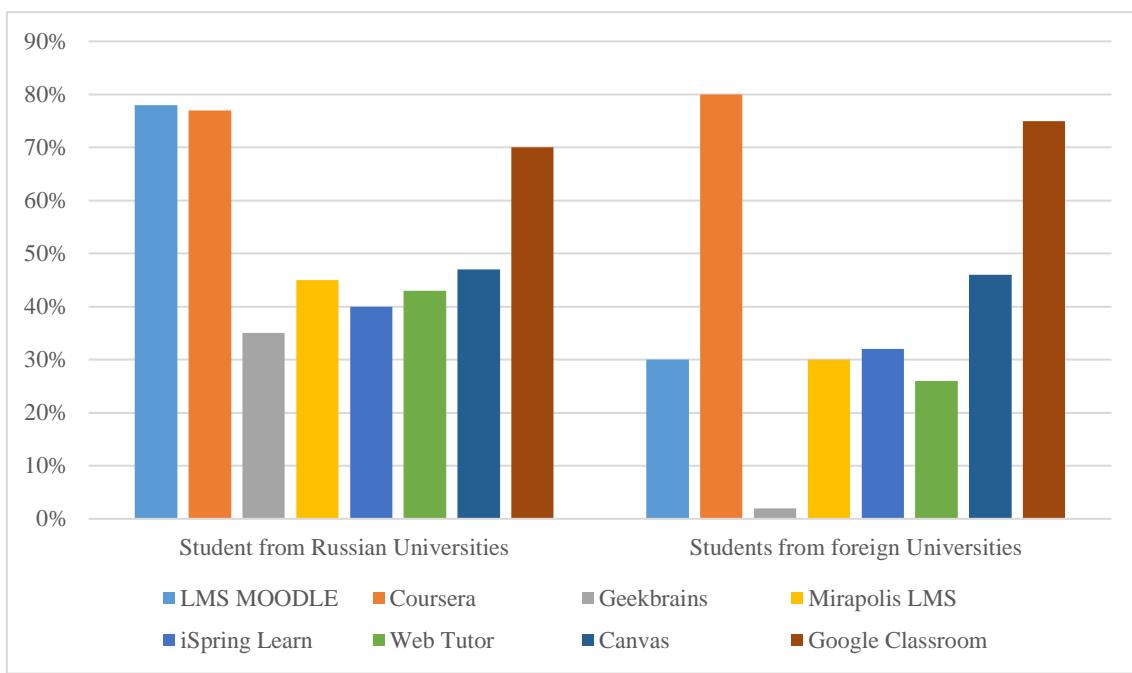


Fig. 2. Graphical results of research data in the second category (based on the analysis of scientific literature)

Each student has the right to choose the most convenient means of communication. Modern conditions for the development of technical means make it possible to do this. Moreover, universities themselves aim students at independent selection of necessary tools, which will be used not only for educational, but also for professional purposes. Technological advances change the tools used. The more a student masters them, the easier it is for him to adapt to new types in future professional activities.

The verification of professional thesaurus development was carried out in the process of studying the discipline "Pedagogical technologies". The preparation of future teachers of vocational training is accompanied by a large number of specific terms that must be used in professional practice. This reflects readiness of a specialist to carry out professional activities at a high level. Input control showed that conceptual apparatus of students includes an average of 27 words. In the learning process, where students were engaged in the implementation of projects, various scientific works, took part in scientific conferences and professional competitions, the mastery of professional terms and concepts reached 150 words.

The study showed that the most formed quality of a professional thesaurus of all are those ones that are offered to students (compliance with spelling and grammatical norms, correct use of terminology, accuracy, consistency) with the

correctness of terminology use (score above average).

Conclusions

Modern means of communication provide many opportunities for organizing a practice-oriented educational process, which includes emotional components that are significant for development of a competent specialist in the process of information exchange.

The conducted research allows us to speak about the effectiveness of communication means used in students' training.

Paying attention to the thesaurus formed by students, it should be said that students acquire a large amount of information on their own, organically, in the process of interaction, directing each other through the operatively used means of communication. The conceptual apparatus of a student expands significantly after active interaction. With the controlling role of the teacher, the student masters not only basic concepts, but also terms broadening his scope.

In the course of the study, an increase in the level of formation of the conceptual apparatus was revealed. Students are ready for professional communication and ready for further professional self-improvement.



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Forms and ways of defending family rights and interests in Ukraine

Форми та способи захисту сімейних прав та інтересів в Україні

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Abstract

This study taps the potential of forms of defence of family rights and interests in Ukraine. It speaks in favour of the establishment of the Family Court in Ukraine by adopting the best foreign practices. It also presents an updated systematics in terms of ways to defend family rights and interests and contains the amendments to the Family and Civil Codes of Ukraine to harmonize family law terms with civil law ones, improve them and correctly name the ways of defending family and civil rights and interests. It points at and offers to remove legal impediments that prevent the extension of the limitation period in the case stipulated in Part 3, Article 138 of the Family Code of Ukraine. This study also seeks to show the existing problems and opportunities in terms of forms and ways of defending family rights and interests in Ukraine. For this end, the following methods of scientific inquiry have been used: analysis, analogy, deduction, induction, synthesis, historical, systematic, structural and functional, comparative, logical and semantic, formal and logical, modelling methods.

Keywords: defence of family rights and interests, family rights and interests, Family Court, ways to defend family rights and interests, forms of defence of family rights and interests.

Анотація

У статті розкрито потенціал форм захисту сімейних прав та інтересів в Україні. Враховуючи зарубіжний досвід, обстоюю позицію про створення в Україні Суду в сімейних справах. Презентовано модернізовану систематику способів захисту сімейних прав та інтересів. Задля узгодження сімейно-правової та цивільно-правової термінології, її вдосконалення, а також для коректного пойменування способів захисту сімейних і цивільних прав та інтересів, сформовано зміни до Сімейного та Цивільного кодексів України. Виявлено та запропоновано усунути законодавчі перешкоди щодо продовження позовної давності у випадку, встановленому частиною 3 статті 138 Сімейного кодексу України. Метою дослідження є розкриття проблем та потенціалу форм та способів захисту сімейних прав та інтересів в Україні. Для досягнення мети дослідження застосовано такі методи наукового пізнання: аналіз, аналогія, дедукція, індукція, синтез, історико-правовий, логіко-семантичний, системний, структурно-функціональний, порівняльно-правовий, формально-логічний, а також метод правового моделювання.

Ключові слова: захист сімейних прав та інтересів, сімейні права та інтереси, Суд у сімейних справах, способи захисту сімейних прав та інтересів, форми захисту сімейних прав та інтересів.

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Introduction

"The establishment, enforcement, and exercise of human rights are important indicators in a state showing that it is governed by the rule of law" (Matvieieva, Baltadzh, Shmalenko, Yeftiieni, Ivanchenko, 2021). The defence of family rights and interests is one of fundamental problems addressed by the law theory and practice since acts on the defence of family rights and interests are central to the legal regulation of family relations. "Family obligations are not always duly fulfilled by everybody. It causes the need of a person concerned for the defence. The need for defence sometimes results from the collision of lawful interests of a wife and a husband, a child's mother and father" (Romovska, 2009).

Even though there are legislative and doctrinal achievements in terms of forms and ways of defending family rights and interests, some problems remain outstanding. First, although the judicial defence of family rights and interests is one of wide-spread legal forms of defence of the abovementioned rights and interests, Ukraine has not implemented yet the best practices of foreign countries that successfully established special judicial institutions – family courts. Second, the systematization of ways to defend family rights and interests prescribed by the Ukrainian law needs to be updated. Third, the terms used (in legislation) to name the ways to defend family rights and interests in Ukraine require correction. Fourth, at present it is impossible for persons at law to extend the period set by Part 3 of Article 138 of the Family Code of Ukraine (Law No. 2947-III, 2002).

The research seeks to show problems and opportunities in terms of forms and ways of defending family rights and interests in Ukraine.

Literature Review

Forms and ways of defending family rights and interest were studied by law scholars and (or) practitioners including M. Diakovych (2020), I. Zhylinkova (2008), L. Krasyska (2015), Z. Romovska (2009), V. Truba (2021), H. Churpita (2020), I. Serdechna (2019) and others. However, to achieve the purpose of this research, their studies are not enough. Existing research of these scientists is not enough, which is this. The expediency of establishing family courts in Ukraine is not substantiated. The systematization of ways to defend family rights and interests prescribed by the Ukrainian law needs to be updated. The terms used (in legislation) to

name the ways to defend family rights and interests in Ukraine require correction.

Methodology

When studying forms and ways used to defend family rights and interests in Ukraine, the following methods were directly employed: analysis, analogy, deduction, induction, synthesis etc. The historical method has allowed understanding how legal provisions establishing named ways to defend family rights and interests developed. The systematic method has helped determine the place of ways in the system of ways to defend family rights and interests. The structural and functional analysis has contributed to detecting functions of the ways to defend family rights and interests. The comparative method was used to determine common and different features of the ways of defending family and civil rights and interests and allowed finding differences between Ukrainian and foreign judicial practices in family matters. The logical and semantic method helped improve the terminology in accordance with the subject of research. Application of the formal and logical method has made it possible to understand the essence of legal categories described herein and make scientific arguments and conclusions in view of the subject of research. The modelling method allowed articulating specific offers to improve effective Ukrainian legislation through the lens of the ways used to defend family rights and interests and development of Ukrainian judicial machinery, inter alia, by establishing the Family Court. ** The legal basis for the study is the Constitution of Ukraine, the Family Code of Ukraine, the Civil Code of Ukraine, the Civil Procedure Code of Ukraine, the Law of Ukraine "On Amendments to Family and Civil Codes of Ukraine" and the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine Aimed at Ensuring Additional Social and Economic Guarantees in Relation to Spreading of Coronavirus Disease (COVID-19)". The empirical component of the study consists of the law enforcement materials, inter alia, the decisions of the Supreme Court.

Results and Discussion

Opportunities Seen in terms of Jurisdictional and Non-jurisdictional Forms of Defence of Family Rights and Interests. Jurisdictional forms of defence of family rights and interests include claims filed to a court, tutorship and



guardianship authority, Children's Commissioner, police etc.

Family rights and interests "are protected by different legal means among which a special place is occupied by judicial defence as it has the largest, compared with others, powers granted by legislators" (Churpita, 2020). The judicial defence is based on Articles 55, 124 of the Constitution of Ukraine (Law No. 254к/96-BP, 1996), Article 4 of the Civil Procedure Code of Ukraine granting each person the right to apply to a court for the defence of their rights, freedoms or lawful interests (Law No. 1618-IV, 2004).

Pursuant to Part 10, Article 7 of the Family Code of Ukraine, each party to family relations has the right to the judicial defence. It means that the exercise by a party to family relations of their subjective right also presupposes the defence of such a right. However, "a critical aspect of the practical implementation of the human right to access to justice is the proper organisation of the judicial branch of power" (M. Stefanchuk, Hladun, R. Stefanchuk, 2021a).

The tutorship and guardianship authority occupies an essential place in the system of jurisdictional forms of defence of family rights and interests. A person may file a preliminary request to it in cases stipulated by law. The preliminary defence of family rights and interests at tutorship and guardianship authorities "is implied when we refer to the assistance granted by the tutorship and guardianship authority" (Truba, 2021). Such a step precedes bringing the matter before the court.

For instance, Civil Registrar's Office is entitled to fix judicially the paternity of the man who is not married to the child's mother upon common request of the child's mother and father (Article 126 of the Family Code of Ukraine); reinstate the marriage if the person declared missing or presumed dead appears (Article 118 of the Family Code of Ukraine).

The analysis of family legislation allows stating that a notary defends family rights and interests by making a writ of execution. Pursuant to the Family Code of Ukraine, child-support payments may be collected by virtue of the notary writ of execution if:

one of spouses fails to fulfil their obligations stipulated in the child support agreement (Part 2, Article 78);

one of spouses fails to fulfil their obligations under the agreement (Part 2 Article 189).

The review of the Family Code of Ukraine allows concluding that some powers to defend relevant rights and interests are granted to the Prosecutor's Office. Thus, the abovementioned regulatory act entitles the prosecutor to file claims to the court for: finding a marriage invalid (Article 42); depriving of parental rights (Article 165);

taking a child away from his/her parents deprived of their parental rights (Article 170); cancelling adoption and finding it invalid (Article 240). In exceptional cases, a prosecutor may decide to immediately take a child away from his/her parents if the child's health or life is directly exposed to threat (Part 2, Article 170 of the Family Code of Ukraine).

Police enforces the decisions made to take a child away from his/her parents, finds persons who fail to pay child support and supervises activities of guardians and tutors.

The non-jurisdictional form of defence of family rights and interests covers actions taken by legal and physical entities to defend their rights on their own, i.e. without involvement of state or other agencies.

The family legislation grants parents the right to self-defence. For instance, Part 1, Article 154 of the Family Code of Ukraine, entitles parents to defend their children, daughters, sons of age on their own.

To see how a relevant right to self-defence is granted to a child, it is worth referring to Part 2, Article 152 of the Family Code of Ukraine where legislators mention this term as a remedy that may be used by a child to object to the improper fulfilment by his/her parents of their parental duties in relation to him/her.

The self-defence means active actions taken by an entitled party to family relations (including both a right holder and their parents, guardians, tutors, grandparents etc.) seeking to change or stop abusive practices of the other person involved in such an offence as prescribed by effective legislation (Diakovych, 2020).

Establishment of Family Court in Ukraine. Modern law scholars underline that one of tasks of the judicial reform in Ukraine is "to apply the best international justice standards, increase personal involvement in administration of justice, ensure the rule of law and effective protection of human rights, enhance public trust to courts and court decisions" (M. Stefanchuk, Hladun, R. Stefanchuk, 2021b). This should also

apply to ensuring by law as effective defence of infringed, unrecognised, or disputed family rights and interests in a court as possible. That is why it is difficult to contest a statement that "family rights and interests are best defended in a court" (Serdechna, 2019).

In contrast to Ukraine with its current legislation on court organization, the important place in the court system organization charts of foreign countries including Australia, Great Britain, Israel, Canada, New Zealand, Singapore, the United States of America, the Federative Republic of Germany, Japan is held by family courts. By the way, 2018 saw the launch of the "Family Court" pilot project in Kazakhstan. This judicial body has different names in the abovementioned countries pertaining to different legal systems. The cases subject to the jurisdiction of such court also differ. Ukraine should establish the family court. Such a name will be the best to point at the jurisdiction of this judicial body. In the future, it should hear cases arising from family relations. The following family cases (disputes) should be considered within action proceedings:

giving a permission to take an underage child abroad; finding a family law agreement invalid;

establishing legal fatherhood or motherhood; bringing children back to the country of their permanent residence; depriving of parental rights; dissolving a marriage; collecting child-support payments.

Family cases to be heard within the writ proceedings are the following:

collecting child-support payments amounting to 1/4 of the child support payer's earnings (income) for one child, 1/3 – for two children, 1/2 – for three children and more given that such an amount may not exceed 10 minimum wages for each child of an eligible age;

collecting child-support payments in hard cash which is 50% of a minimum wage for a child of an eligible age unless such a claim is connected with establishing or disputing legal fatherhood (motherhood).

Family cases (disputes) to be considered within special proceedings include the following:

establishing the reparation regime upon spouses' request; granting the marriage right;

dissolving the marriage upon request of spouses who have children; dissolving the marriage upon request of spouses if one of spouses is sentenced to prison; adoption by Ukrainian citizens who live abroad and foreigners; adoption by Ukrainian citizens who live in Ukraine; establishing the fact that there are family ties between and among individuals; establishing the facts of marriage registration, dissolution, adoption; establishing the fact that a man and a woman are not married and live as a family.

Such a legislative decision in Ukraine should be based on available practices of similar courts in many foreign countries. On the one hand, it will help defend rights and interests of parties to family relations the best way possible, and on the other hand, it will allow finding optimal solutions in view of the specific procedures for considering and resolving family cases (disputes) in a court.

Problems in terms of Systematisation and Names Given to Ways of Defending Family Rights and Interests. Paragraph 2, Part 2, Article 18 of the Family Code of Ukraine as primarily worded sets forth a smaller number of ways to defend family right and interests. It covered, inter alia: the establishment of legal relationships; the enforcement of the obligation which was not fulfilled voluntarily; the prevention of actions which result in violation of family rights; the reinstatement of the legal relationship existing before the violation of a right; the compensation for financial and emotional damages in cases stipulated in the Family Code of Ukraine or an agreement.

Later, the abovementioned ways to defend family rights and interests became more numerous. Hence, the Law of Ukraine "On Amendments to Family and Civil Codes of Ukraine" dated 22 December 2006 supplemented Part 2, Article 18 of the Family Code of Ukraine with Paragraphs 7 and 8 which establish the following ways to defend family rights and interests: a) changing a legal relationship; b) finding decisions, actions or omission of a government agency, a government agency of the Autonomous Republic of Crimea or local government agency, their officials and officers illegal (Law No. 524-V, 2006). The studies seem to be fair when say that the abovementioned list of ways to defend family rights and interests prescribed by legislation is not exhaustive (Zhylinkova, 2008; Huz & Huz, 2011; Krasytska, 2015).

However, the existing wording of Paragraph 2, Part 2, Article 18 of the Family Code of Ukraine requires updating. First, it is necessary to eliminate differences between terms used in the Family and Civil Codes in Ukraine. The Family Code of Ukraine should substitute the term "financial damage" with "property damage" which is widely used not only by modern law scholars but also in modern regulatory materials (for example, in the Civil Code of Ukraine). It is obvious that this problem arose because the abovementioned codified acts were not adopted by the Parliament at the same time: the Family Code of Ukraine was adopted on 10 January 2002, and the Civil Code of Ukraine was adopted a year later, on 16 January 2003 (Law No. 435-IV, 2003).

Moreover, the terms used to name ways to defend family and civil rights and interests in Clause 6 of the Family Code of Ukraine ("відшкодування матеріальної та моральної шкоди" (Eng: "paying financial and emotional damages")) and in Clauses 8 ("відшкодування збитків" (Eng: "paying losses"), "відшкодування майнової шкоди" (Eng: "paying property damages")) and 9 ("відшкодування моральної (немайнової) шкоди" (Eng: "paying emotional (non-property) damages")) of Part 2, Article 16 of the Civil Code of Ukraine are not good enough. Experts should also revise the expressions used in the Special Part of the Family Code of Ukraine including: "відшкодувати затрати" (Eng.: "to repay expenses") (Part 3, Article 31), "відшкодувати вартість речі" (Eng.: to recompense the cost of the thing") (Paragraph 2, Part 4, Article 31), "відшкодування моральної шкоди" (Eng.: "paying emotional damages") (Part 2, Article 49; Part 2, Article 50), "відшкодувати матеріальну та моральну шкоду" (Eng.: "to pay financial and emotional damages") (Paragraph 2, Part 4, Article 157; Part 2, Article 158; Part 5, Article 159; Part 2, Article 162), "відшкодувати матеріальну шкоду" (Eng.: "to pay financial damages") (Part 9, Article 177).

Similar terminological problems are seen in the Civil Code of Ukraine. First, we should mention Articles 22-23 of the Civil Code of Ukraine which subsidiarily apply to the legal regulation of family relations. It is incorrect from either philological or legal viewpoint to use the following expressions in the Civil Code of Ukraine: "відшкодування збитків" (Eng.: "paying losses") (title of Article 22), "відшкодування майнової шкоди" (Eng.: "paying property damages") (title of Article 22), "право на відшкодування збитків" (Eng.:

"right to payment of losses") (Part 1, Article 22), "збитки відшкодовуються" (Eng.: "losses are payable") (Paragraph 1, Part 3, Article 22), "розмір упущеної вигоди, що має відшкодовуватися" (Eng.: "the amount of payable expectation damages") (Paragraph 2, Part 3, Article 22), "майнова шкода може бути відшкодована" (Eng.: "property damages are payable") (Part 4, Article 22), "шкода завдана майну може відшкодовуватися" (Eng.: damages to the property are payable) (Part 4, Article 22). Similar terminological imperfections may be also seen in other provisions of the Civil Code of Ukraine: "відшкодування моральної шкоди" (Eng.: "paying emotional damages") (title of Article 23; Part 1, Article 23; Paragraph 2, Part 3, Article 23), "моральна шкода відшкодовується" (Eng.: "emotional damages are payable") (Parts 3, 4, 5, Article 23). The other provisions of the Civil Code of Ukraine containing the abovementioned "terms" and their derivatives should also be amended.

The "conflict" may be resolved legally and philologically with the term "компенсація" (Eng.: "compensation") which has the Latin origin, i.e. it was used by Roman lawyers. The semantics of the word "compensation" allows concluding that "payment" is only one of its manifestations. Therefore, it is not reasonable to equate "компенсація" (Eng.: "compensation") with "відшкодування" (Eng.: "payment"). The term "compensation" should be used for scientific purposes by lawyers, and it should be used in any and all cases not only in the Family and Civil Codes of Ukraine but also in all regulatory acts. Moreover, the use of this term will not cause troubles for translators. Considering the above, the terms used in current Ukrainian legislation should be changed.

Titles of Articles 22-23 of the Civil Code of Ukraine make the content of the set rules narrower. Because Article 22 of the abovementioned regulatory act entitles a person to receive compensation for property damages, stipulates its nature and amount, and contains the provisions defining the following civil law terms: "реальні збитки" (Eng.: "actual losses"), "упущена вигода" (Eng.: "expectation damages") Article 23 of the Civil Code of Ukraine establishes the right to compensation for emotional damages, describes what are emotional damages, specifies the procedure for, the amount and forms of compensation. Hence, both articles of the Civil Code of Ukraine should be amended to read as follows:

"Article 22. Property Damages and Compensation for Them"; "Article 23. Emotional Damages and Compensation for Them".

Second, the point is that some of ways to defend family rights and interests are independent and should take their own places in different clauses of the law (separately) to serve the needs of law-applying practices. First of all, it is not a good idea to incorporate two ways of defending family rights and interests being different by their legislative purposes (the termination of legal relationship and the cancellation of legal relationship) in the same Clause 3, Part 2, Article 18 of the Family Code of Ukraine. Because when we speak about the first way used to defend family rights and interest, we deal with the termination (e.g., the marriage dissolution in accordance with a court decision which deprives spouses of their marital status upon its entry into force) of family relations that arose in fact, i.e. legally. In contrast to the termination of family relations, the cancellation of family relations means breaking off relations that could not legally exist because they arose in contradiction to the law. Such a way of defence of family rights and interests applies through:

- finding a marriage invalid;
- canceling the registration as a father or a mother;
- finding adoption invalid;
- finding a certain family law agreement (here we refer not only marital agreements) invalid.

On this occasion, we would like to underline that mentioning the cancellation of legal relations as the way to defend family rights and interests in Clause 3, Part 2, Article 18 of the Family Code of Ukraine made it no longer necessary for judges to refer to Clause 2, Part 2, Article 16 of the Civil Code of Ukraine according to which finding legal relations invalid is the way to defend civil rights and interests.

Two ways to defend civil rights and interests including:

- the compensation for property damages;
- the compensation for emotional damages should be included to separate clauses of Paragraph 2, Part 2, Article 18 of the Family Code of Ukraine.

Because the first group of provisions of the Family Code of Ukraine specifies reasons for the compensation for *property* damages only (Article 31; Part 9, Article 177), and the second group of provisions of the Family Code of Ukraine sets forth reasons for the compensation for *emotional*

damages only (Part 2, Article 49; Part 2, Article 50 of the Family Code of Ukraine). The third group of family law provisions stipulates reasons for the compensation for both *property* and *emotional* damages (Paragraph 2, Part 4, Article 157; Part 2, Article 158; Part 5, Article 159; Part 2, Article 162 of the Family Code of Ukraine). In addition, it seems acceptable to place such ways of defending rights and interests to different structural elements of the article, *inter alia*: in Clauses 8 (compensations for property damages) and 9 (compensations for emotional (non-property) damages) of Part 2, Article 16 of the Civil Code of Ukraine. On this occasion, it is worth mentioning that the approach offered by the author in no way prevents the use of the abovementioned ways of defending family rights and interests "in tandem" if a certain legal case so requires. Should this be the case, a person at law will in one case refer to a respective part and one respective clause of a relevant article in the law (for example, to the compensation as the way to defend family rights and interests), and in the other case – to a respective part and two respective clauses of a relevant article in the law (to both the compensation for property damages and the compensation for emotional damages as the ways to defend family rights and interests).

Provisions of Paragraph 2, Clause 6, Part 2, Article 18 of the Family Code of Ukraine, are imperfect not only due to terminological errors. The Order of the Supreme Court dated 21 April 2021 says that the restriction of the right of a party to family relations to the compensation for emotional damages by cases specified in Clause 6, Part 2, Article 18 of the Family Code of Ukraine significantly narrows their right to defence and may not be deemed as consistent with justice, good faith, reasonableness which are the general principles of civil and family legislation. Moreover, this document (made by the highest judicial body in the Ukrainian judicial system) states that the cases expressly stipulated by legislators (there are six of them) must be considered as the list of actions causing emotional damages indeed. Finally, the Supreme Court concluded that despite the possibility to receive the compensation for damages in cases described in Articles 49-50, 157-159, 162 of the Family Code of Ukraine, such a way to defend family rights and interests provides grounds for using it also in other cases when the rights of parties to family relations are infringed (Order No. 2-3897/10, 2021).

The abovementioned arguments of the highest judicial institution seem to be convincing. Hence, Paragraph 2, Part 2, Article 18 of the Family

Code of Ukraine should be amended to exclude the following expression: "if it is provided for by this Code or an agreement".

Third, Ukrainian law scholars and philologists should pay their attention at the term "*правовідношення*" (Eng.: "legal relationship") mentioned among legally established ways of defending family and civil rights and interests. The point is that according to the Ukrainian spelling rules the term "*правовідносини*" (Eng.: "legal relations") has no singular form and in used in plural only.

Considering the above, the Family Code of Ukraine (namely Paragraph 2, Clauses 1, 3, 5-6, Part 2, Article 18) and the Civil Code of Ukraine (Clauses 7-8, Part 2, Article 16) should be amended by substituting the term "*правовідношення*" (Eng.: "legal relationship") with the Ukrainian term "*правовідносини*" (Eng.: "legal relations") used in all cases required.

Fourth, the analysis of Paragraph 2, Part 2, Article 18 of the Family Code of Ukraine allows concluding that in contrast to the Civil Code of Ukraine (Clause 1, Part 2, Article 16), neither original nor amended wording of the abovementioned main instrument for the legal regulation of family relations established or establishes the recognition of a right as the way to defend rights and interests. Because the "catalogue" containing the named ways of defending family rights and interests lacks only the recognition of a right which can be also applied. For example, the recognition of a right will relate to the ways that may be used to defend property rights of one of spouses (a husband or a wife). Therefore, the list of ways to defend the named family rights and interests should be enlarged by incorporating the recognition of a right thereto.

Fifth, the problem is that the ways to defend family rights and interests are placed in illogical sequence in Paragraph 2, Part 2, Article 18 of the Family Code of Ukraine.

Considering the above, Paragraph 2, Part 2, Article 18 of the Family Code of Ukraine should be amended to read as follows:

"The ways of defending family rights and interests are the following:

- 1) establishing legal relationships;
- 2) recognising a right;
- 3) preventing actions which result in violation of family rights;

- 4) reinstating the legal relationship existing before violation of a right;
- 5) enforcing the obligation which was not fulfilled voluntarily;
- 6) changing legal relations;
- 7) terminating legal relations;
- 8) cancelling legal relations;
- 9) granting the compensation for property damages;
- 10) granting the compensation for emotional damages;
- 11) finding decisions, actions or omission of a government agency, a government agency of the Autonomous Republic of Crimea or a local government agency, their officials and officers illegal".

There are no Rules without Exceptions or about the Application of the Limitation Period to the Claims Arising Out of Family Relations. Family rights and interests are usually defended regardless of the time that has passed since the violation of a right. Because, pursuant to Part 1, Article 20 of the Family Code of Ukraine, the limitation period is not applied to the claims arising out of family relations. It is obvious that this approach is based on the fact that personal non-property relations prevail in the family law sector and that family relations are long-lasting. Furthermore, the Family Code of Ukraine directly stipulates that the limitation period is not applied to the "trio" of claims:

for the division of property which is an object of matrimonial property law provided that the marriage has not been terminated (Part 1, Article 72);
 filed by a husband for the removal the entry of him being a father from the birth record (Part 6, Article 136);
 for the removal of the entry of a person being a father from the birth record (Part 4, Article 137).

The exceptions to the rule of non-application of the limitation period in family relations are provided for by:

Part 2, Article 72 (to the claim for the division of property filed after the marriage dissolution);
 Part 2, Article 129 (to the claim for acknowledgement of paternity);
 Part 3, Article 138 (to the mother's claim for amending her child's birth record);
 Part 3, Article 139 (to the claim for acknowledgement of maternity) of the Family Code of Ukraine.

The first case has the limitation period of three years (the longest period of defence of family

rights and interests) which is counted from the day when one of the co-owners became aware or could have become aware of the violation of their ownership right. In the second, third and fourth cases, the limitation period is one year. It starts on the day when a person became aware or could have become aware of their paternity (in the second exception); a child's birth has been registered (in the third exception); when a person learned or could have learned that she is the child's mother (in the third exception). However, the mentioned "quartet" integrates the fact that the limitation period relating to the claims arising out of family relations usually starts on the day when a person became aware or could have become aware of the violation of their right and interest. Because the limitation period is "like a pike in a lake that keeps a crucian busy" (Romovska, 2020).

It is worth noting that scientific literature sometimes uses a controversial formulation "строк позовної давності" (Eng.: "period of action limitation") (Herasymchuk, 2021). Because the action limitation is the very period meant for defending family rights and interests.

An example of legislators' carelessness rather than a conscious legislative solution is a provision of clause 2-1 which complements Section 7 "Final Provisions" of the Family Code of Ukraine pursuant to the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine Aimed at Ensuring Additional Social and Economic Guarantees in Relation to Spreading of Coronavirus Disease (COVID-19)" dated 30 March 2020 (Law No. 540-IX, 2020). In accordance with the abovementioned legal act, during the quarantine established by the Cabinet of Ministers of Ukraine, in order to prevent the spread of the coronavirus disease (COVID-19), the timeframes set forth in Articles 72, 128, 129, 139 of the Family Code of Ukraine are extended for the period of such a quarantine. The point is that while legislators make it possible to extend the limitation period set forth in Articles 72, 129 and 139 for the period of the quarantine, Article 128 of the Family Code of Ukraine does not allow extending the limitation period. Because the conditions of this article do not specify any period that can be extended by the legislative order. It is obvious that Article 128 of the Family Code of Ukraine was mixed up with Article 138 of the same codified act, Part 3 of which contains one of "quartet" cases when the limitation period applies. Thus, it is expedient to amend Clause 2-1 of Section 7 "Final Provisions" of the Family Code of Ukraine. It will allow removing the legislative obstacles to extending the limitation

period in the case referred to in Part 3, Article 138 of the Family Code of Ukraine.

Conclusions

Defending family rights and interests in a court is common in Ukraine. However, Ukraine, unlike many other foreign law systems (Australia, Great Britain, Israel, Canada, New Zealand, Singapore, the United States of America, the Federative Republic of Germany, Japan, and "the Family Court" pilot project in Kazakhstan), has no specialized judicial institution that would consider only family matters. That is why it is reasonable to establish a family court and integrate it in the judicial system of Ukraine.

The modernized system of ways of defending family rights and interests must include: establishing legal relationships; recognising a right; preventing actions which result in violation of family rights; reinstating the legal relationship existing before violation of a right; enforcing the obligation which was not fulfilled voluntarily; changing legal relations; terminating legal relations; cancelling legal relations; granting the compensation for property damages; granting the compensation for emotional damages; finding decisions, actions or omission of a government agency, a government agency of the Autonomous Republic of Crimea or a local government agency, their officials and officers illegal. This vision of the system of ways to defend family rights and interests requires updating the family and civil legislation of Ukraine.

The approach set forth in Clause 2-1 of Section 7 "Final Provisions" of the Family Code of Ukraine should be corrected as it makes it impossible to extend the limitation period in the case referred to in Part 3, Article 138 of the Family Code of Ukraine.

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The critical role of self-leadership's in work engagement and organizational citizenship behaviors

کام کی مصروفیت اور تنظیمی شہرت کے رویوں میں سیلف لیڈر شپ کا اہم کردار۔

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Abstract

This study discuss the relationships between self-leadership, organizational commitment, emotional exhaustion, work engagement, Organizational Citizenship Behaviors, and perceived organizational commitment. Using a sample of 280 employees, it was found that self-leadership had a positive relationship with organizational citizenship behaviors. Further, through emotional exhaustion self-leadership had a significant relationship with work engagement. The findings further suggest that perceived organizational support moderated the relationships between self-leadership and both organizational citizenship behaviors and emotional exhaustion. This study filled a void in the literature by critically examining how emotional exhaustion may act as a mechanism in between self-leadership and work engagement/organizational citizenship behaviors.

Keywords: self-leadership, OCBs, work engagement, emotional exhaustion, organizational commitment, perceived organizational support.

خلاصہ

یہ مطالعہ خود قیادت، تنظیمی وابستگی، جذباتی تہکن، کام کی مصروفیت، تنظیمی شہرت کے رویوں، اور سمجھی جانے والے تنظیمی عزم کے مابین تعلقات پر تبادلہ خیال کرتا ہے۔ 280 ملازمین کے نمونے کا استعمال کرتے ہوئے، یہ پنہ چلا کہ خود قیادت کا تنظیمی شہرت کے رویوں سے مثبت تعلق ہے۔ مزید یہ کہ جذباتی تہکن کے ذریعے خود قیادت کا کام کی مصروفیت کے ساتھ ایک اہم تعلق تھا۔ نتائج مزید بتاتے ہیں کہ سمجھی جانے والے تنظیمی مدد نے خود قیادت اور تنظیمی شہرت کے دونوں طرز عمل اور جذباتی تہکن کے مابین تعلقات کو معتمد کیا۔ اس مطالعے نے تقیدی جائزہ لیتے ہوئے ادب میں ایک خلا کو پُر کیا کہ کس طرح جذباتی تہکن خود قیادت اور کام کی مصروفیت/تنظیمی شہرت کے رویوں کے درمیان ایک میکانزم کے طور پر کام کر سکتی ہے۔

، کام کی مصروفیت، جذباتی تہکن، تنظیمی وابستگی، سمجھا گیا تنظیمی تعاون OCBs: خود قیادت، مطلوبہ الفاظ

Introduction

While there has been research focusing on different tactics to motivate individuals, a more recent perspective on individuals' ability to motivate themselves has come from self-leadership (Park, Song, & Lim, 2016). Despite the somewhat abundance of empirical research on self-leadership, there are still unanswered questions that remain within the self-leadership literature. While self-leadership has been studied in conjunction with variables such as individual performance (Manz & Sims Jr, 1980), self-efficacy

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(Neck & Milliman, 1994), job satisfaction (Prussia, Anderson, & Manz, 1998), and creativity (Godwin, Neck, & Houghton, 1999), there are still some avenues of research that have not yet been explored. In particular, there are still areas of interest that self-leadership may influence.

While a great deal of research has studied direct relationships between self-leadership and outcomes (DiLiello & Houghton, 2006; Neck & Houghton, 2006), there has not been near as much attention paid to mediating and moderating variables. There have been calls within the field to study more in-depth models of self-leadership that go beyond direct relationships (Neck & Houghton, 2006). These calls seek to answer questions about how self-leadership influences individual outcomes and what conditions may strengthen or weaken the relationships. A large amount of the empirical research has only looked at direct relationships (Stewart, Courtright, & Manz, 2011). By studying the relationships in isolation from one another, researchers cannot fully understand how self-leadership can influence different outcomes. This study will attempt to better understand self-leadership's role within a more complex mediated and moderated model, as opposed to just studying direct relationships. This will help to answer calls from the field to incorporate self-leadership into more developed theoretical models.

This study will help to explore the mechanisms by examining mediators of self-leadership relationships, through which self-leadership can influence individual outcomes. By understanding how self-leadership influences the outcomes, a better understanding of the self-leadership processes can be created. A similar vein of thought exists for studying moderators of self-leadership relationships. In particular, by understanding in which situations self-leadership relationships can be modified, researchers can again better understand the way self-leadership can influence outcomes. Additionally, by studying moderating mechanisms, researchers may be able to better suggest in what situations self-leadership may or may not be appropriate. However, it is crucial to understand the importance of examining more complete models of self-leadership that include these mechanisms through which self-leadership is likely to influence certain outcomes. This study can help to explain why self-leadership is critical for organizational practices.

Theoretical background and Hypothesis of the study

The theoretical and empirical backing for each hypothesis is discussed in the follow up to each hypotheses. All hypotheses are pictorially diagramed in Figure 1. The hypotheses discuss the relationships between self-leadership, organizational commitment, emotional exhaustion, work engagement, and OCBs.

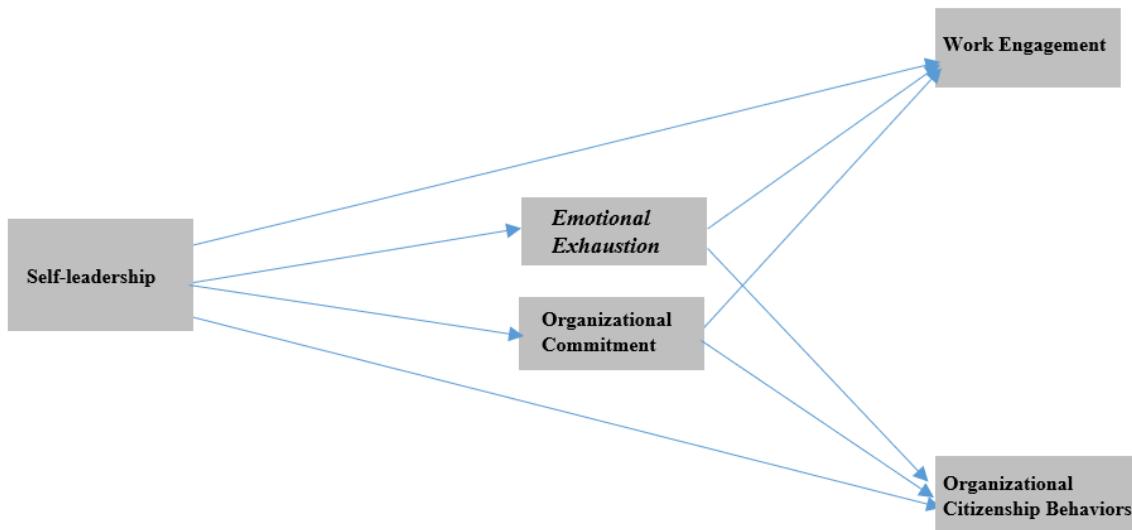


Figure 1. Conceptual framework. Source: the author.

Hypothesis 1: Self-leadership will be positively related to work engagement.

Businesses and individuals want individuals who remain engaged in work. With both motivating and un-motivating situations, it is necessary for individuals to keep high levels of engagement to ensure productivity at work (Park et al., 2016). Work engagement presents relevant situations in which organizations want individuals to remain engaged and accomplish all work that is needed (DiLiello &

Houghton, 2006). There is a host of research on work engagement that examines three dimensions: vigor, dedication, and absorption (Gagné & Deci, 2005). All three of the dimensions of work engagement are particularly intriguing for why individuals do stay motivated in their work. Vigor relates to individuals having high levels of energy and resilience when working, thus maintaining positive actions while working (D'Intino, Goldsby, Houghton, & Neck, 2007). The second key dimension of work engagement is dedication. Dedication relates to individuals having enthusiasm, inspiration, and pride in their job essentially how well individuals identify with the job itself. If individuals identify with their job, exhibit pride, and exhibit enthusiasm it will lead to higher levels of work engagement (Park et al., 2016). Finally, the remaining dimension of work engagement is absorption. Absorption refers to the degree to which employees remain fully engrossed by their work and have difficulty detaching from the work (Furtner et al., 2015). There are a few recent studies that seek to examine the direct relationship between these constructs. Based on the theoretical arguments made above from social cognitive theory (Bandura, 1986), as well as the scant, but critical empirical research that has been completed on self-leadership and work engagement.

Hypothesis 2: Self-leadership will be positively related to organizational citizenship behaviors.

There has been an abundance of research on Organizational citizenship behaviors (OCBs) in the literature, spurring multiple meta-analyses and literature reviews. These studies have typically found that there are positive benefits associated with employees engaging in extra-role behaviors that are necessary for proper functioning of the organization (Daft & Lewin, 1993; Prussia et al., 1998; Stashevsky, Burke, Carmeli, Meitar, & Weisberg, 2006). Using social cognitive theory as a basis, it is plausible to investigate how self-leadership can influence engagement in OCBs (Bandura, 2001). Social cognitive theory is frequently used as an underlying explanation for self-leadership relationships and it provides a unique lens for examining how self-leadership relates to OCBs. This theory is used to explain self-leadership relationships due to the way that individuals can exert influence over themselves, which in turn can affect different elements of their lives, such as behaviors and environments (Bandura, 2001). This consists of an idea that human behavior is related to external factors individuals are involved in, personal factors, and the behavior itself. As individuals motivate themselves, it can influence their behaviors (Neck & Houghton, 2006; Stewart et al., 2011). This relates to a crucial link in social cognitive theory between individuals attitudes/beliefs and their behaviors. OCBs are crucial for successful running of an organization, so finding ways to have these completed is important for researchers (Furtner et al., 2015). By examining this way in which individuals influence their attitudes/beliefs towards the behaviors, it increases the likelihood of the extra-role behaviors being completed.

Hypothesis 3: Emotional exhaustion will mediate the relationship between work engagement and self-leadership.

The relationship between emotional exhaustion and work engagement has been briefly examined in the literature. A recent article (Maksum, Safitri, Ibrahim, Marini, & Wahyudi, 2020) has shown that when emotional demands are high on an individual (which could result from emotional exhaustion), individuals reported lower levels of work engagement. Thus, as individuals have higher levels of emotional loads present, it can draw resources away from work engagement levels. Furthermore, a recent article on burnout and work engagement, (Dinh et al., 2014) propose and argue that within the job demands-resource model that emotional exhaustion negatively influences levels of work engagement. In particular, emotional exhaustion represents a way that self-leadership may influence work engagement. By lowering levels of emotional exhaustion, individuals can then redirect resources towards remaining engaged in their work (Marques-Quintiero, Vargas, Eifler, & Curral, 2019).

Hypothesis 4: Emotional exhaustion will mediate the relationship between self-leadership and OCBs.

Mental weariness and emotional exhaustion are characteristics that are stereotypical of individuals experiencing emotional exhaustion.(Mount, Barrick, Scullen, & Rounds, 2005), thus leaving individuals without the resources needed to cope emotionally with a given situation. By combining conservation of resources theory and social cognitive theory, the link between self-leadership and emotional exhaustion can be established. As discussed above, social cognitive theory often is used in conjunction with self-leadership research. Individuals can influence their own thoughts/beliefs, behaviors, and environments, according to social cognitive theory. Self-leadership provides strategies through which individuals can directly influence themselves. This suggests that individuals who engage in self-leadership are better suited to modify

different parts of their situations to best suit a given task (Luszczynska & Schwarzer, 2005). This can result in better management of resources, which in turn, can mean better allocation of resources. When individuals engage in self-leadership and can influence their own behaviors, they are placed in a better situation for influence thoughts, actions, behaviors, etc (Houghton & Neck, 2002a; Nakagawa, 2004; Stewart, Carson, & Cardy, 1996). In this situation, individuals would be better suited to manage their level of emotional exhaustion by conserving resources in a more efficient manner. As a result, individuals would be influencing various parts of their situations, which can be seen through conservation of resources. In turn, self-leadership can lead to lower levels of emotional exhaustion by using these strategies to better control resources and prevent higher levels of emotional exhaustion from occurring (Stashevsky et al., 2006). Thus, the first part of this hypothesis is that self-leadership will lead to lower levels of emotional exhaustion. In turn, the lower levels of emotional exhaustion are expected to influence individual outcomes.

H 5: Affective commitment (a), normative commitment (b), and Continuance commitment (c) mediate the relationship between self-leadership and work engagement.

Affective commitment is based on the feelings that an individual has regarding “liking” the organization. Thus, affective commitment suggests that individuals stay attached to the organization because they like the organization and want to be there. Social cognitive theory suggests that the environment, behaviors, and attitudes/beliefs can influence one another. If individuals exhibit affective organizational commitment, they want to be with the organization, which should lead to positive benefits within the triadic reciprocal model (Houghton, Bonham, Neck, & Singh, 2004). As individuals want to be with the organization, it should lead to higher levels of work engagement. Since individuals like the organization, there should be a draw to stay engaged in their work to benefit the organization.

The second type of organizational commitment is normative commitment. Normative commitment typically receives less attention in the literature and has often been modified as to what it actually is. Normative commitment relates to the ideas that individuals feel obliged to stay with the organization (Neck & Milliman, 1994). The sense of obligation is what drives the bond the organization has. Again, within the social cognitive theory model of reciprocal behavior (Bandura, 1986), these feelings of obligation can influence their behaviors and their environment. As individuals feel obliged to stay with the organization, they should remain more engaged in their work. Since individuals have a sense of obligation, they should feel a sense of obligation to do the best they can at their job.

The third part of the organizational commitment typology is continuance commitment. Continuance commitment is different in conceptualization from affective and normative commitment. Continuance commitment relates to feelings of needing to be with the organization (Ilgen & Pulakos, 1999). This feeling of needing to be with the organization can be a result of the costs that an individual has associated with leaving, as well as a lack of alternatives that they could use as options for leaving. This form of organizational commitment is expected to influence levels of work engagement in a different way. While still operating within the triadic reciprocal model of social cognitive theory, continuance commitment can influence other elements of the model. In particular, higher levels of continuance commitment should lead to lower levels of work engagement (Dee, Henkin, & Chen, 2000).

Hypothesis 6: Affective commitment (a), Normative commitment (b), and Continuance commitment (c) mediate the relationship between self-leadership and OCBs.

Social cognitive theory (Bandura, 1986) suggests that human behavior can be modified within the triadic reciprocal model. This model incorporates elements of attitudes/beliefs, behavior, and the environment. Within this model, a theoretical link can be made from organizational commitment to OCBs. Organizational commitment represents an attitude that individuals have regarding the level of attachment they have. As individuals exhibit higher levels of organizational commitment, they are more likely to engage in behaviors that are more beneficial to the organization (DiLiello & Houghton, 2006; Houghton & Neck, 2002b; Manz, 1986; Neck & Manz, 2010; Park et al., 2016; Stewart et al., 1996). In particular, the positive attitude can lead to higher levels of OCBs. These are the extra-role behaviors that result from individuals remaining committed to the organization. Social exchange theory may also help to explain the relationship between organizational commitment and OCBs. Social exchange theory rests upon reciprocity norms between two actors. This is based on a continuous relationship where actors voluntary engage in behaviors that they expect to be reward at some point in the future. Individuals who exhibit higher levels of organizational commitment are more likely to engage in OCBs because of the norms of reciprocity (Cobb-Clark & Schurer,

2012; Frayne & Geringer, 2000; Locke & Latham, 2004). In particular, individuals who are committed know that if they engage in OCBs, it is likely that they will be rewarded later. Thus, there is a benefit to engage in these behaviors because of the expectation that completion of extra-role behaviors leads to some positive benefit from the organization later.

Methodology

The sample in which the developed hypotheses tested were the banking sector employees in a KPK province Pakistan. The employees within the banking sectors provide an ideal testing ground for the hypothesized relationships that were developed. In particular, all of the constructs of interest are ones that have great importance to organizations that operate in this field.

Survey Design

The data was collected via a survey instrument that completed by individuals within the organization. Data was collected at a single time point due to limitations and constraints from the organization. The variables that are being measured within this study are self-leadership, emotional exhaustion, organizational commitment, work engagement, and OCBs. These are variables that are of hypothesized interest within the study. Furthermore, demographic information collected and used as control variables.

Independent Variable

Self-leadership

Self-leadership is measured with the revised self-leadership questionnaires developed by (Houghton & Neck, 2002b). The nine-item measurement instrument that is scored on a Likert-type scale ranging from 1 = “Strongly disagree” to 5 = “Strongly agree.”

Mediating Variables

Emotional Exhaustion

Emotional exhaustion is measured using the emotional exhaustion subscale of the Maslach Burnout Inventory. The subscale consists of 9 items that are scored on a 5 point Likert-type scale ranging from “1” = “strongly disagree” to “5” = “strongly agree” (Baer et al., 2015)

Organizational Commitment

Organizational commitment is measured using the revised organizational commitment scale from Meyer and Allen (1997). Each item scored on a 7 point Likert-scale ranging from 1 = “strongly disagree” to 7 = “strongly agree” (Meyer, Allen, & Beckstead, 1997).

Dependent Variables

Work Engagement

Work engagement measured using the Utrecht Work Engagement Scale-9 (UWES-9), developed by (Schaufeli, Bakker, & Salanova, 2006). The UWES-9 is measured on a 7 point Likert-type scale ranging from 1 = “Never” to 7 = “Always”.

Organizational Citizenship Behaviors

OCBs is measured using the OCBO and OCBI items from (Williams, 1997). The item scored on a 5-point Likert scale ranging from 1 = “strongly disagree” to 5 = “strongly agree”.

Statistical Analysis Tool

MPLUS is a software program that allows for analysis of moderated mediation. Mplus allows for researchers to statistically analyze the conditional indirect and direct effects that are occurring within the

dataset. MPLUS allows the researcher to test unlimited configurations of moderation and mediation, not simply the model (Ramayah, Cheah, Chuah, Ting, & Memon, 2018). Within MPLUS, multiple independent and dependent variables can be used. In particular, this research design contains parallel mediators and multiple dependent variables. MPLUS is capable of handling this model in one statistical analysis, as opposed to having to run independent regression analyses for each of the dependent variables.

Results and discussion

Descriptive Statistics and Correlations

Means, standard deviations, and correlations for study variables are include in Table 1 below. Of note, the average age of participants was 48.27 years old with an average tenure at the organization of 10.44 years. Thus, the individuals, on average, had some level of experience in the organization and working. Among the variables of interest, we see moderate, significant correlations between self-leadership and both work engagement ($r = .429$) and organizational citizenship behaviors ($r = .385$). Additionally, self-leadership had expected relationships with emotional exhaustion ($r = -.144$) and organizational commitment (AC: $r = .197$, NC: $r = .212$, and CC: $r = .203$). In addition, most significant correlations were in the expected direction, with the exception of the relationship between emotional exhaustion and affective commitment ($r = .167$).

This relationship was expected to be negative, however, the corresponding correlation was positive. While this is of note, there is not a hypothesized relationship between emotional exhaustion and organizational commitment, so the data analysis will proceed as expected. Of note, most hypothesized relationships showed significant correlations in the expected direction. Additionally, while there are some correlations that seem troublesome (above .60), a word of caution in interpretation is needed. The correlations that exceed the thresholds for concerns about multicollinearity are between individual facets of organizational commitment with organizational commitment, as well as between individual facets of organizational citizenship behaviors with organizational citizenship behaviors. Therefore, these are not as concerning as at first glance since the correlations in question are between a sub dimension of a variable and a global measure of the variable, which would be expected.

Table 1.
Means, Standard Deviation, Correlations

		Mean	S.D.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Gender	1.08	.277															
2	Age	48.27	11.98	-.020														
3	Educ	3.22	.735	.202**	-.287**													
4	Tenure	10.44	9.30	.031	.476**	.034												
5	SL	33.27	7.40	-.038	.012	-.052	.002	(.875)										
6	POS	22.35	7.50	.098	.079	.016	.043	.436**	(.860)									
7	EE	28.82	12.59	-.148*	-.036	-.042	-.033	-.144*	-.204**	(.928)								
8	AC	22.54	5.59	.010	.092	.073	.097	.197**	.185**	.167**	(.631)							
9	NC	22.18	7.45	.059	.103	-.019	.046	.212**	.400**	-.013	.435**	(.756)						
10	CC	23.27	8.74	-.038	-.037	.036	.036	.203**	.223**	.096	.372**	.511**	(.862)					
11	OC	67.9	17.10	.011	.048	.064	.091	.249**	.325**	.117	.694**	.824**	.837**	(.829)				
12	WE	38.57	11.10	.073	.159*	-.049	.112	.429**	.429**	-.397**	.312**	.437**	.271**	.403**	(.902)			
13	OCBO	22.45	4.07	-.033	.123*	.006	.154*	.214**	.091	.067	.223**	.218**	.160**	.236**	.272**	(.723)		
14	OCBI	27.63	5.48	.010	.104	.050	.079	.401**	.185**	-.231**	.226**	.217**	.141*	.203**	.506**	.390**	(.878)	
15	OCB	50.16	7.81	-.013	.141*	.025	.116	.385**	.163**	-.109	.255**	.238**	.150*	.248**	.466**	.776**	.884**	
																	(.855)	

Note: ** correlation is significant at .01 level; * correlation is significant at .05 level. Cronbach's alpha values are reported on the diagonal.



Confirmatory Factor Analysis

Three separate confirmatory factor analyses were conducted (Table 2). These three models are as follows: (1) hypothesized model, (2) one-factor model, and (3) a model where the facets of organizational commitment were all loaded onto a single latent variable, as opposed to individual facet latent variables. As can be seen in Table 2, the hypothesized model was the best fit to the data. While not all fit indices met traditional thresholds for good fit (Fuller, Simmering, Atinc, Atinc, & Babin, 2016; Wong, 2013), the hypothesized model will be the one that this study proceeds forward with.

Table 2.
Confirmatory Factor Analysis Fit Statistics.

Model	X ²	df	X ² / df	X ² diff	CFI	RMSEA	SRMR
Single Latent Factor	9640.645	2015	4.784		.318	.116	.135
Six Latent Factor Model							
Single Org Commitment Latent Variable	5372.501	2000	2.686	4268.14	.698	.077	.102
Eight Factor Model							
Separate Org Commitment Latent Variables	4962.551	1987	2.498	409.95	.734	.073	.091

Structural Equation Modeling

Hypothesis 1 as shown in Table 3, this hypothesis was not supported ($\beta = .059$, $p = .802$). The hypothesis 2 was supported ($\beta = .453$, $p < .01$). Thus, the direct relationship between self-leadership and organizational behaviors was significant and positive. Hypothesis 3 as can be seen in Table 4, this hypothesis was supported. The bootstrapped confidence intervals do not overlap zero, suggesting support for the hypothesis. As can be seen in Table 3, the piecemeal approach to indirect effects also provides support with the path from self-leadership to emotional exhaustion ($\beta = -.786$, $p < .05$) and emotional exhaustion to work engagement ($\beta = -.225$, $p < .01$). Similarly, Hypothesis 4 proposed that emotional exhaustion would mediate the relationship between self-leadership and organizational citizenship behaviors. As can be seen in Table 8, this hypothesis was supported. The bootstrapped confidence intervals do not overlap zero, suggesting support for the hypothesis. As can be seen in Table 3, the piecemeal approach to indirect effects also provides support with the path from self-leadership to emotional exhaustion ($\beta = -.786$, $p < .05$) and emotional exhaustion to work organizational citizenship behaviors ($\beta = -.115$, $p < .01$).

Table 3.
Path Analysis Results.

Path	Estimate	S.E.	P-Value
SL → WE	.059	.23	.80
SL → OCB	.453	.18	.01**
SL → EE	-.786	.34	.02*
SL → OC	.274	.18	.13
EE → WE	-.225	.04	.00***
EE → OCB	-.115	.03	.00***
OC → WE	.446	.08	.00***
OC → OCB	.102	.05	.03*

Hypotheses 5 and 6 (parts a, b, and c) proposed that facets of organizational commitment would mediate the relationship between self-leadership and both work engagement and organizational citizenship behaviors. Due to model convergence issues, the facets of organizational commitment were collapsed into a single organizational commitment variable for analysis in Mplus. Post hoc analysis in SPSS conducted to determine if there is reason to suspect differential outcomes for each of the organizational commitment facets. As can be seen in both Tables 4, this hypothesis was not supported. The bootstrapped confidence intervals overlapped zero, suggesting non-support for the relationships.

Hypothesis 6a-c suggested that organizational commitment would mediate the relationship between self-leadership and organizational citizenship behaviors. As can be seen in both Tables 7 and 8, this hypothesis was not supported. The bootstrapped confidence intervals overlapped zero, suggesting non-support for the relationships. Again, these analyses were conducted using a single organizational commitment variable. Post hoc analysis using the individual facets of organizational commitment will be conducted to determine the extent to which there is similar results between the two analyses. However, this initial support suggests that organizational commitment does not mediate the relationship between self-leadership and either work engagement or organizational citizenship behaviors.

Table 4.
Mplus Bootstrapped Confidence Intervals.

Mediating Variable	Dependent Variable	Condition	Estimate	S.E.	95% Bootstrapped Confidence Interval
Emotional Exhaustion	Work Engagement	Low	.225	.100	{.029, .421}
Emotional Exhaustion	Work Engagement	Medium	.177	.081	{.018, .336}
Emotional Exhaustion	Work Engagement	High	.128	.063	{.006, .251}
Emotional Exhaustion	OCBs	Low	.116	.053	{.012, .219}
Emotional Exhaustion	OCBs	Medium	.091	.042	{.008, .174}
Emotional Exhaustion	OCBs	High	.066	.032	{.003, .129}
Organizational Commitment	Work Engagement	Low	.146	.107	{-.065, .356}
Organizational Commitment	Work Engagement	Medium	.122	.084	{-.043, .287}
Organizational Commitment	Work Engagement	High	.099	.063	{-.023, .222}
Organizational Commitment	OCBs	Low	.033	.031	{-.027, .093}
Organizational Commitment	OCBs	Medium	.028	.024	{-.019, .075}
Organizational Commitment	OCBs	High	.023	.018	{-.012, .058}

The first major finding of this study was a significant direct effect of self-leadership on organizational citizenship behaviors. This study found support for the positive relationship between self-leadership and organizational citizenship behaviors. The second major finding from this study examined the usage of emotional exhaustion as a mediating mechanism in self-leadership relationships. The findings support that self-leadership can lead to lower levels of emotional exhaustion, which in turn leads to higher levels of work engagement and organizational citizenship behaviors. By taking a step towards incorporating emotional exhaustion in to the self-leadership literature, this study has a major finding in understanding how self-leadership influences individual outcomes. The third major finding found that work engagement had an interesting relationship with self-leadership. In particular, the direct relationship between self-leadership and work engagement was not significant. However, further probing of the relationship found that there was a significant mediating effect through emotional exhaustion. Therefore, self-leadership may be impacting work engagement, just not without a mechanism through which this process can be transmitted. The fourth major finding was that perceived organizational support had some support for being a moderating factor on self-leadership relationships. Thus, under certain conditions the degree to which individuals feel supported by their organization can shift their levels of emotional exhaustion and extra-role behaviors.

Conclusion

This study focused on the role of self-leadership as a way to increase positive employee outcomes by examining how self-leadership influences employee work engagement and organizational citizenship behaviors. In addition, this study proposed that emotional exhaustion and organizational commitment

would mediate the relationships between self-leadership and employee outcomes. This study also sought to understand how perceptions of organizational support could influence the relationships that an individual's level of self-leadership had with other outcomes of interest. Using a sample of 280 employees, it was found that self-leadership had a positive relationship with organizational citizenship behaviors. This positive relationship occurred both as a direct relationship and an indirect relationship through emotional exhaustion. Similarly, through emotional exhaustion self-leadership had a significant relationship with work engagement. Finally, perceived organizational support moderated the relationships between self-leadership and both organizational citizenship behaviors and emotional exhaustion.

The first contribution from this study is the finding that self-leadership does influence organizational citizenship behaviors. Social cognitive theory (Bandura, 1986), conservation of resources theory, and social exchange theory support this finding theoretically. Second, this study took the first step toward understanding the roles that emotional exhaustion and organizational commitment play as mechanisms through which self-leadership influences outcomes. Third, this study sheds some light on our understanding of the relationship that self-leadership holds with organizational commitment. This study provides a clear idea for research about the exact workings of the relationship by probing linkages between self-leadership and the different facets of organizational commitment. This contributes to the understanding of what causes work engagement by showing that self-leadership can lead to lower levels of emotional exhaustion.

Limitations and Future Research

There are also several weaknesses of this design that should be relevant to readers when drawing conclusions. The primary limitation of this study is the use of self-report, cross-sectional survey data. While self-report data does inherently present certain problems, there are situations in which self-report data are acceptable in. Therefore, there are some limitations tied to this part of the data due to all measures being self-reported. The second limitation of this data is that it was collected in a cross sectional manner. This does limit the causal inferences that can be drawn from the results that have reported above. The problems with cross sectional data being used for causal inferences are well known within the field.

The first area of future research that could be looked at is a continued examination of the self-leadership and work engagement relationship. This study represents the first step towards understanding through what mechanisms this relationship operates. By understanding how exactly self-leadership influences work engagement levels, researchers will have a more complete picture of the process through which individuals who engage in self-leadership influence their own outcomes.

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Mediation in the case of a juvenile committing a criminal offense or a felony

Медіація у разі вчинення неповнолітнім вперше кримінального проступку або нетяжкого злочину

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Abstract

As a general rule, punishment should be necessary and sufficient to correct the person and re-educate him. At the same time, a punitive approach prevails in the criminal process in Ukraine. For criminal law, the introduction of the mediation institution determines the development of the legal institution of reconciliation. The article aims to characterize the essence of mediation in Ukraine and study foreign countries' best practices in this field. The object of the study is public relations in the field of mediation in the case of a minor committing a criminal offense or a felony for the first time. The subject of the study is mediation as an alternative to court proceedings in the case of a juvenile committing a criminal offense or a felony for the first time. The authors used some methods of scientific knowledge: analytical, phenomenological, generalization, comparative law. Particular attention in the study is paid to the analysis of the essence of punishment, the study

Анотація

Покарання за загальним правилом має бути необхідним і достатнім для виправлення особи та її перевиховання. При цьому в Україні у кримінальному процесі переважає каральний підхід. Для кримінального права впровадження інституту медіації визначається: розвиток правового інституту примирення. Метою статті є характеристика сутності медіації в Україні та вивчення кращих практик зарубіжних держав у цій сфері. Об'єктом дослідження є суспільні відносини у сфері застосування медіації у разі вчинення неповнолітнім вперше кримінального проступку або нетяжкого злочину. Предметом дослідження є медіація як альтернатива судовому розгляду у разі вчинення неповнолітнім вперше кримінального проступку або нетяжкого злочину. Авторами застосовано ряд методів наукового пізнання: аналітичний, феноменологічний, узагальнення,

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of international experience in the use of mediation, and the practice of mediation in criminal proceedings in Ukraine, which currently takes place only as part of an experiment. The authors conclude that it is essential and urgent to use the mediation procedure more widely in criminal proceedings as an alternative to litigation. It is emphasized that the full implementation of this institution requires political will and broad support from civil society. Namely, his readiness to resolve disputes without a court, but only with the help of a mediator.

Keywords: mediation, trial, misdemeanors, minor crimes, principles of criminal law.

Introduction

As a general rule, punishment should be necessary and sufficient to correct the person and re-educate him. At the same time, a punitive approach prevails in the criminal process in Ukraine. A child who steals something for the first time due to difficult life circumstances can be imprisoned for three years. According to the Prosecutor General's Office, in 70% of cases, a juvenile offender detained for more than one year is re-imprisoned. At the same time, an alternative way of resolving conflicts with the participation of both adults and minors is actively used abroad - mediation (restorative justice). Mediation is a multifaceted phenomenon. The scope of mediation is determined by its social purpose. In criminal cases, in principle, mediation is still unsolved. Mediation is known in civil law (Retnaningrum, 2018).

For criminal law, the introduction of the mediation institution determines the development of the legal institution of reconciliation. Mediation in criminal law is reflected through the social function, which, in turn, is divided into functions: mediation, conciliation, compensatory. Through the mechanism of mediation, criminal law implements the following principles: economy of illegal repression, proportionality, humanism, and justice (Lazarenko, & Ostapchuk, 2021).

The mediation procedure allows victims to fully express and blame directly their pain and embarrassment caused by the offense,

порівняльно-правовий. Особливу увагу у дослідженні приділено аналізуванню сутності покарання, вивчення міжнародного досвіду застосування медіації та практики застосування медіації у кримінальному процесі в Україні, що нині відбувається лише в рамках експерименту. Авторами зроблено висновок про важливість та нагальність більш широкого застосування процедури медіації у кримінальному процесі у якості альтернативи судовому розгляду. Наголошується, що повноцінне впровадження цього інституту потребує не лише політичної волі, а й широкої підтримки громадянського суспільства. А саме його готовності вирішення спорів без суду, а лише за допомогою посередника.

Ключові слова: медіація, судовий розгляд, проступки, нетяжкі злочини, принципи кримінального права.

manifestations that are impossible in court. Victims have the opportunity to present their page of uncensored history outside of issues that are of direct interest to the criminal process. With the help of such a manifestation, it is possible to restore the balance of power between the victim and their offender; we must not forget that a successful mediation procedure can affect the victim's recovery of emotional balance, an effect that cannot be achieved in criminal proceedings (Dragne and Tranca, 2011). That is why a detailed study of the institute of mediation in the juvenile justice system is currently relevant (Korenyuk, 2019) and our research aims. The object of the study is public relations in the field of mediation in the case of a minor committing a criminal offense or a felony for the first time.

Theoretical framework

First of all, it is crucial to focus on the essence of the concept of "mediation. The term "mediation" comes from the Latin "mediare", which means "to be a mediator". Translated from English, the term mediation - "mediation" means mediation, intercession, intercession. In social psychology, scholars consider mediation a specific form of regulation of disputes, conflicts, coordination of interests. Most scholars define mediation as a particular approach to conflict resolution. A neutral third party provides a structured process to help the conflicting parties reach a mutually acceptable solution to a dispute (Belinska, 2011).

O. N. Mazaraki believes that mediation is a model of social behavior that embodies a high level of legal culture of society, traditions of respect for law and order, integrity, and justice. According to her, mediation in Ukraine has acquired the status of a social institution, formed due to the objective need for a support system for justice, which will relieve the judiciary and ensure its effective functioning and resolve disputes quickly, moderately confidentially, and efficiently. (Mazaraki, 2019).

Agler R. Boeck P. Think that mediation analysis has become a very popular approach in psychology, and it is one that is associated with multiple perspectives that are often at odds, often implicitly. Explicitly discussing these perspectives and their motivations, advantages, and disadvantages can help to provide clarity to conversations and research regarding the use and refinement of mediation models (Agler, & Boeck, 2017).

Howard Zer wrote that the primary purpose of mediation is to compensate for the damage and ensure the victim's healing. The second goal should be to mend the relationship between the victim and the offender (i.e., reconciliation)" (Zemlyanska, 2008).

Jacqueline M. Nolan-Haley says that mediation, an ancient, private, non-legal dispute resolution process, has recently found a welcome reception in the civil and criminal justice system (1996).

In our opinion, mediation is a restorative justice procedure that helps resolve a conflict of criminal law through a mediator.

In the study we studied the essence of punishment in the criminal law of Ukraine, international experience in the use of mediation, the procedure for using mediation in Ukraine /

Methodology

The methodological basis of the study was a set of methods of scientific knowledge. Of the philosophical methods, we used analytical - when analyzing the conceptual and categorical apparatus in the sections Theoretical framework and the essence of punishment in criminal law of Ukraine. The phenomenological method provided an analysis of normative sources of national, international, and foreign law in the sections International experience in the use of mediation and the Procedure for the benefit of mediation in Ukraine. The generalization method

made it possible to study the state of scientific development of mediation in the Theoretical framework and draw conclusions to the article.

The comparative legal method allowed to systematically study foreign experience in the use of mediation in the International section experience in the use of mediation. The article contains references to 32 sources, including papers and theses indexed on the scientometric basis of the Web of Science. From the number of used regulatory sources – 6.

Results and discussion

The essence of punishment in the criminal law of Ukraine

During Ukraine's independence, considerable efforts have been made to update the legislative system at the legislative level, particularly the Constitution of Ukraine (Vorobey, Felyk, Niebytov, Matviichuk, & Vorobey, 2021), the Criminal Code of Ukraine were adopted. The Criminal Code of Ukraine is the primary document that defines the principles of bringing a person to criminal responsibility and sentencing him. According to Art. 50 of the Criminal Code of Ukraine, punishment is a measure of coercion applied on behalf of the state by a court sentence to a person convicted of a criminal offense and is a statutory restriction of the rights and freedoms of the convict (Law No. 2341-III, 2001). It is essential that the legislator, deviating from the Soviet model, emphasizes that punishment is aimed not only at punishment but also at correcting convicts and preventing the commission of new criminal offenses by both convicts and others.

According to B. Leonov, punishment contributes to the achievement of specific positive results (condemnation of a criminal offense, correction of personality, lawful conduct), which is the main result of implementing punitive law policy (Leonov, 2015).

V. Malyarenko identifies ways in which the goal of preventing new criminal offenses can be achieved

- 1) depriving the convict of the physical ability to commit a criminal crime;
- 2) the threat of punishment for a non-offense;
- 3) prevention while serving a sentence;
- 4) impact the psyche of the convict and persons with illegal behavioral disorders (Malyarenko, 2003).

In our opinion, scientists' use of the concept of "prevention" is not entirely appropriate; in this context, the concept of "warning" appears.

It is necessary to note the position of T. Denisova, who gives punishment a double meaning. First, punishment is the final precautionary measure in combating crime, which is imposed on the fact of committing a criminal offense after its investigation and trial. Secondly, punishment is a means of fighting corruption to ensure the inevitability of punishment, protection of human rights, freedoms, and interests; in addition, punishment serves a punitive function and creates conditions for the development of positive personality traits (Denisova, 2013). We are convinced that the purpose of preventing and preventing crime is different. Prevention does not involve the prevention of offenses but rather the causes and conditions of their commission.

We want to emphasize the position of O. Gritenko, who aptly emphasizes the importance of correction, considering it as the result of a complex impact on the personality of the convict, which makes him a safe person for society (moral correction). However, the degree of correction of a particular convict is always individual, and therefore the achievement of the goal of correction may be different. The main thing here is to change the distorted moral orientations of the convict, which lead to the commission of crimes, to positive, socially beneficial (Gritenko, 2019). However, not all scholars share this position; for example, Razgildiev, B., & Nasirov, N. notes that the goal set before the criminal law in the form of correction of the convict can not be achieved within the framework of criminal law. There is no mechanism in criminal law by which this could be implemented (Razgildiev, & Nasirov, 2019).

In the context of the development of public relations and approaches in criminal law and criminal enforcement policy, it is imperative to find and widely use alternative measures compared to punishment. But, of course, their use must be determined by the circumstances of a particular case and the possibility of punishing and realizing the re-education of the guilty person without the use of "real punishment".

International experience in the use of mediation

According to the research results conducted by domestic and foreign scholars, the use of mediation in criminal proceedings has different

levels of legal regulation. It differs significantly in the ways of its implementation. Currently, in Europe, there are no uniform minimum requirements for the training of mediators in the mediation process between the victim and the offender. In particular, in England, Wales, Belgium, Germany, Finland, and Switzerland, mediation between victim and offender requires technical skills and a wide range of personal qualities that should serve as criteria for selecting mediation services (Prokopenko, 2019).

In Germany and Finland, the mediation procedure is regulated by separate legislation in juvenile justice, initiated by a judge or prosecutor, and recognized as an alternative to traditional criminal justice. The criminal law on mediation between the victim and the offender is enshrined in the Criminal Procedure Code of Belgium, Finland, and the German Criminal Code (Pushkar, 2005). In general, mediation for juveniles and adult offenders has become widespread in Germany since its introduction. Thus, the number of cases transferred to mediation increased from 2,100 in 1989 to 9,100 in 1995. About 20,000 criminal proceedings per year have been transferred to mediation (Voskobitova, 2007).

The first victim-offender mediation programs in Finland were launched in Vantaa in 1983. At the end of 1990, such programs were conducted in 25 municipalities, and by the end of 1991, their number had increased to 40. Thus, approximately 75% of Finland's population had the opportunity to participate in a mediation program between the victim and the offender (Filimonova, 1994.). Factors contributing to the spread of mediation in all regions of Finland were: the state of national criminal policy; the level of social services related to work with youth and children, which was unsatisfactory and did not provide for alternative non-jurisdictional mechanisms 70 to combat crime. Initially, representatives of the ruling elite considered extending restorative justice procedures to criminal offenses against juvenile offenders (Voskobitova, 2007).

The institution of mediation is a well-known way of resolving criminal conflicts in most European countries. Thus, in the criminal procedure legislation of the Republic of Poland, mediation is an essential component of the legal system; there are no restrictions on the use of mediation provided it is appropriate (Zemlyanska, 2004).

In Belgium, the institute of mediation between victim and offender has become widespread; the first experience of this institution was recorded in

Flanders in 1987. The initiators of the mediation institute between victim and offender were the non-profit organization Oikoten's new approaches to responding to juvenile delinquency (Lemonne, & Vanfraechem, 2005). As a result of such cooperation, a model of restorative justice was developed, which provided for the admission of guilt on the offender's part and compensation for damages caused by the criminal offense.

In turn, Bulgaria adopted the Law on Mediation (Mediation) (2004), which regulates relations related to mediation (mediation) as an alternative way of resolving legal and non-legal disputes. The law stipulates that mediation is a voluntary and confidential procedure for the out-of-court settlement of disputes. A third party, a mediator (mediator), assists the parties to the conflict to reach an agreement (Law No. 86/24.10, 2004).

According to the Law on Mediation Procedure, adopted on June 29, 2004, in Bosnia and Herzegovina, mediation is a procedure in which a neutral third party (mediator) assists the parties to reach a mutually acceptable solution to the dispute (Law No. 49 On mediation procedure, 2004)

An example of police mediation is the U.K.'s Criminal Procedure Code, which provides that mediation cases fall within the remit of special mediation services, including representatives of probation services, NGOs, and the police, who take turns negotiating criminal offenses for criminal offenses to compromise. If the parties reach a jointly mutually acceptable solution, criminal proceedings are not instituted, and the police issue warnings against the offender (McCold and Wachtel, 1998).

Thus, the introduction of the institution of mediation in the criminal procedural legislation of Ukraine is due to the successful practice of implementing international standards of the institution of mediation in the national criminal procedural legislation of foreign countries.

The procedure for using mediation in Ukraine

After the reform of the criminal justice system, the institute of mediation in the criminal proceedings of Ukraine has not found its criminal procedural regulation in Ukraine. It is limited to substantive law, particularly the criminal law regulation in the form of Art. 46 of the Criminal Code of Ukraine of 05.04.2001, the Decree of the President of Ukraine N 361/2006 "On the concept of improving the judiciary to establish a

fair court in Ukraine following European standards" of 10.05.2006 and the Decree of the President of Ukraine N 311/2008 of 08.04.2008 "On the decision of the National Council Security and Defense of Ukraine of 15.02.2008 "On the reform of the criminal justice system and law enforcement agencies" following which there is an urgent need to create alternative out-of-court methods of dispute resolution, and mediation is recognized as a way to resolve disputes.

In August 2019, Ukraine signed the U.N. Convention on Mediation in Singapore, which aims to resolve cross-border commercial disputes more frequently in the future through mediation and amicable settlements (Sussman, 2018). The signing of the Singapore Convention in Ukraine increases the authority and credibility of the mediation process as an alternative means of resolving disputes and has a positive impact on the country's image in the international arena and the development of international trade and business in Ukraine.

I. Yasynovsky states that the introduction of mediation in Ukraine is too slow compared to other countries. Among the main problems of mediation in Ukraine, the author calls the low level of legal culture, low level of trust in mediation services, lack of public awareness of mediation, its advantages as an alternative to litigation, positions of parties who do not want to compromise, specifics of national justice, low level of cooperation with international organizations, lack of adequate financial support, difficulty in choosing a mediator as a highly professional person, lack of specialized legislation (Yasynovsky, 2015).

A common argument of opponents of the introduction of mediation in criminal cases is the thesis that it would contradict one of the fundamental principles of domestic criminal law doctrine, namely - the principle of certainty of punishment for a crime. However, as the experience of foreign countries convincingly shows, discipline has long ceased to be the only way for the state to respond to a crime. The principle of certainty of punishment has been replaced by the state's response to the offense, which is not always manifested in the form of punitive and repressive measures against the offender. This trend has also affected domestic criminal law, which provides specific measures of a criminal law nature, which is an alternative to punishment. Many experts are also concerned about the unpreparedness of the domestic criminal justice system to implement the idea of

restorative justice (mediation) as a separate branch of consideration and resolution of illegal conflicts, which will result in decisions that should essentially replace a court verdict (Likhova, 2012).

At this stage in the development of domestic criminal justice, it is too early to talk about mediation as an alternative to traditional justice. Still, its introduction as an adjunct to the criminal process is quite possible and, given the international community's recommendations, even desirable. Thus, in 2019 a joint order of the Ministry of Justice of Ukraine and the Prosecutor General's Office of Ukraine (Order № 172/5/10) was adopted on the implementation of the pilot project "Recovery Program for Minors are suspected of committing a criminal offense." This pilot project on restorative justice was implemented in six regions of Ukraine: Donetsk, Odesa, Lviv, Luhansk, Mykolaiv, and Kharkiv. In 2020, all areas of Ukraine joined the implementation of this project.

According to the above order, mediation in criminal cases is a voluntary, out-of-court procedure in which a juvenile suspected of committing a criminal offense and a victim through a mediator try to resolve the conflict by agreeing on the application of the Juvenile Recovery Program in committing an illegal offense.

Conditions for the use of mediation in criminal cases under the Juvenile Recovery Program are: 1) the presence of the injured party - a natural person who has suffered moral, physical, or property damage, as well as a legal entity whose property damage was caused by a criminal offense; 2) committing a juvenile criminal offense or a felony for the first time; 3) recognition of a juvenile as a fact of committing a criminal offense; 4) consent of the minor and the victim to participate.

The mediator involved in the Juvenile Recovery Program is a lawyer included in the Register of Advocates for Free Secondary Legal Aid, trained in the implementation of the Recovery Program for juveniles suspected of committing a criminal offense. The selection of lawyers took place on a competitive basis. Lawyers who passed the competition were trained on "Basic skills of a mediator in criminal cases" (Chernivtsi Law School, 2021).

Conclusions

Summarizing the above, we would like to note that there is no legal basis for the full-scale application of the institute in Ukraine. In addition, taking into account: 1) positive foreign experience in this field; 2) deepening the implementation of the principle of humanism and economy of criminal repression; 3) ensuring the re-education of persons who have committed misdemeanors or minor negligent crimes, it is advisable to review the legislative approach. Therefore, to extend the use of mediation in the experiment to minors and adults. In our opinion, the legislative regulation of the mediation procedure will expand alternative ways of resolving disputes, will allow the parties to resolve the dispute out of court, which will contribute to the improvement of mechanisms in Ukraine to protect human and civil rights. It should be noted that the introduction of the institution of mediation in Ukraine as a form of protection of citizens' rights creates conditions for finding extraordinary, viable, sustainable solutions. Under current conditions, the mechanism of implementation of the mediation institution is gaining momentum. However, it should be noted that the full implementation of this institution requires political will and broad support from civil society. Namely, his readiness to resolve disputes without a court, but only with the help of a mediator.

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National axiology of A. M. Zhemchuzhnikov's poetry

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Abstract

Each national image of the world has its own constants, codes. In the Russian space of culture, one of such cultural units is a tree that embodies the idea of a world axis. In this article, we turn to the poetic work of A. M. Zhemchuzhnikov, in whose poetics the tree code is endowed with intense semantics and special functions. We analyze in detail the cycle "Rural Impressions and Pictures", which is literary material for ontohermeneutical analysis. The purpose of the article is to identify the national axiology, namely the tree code in Russian poetry. The object of the research is the national topic. The subject is the principles of the manifestation of the tree code in the works of the poet of the 19th century.

The research methodology is reduced to a holistic onto-hermeneutic analysis aimed at highlighting the folklore, ethnographic paradigm of this poetry cycle. Much attention is paid to a path-road mythologeme. Parallels are drawn with the Russian fairy tale, which is characterized by an

Аннотация

У каждого национального образа мира есть свои константы, коды. В космосе русской культуры одной из таких культурных единиц выступает дерево, воплощающее идею мировой оси. В данной статье обращаемся к поэтическому творчеству А. М. Жемчужникова, в поэтике которого напряженной семантикой и особыми функциями наделен древесный код. Подробно анализируем цикл «Сельские впечатления и картинки», который составляет литературный материал для онтогерменевтического анализа. Целью статьи выступает выявление национальной аксиологии, а именно древесного кода в русской поэзии. Объектом исследования является национальная топика. Предметом – принципы проявления древесного кода в творчестве поэта XIX века.

Методология исследования сводится к целостному онтогерменевтическому анализу, направленному на высвечивание

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otherworldly paradigm, the search for "another kingdom". The research results are to identify the cultural potential of the poetry cycle for the further study of the national topic, national existence and otherness, apophatics as a phenomenon of Russian culture associated with the phenomenon of death. The results of the work can also be used in teaching courses in Russian literature, cultural studies, philosophy.

Keywords: transmission of culture, wood, world axis, folklore, poetry.

Introduction

Each researcher of culture thinks about the question of national identity, the national image of the world, which allows him not to lose his roots and build a vertical transmission of culture. In the Russian version of being, one of the main elements is literature, since it is one of the first to transmit cultural meanings. Literature in Russia is closely related to folklore. Folklore conveys to literature the ethical and aesthetic ideal of man, through traditional art we get to know the national axiology.

Each national image of the world, or Cosmo-Psycho-Logos, in the language of the famous philologist and culturologist G. D. Gachev, has its own constants, "a priori", that form a national axiology. In Russia, the nature, the plain, has the qualities of an apeiron, a limitless particle in the concept of Greek philosophy, since the Russian plain embodies the horizontal axis of the world. For these reasons, natural realities that organize the Cosmos and determine the Logos are important for a culturologist, and among them is a tree (the Axis of the World). Gachev writes: "... in Russia, Poland, Germany, plant symbols prevail: forest, tree, grass, leaf, color, grain" (Gachev, 2008, p. 21). Through these constants, we can form an idea of the national image of the world. The special connection between man and tree in the Russian Cosmo-Psycho-Logos has long been pointed out by Russian poets. So, S. A. Yesenin in the philosophical treatise "The Keys of Mary" (1918) writes about the origin of music, ornament, embroidery and even man himself from a tree (the World Tree): "... The thought of this origin from the tree gave rise, along with music, to a mythical epic" (Yesenin,

фольклорной, этнографической парадигмы данного поэтического цикла. Уделяется большое внимание мифологеме пути-дороги. Проводятся параллели с русской волшебной сказкой, для которой характерна иномирная парадигма, поиск «иного царства». Результаты исследования заключаются в выявлении культурного потенциала поэтического цикла для дальнейшего изучения национальной топики, национального бытия и и nobытия, а также апофатики как феномена русской культуры, сопряженного с феноменом смерти. Результаты работы могут быть использованы в преподавании курсов по русской литературе, культурологии, философии.

Ключевые слова: трансмиссия культуры, дерево, мировая ось, фольклор, поэзия

1997, pp. 189-190). Modern researchers come to the idea of the cultural-philosophical significance of dendronyms, since they "have cultural potential, that is, they convey information about the relationship between man and nature, the worldview of the people, moral and spiritual traditions, express the experience of an ethnic group ..." (Abramova, 2019, p. 69). In Russian poetry of the early 20th century, according to A. A. Isakova, dendronyms have "not only a superficial, external, but also an internal, symbolic dimension" (Isakova, 2011, p. 3). However, tree essences (a concept from A. A. Isakova's dissertation) are also filled with such a symbolic sacred meaning in the poetry of the 19th century. Let us turn to the work of A. M. Zhemchuzhnikov, who this year marks the 200th anniversary of his birth.

Materials and methods

The progenitor of Kozma Prutkov, the author of a poem about cranes, from which a well-known camp song about the fatherland grew ("Here, under a stranger's sky, I am an unwelcome guest ..."), A. M. Zhemchuzhnikov went through an unusual path in literature - about his gentle, full of lyricism, love the poet's native nature, philosophical reflections on life, the contemporary critic and the reader learns in full quite late, since only at the end of his life the poet himself, at the urgent request of his daughters, publishes his poems (two-volume Poems, 1892). There are not very many articles and dissertations about the poet's poetry either, although, according to researchers, it was Zhemchuzhnikov's lyrical work that was "an

important fact of Russian poetry in the second half of the 19th century, in which the traditions of G. R. Derzhavin, A. S. Pushkin, E. A. Boratynsky, M. Y. Lermontov, N. A. Nekrasov, A. A. Fet" (Kapitonova, 2005, p. 3). However, Zhemchuzhnikov is not only a contemplator, admiring his native nature, enjoying rural life, as researchers often imagine him, analyzing the famous cycle "Rural Impressions and Pictures" (in two series), but also a thinker, ontologically showing a deep experience of changing moods, seasons of nature, day and night, light and darkness.

Let us turn, using the ontohermeneutic method, to a poetic cycle consisting of ten sketches, paying utmost attention to the image of the "path - the road" and the image of the rakita. Ontohermeneutic method, or cultural poetics, is that a work of art is placed in a ramified cultural and historical context, and the ontological plan of the work is put forward in the first place in the analysis. The parallel with Russian folklore, a fairy tale turns out to be productive. Russian verbal culture is characterized by the search for "another kingdom".

Results

In the first poem "In the carriage for Moscow", the lyric hero leaves Moscow, enjoying the view from the window:

Sweet nature! Oh, my dear land,
Precisely guarded by a host of quiet angels!
Having just said goodbye to city life,
I was left alone, surrounded by you,
And the spiritual burden - fears and anxieties –
Threw it out the windows along my road.
(Zhemchuzhnikov, 1910, 150)

We see a complete detachment from the bustle of the city and unity with the cosmos of nature:

Dreams swarm lightly over me,
As if I was intoxicated with the intoxicated
braga.
So the dusk is disappearing, there is coolness in
the air ...
I don't think about anything, I don't need
anything. (Zhemchuzhnikov, 1910, 151)

It is interesting how this poem ends - its last line is very apophatic: there is a temporary rejection of the mundane, even a thought does not bother the hero (a certain state of hesychasm, a formless mind), only he prays to nature, dissolving in it. But the road isn't so simple and unambiguous,

and the intonations change in the second poem of the Rakita on the High Road cycle:

No, the heart, then, is not cold,
The taste has not become coarse over the years!
What was cute before
I won't get enough of it now.
(Zhemchuzhnikov, 1910, 151)
The heart worries, which remembers something,
revives long-forgotten thoughts. But why is it worried?

I am especially captivated
This kind of peculiar
The roads are sad and silent
With its alleys wickets.
I figure them out
When I walk under their shadow;
And with them myself, in response to their noise,
I have long conversations.
(Zhemchuzhnikov, 1910, 151)

Here it is worth referring to the semantics of Rakita in the Slavic space. We all remember the lullaby about the gray top, in which the end is like this: it will drag the top under the broom bush. Of course, this lullaby reminds us of death - a child has just come to this world from that, he is still a borderline creature, not completely rooted in our world, and is associated with "that light" (it is no coincidence that the theme of death is the leitmotif in children's play folklore, see . game of the deceased). In addition, the motive of the child's motion sickness is associated with stable images and formulas: edge, bush, forest, wolf (Gorbunova, 2021). And the rakita is a border tree with a different semantics, like the willow and willow related to it (they are connected, as studies of folklorists show, with the formulas of the impossible (Agapkina, 2014, p. 291). And with Zhemchuzhnikov, the rakita accompanies the hero's path, which gradually turns into a path, reminding him of the past, of the important:

I figure them out
When I walk under their shadow;
And with them myself, in response to their noise,
I have long conversations.
They are branched and powerful,
They tell me about the old days;
About whirlwinds, thunderclouds,
Snow, blizzard, crackling frost
And a long series of happy days.
(Zhemchuzhnikov, 1910, 151)

The poet spent his childhood on his father's estate in the Oryol province, bordering on the Voronezh province, in the onomasticon of which the



lexemes "rakita", "vetla", "willow" are frequent (Syanova, 2010: 85). But the point, of course, is not so much in biographical facts, the poet should not be taken to an oath of fidelity to reality, as in the poetic and even archetypal tradition, in the "tree code" of Russian literature. Vetla with the semantics of the otherworld is first encountered by V. A. Zhukovsky in "The Forest Tsar", then with the same meaning - by A. P. Chekhov in "The Steppe" and I. A. Bunin in "The Life of Arseniev" (Dudareva, Goeva, 2017), but these remarks require an extensive culturological, even cultural-philosophical study of the "tree code" of Russian literature, and our goal was to outline the *paths-roads* to this World Tree, from which our song, music and word originate.

Wood thoughts are a characteristic epithet combination for the Russian Cosmo-Psycho-Logos (our nature, our traditions and rituals, in which wood is often involved, our poetry). Everything from wood, music and ornament, will be written by Yesenin in 1918 in the treatise "The Keys of Mary". Our folk music with its tragedy and message to death - also from a tree, from a reed cut by a shepherd: "The origin of music from the tree in our mysteries is the most beautiful key in our hands from the doors of the closed temple of wisdom. Without Jovull and Weinemeinen, our people, through the simple face of a nameless shepherd, revealed two hidden forces of air together. This shepherd did nothing but cut a reed at the grave, and it was not he, but she herself who told the world through him her magic secret: "Play, play, shepherd boy. Pour out my evil sadness with sounds. You are not holding a simple pipe in your hands" (Yesenin, 1997, p. 190). But Zhemchuzhnikov, as it were, anticipates these theoretical folklore discoveries of Yesenin. The lyrical hero of "Rural Impressions and Pictures" learns from nature, the rakits teach him a lesson in life:

But here are two dry rakitas
They lie in exhaustion ...
They were not killed by an evil storm, -
The evil man killed them.
They broke and branches,
As if with strong hands,
Having fallen, they rested on the ground;
And, saying goodbye to heaven,
Since then they have looked down sadly.
But the death of Rakita is age old
Could not survive from the world:
Let's go young shoots
From a split trunk. (Zhemchuzhnikov, 1910, 153)

Rakits remind by their appearance of the eternal guarantee of life and death in nature, where the latter is only a stage, albeit a sad one, but not the limit:

Oh, how powerless before death,
I'm glad for my rakita!
And it crumples to me: looking sweetly,
And these also say;
They tell me, showing both
A hollow burnt inside:
A hollow burnt inside:
"In spite of cruel malice,
We are all still living, look! "
Poor fellows! They look like me.
They'd better wither slowly
If only they could see God's light,
If only to die later.
(Zhemchuzhnikov, 1910, 152)

But even here the path of the lyrical hero does not end, he continues his journey along the high road in the third poem of the cycle:

I've been walking for a long time - and before my eyes
The roads are all the same;
All the same, with variegated flowers,
Green carpet spreads. (Zhemchuzhnikov, 1910, 152)
Green carpet spreads.

However, external beauty does not distract from the thoughts of the heart and contemplation:

And what a silence!
As if paved with that
There was a road to be dumb
Silence reigned here. (Zhemchuzhnikov, 1910, 153)

Silence, the absence of a person also turn the road into a path, but any initiation path is not complete without trials. In the fourth poem of the cycle, the hero rests before the storm, before dark, in the fifth, he is awakened and warned by the appearance of a stray dog (the dog is connected, on the one hand, with the house, on the other, with the otherworld, it corresponds to the wolf (Gura, 1997, p. 176)), in the sixth - darkness overtakes him, which turns into Darkness:

Under a moonless sky covered with clouds,
Along the overgrown, dug-out ruts
I drive, but I don't see: a field or a ravine,
With bells three in a tarantass step.
(Zhemchuzhnikov, 1910, 155)

The liminal position of the hero, which is set by his ignorance of where he is, is aggravated by the absence of a luminary above his head, Light, and he plunges into total Darkness:

Black road; black horses;
All items are black; all on a black background.
Only spots are visible - and there are not many of them -
On the road itself il copen, il haystacks;
Yes, sometimes, having climbed an open hillock,
You will meet the outline of an orphan-rakita ...
(Zhemchuzhnikov, 1910, 155)

However, Darkness (here and there is a shadow) is apophatic, since light is born in it. According to the German Philosopher M. Heidegger, "the common opinion sees in the shadow only a lack of light ... the shadow is a clear, albeit impenetrable, evidence of a hidden glow" (Heidegger, 1993, p. 62) and such a symbol (place) of the glow can be a rakita ... Nothing is visible to the eye, you can only feel your state, being in the kingdom of the night, and again here the image of the rakita arises - as a guide, reminiscent of the eternal, which performs the functions of a ritual marker of space. Rakita in the night is the World Tree at world midnight, which must be reached by the cultural hero in order to be reborn in a new quality. The hero is alone on this path, his loneliness is ontological in nature:

I hear: they are going somewhere, a spring sound
is close;
I see nothing but a black night.
With someone at a crossroads we are, not without
fright,
Moved together, parted, not seeing each other.
The kingdom of the black night, the kingdom of
black earth ...
I would like to see the light! I would rather be at
home! (Zhemchuzhnikov, 1910, 155)

A dangerous situation of "ontological loneliness of unrecognition" arises, when Bakhtin's dialogue between friend and foe is not carried out (Istomina, 2010, p. 69), but Zhemchuzhnikov's hero still seeks to find his home, in contrast, for example, to Pushkin's in "Winter Road", The plot of which is similar to the poem "Darkness":

Boring, sad ... Tomorrow, Nina,
Tomorrow returning to the darling,
I will forget by the fireplace
I will look in without looking. (Pushkin, 1977,
p. 303)

According to Pushkin, the main character is quite abstract, the name Nina helps to create the image of a woman who is physically absent (Nenarokova, 2019, p. 27), the image of Nina is associated with the sphere of death (Dudareva, 2020).

Conclusion

Researchers rightly notice the diversity of road impressions in Zhemchuzhnikov's poetry: "Sometimes this is a description of pictures visible to the eye, sometimes it is a transfer of a person's feelings, his state of mind during a trip, often philosophical reflections related to road meetings and landscapes, and sometimes it is a metaphorical image - the road of life, the final transition from life to death. In the poetry of A. M. Zhemchuzhnikov there are numerous intersections with the literary tradition, with the image of the road in the verses of Russian classics" (Kapitonova, 2005, p. 42). But it is worth emphasizing once again that Zhemchuzhnikov's road turns ontologically into a path, it is not just a road to the village, it is a path — a road from Russian fairy tales and epics, where the hero learns the world around him, comprehends the cosmos of nature and finds his place in it. Gachev, describing the Russian national space, pays special attention to our flatness, to the aspiration of the Russian person into the distance, which is expressed in the concept of "path - road": "The path - road from the threshold to infinity horizontally across the plain is the Russian image of the world ..." (Gachev, 2008, p. 27). It is no coincidence that the lexeme "path" appears in the last poem of the cycle. Zhemchuzhnikov, whose hero traveled a long way from Moscow to the countryside and back, completes his "rural impressions" with such playful ease. The lyrical hero's guide, his faithful companion on this path is Rakita, lonely and close, understandable and mysterious. Russian folklore tradition, analyzing the last stanza, the image of "path - road". The appeal to folklore is fruitful, since A. M. Zhemchuzhnikov was well acquainted with oral folk art.

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Aplicação de *Annona glabra* L. (Annonaceae) na área da saúde, composição química e atividade biológica

**Application of *Annona glabra* L. (Annonaceae) in the area of health, chemical composition
and biological activity**

**Aplicación de *Annona glabra* L. (Annonaceae) en el área de salud, composición química y
actividad biológica**

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Resumo

Este artigo de revisão teve como objetivo apresentar o conhecimento acumulado até o presente momento a respeito da espécie *Annona glabra* L. (Annonaceae), sua aplicabilidade na área da saúde, composição química e atividade biológica. A seleção dos artigos ocorreu por meio de diferentes plataformas de busca bibliográfica, como Annual Reviews, Europe PMC, Google Acadêmico, Indian Journals, PubMed, ResearchGate, SAGE journals, Scielo, ScienceDirect, Scientific Reports, Semantic Scholar, Wiley Online Library e J-STAGE. A literatura científica apresenta estudos sobre a espécie *A. glabra* apresentam dados promissores sobre atividades anticarcinogênica, inibição das células carcinogênicas, leucemia linfocítica crônica e do complexo mitocondrial I, antioxidantes, antirreumática, emoliente, significativa inibição da replicação do HIV em linfócitos H9 e na inibição da transcriptase reversa, antimicrobiana, antifúngica, inseticida, vermicida e antiparasitária. Estudos fitoquímicos derivados das extrações de diferentes partes da planta revelaram a presença de flavonóides, terpenóides, glicosídeos, esteróides, saponinas,

Abstract

This review article aimed to present the knowledge accumulated so far about the species *Annona glabra* L. (Annonaceae), its applicability in the health area, chemical composition and biological activity. The selection of articles took place through different bibliographic search platforms, such as Annual Reviews, Europe PMC, Google Scholar, Indian Journals, PubMed, ResearchGate, SAGE journals, Scielo, ScienceDirect, Scientific Reports, Semantic Scholar, Wiley Online Library and J-STAGE. The scientific literature presents studies on the species *A. glabra* present promising data on anticarcinogenic activities, inhibition of carcinogenic cells, chronic lymphocytic leukemia and mitochondrial complex I, antioxidants, antirheumatic, emollient, significant inhibition of HIV replication in H9 lymphocytes and inhibition of reverse transcriptase, antimicrobial, antifungal, insecticidal, vermicide and antiparasitic. Phytochemical studies derived from extractions of different parts of the plant revealed the presence of flavonoids, terpenoids, glycosides, steroids, saponins, tannins, anthraquinones and acidic compounds. The species has properties related to traditional medicine, being used in the Chinese, Japanese and Mexican health systems. The

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taninos, antraquinonas e compostos ácidos. A espécie apresenta propriedades relacionadas a medicina tradicional, sendo empregues no sistema de saúde chinês, japonês e mexicano. A compreensão acerca da espécie e seus compostos com atividade anticarcinogênica ainda é mal compreendida e infelizmente nenhum estudo alcançou a fase de testagem clínica. Este estudo buscou ser fonte de estímulo para novas pesquisas abordando a atividade biológica, estudos in vitro e in vivo, das diferentes peças florais de *A. glabra*.

Palavras-chave: Annonaceae, *Annona glabra*, Saúde, Compostos Químicos, Atividade Biológica.

Resumen

Este artículo de revisión tuvo como objetivo presentar el conocimiento acumulado hasta la fecha sobre la especie *Annona glabra* L. (Annonaceae), su aplicabilidad en el área de la salud, composición química y actividad biológica. La selección de artículos se realizó a través de diferentes plataformas de búsqueda bibliográfica, como Annual Reviews, Europe PMC, Academic Google, Indian Journals, PubMed, ResearchGate, SAGE journals, Scielo, ScienceDirect, Scientific Reports, Semantic Scholar, Wiley Online Library y J-STAGE. La literatura científica muestra estudios sobre la especie *A. glabra* que presentan datos prometedores sobre actividades anticancerígenas, inhibición de células cancerígenas, leucemia linfocítica crónica y complejo mitocondrial I, antioxidante, antirreumático, emoliente, inhibición significativa de la replicación del VIH en linfocitos H9 y en la inhibición de la transcriptasa inversa, antimicrobiano, antifúngico, insecticida, vermicida y antiparasitario. Los estudios fitoquímicos derivados de extracciones de diferentes partes de la planta revelaron la presencia de flavonoides, terpenoides, glucósidos, esteroideos, saponinas, taninos, antraquinonas y compuestos ácidos. La especie tiene propiedades relacionadas con la medicina tradicional, siendo utilizada en el sistema de salud chino, japonés y mexicano. El conocimiento sobre la especie y sus compuestos con actividad anticancerígena aún es poco conocido y, lamentablemente, ningún estudio ha llegado a la etapa de prueba clínica. Este estudio buscó ser una fuente de estímulo para futuras investigaciones sobre la actividad biológica, estudios in vitro e in vivo, de diferentes piezas florales de *A. glabra*.

Palabras clave: Annonaceae, *Annona glabra*, Salud, Compuestos químicos, Actividad biológica.

Introdução

A espécie *Annona glabra* L. (Annonaceae) (**Figura 1**), é uma planta com ampla distribuição, principalmente nas regiões tropicais e subtropicais (Zotz, Tyree & Patiño, 1997). Encontrada nas margens de lagos e rios, se desenvolvem em ambientes sujeitos a inundações podendo durar por períodos curtos, longos ou até permanecendo constantemente inundados (Campbell, Stone & Rosas, 1992; Croat, 1978). Também ocorrendo em habitats pantanosos de manguezais, são tolerantes a água salgada ou salobra, não sendo capazes de sobreviver em terrenos com escassez hídrica, solos arenosos e bem drenados (Goodrich & Raguso, 2009; Matsumoto et al., 2014; Zotz, Tyree, & Patiño, 1997) e quando expostas a condições de seca suas raízes rapidamente são afetadas (Goodrich & Raguso, 2009; Zotz et al., 1997).

understanding of the species and its compounds with anticarcinogenic activity is still poorly understood and unfortunately no study has reached the clinical testing stage. This study sought to be a source of stimulus for further research addressing the biological activity, in vitro and in vivo studies, of the different floral parts of *A. glabra*.

Keywords: Annonaceae, *Annona glabra*, Health, Chemical Compounds, Biological Activity.

A espécie *A. glabra* apresenta aplicações na área da saúde com propriedades relacionadas à fitoquímica e na medicina tradicional, os extratos crus são empregues no sistema de saúde chinês, japonês e mexicano (Cochrane et al., 2008); em relação a atividade biológica, nos frutos encontram-se compostos (acetogeninas, ent-kaurenos, peptídeos e alcaloides) com inúmeras propriedades clínicas e farmacológicas em seres humanos (Anh et al., 2014).

Algumas das propriedades ligadas à espécie são relacionadas a sua ação inseticida (Chang et al., 2000; de Mendonça et al., 2005; Ohsawa et al., 1991; Padmaja et al., 1995; Zeng et al., 1996); antimicrobiana (Galvão et al., 2016; Padmaja et al., 1995; Zeng et al., 1996); antifúngica (Padmaja et al., 1995); antiparasitária (Balbach,

1995; Ohsawa et al., 1991); antirreumática e emoliente (Balbach, 1995); inibição das células carcinogênicas, leucemia linfocítica crônica e do complexo mitocondrial I (Cochrane et al., 2008; Li et al., 1998; Liu et al., 1998; Matsumoto et al.,

2014); antioxidantes (Gonçalves et al., 2010; Genovese et al., 2008); significativa inibição da replicação do HIV em linfócitos H9 e na inibição do transcriptase reversa (HIV-1) (Chang et al., 1998).

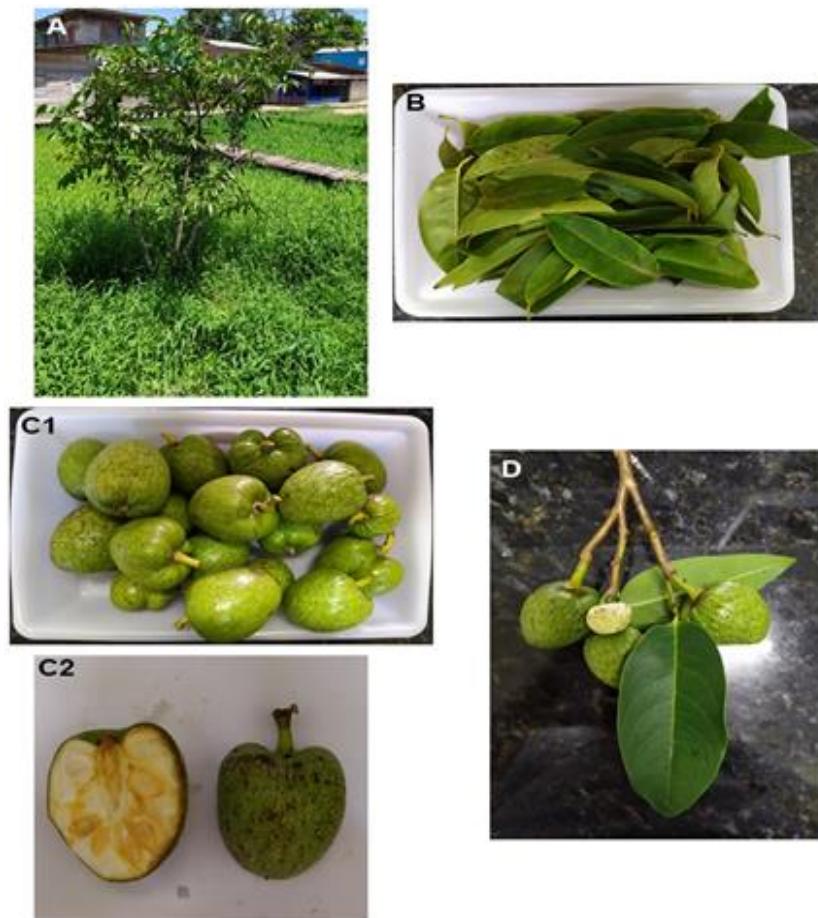


Figura 1. *Annona glabra* L. (A); Folhas (B); Frutos (C1 e C2); e Ramo floral – folhas, flor em desenvolvimento e frutos (D).

Marco teórico

A família Annonaceae é o grupo de maior relevância inserido na ordem Magnoliades, constituído aproximadamente de 135 gêneros e 2.500 espécies, sendo considerada uma das maiores entre as angiospermas basais (Chatrou, Rainer, & Maas, 2004; Group, 2009; APG, 2003; Tsou & Fu, 2002). O gênero *Annona* L. nativa da região Neotropical – Américas (Central e Sul) e África tropical, é formado por cerca de 175 espécies (Fries, 1959; Larranaga & Hormaza, 2015). Os frutos produzidos por algumas espécies do gênero eram apreciados e cultivados por civilizações pré-colombianas na América Central e do Sul (Larranaga & Hormaza, 2015; NAP, 1989) sendo esta prática mantida até os dias atuais em países em desenvolvimento com

climas tropicais e subtropicais (Larranaga & Hormaza, 2015).

A espécie *Annona glabra* L. (Annonaceae), *Annona australis*, *Annona palustris* ou *Annona palustris* var. *grandiflora*, possui diversos nomes populares como araticum do brejo, araticum-cortiça, araticum da praia, araticum, araticum de jangada, araticum do rio, araticum-panã, anona-lisa, panã, maçã de jacaré, araticupana e ou em inglês pond-apple (Corrêa, 1984; Pontes, Barbosa, & Maas, 2004). A espécie *A. glabra* é constituída por plantas de pequeno porte (arbustos ou arvoretas), frutífera, com ampla distribuição geográfica e é encontrada nas margens de lagos e rios, se desenvolvendo em

ambientes sujeitos a inundações podendo durar por períodos curtos, longos ou até constantemente inundados (Campbell et al., 1992; Croat, 1978), isso se deve ao seu sistema hidráulico de troncos e galhos eficientes, similar a outras espécies encontradas em regiões tropicais e temperadas (Scherer, 1995; Zotz, 1995; Zotz et al., 1997).

Em território brasileiro, a espécie apresenta uma ampla distribuição passando pelos estados do Amapá, Pará, Paraíba, Maranhão, Ceará, Pernambuco, Bahia, Alagoas, Sergipe, Minas Gerais, Espírito Santo, São Paulo, Rio de Janeiro, Paraná e Santa Catarina (Lobão, Araujo, & Kurtz, 2005; Maas et al., 2001; Pontes et al., 2004).

As plantas dessa espécie (**Figura 1**) possuem folhas oblongas ou ovado-lanceoladas, cartáceas, subcoriáceas e glabras com pecíolo longo; flores isoladas, terminais, com pétalas carnudas, coloração esbranquiçada típica das Annonaceae tropicais e com uma fragrância que remete à acetona; os frutos são de tom amarelado, sincárpico e obovado à ovado semelhante a uma maçã, contudo o consumo não se destaca frente a outros representantes do gênero (CNCFlora, 2012; Chatrou et al., 2012; Chen, Chang, Cho & Wu, 2000; Group, 2009; Larranaga & Hormaza, 2015; Lobão et al., 2005; Maas et al., 2001; Matsumoto et al., 2014; Pontes et al., 2004).

Sua madeira apresenta diversas virtudes aumentando seu valor comercial com aplicabilidades em torno da carpintaria, caixotaria, confecções de ripas, mastros e remos de pequenas embarcações e suas raízes têm como finalidade a confecção de cortiças (Lobão et al., 2005).

O período de floração, no estado do Rio de Janeiro, ocorre em junho, setembro, novembro e dezembro (Lobão et al., 2005) e a frutificação passa pelos meses de janeiro a março, junho e dezembro, com a dispersão dos frutos ocorrendo por hidrocoria (CNCFlora, 2012). Através do trabalho de Goodrich & Raguso (2009), é sugerido que besouros realizam a polinização da espécie devido a característica do odor e por se intensificar após o pôr do sol (Gottsberger, 1999; Jürgens, Webber & Gottsberger, 2000; Silberbauer-Gottsberger, Gottsberger & Webber, 2003).

Devido a sua biologia, a espécie se torna ideal para estudos de adaptações fisiológicas de plantas tolerantes a ambientes ricos em recursos hídricos, além de exercer um importante papel na sucessão ecológica, como fica evidenciado em alguns estudos (Croat, 1978; Zotz et al., 1997).

Metodologia

Os artigos selecionados para o trabalho forneceram dados sobre a aplicabilidade da espécie *A. glabra* na área da saúde, composição química e atividade biológica (**Figura 2**), sendo desconsiderados os artigos que não preencheram esses requisitos. A seleção dos trabalhos ocorreu através da utilização de palavras chaves em diferentes combinações: *Annona glabra*, saúde, compostos químicos e atividade biológica. Plataformas bibliográficas utilizadas: Annual Reviews, Europe PMC, Google Acadêmico, Indian Journals, PubMed, ResearchGate, SAGE journals, Scielo, ScienceDirect, Scientific Reports, Semantic Scholar, Wiley Online Library e J-STAGE.

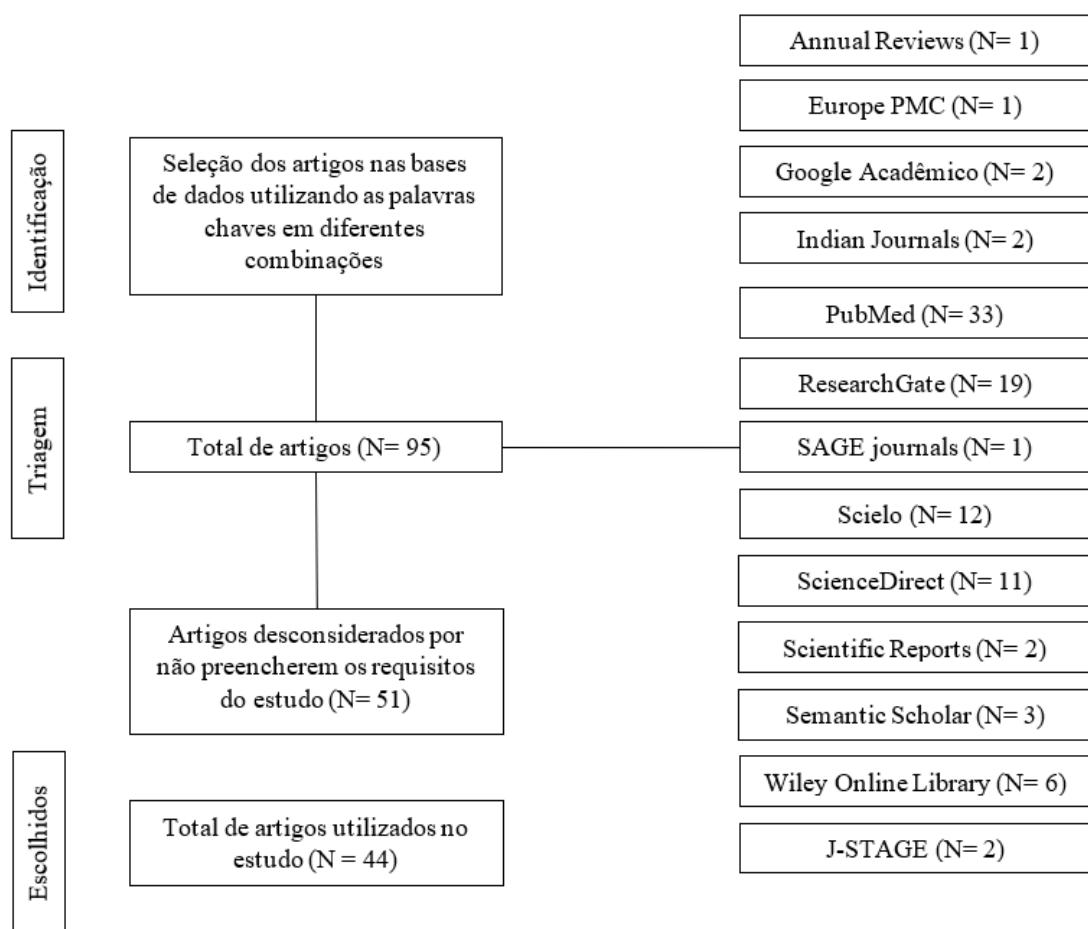


Figura 2. Diagrama de fluxo para seleção dos artigos.

Resultados e discussões

Os artigos que compõem este estudo analisaram os constituintes químicos das diferentes partes da planta *A. glabra*, sua atividade biológica e ação farmacológica (Tabela 1). Diversas linhas de pesquisas se debruçaram sob os constituintes químicos, a fim de entender melhor a composição particular de cada estrutura da espécie *A. glabra* e sua possível aplicabilidade ligada a área da saúde.

As acetogeninas anonáceas são derivadas de ácidos graxos de cadeia longa, sendo os constituintes majoritários nos membros da família Annonaceae (Alali, Liu, & McLaughlin, 1999). Elas formam uma classe de compostos com propriedades anticarcinogênica, capazes de inibir a NADH oxidase da membrana plasmática ligada à ubiquinona das células cancerosas e a produção de ATP via bloqueio do complexo I mitocondrial (Cochrane et al., 2008; Gallardo et al., 1998; Liu et al., 1998; Miyoshi et al., 1998; Morré et al., 1995); apresentam atividade antimarialária (Balbach, 1995); antiparasitária

(Balbach, 1995; Ohsawa et al., 1991); e inseticida, interferindo no transporte de elétrons nas mitocôndrias dos insetos (de Mendonça et al., 2005 Ohsawa et al., 1991; Padmaja et al., 1995; Zeng et al., 1996).

Ao trabalhar com extrato metanólico do caule de *A. glabra* (Chen et al., 2000) descobriram três novos diterpenóides de caurano: anoglabasina C (16α -acetoxi-*ent*-cauran-19-óico ácido-17-éster metílico) anoglabasina D (éster 16α -acetoxi-*ent*-cauran-19-al-17-metil) e anoglabasina E (ácido 16α -hidro-19-ol-*ent*-cauran-17-óico); um novo diterpenóide norcaurano, anoglabasina F (16α -acetoxi-19-nor-*ent*-cauran-4 α -ol-17-metil éster) e 13 cauranos derivados conhecidos (ácido 16α -Metoxi-*ent*-cauran-19-óico, éster 16α -hidro-*ent*-cauran-17,19-dimetil, ácido 16β ,17-dihidroxi-*ent*-cauran-19-óico, ácido 16α -hidro-*ent*-cauran-17,19-dióico, ácido 16α -hidro-*ent*-cauran-17,19-díol, ácido 16α -hidro-19-al-*ent*-cauran-17-óico, ácido 16α -hidro-19-al-*ent*-cauran-17-metil, ácido 16α -hidroxi-*ent*-cauran-19-óico, ácido 16α -hidro-*ent*-cauran-17-óico,



ácido *ent*-caur-15-en-17-ol-19-óico, *ent*-caur-15-en-17,19-diol e ácido 19-nor-*ent*-cauran-4 α -ol-17-óico). Pela primeira vez foram isolados a partir de fonte natural o ácido 16 α -Metoxi-*ent*-cauran-19-óico e o éster 16 α -hidro-*ent*-cauran-17,19-dimetil. Já no estudo realizado por (Chen et al., 2004), descobriram um novo diterpenóide dimérico de caurano denominado annoglabayin nos frutos de *A. glabra*.

Na busca por bioativos, utilizando extratos etanólicos das folhas de *A. glabra*, foram isolados os compostos glacinas A e B. Essas acetogeninas foram submetidas a testes de citotoxicidade *in vitro* contra diferentes linhagens celulares tumorais, sendo demonstrada sua capacidade e seletividade (Liu et al., 1998). Em seus trabalhos Matsumoto et al. (2014) e Rocha et al. (2017), isolaram e identificaram a partir das folhas, oito compostos, sendo dois esteróides (β -sistosterol e estigmasterol), cinco diterpenos com o esqueleto de caurano (ácido *ent*-caur-16-en-19-óico, ácido *ent*-19-metoxi-19-oxocauran-17-óico, anoglabasina B, ácido *ent*-17-hidroxicaur-15-en-19-óico e ácido *ent*-15 β ,16 β -epoxi-17-hidroxi-cauran-19-óico) e a acetogenina asimicina. Já Lee et al. (2015), através dos extratos etanólicos provenientes das folhas, obteve os seguintes compostos: (-)-*N*-metilactinodafinina, (-)-actinodafinina, (+)-boldina, (-)-anolobina, (-)-asimilobina, (+)-norisodomesticina, (-)-roemerolina, (+)-reticulina, (-)-(6aS,7R)-7-hidroxiaactinodafinina, (+)-1S,2S-reticulina *N*-óxido, liriodenina, (-)-palidina, (+)-estearina, (+)-magnoflоро, quercetina, quercetina-3-*O*- β -D-galactopiranosídeo, 3-*O*- β -D-glucopiranosídeo e 3-*O*- α -L-arabinopiranosídeo. Entre eles, (-)-anolobina e (-)-roemerolina demonstravam atividade inibitória satisfatória contra acetilcolinesterase com valores de IC₅₀ (concentração inibitória) de 22,4 e 26,3 μ M, respectivamente. A hipótese colinérgica levantada pelos autores seria uma alternativa para o tratamento do Alzheimer, onde esses inibidores atuariam sobre a taxa de acetilcolina nas sinapses colinérgicas do córtex cerebral (Lee et al. 2015).

Chang et al. (1998) descobriram dois novos diterpenóides cauranos derivados dos frutos, anoglabasina A (metil-16 β -acetoxi-19-al-*ent*-cauran-17-oato) e anoglabasina B (16 α -hidro-19-acetoxi-*ent*-ácido cauran-17-óico). Outros compostos foram encontrados, porém estes já haviam sido isolados anteriormente: ácido *ent*-caur-16-en-19-óico; ácido 16 α ,17-dihidroxi-*ent*-cauran-19-óico; ácido 16 β -hidroxi-17-acetoxi-*ent*-cauran-19-óico; ácido 16 β -hidro-*ent*-cauran-

17-óico; ácido 16 α -hidro-*ent*-cauran-17-óico; *ent*-caur-16-en-19-ol; *ent*-caur-15-eno-17,19-diol; ácido 16 α -hidro-19-al-*ent*-cauran-17-óico; metil-16 α -hidro-19-al-*ent*-cauran-17-oato; 16 β -hidroxil-17-acetoxi-*ent*-cauran-19-al e ácido 19-nor-*ent*-cauran-4 α -ol-17-oico. Contudo verificou-se que o composto metil-16 α -hidro-19-al-*ent*-cauran-17-oato demonstrou atividade leve contra a replicação do HIV em células de linfócitos H9 e o ácido 16 α -17-dihidroxi-*ent*-cauran-19-óico inibiu significativamente a transcriptase reversa do HIV.

A obtenção dos compostos derivados do material vegetal pode variar de acordo com a técnica que será empregue e o tipo de amostra a ser analisada durante o trabalho. Ao estudarem a composição química floral de *A. glabra*, foram encontrados os compostos 1,8-cineol (eucaliptol), acetato de 3-pentanil e 3-pentanol, produtos esses majoritários desta estrutura (Goodrich & Raguso, 2009). Li et al. (1998 e 1999), trabalhando apenas com as sementes isolaram e caracterizaram os compostos glabrina A, B, C e D.

Chang et al. (2000) isolaram uma série de compostos a partir dos frutos e caules, sendo dioxoaporfina - annobraine; duas oxoaporfinas - liriodenina e lisicamina; cinco aporfinas - (-)-nornuciferina, (-)-anonaina, (-)-N-formilanaine, (-)-asimilobina e (+)-nordomesticina; uma proaporfina - (+)-esteparina; duas protoberberinas - (-)-quicemanina e desidrocorydalmina; uma azaantraquinona - 1-aza-4-metil-2-oxo-1,2-dihidro-9,10-antracenodi-ona; duas amidas - *N*-trans-feruloiltiramina e *N*-*p*-coumaroiltiramina; uma ionona - blumenol A; cinco esteróides - β -sitosterol, estigmasterol, β -sitosteril-D-glucosídeo, estigmasteril-D-glucosídeo e 6-*O*-palmitoil- β -sitosteril-D-glucosídeo.

Em trabalho realizado com *Annona* spp. provenientes do Vietnã, foi analisada a composição química dos diferentes óleos voláteis. Entre as espécies a *A. glabra* apresentou como constituintes majoritários β -cariofileno (21,5%), germacreno D (17,7%), α -cadinol (5,4%), β -elemeno (5,2%), α -felandreno (4,3%) e α -cariofileno (3,6%) (Thang, Dai, Hoi, & Ogunwande, 2013). Foi observado variações na composição e nas concentrações dos compostos isolados das suas amostras em relação a outros autores, como visto no trabalho de Santos et al. (1998), que analisaram os óleos dos frutos de *A. glabra* no Brasil em três diferentes estágios (verde, meio maduro e maduro) - terpenóides α -pineno (18,5; 11,3; 15%), limoneno (20; 20,7; 20,6%), α -felandreno (21; 1,2; 2%) e (E)- β -

ocimeno (15,8; 19,7; 18,3%). Enquanto que Pino; Marbot; Agüero (2002) com bagas provindas de Cuba, encontraram mirceno (47,1%), (Z)- β -ocimeno (16,3%), limoneno (11,2%) e α -pineno (9,5%), sendo setenta e oito compostos identificados pela primeira vez como componentes voláteis nesta planta. Os sesquiterpenos foi a classe dominante do óleo de *A. glabra* para a região do Vietnã, divergindo do que foi observado com os óleos do Brasil e de Cuba com os terpenóides (Pino, Marbot, & Agüero, 2002; Santos et al., 1998). A diferença nos constituintes químicos dos óleos de uma planta pode variar de acordo com inúmeros fatores bióticos (parte analisada, idade da planta, presença de predadores e parasitas e o local de coleta das amostras) e abióticos (estação climática, técnica de coleta, nutrientes disponíveis, temperatura e luz).

Através do trabalho de Anh et al. (2014), foi descoberto um novo glicosídeo *ent*-caurano (anoglabasina H) e isolados três compostos já conhecidos anoglabasina E, anoglabasina B e ácido 19-nor-*ent*-caurent-4-ol-17-óico, a partir dos frutos de *A. glabra* coletados na cidade de Ho Chi Minh (Vietnã). As atividades citotóxicas dos compostos foram aferidas através do ensaio de brometo de 3-[4,5-dimetiltiazol-2-il] -2,5-difeniltetrazólio (MTT) sobre quatro linhagens de células de câncer humano (LU-1, MCF-7, SK-Mel2 e KB), tendo se destacado o composto anoglabasina H, devido sua atividade moderada comprovada em todos os testes com CL_{50} (concentração letal) entre 3,7 a 4,6 μ M.

Ao trabalhar como o extrato metanólico dos frutos de *A. glabra*, Hien et al. (2015) isolaram acetogeninas, *ent*-cauranos, peptídeos e alcalóides, totalizando nove compostos: um novo (*2E,4E,1'R,3'S,5'R,6'S*)- ácido di-hidrofásico 1,3'-di-*O*- β -D-glucopiranosídeo e outros oitos compostos conhecidos (*2E,4E,1'R,3'S,5'R,6'S*)- ácido di-hidrofásico 3'-*O*- β -D-glucopiranosídeo, icarisídeo D₂, icarisídeo D₂ 6'-*O*- β -D-xilopiranosídeo, 3,4-dimetoxifenil *O*- β -D-glucopiranosídeo, ácido 3,4-di-hidroxibenzoico, blumenol A, cucumegastigmane I e icarisida B₁. O composto icarisídeo D₂ apresentou atividade citotóxica (teste MTT) significativa na linhagem celular de câncer HL-60 com IC_{50} de $9,0 \pm 1,0$ μ M, sendo observado alterações nas proteínas relacionadas a apoptose, sinalizando alteração na expressão das mesmas e diminuição da fosforilação de AKT em células HL-60.

As partes aéreas (galhos) da espécie *A. glabra* são fontes de substâncias com função inseticida (Chen et al., 2000; de Mendonça et al., 2005;

Ohsawa et al., 1991; Padmaja et al., 1995; Zeng et al., 1996), esporicida (Padmaja et al., 1995), atividade citotóxica e ação larvicida sob a espécie *A. aegypti* (Amarasinghe et al., 2020; de Mendonça et al., 2005). Em estudos preliminares, o extrato hexânico da casca do caule apresentou ação antimicrobiana e anti-helmíntica, tendo como constituinte majoritário o ácido (-) caur-16-en-19-óico (Padmaja et al., 1995).

Nas folhas de *A. glabra* são encontradas acetogeninas, compostos com atividade contra diferentes células tumorais (Liu, Pilarinou, & McLaughlin, 1999). De acordo com Padmaja et al. (1995), a casca e folhas são usadas tradicionalmente como inseticida e parasiticida na região de Kerala (Índia). Rocha et al. (2017) analisaram os efeitos dos extratos de acetona provenientes das folhas sobre as algas *Rhaphidocelis subcapitata* (Korshikov) e no oomiceto *Pythium aphanidermatum* (Edson). Dentre os resultados obtidos não foi detectado nenhum efeito das concentrações do extrato da folha até 75 mg/L, porém efeitos inibitórios iniciaram a partir de 125 mg/L em *R. subcapitata*. Os efeitos foram a redução da taxa de crescimento e da biomassa final das algas, tendo sido alcançado inibição total das microalgas a partir da concentração de 200 mg/L, sem haver diferença estatística significativa entre as três maiores concentrações. Os autores destacam que os efeitos inibitórios sobre *P. aphanidermatum* na concentração de 125 μ g/disco foram similares aos fungicidas Cicloheximida e Bifonazol. Pressupõem que tais resultados se devam aos constituintes químicos das folhas da planta, pois estes são apontados pela literatura possuindo atividade antifúngica, o que explicaria também a atividade anti-oomiceto.

Zhang et al. (2004) estudaram os efeitos inibitórios de dois diterpenóides, ácido cunábico (ácido *ent*-caur-16-en-19-óico) e o ácido *ent*-cauran-19-al-17-óico, derivados de *A. glabra* na proliferação celular de câncer de fígado humano (CFH) SMMC-7721 através do ensaio MTT. Os resultados levantados pela pesquisa mostram efeito inibitório para ambos diterpenóides, apresentando dose dependente por tempo, onde a dosagem mínima necessária foi de >5 μ mol/L para ácido cunábico e de >10 μ mol/L para ácido *ent*-cauran-19-al-17-óico. O maior efeito inibitório de crescimento registrado envolveu o ácido cunábico (81,05% a 25 μ mol/L, 72h), porém em dosagens mais elevadas a inibição não seguiu essa tendência. Para o ácido *ent*-cauran-19-al-17-óico, o maior percentual inibitório foi de 56,86% a 75 μ mol/L (72h), sendo observado

neste caso o efeito inibitório dependente da concentração e do tempo. Alterações morfológicas foram observadas com auxílio da microscopia de contraste de fase, fluorescência, eletrônica de transmissão e de varredura. As anomalias encontradas nos testes envolviam apoptose, cromatina condensada e redução no volume. Através da citometria de fluxo foi obtida a porcentagem apoptótica celular, onde o ácido cunábico e ácido *ent*-cauran-19-al-17-óico (25 µmol/L a 48h) registraram 43,31% e 24,95%, respectivamente. Os compostos interferiram no ciclo celular bloqueando a progressão das células SMMC-7721 durante a fase S causando parada no estágio G₀/G₁. Análises imunohistoquímicas revelaram que houve indução de apoptose por meio da regulação negativa da expressão do gene *bcl-2* e pela regulação positiva do gene *bax*. Os autores concluíram que os dois compostos diterpenóides atuaram inibindo de forma satisfatória na proliferação das células CFH SMMC-7721.

Através do trabalho de Galvão et al. (2016), foi demonstrado que os flavonóides derivados da fração de acetato de etila (FAE) das folhas de *A. glabra* possuem propriedades antimicrobianas sob *Pseudomonas aeruginosa*. A atividade antibacteriana ocorre em decorrência da atuação sob a superfície da parede celular bacteriana. Os resultados obtidos com FAE mostram atividade bacteriana contra diferentes cepas de *P. aeruginosa* e a sub-fração que mais se destacou foi SF32-33, abundante em flavonóides. Segundo Fang et al. (2016), os flavonóides interferem na viabilidade de *Escherichia coli* em decorrência de danos provocados na sua membrana externa. Wu et al. (2013) observaram a interação dos flavonóides com proteínas da parede celular de *E. coli*, acarretando na alteração de sua estrutura. Tal efeito poderia ter se repetido em *P. aeruginosa* quando submetida a SF 32-33 interferindo na sua viabilidade e crescimento. A SF32-33 apresentou os seguintes flavonóides: (-) epicatequina, fisetina, queracetina, rutina (glicosídeo de queracetina), hiperosídeo, isoquericitrina, quericitrina, caempferol 7-neohesperidosídeo, nicotiflorina e naringenina. Os resultados demonstram a viabilidade do uso do FAE das folhas de *A. glabra* no tratamento de infecções oriundas de *P. aeruginosa* (Galvão et al., 2016).

A eficácia anticarcinogênica dos extratos alcoólicos das folhas *A. glabra* foi estudada sobre as células de leucemia monocítica humana (LIU et al., 2018). As análises realizadas indicaram a presença de flavonóides, terpenóides, glicosídeos, esteróides, saponinas, taninos,

antraquinonas e compostos ácidos nos extratos. Foram testadas 5 concentrações (20 a 100 µg/mL) tendo sido observada uma redução na viabilidade das células leucêmicas (1,8 a 27,3%) exibindo uma relação dose-dependencia; alterações morfológicas como mitocôndrias condensadas, fragmentadas e aglomeradas foram registradas; ocorrência de apoptose nas concentrações 80 µg/mL (10,7%) e 100 µg/mL (22,4%) dos extratos; e redução na migração das células leucêmicas. Segundo os autores, os extratos das folhas figuraram como potenciais agentes anticâncer contra células de leucemia humana. Os ensaios realizados ABTS, DPPH e FRAP confirmaram a capacidade de eliminar os radicais livres por parte dos extratos de folhas de *A. glabra*. Com base nos dados obtidos, foi possível atestar a eficácia *in vitro* do extrato foliar de *A. glabra* em células de leucemia humana (LIU et al., 2018).

Amarasinghe et al. (2020) analisaram o potencial larvicida de nanopartículas derivadas das folhas de *A. glabra* (An-AgNPs) e o extrato aquoso bruto no controle de larvas (L3) de *A. aegypti* e *Aedes albopictus*. Os resultados com An-AgNPs foram considerados satisfatórios com CL₅₀ – 24h de exposição: *A. aegypti* (extrato vegetal: AgNO₃ 1:10) 5,29 mg/L e (AgNO₃ 2:10) 2,43 mg/L; enquanto *A. albopictus* (AgNO₃ 1:10) 3,02 mg/L e (AgNO₃ 2:10) 2,51 mg/L. Os valores de CL₅₀ (24h) obtidos para o extrato aquoso bruto contra *A. aegypti* e *A. albopictus* foram 5,94 mg/L e 5,00 mg/L, respectivamente. A espécie *A. albopictus* demonstrou ser mais suscetível em ambos os testes (An-AgNPs e extrato aquoso bruto), com exceção do teste An-AgNPs (AgNO₃ 2:10) e entre os produtos analisados as nanoformulações demonstraram atividade larvicida superior no controle dos mosquitos vetores.

O estudo realizado por de Mendonça et al. (2005) testou uma série de extratos e óleos de plantas medicinais brasileiras a fim de aferir as atividades inseticidas, utilizando a metodologia preconizada pela OMS (WHO, 1996). O extrato etanólico mais ativo foi de *A. glabra*, preparado em aparelho Soxhlet a partir do caule, apresentando uma CL₅₀ de 27 µg/L (de Mendonça et al., 2005). Os resultados encontrados para as larvas de *A. aegypti* não são inesperados, pois Mendonça (2003) já havia demonstrado a atividade inseticida da planta, desta vez, derivada dos extratos das sementes.

dos Santos & Sant'Ana (2001), realizaram testes para avaliar a atividade dos extratos etanólicos de seis espécies de Annonaceae, entre elas encontrava-se *A. glabra*. A maioria dos extratos

analizados sobre *Biomphalaria glabrata*, massa de ovos e fase adulta, apresentou letalidade sobre o molusco. *B. glabrata* possui papel vital no ciclo de vida da esquistossomose servindo como hospedeiro intermediário e o controle desse invertebrado é fundamental para reduzir o número de casos da doença. Os testes para ambas as fases de desenvolvimento do caracol seguiram

o modelo preconizado pela OMS (WHO, 1983). Os resultados encontrados para os extratos derivados das folhas e sementes (ppm) de *A. glabra* sobre *B. glabrata* (fase adulta) foram DL₅₀(0,97 e 9,23) e DL₉₀(3,79 e 17,02), contudo para a massa de ovos foi observada inatividade dos extratos Santos & Sant'Ana (2001).

Tabela 1.

Constituintes químicos encontrados em diferentes partes de Annona glabra.

Parte da Planta	Composto	Atividade Biológica	Ação Farmacológica	Referências
Sementes	squamocina; asimicina; desacetil uvaricina anoglabasina A (metil-16 β -acetoxi-19-al- <i>ent</i> -cauran-17-oato); anoglabasina B (16 α -hidro-19-acetoxi- <i>ent</i> -ácido cauran-17-óico); ácido <i>ent</i> -caur-16-en-19-óico; ácido 16 α ,17-dihidroxi- <i>ent</i> -cauran-19-óico; ácido 16 β -hidroxi-17-acetoxi- <i>ent</i> -cauran-19-óico;	Inseticida e Acaricida	Medicina tradicional - controle	Ohsawa et al. (1991)
Frutos frescos	ácido 16 β -hidro- <i>ent</i> -cauran-17-óico; ácido 16 α -hidro- <i>ent</i> -cauran-17-óico; <i>ent</i> -caur-16-en-19-ol; <i>ent</i> -caur-15-eno-17,19-diol; ácido 16 α -hidro-19-al- <i>ent</i> -cauran-17-óico; metil-16 α -hidro-19-al- <i>ent</i> -cauran-17-oato; 16 β -hidroxil-17-acetoxi- <i>ent</i> -cauran-19-al; ácido 19-nor- <i>ent</i> -cauran-4 α -ol-17-oico	Atividade contra a replicação e transcriptase reversa do HIV (antiviral)	Medicina tradicional	Chang et al. (1998)
Toda planta	glabrina A e B	Diminuição da captação de oxigênio em testes mitocondriais; Inibição da produção de ATP via bloqueio do complexo I mitocondrial; Inibidores da NADH oxidase da membrana plasmática ligada à ubiquinona das células cancerosas	Medicina tradicional - citotoxicidade	Li et al. (1998)
Frutos	α -pineno; limoneno; α -felandreno; (E)- β -ocimeno	-	-	Santos et al. (1998)
Sementes	glabrina C; glabrina D annobraine;	- Inseticida	-	Li et al. (1999)



	liriodenina; lisicamina; (-)normuciferina; (-)anonaina; (-)N-formilanonaine; (-)asimilobina; (+)-nordomesticina; (+)-esteparina; (-)quicemanina; Desidrocorydalmina;		
Frutos e caules	1-aza-4-metil-2-oxo-1,2-dihidro-9,10-antracenodiona; <i>N-trans</i> -feruloyll tiramina; <i>N-p</i> -coumaroiltiramina; blumenol A; β -sitosterol; estigmasterol; β -sitosteril-D-glucosídeo; estigmasteril-D-glucosídeo; 6-O-palmitoil- β -sitosteril-D-glucosídeo		Chang et al. (2000)
Flores	1,8-cineol (eucaliptol); acetato de 3-pentanil; 3-pentanol		Goodrich & Raguso (2009)
Frutos	anoglabasina H; anoglabasina E; anoglabasina B; ácido 19-nor-ent-caurent-4-ol-17-óico β -sistosterol; estigmasterol; ácido ent-caur-16-en-19-óico; ácido ent-19-metoxi-19-oxocauran-17-óico; anoglabasina B; ácido ent-17-hidroxicauran-15-en-19-óico; ácido ent-15 β ,16 β -epoxi-17-hidroxi-cauran-19-óico; asimicina	Atividades anticâncer; Transcriptase reversa anti-HIV e Atividades antimaláricas	Citotoxicidade Anh et al. (2014)
Folhas	(2E,4E,1'R,3'S,5'R,6'S)-ácido di-hidrofásico 1,3'-di- <i>O</i> - β -D-glucopiranósídeo; (2E,4E,1'R,3'S,5'R,6'S)-ácido di-hidrofásico 3'- <i>O</i> - β -D-glucopiranósídeo; icarisídeo D2; icarisídeo D2 6'- <i>O</i> - β -D-xilopiranósídeo; 3,4-dimetoxifenil <i>O</i> - β -D-glucopiranósídeo; ácido 3,4-di-hidroxibenzoico; blumenol A; cucumegastigmane I; icarisida B ₁ (-)-N-metilactinodafinina; (-)-actinodafinina;	Atividades anticâncer; Transcriptase reversa anti-HIV e Atividades antimaláricas	Citotoxicidade Matsumoto et al. (2014)
Frutos	(+)-boldina; (-)-anolobina;		Citotoxicidade Hien et al. (2015)
Folhas	(+)-boldina; (-)-anolobina;	Inibição da acetilcolinesterase	Lee et al. (2015)

	(-)-asimilobina; (+)-norisodomesticina; (-)-roemerolina; (+)-reticulina; (-)-(6aS,7R)-7-hidroxiactinodafinina; (+)-1S,2S-reticulina <i>N</i> -óxido; liriodenina; (-)-palidina; (+)-estearina; (+)-magnofloro; quercetina; quercetina-3- <i>O</i> - β -D-galactopiranosídeo; 3- <i>O</i> - β -D-glucopiranosídeo; 3- <i>O</i> - α -L-arabinopiranosídeo (-)epicatequina; fisetina; quercetina; rutina (glucosídeo de quercetina); hiperosídeo; isoquercitrina; quercitrina; caempferol 7-neohesperidosídeo; nicotiflolina; naringenina β -sistosterol; estigmasterol; ácido ent-caur-16-en-19-óico; ácido ent-19-metoxi-19-oxocauran-17-óico; anoglabasina B; ácido ent-17-hidroxicaur-15-en-19-óico; ácido ent-15 β ,16 β -epoxi-17-hidroxi-cauran-19-óico; asimicina	Inibição da acetilcolinesterase	
Folhas	Controle microbiano	Antitumorais, imunomoduladoras e antimicrobiana	Galvão et al. (2016)
Folhas	Controle (Fungicida e algicida)	Antifúngica e antioomiceto	Rocha et al. (2017)

Conclusões

Os estudos sobre a espécie *A. glabra* apresentam dados promissores sobre atividades anticarcinogênica, antioxidantes, antirreumática, antimicrobiana, antifúngica, inseticida, vermicida e antiparasitária. Apesar de ser utilizada a tempos na medicina tradicional, infelizmente as informações acerca de suas atividades alelopáticas são pouco conhecidas devido à escassez de pesquisas e consequentemente nenhum estudo alcançou a fase de testagem clínica.

Mais estudos sobre sua bioquímica e fisiologia necessitam ser realizados, a fim de atestar essas propriedades. Caso sejam confirmados, testes mais aprofundados e voltados à elaboração de um produto final precisam ser realizados para atender as necessidades humanas. Este estudo buscou ser fonte de estímulo para novas pesquisas abordando a atividade biológica e farmacológica, *in vitro* e *in vivo*, das diferentes peças florais de *A. glabra*.

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Estados mentales dominantes de los militares: parámetros, estructura, interdependencia de los factores

Servicemen's dominant mental states: parameters, structure, and factor interdependence

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Resumen

El objetivo del artículo es fundamentar teóricamente y estudiar empíricamente los estados mentales dominantes de los militares que sirven en el ejército, algunos de los cuales participaron en operaciones militares; determinar los parámetros, estudiar la estructura y la interdependencia de los factores. Se utilizó las herramientas de psicodiagnóstico que reflejaron de manera relevante el sujeto y el objeto de la investigación. Se interpretó cualitativamente los estados mentales dominantes de los encuestados, se aclaró el número óptimo de factores de la investigación y se describió las características semánticas psicológicas del fenómeno estudiado. El análisis factorial ANOVA permitió determinar la estructura de los estados mentales dominantes de los encuestados, que combina siete estados actuales (F1-F7), lo que constituye el 71.651% de la dispersión. El más importante de la estructura factorial es F4 “La Dominación pragmática”, que tiene más interrelaciones ($n = 4$) y la conexión más estable con F1 ($rs=.333$; $p \leq .01$). Se argumentó que los parámetros

Abstract

The aim of the article was to theoretically substantiate and empirically investigate the dominant mental states of servicemen, some of whom participated in hostilities; and also to set parameters, to study the structure and interdependence of factors. Psychodiagnostic methods that were relevant to the subject and object of research were used. The respondents' dominant mental states were qualitatively interpreted, the optimal number of research factors was determined, and the psychological content features of the studied phenomenon were described. The ANOVA factor analysis determined the structure of the respondents' dominant mental states, which combined seven current states (F1 – F7), accounting for 71.651 % of the dispersion. It is established that F4 “pragmatic dominance” is the most important in the factor structure, with the most associations ($n = 4$); it is emphasized that the correlation between F4 and F1 is the most stable ($rs=.333$; $p \leq .01$). It has been substantiated that psychological parameters, structure, and the interdependence of factors are key components in the resolution of service, tactical, fire, and combat activities. The results of the study

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psicológicos, la estructura y la interdependencia de factores son componentes clave para resolver las tareas de actividad táctica, de servicio, de fuego y de combate. Es conveniente poner en práctica los resultados del estudio durante la formación profesional y el entrenamiento táctico de los militares.

Palabras clave: esfera de necesidad motivacional, motivo, psicología militar, estrés, actividad militar.

Introducción

Actualmente, en el mundo hay casi cuatro docenas de conflictos armados y guerras, una de las cuales continúa en el este de Ucrania. En particular, según los datos a principios de 2017 Center for Systemic Peace (Centro Estadounidense de la Paz Integral) (CSP) contó 36 guerras en las cuales participan 28 estados. Casi la mitad de ellos (13 países) tienen conflictos prolongados, que duran más de 10 años (Center for Systemic Peace, 2017). La militarización de la sociedad, los conflictos militares actuales en diferentes partes del mundo, en particular en el este de Ucrania, exigen que la comunidad científica sea responsable y empiece a actuar activamente. La comunidad científica, a través de la investigación, los hechos confiables, la opinión pública oportunamente formada y las medidas preventivas, puede salvar cientos de miles o aun millones de vidas humanas y unir la humanidad en torno de los objetivos pacíficos. La comprensión crítica integral de las cuestiones jurídicas internacionales, procesales así que las de carácter organizativo de la investigación de crímenes de guerra es igualmente importante (Arbeláez-Campillo, Dudareva & Rojas-Bahamón, 2019; Tataryn et al., 2021).

Revisión de la literatura

El problema de la esfera de necesidad motivacional, las pretensiones del individuo son sumamente actuales en diversas áreas de la actividad humana: socioeconómica (Arbeláez-Campillo, Rojas-Bahamón, & Arbeláez-Encarnación, 2019), (Pinkovetskaia et al., 2019), educativa y profesional (Blyanova et al., 2020a), deportiva (Popovych et al., 2020a), competitiva Cheban (et al., 2020) y otras áreas con cargas excesivas que están al límite de capacidades humanas (Kuzikova et al., 2021; Nosov et al., 2020; Zinchenko et al., 2019; 2020). La esfera militar pertenece a las áreas extremas de la actividad humana, ya que va acompañada de importantes cargas psicoemocionales y físicas, situaciones extremas. Este tipo de

should be operationalized in the professional education and tactical training of servicemen.

Key words: needs and motivational sphere, motive, military psychology, stress, military activity.

actividad adquiere un significado especial en el momento en que el país se encuentra en conflicto militar, lo que hace a todo el personal militar, incluidos reclutas y contratistas, estar en alerta máxima. Consideramos que este estado de mayor preparación es el estado mental dominante del militar que tenemos por objetivo de estudiar.

La actividad militar es una actividad profesional de una persona que está experimentando cambios socioculturales permanentes, desafíos actuales. La actividad profesional de los militares es extremadamente sensible al progreso técnico, las tecnologías digitales de la información y los procesos de comunicación de la sociedad. Está claro que la motivación no puede existir aislada de la actividad humana, por eso nuestro objetivo es investigar justamente en la actividad actual y determinar los parámetros, la estructura factorial y la interdependencia de los factores que dominan los estados mentales de militares. Se realizó un análisis retrospectivo de los parámetros esenciales psicológicos de la esfera motivacional de la personalidad. (Elers, 2002; Hekhauzen, 2003). Se tuvo en cuenta las herramientas de psicodiagnóstico necesarias para estudiar estos fenómenos. (Herbachevskyi, 1990). En algunas fuentes, los parámetros psicológicos esenciales de la motivación se describen como componentes estructurales que forman un fenómeno multifacético integrado (Hekhauzen, 2003). Esta interpretación provoca el aspecto multifacético del contenido categórico y conceptual del fenómeno estudiado y la inconcreción del sistema de conceptos psicológicos, a pesar de que encontramos la justificación de la lista significativa de parámetros esenciales psicológicos en los conceptos conocidos, generalmente en el contexto de la actividad profesional, la formación profesional y personal. (Hekhauzen, 2003). Por supuesto, los estados mentales dominantes son los parámetros esenciales psicológicos muy importantes para la esfera motivacional de una personalidad. Bajo el estado mental entendemos

la peculiaridad de la actividad mental, debida a sus características semánticas y la actitud humana hacia esta actividad. Como los estados mentales son una integración estable de todas las manifestaciones mentales del hombre en su interacción determinada con la realidad, generalmente ellos se reflejan en la funcionalidad general de la psíquica. Nos vemos obligados a señalar que la dimensión empírica del estado mental dominante de los militares requiere una investigación cuidadosa en la actual actividad profesional militar. Precisamente en tales condiciones aspiramos a encontrar respuestas a las preguntas que ayudarán a comprender mejor la esencia de este fenómeno psicológico. Al construir la imagen empírica del estudio, tuvimos en consideración los resultados de una serie de trabajos sobre la problemática de actualidad. (Halian et al., 2020; 2021).

El estado mental es el nivel general funcional de la actividad mental, que depende de las condiciones de la actividad profesional, incluso de la inactividad y de sus características individuales psicológicas. Los estados mentales pueden ser de corta duración, situacionales, estables, personales y tener una serie de otras características de clasificación. (Prokhorov et al., 2015).

Creemos que el estado mental dominante es un tipo del estado mental que se integra con los procesos y propiedades mentales, y es capaz de actuar como un regulador importante del encuestado en cualquier actividad. Este estado está directamente relacionado con el éxito/fracaso del trabajo realizado. Como la organización eficaz de la actividad profesional de las unidades militares requiere del cuerpo de oficiales el conocimiento de la estructura y las particularidades esenciales psicológicos de los estados mentales dominantes de los militares. El desempeño de las misiones de servicio (de combate) por los militares depende directamente del tipo de estado mental dominante. La comprensión del cuerpo de oficiales de los dominantes de estados mentales permite operacionalizar la resolución de los objetivos de la preparación profesional al servicio militar y a la instrucción de combate. Los estados mentales dominantes acompañan el proceso de la actividad profesional y se puede presentarlos como interioridad, exterioridad, actividad, pasividad, apertura, reserva etc. (Popovych et al., 2021b). Según C. Izard (1991) los estados mentales están estrechamente relacionados con la actividad mental, a veces la necesidad de actuar toma la forma de estrés mental.

Se estableció que los estados mentales de expectativas influyen en el curso de los procesos mentales, y a menudo repitiéndose, adquieren estabilidad y se convierten en la propiedad del individuo. Los estados mentales tienen la capacidad de acordarse con las necesidades y aspiraciones del hombre, con sus capacidades y recursos, asegurando su desarrollo en las condiciones específicas del espacio (Popovych et al., 2021b).

Bajo el estado mental dominante del militar entendemos el conjunto integrado de las características disponibles que afectan el resultado de la actividad profesional, el desempeño de las tareas oficiales (de combate). Estos puntos de vista se confirman metodológicamente en el estudio de los estados cognitivos durante la actividad intelectual de los estudiantes a través de la estructura del estado de interés/estrés mental (Prokhorov et al., 2015), en los resultados del estudio del estado mental de expectativas en la actividad educativa profesional (Popovych et al., 2020a) y en los estudios del estado mental de fatiga crónica, que perjudica el rendimiento físico de una persona (Marcora et al, 2009) etc. Existe un estudio que descubre como el estado mental primario de las expectativas de un niño se convierte en un estado concreto, objetivo, definido, es decir, el estado mental de las expectativas de un adulto. (Popovych, 2014).

El análisis retrospectivo de fuentes científicas da motivos para generalizar que el lugar y el papel de los estados mentales dominantes de los militares que participaron en las operaciones militares o estaban preparados para tales acciones son poco estudiados.

A pesar de toda la importancia y actualidad, la descripción de las dimensiones teóricas y metodológicas del estudio de los estados mentales dominantes de militares sigue siendo un problema que requiere un análisis científico cuidadoso, una investigación empírica y la justificación.

Hipótesis. Suponemos que los resultados del estudio de los estados mentales motivacionales dominantes de militares tendrán datos científicos valiosos y será recomendable ponerlos en práctica en la formación profesional y el entrenamiento táctico de los militares.

Propósito. Justificar teóricamente y estudiar empíricamente los estados mentales dominantes de militares y determinar los parámetros

psicológicos, la estructura y la interdependencia de los factores.

Método

Los trabajos experimentales de los científicos A. Prokhorov y colegas (Prokhorov et al., 2015), V. Plokikh y colegas (Plokikh, 2021; Plokikh et al., 2021) y I. Popovych y colegas (Popovych et al., 2020b) sobre los estados mentales constituyen la base metodológica de la investigación. Se tiene en cuenta que la parte predominante de los jóvenes estudiados es de edad de 18 a 20 años ($n=54$; 62.79%), es decir los que cumplían el servicio militar obligatorio. En consecuencia, durante la organización del estudio, se toma en consideración las reglas psicológicas de la adolescencia descritas y fundamentadas en los estudios de las cosmovisiones (Kononenko et al., 2020), las orientaciones valorativas (Popovych at 2021c; Shevchenko, 2019), las reglas de la actividad educativa profesional de jóvenes (Blyanova et al., 2020b; Shevchenko et al., 2020), el bienestar psicológico (Blyanova & Kruglov, 2019; Ma et al., 2020; Semenov et al., 2021), el maximalismo y perfeccionismo de jóvenes (Klenina, 2019), el uso abusivo de redes sociales (Hudimova, 2021; Hudimova et al., 2021), la regulación espacial del comportamiento (Khmiliar et al., 2020) y otros estudios relacionados (Popovych et al., 2021a).

Participantes. En el estudio de constatación participaron los militares de las Fuerzas Armadas de Ucrania, que hacen el servicio en la base de la unidad militar AXXXX (*el nombre fue cambiado – I. P., L. S., O. S., N. Z., I. K.*), que se disloca en el territorio de la región de Kherson, de 18 a 45 años, con diferente estado civil y situación social. Los militares tienen diferentes rangos, desde soldado hasta capitán, diferentes puestos, desde conductor hasta piloto-navegante. Diferente experiencia laboral: mantenimiento de la paz, participación en la Operación Antiterrorista (OA) en el Este de Ucrania, participación en la Operación de Fuerzas Unidas (OFU). El número total de estudiados es 86 personas (67 hombres, lo que constituye 77.91%, y 19 mujeres, que forma 22.09%); la edad media es 23,19 años. De todos los estudiados ($n = 54$; 62,79%) hacían el servicio militar activo, el resto de los militares estaban bajo contrato ($n = 32$; 37,21%). El estudio fue realizado de acuerdo con los principios éticos del Comité de los Derechos de Investigaciones experimentales de la Declaración de Helsinki (2013).

Procedimiento e instrumentos. Desde mediados de 2020 y durante todo el año 2021, se utilizó los

métodos de prueba válidos con cuestionarios estandarizados. El método de diagnóstico motivacional de la personalidad para tener éxito (Elers, 2002) permitió medir el parámetro psicológico de la motivación para el éxito (ME). El índice de confiabilidad de α -Cronbach fue $\alpha_{ME} = .914$. Con ayuda del cuestionario “Nivel de pretensiones de la personalidad” (NPP) (Herbachevskyi, 1990) midieron los parámetros psicológicos siguientes: motivación interna (MI), motivación cognitiva (MC), motivación de la evitación (ME), motivación de la competencia (MC), motivación del cambio de actividad (MCA), motivación de la autoestima (MA), relevancia de los resultados (RR), complejidad de tareas (CT), esfuerzo de voluntad (EV), evaluación del nivel de los resultados obtenidos (ENR), evaluación del potencial propio (EPP), nivel previsto de la movilización de esfuerzos (NPME), nivel esperado de los resultados (NER), regularidad de los resultados (RR), iniciativa (I). Las respuestas se evaluaron mediante la escala de diferencial semántico bipolar, cuyos valores oscilaron entre -3 (no estoy nada de acuerdo) y +3 (estoy absolutamente de acuerdo). Los índices de confiabilidad obtenidos mediante el estadístico de α -Cronbach son: $\alpha_{РДО} = .834$. Se utilizó el coping test “Way of Coping Questionare” (“WCQ”), elaborado par (Lazarus & Folkman, 1984) y adaptado par T. Kriukova y Ye. Kuftiak (2007). El coping test permitió determinar ocho parámetros psicológicos – ocho métodos para superar las dificultades en el campo de las actividades militares actuales: confrontación (C), distanciamiento (D), autocontrol (AC), búsqueda del apoyo social (BAS), aceptación de la responsabilidad (AR), evitación (E), planificación de la resolución del problema (PRP), reevaluación positiva (RP). Las respuestas se evaluaron con ayuda de la escala de diferencial semántico unipolar, cuyos valores oscilaron entre 0 (nunca) y 3 (frecuentemente), α -Cronbach es $\alpha_{WCQ} = .855$. Como se puede ver, los índices de la confiabilidad de los métodos aplicados y los tests de α -Cronbach están entre el nivel medio (.8) y el nivel alto (.9).

Análisis estadístico. El procesamiento estadístico de los datos empíricos se realizó mediante el programa estadístico “SPSS” versión 24.0 y MS “Excel”. Para determinar la interdependencia de los factores se usó los coeficientes de correlación de Spearman (r_s). Para definir la estructura factorial se utilizó el análisis factorial ANOVA. Se determinó las características de frecuencia de los parámetros psicológicos. Consideramos que las diferencias son estadísticamente significativas en el nivel $p \leq .05$.

Resultados

Los resultados de las medidas empíricas fueron evaluados según todos los métodos, enfocándose en las escalas de la media aritmética (M) y la desviación cuadrática media (SD).

Tabla 1.

Características de frecuencia según el método de diagnóstico motivacional de la personalidad para tener éxito (n=86)

Escala	Media aritmética (M)	Desviación cuadrática media (SD)
Motivación para el éxito (ME)	16.87	3.62

Fuente: Elaboración propia, 2021.

Los resultados obtenidos de la media aritmética y la desviación cuadrática media de la muestra ($M = 16.87$; $SD = 3.63$) son similares a los datos obtenidos de otros estudios relevantes

En Tabl. 1 presentamos las características de frecuencia de las medidas según el método de diagnóstico motivacional de la personalidad para tener éxito (Elers, 2002).

Tabla 2.

Características de frecuencia del coping-test “WCQ” (n=86)

Escala	Media aritmética (M)	Desviación cuadrática media (SD)
Confrontación (C)	43.11	17.91
Distanciamiento (D)	43.23	24.01
Autocontrol (A)	71.19	18.98
Busqueda del apoyo social (BAS)	39.23	21.12
Aceptación de la responsabilidad (AR)	59.61	19.67
Evitación (E)	38.04	21.01
Planificación de la resolución del problema (PRP)	69.98	17.44
Reevaluación positiva (RP)	51.72	20.55

Fuente: Elaboración propia, 2021.

Los resultados obtenidos de media aritmética y la desviación cuadrática media de la muestra del coping-test “WCQ” son superiores que los de los encuestados jóvenes, obtenidos en otros estudios usando el mismo método, pero las diferencias no son significativas (Popovych, 2020a).

(Popovych, 2019), lo que confirma la validez de los datos obtenidos. En Tabl.2 presentamos las características de frecuencia de las medidas del coping-test “WCQ” (Lazarus & Folkman, 1984).

Constatamos la fiabilidad de los datos obtenidos. En Tabl. 3 presentamos las características de frecuencia de las medidas según el cuestionario “Nivel de pretensiones de la personalidad” (“NPP”) (Herbachevskyi, 1990).

Tabla 3.

Características de frecuencia según el cuestionario “NPP” (n=86)

Escala	Medida aritmética (M)	Desviación cuadrática media (SD)
Motivación intrínseca (MI)	13.23	3.38
Motivación cognitiva (MC)	16.33	3.16
Motivación de la evitación (ME)	12.24	3.87
Motivación de la competencia (MC)	12.29	3.85

Motivación del cambio de actividad (MCA)	13.44	3.80
Motivación de la autoestima (MA)	14.88	3.35
Relevancia de los resultados (RR)	9.51	3.07
Complejidad de tareas (CT)	6.17	2.99
Esfuerzo de voluntad (EV)	13.27	3.25
Evaluación del nivel de los resultados obtenidos (ENRO)	10.75	2.35
Evaluación del potencial propio (EPP)	14.64	3.29
Nivel previsto de la mobilización de esfuerzos (NPME)	15.08	2.89
Nivel esperado de los resultados (NER)	10.19	2.37
Regularidad de los resultados (RR)	13.95	3.04
Iniciativa (I)	13.63	2.98

Fuente: Elaboración propia, 2021.

Los resultados obtenidos de la media aritmética y la desviación cuadrática media de la muestra según el cuestionario “NPP” también son similares a los datos de otros estudios relacionados en los que se utilizó este método (Popovych, 2019; Popovych et al., 2021c). Constatamos la fiabilidad de las medidas obtenidas. El estudio de los estados mentales dominantes de los militares está representado por veinticuatro parámetros psicológicos. Consideramos apropiada tal elección, ya que los

parámetros propuestos reflejan de manera relevante la actualidad de la situación simulada de elección así que la voluntad de los encuestados.

Usando el método del componente principal, se realizó la reducción de la proporcionalidad de los factores recomendados y se determinó su carga. Se reveló que siete factores tienen valores superiores a 1.0 y reflejan el 71.651% de la dispersión de las variables esbozadas (Tabl. 4).

Tabla 4.
Matriz de cargas factoriales

Escala	F1	F2	F3	F4	F5	F6	F7
MTE			.724				
MI	.524						
MC	.577						
ME					.520		
MC			.749				
MCA		-.652					
MA	.483						
RR	-.445						
CT						.606	
EV	.539						
ENR					.616		
EPP	.622						
NPME	.748						
NER			.434				
RR	.593						
I		.597					
C	-.547	.564					
D				-.585			
AC	-.520						
BAS					.584		
AR		-.545					.577



E	.598						
PRP				.791			
RP		-.556	-.556				
Dispersión, %	18.368	15.187	11.948	9.176	6.466	6.022	4.484
Σ de dispersión, %	18.368	33.555	45.503	54.679	61.145	67.167	71.651
Valor	4.468	3.645	2.885	2.221	1.567	1.458	1.098

Fuente: Elaboración propia, 2021.

Nota. Las variables significativas se destacan en negrita.

En la tabla podemos ver los parámetros que tienen una carga factorial inferior a .500. Presentamos la carga máxima de cada parámetro para mostrar la matriz factorial completa de carga límite. Por supuesto, las variables significativas se destacan en negrita y se consideran como principales al formular los nombres de los factores de los estados mentales dominantes. Pasemos a describir los factores determinados.

F1 “La dominación egoísta” es el estado mental más significativo de los encuestados, que refleja la dependencia de los rasgos individuales de la personalidad, es decir, de la motivación interna y cognitiva, del esfuerzo de voluntad, la evaluación del potencial propio, del nivel previsto de la movilización de esfuerzos. Este estado tiene una correlación significativa negativa. Los encuestados demuestran confrontación y un alto nivel de autocontrol en el desempeño de sus funciones oficiales. Los encuestados en los cuales domina el estado mental actual demuestran la actividad interna y cognitiva en su actividad profesional.

F2 “La dominación de confrontación” demuestra la prevalencia de la confrontación en las acciones del encuestado. Tales sujetos tienen la iniciativa, pueden ir a la confrontación, tratan de evitar la búsqueda de otras resoluciones del problema. Su objetivo es evitar la responsabilidad y reevaluar permanentemente y positivamente la situación.

F3 “La dominación de la adquisición” es el estado mental de los encuestados que se esfuerzan por competir a toda costa. Tener un alto nivel de la motivación de competición y la motivación para triunfar sin reevaluar de modo positivo la situación real. El estado mental dominante de tales militares aspira a lograr el resultado deseado a toda costa.

F4 “La dominación pragmática” es el deseo de planificar, resolver problemas y predecir el curso de los acontecimientos. Este estado mental dominante suele estar orientado a buscar la aprobación, el deseo de protegerse a sí mismo, su posición y su punto de vista.

F5 “La dominación de la evitación” ha combinado los parámetros cuyo contenido refleja el deseo del encuestado de evitar su responsabilidad. Dichos encuestados no muestran ninguna iniciativa y tienen un bajo rendimiento. El objetivo de tales militares es el deseo de evitar cualquier tarea, responsabilidad. Intentan cumplir su servicio militar sin hacer casi nada.

F6 “La dominación afiliativa” refleja el deseo de elogio y reconocimiento. Estos militares toman la iniciativa, se esfuerzan por realizar tareas complejas, buscan constantemente el apoyo social de los demás.

F7 “La dominación profesional” demuestra que el encuestado tiene un estado mental, que está acompañado por el deseo de desempeñar sus funciones de manera responsable. El cumplimiento de deberes se convierte en un culto. Estos encuestados efectuan de modo honesto y correcto todas las tareas, desde las más simples hasta las más complejas.

Constatamos que los otros factores tienen una carga menor a uno y de ellos el mayor factor es .976. Así, hemos determinado siete factores principales que constituyen el 71,651% de la dispersión. La estructura factorial de los estados mentales dominantes de los militares está determinada por siete factores principales (Fig. 1).

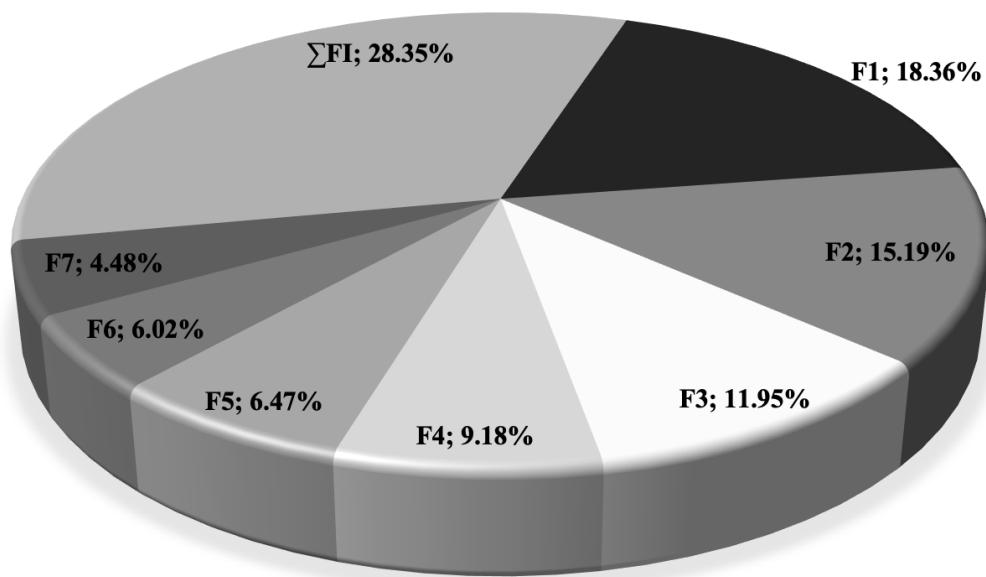


Figura 1. Estructura de los estados mentales dominantes de los militares

Fuente: Elaboración propia, 2021.

La estructura de los estados mentales dominantes de los militares está presentada gráficamente, donde F1 – F7 son los estados mentales dominantes y ΣFI – otros factores con la carga inferior a uno, que es el 28.35% de la dispersión.

La interdependencia de los factores de estados mentales dominantes de militares. Se ha definido los vínculos más fuertes entre los factores determinados (Tabl. 5).

Tabla 5.
Matriz de correlación de la interdependencia de los factores

Factor	F1	F2	F3	F4	F5	F6	F7
F1	1.000			.333**	-.102*		
F2		1.000		-.079*	.220**		-.162**
F3			1.000	.250**			.214**
F4	.333**	-.079*	.250**	1.000	-.168**	.97*	.140**
F5	-.102*	.220**		-.168**	1.000	-.263**	-.194**
F6				.97*	-.263**	1.000	
F7		-.162**	.214**	.140**	-.194**		1.000

Fuente: Elaboración propia, 2021.

Nota: Método para determinar los factores – Método de componentes principales; Método de conversión – Promax con la normalización de Kaiser; * – fiables con $p \leq .05$; ** – fiables con $p \leq .01$.

Los más significativos ($p \leq .01$) son los cocientes F1 y F4 (.333), F5 y F6 (-.263), F3 y F4 (.250). F4 tiene la cantidad más grande de las relaciones más significativas con todos los factores F1, F2, F3, F5, F6 y F7. Así, la motivación pragmática es el componente más importante de la organización estructural y funcional de los estados mentales dominantes de militares. Los factores más dependientes de la estructura de los estados dominantes son: F4, F5 y F7.

Discusión

En la literatura científica no hay muchas investigaciones sobre la psicología militar, la de

la motivación, en particular la motivación de los militares, los estudios de los estados mentales motivacionales. Los investigadores han estudiado el problema de los parámetros psicológicos de la motivación de militares (Popovych & Aleksieieva, 2019). Se determinó empíricamente las relaciones significativas entre los parámetros de la motivación de militares con expectativas sociales ($p < .05$; $p < .01$) y las orientaciones de sentido de vida ($p < .05$; $p < .01$). En otra investigación se determinó los estados mentales motivacionales de militares (Popovych, 2019). Este estudio confirma nuestros resultados obtenidos e incluso los complementa significativamente. Los estados motivacionales

de “ego-motivación”, “motivación pragmática” y “motivación afiliativa” son especialmente actuales. En el contexto científico y metodológico, consideramos valiosos los estudios de los estados mentales cognitivos durante la situación simulada de la actividad intelectual de estudiantes (Prokhorov et al., 2015). En otro estudio experimental se definió la estructura factorial, las variables y la interdependencia de los factores de estados mentales de ansiedad de los cadetes del primer año de estudios de la Universidad de seguridad de vida (Popovych et al., 2021b).

En la actividad profesional permanente, los estados mentales motivacionales activos de los militares adquieren estabilidad, consistencia, experimentan una formación particular y el desarrollo, se transforman en los rasgos de personalidad, lo que a su vez afecta las características semánticas de la actividad profesional. Es en esta transformación que, por un lado, reside la capacidad de alcanzar la prosperidad profesional, el apogeo y, por el otro, las frustraciones y deformaciones profesionales. Por lo tanto, la dominación de uno u otro estado mental motivacional afecta ciertamente las características semánticas de la actividad profesional, de servicio (combate) y los resultados de los militares. En particular, F1 “La dominación egoísta” en combinación con F4 “La dominación pragmática” pueden dar el resultado más alto de la actividad profesional. Los estados mentales F5 “La dominación de la evitación” y F6 de “La dominación afiliativa” se oponen uno a otro, lo que es importante para la actividad profesional de militares. Es especialmente importante que los comandantes inmediatos quienes ejercen la gestión táctica, sepan identificar los estados mentales dominantes del personal militar. La identificación de estados mentales es importante cuando se forman los grupos de exploradores, grupos que realizan tareas oficiales (de combate). Esto puede tener la importancia crucial durante el servicio profesional, sin hablar de las actividades de combate de militares.

Se confirma la hipótesis y constatamos que los resultados del estudio de los estados mentales dominantes de militares contienen hechos científicos importantes que deben ponerse en práctica en la formación educativa, profesional y táctica de los militares. Tenemos motivos para afirmar que los resultados del estudio de los estados mentales dominantes de militares ayudarán al personal de mando y los oficiales a resolver problemas de actividad profesional de servicio (combate). La cuestión de la

interrelación entre el estado mental dominante concreto de un militar y los resultados de su actividad profesional permanece abierta. Asimismo, nos vemos obligados a reconocer que la identificación de los estados mentales dominantes requiere una formación psicológica profesional de alta calidad, que deben tener el personal de mando y los oficiales.

Conclusiones

1. Constatamos que los estados mentales dominantes de los militares son una formación mental dinámica compleja que surge durante la realización de tareas, es un indicador particular de la preparación para realizar la tarea. Los estados mentales dominantes están dotados de una función pronóstica hacia el éxito de la tarea. El conjunto propuesto de métodos válidos y métodos de procesamiento de datos estadísticos permitió interpretar cualitativamente los estados mentales dominantes, separar un estado de otro, describir los parámetros del estudio.
2. El análisis factorial ANOVA determinó la estructura de los estados mentales dominantes de los militares, que consta de siete factores principales (71,651%). Se descubrió que el componente más importante de la organización estructural y funcional de los estados mentales dominantes de los encuestados es F4 “La dominación pragmática”. Este estado tiene más interrelaciones significativas ($p \leq .01$) y la correlación F4 y F1 (.333) es la más importante.
3. Se argumentó que la estructura, las variables y la interdependencia de los factores de estados mentales dominantes son componentes importantes para resolver problemas de la actividad profesional, de servicio (combate) de los militares.
4. Los resultados del estudio pueden ser importantes para los jefes de unidades militares, personal de mando, oficiales y directores de escuelas militares.
5. Vemos la perspectiva de la investigación científica en la puesta en práctica de los resultados obtenidos en el sistema de apoyo sociopsicológico de militares en las condiciones de cambios transformadores de la sociedad. La cuestión de la interrelación entre el estado mental dominante particular de un militar y los resultados de la actividad profesional también sigue siendo abierta.

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Linguo-culturological analysis of the translation of phraseological units on the basis of Mo Yan's novel "Life and Death are wearing me out"

Лингвокультурологический анализ перевода фразеологизмов на примере романа Мо Яня «Устал рождаться и умирать»

语言文化学分析成语的翻译（以莫言小说《生死疲劳》为例）

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Abstract

The article considers the issue of the peculiarities and methods of translating phraseological units from Chinese using the example of Mo Yan's postmodernist novel "Life and Death are wearing me out". The purpose of this article is to analyze the linguo-culturological approach when translating phraseological units with the elements of national culture, as well as to consider the methods of translating phraseological units both in the process of interlingual and intercultural communication. The linguo-culturological aspect is presented in the literary text in various ways, primarily in the form of vocabulary where you can meet a linguo-cultural or national-specific component. Phraseology contains a national-cultural component in its semantics and it also has cross-cultural value. Both in Chinese and in Russian, these set expressions have a vivid emotional coloring and clearly reflect a particular linguistic trait of the people.

Key words: difficulties and techniques of translation, Mo Yan, national specifics, phraseology, russian language.

Аннотация

В статье рассматривается вопрос об особенностях и способах перевода фразеологических оборотов с китайского языка на примере постмодернистского романа Мо Яня «Устал рождаться и умирать». Цель данной статьи: проанализировать лингвокультурологический подход при переводе фразеологических оборотов с элементами национальной культуры, а также рассмотреть приемы перевода фразеологических единиц как в процессе межъязыковой, так и в межкультурной коммуникации. Лингвокультурологический аспект репрезентируются в художественном тексте различными способами, прежде всего в виде лексики, в которой присутствует лингвокультурный или национально-специфический компонент. Фразеология содержит в своей семантике национально-культурный компонент и имеет страноведческую ценность. Как в китайском, так и в русском языках эти устойчивые выражения имеют яркую эмоциональную окраску и четко отражают ту или иную языковую черту народа.

Ключевые слова: русский язык, фразеология, национальная специфика, трудности и приемы перевода, Мо Янь.

摘要

文章以莫言的后现代主义小说《生死疲劳》为例，论述了汉语成语翻译的特殊性和翻译方法问题。本文目的是：语言文化学方法分析带有民族文化元素的成语在语言和文化交流过程中的翻译方

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法。语言文化学分析在小说文本中以不同的方式表现出来，首先是以带有语言文化或民族特色的词汇。成语在其语义中包含了民族文化的成分，并具有国家特定的价值。在汉语和俄语中，这些稳定的表达方式都具有鲜明的情感色彩，并清楚地反映了这个或那个民族的语言特点。

关键词：俄语，成语，民族特色，翻译的难点和手法，莫言。

Introduction

In recent years, linguists have paid much more attention to the problems related to the interaction of different cultures and overcoming intercultural differences, cultural barriers and cultural conflicts. The issues of correlation of various linguistic views of the world have become relevant. This article is devoted to the study of the features and techniques of translating phraseological units into Russian using the example of Mo Yan's novel "Life and Death are wearing me out" in the linguo-culturological aspect. The study material is phraseological units from Mo Yan's novel "Life and Death are wearing me out" and its translation in Russian. In the process of research, linguo-culturological and descriptive analyses, comparative method and lexico-semantic methods are used. The peculiarities and difficulties of translating phraseological locutions with national-cultural components, as well as the methods of translating phraseological units with national-cultural components have been analyzed in the section "Results and Discussion". As a result of studying phraseological units from this novel, it can be noted that the translator I.A. Egorov uses a word-for-word translation widely. The given translation is accompanied by a combination of translation methods to show Chinese view of the world to readers and to avoid distortion of the meaning of phraseological units.

Theoretical Framework or Literature Review

The study of phraseological units within the framework of modern linguistics is actively developing in modern science. The phraseological richness of the language attracted the attention of such linguists as V.S. Vinogradov (1997), N.M. Shanskiy (1996), S.I. Vlahov, S.P. Florin (2012), C.G. Ter-Minasova (2000), V.N. Telya, A.V. Fedorov (1958), V.N. Komissarov (2001). Their works are devoted, in particular, to the study of the theory and practice of translation of phraseology. N.M. Shanskiy defines "a phraseological unit as a reproducible linguistic unit of two or more stressed words, holistic in their meaning and stable in their composition and structure" (Shanskiy, 1996, p. 15). The emergence and

development of phraseology as an independent discipline in Russian linguistics was possible thanks to V.V. Vinogradov in the 40s of the XX century. In his opinion, phraseological units are "stable combinations of words reproduced in speech" (Vinogradov, 1997, p. 316).

In modern times, translation plays an important role in contacts between different peoples. "Translation is a kind of art. When translating phraseological units, the translator needs to reflect their imagery without missing their stylistic function. If there is no complete equivalent in the language, the translator needs to look for approximate correspondences that do not distort the meaning and semantics of this language unit" (Odincova & Chmyh, 2018, p. 66). In a broad sense, translation as the reality of inter-language contact is also considered as the cultural interaction of languages. "Phraseological unit acts as a language unit arising as a result of cognition process of a wide variety of phenomena of reality (natural, sociocultural, spiritual and ideological) by representatives of a particular community" (Bogdanova, 2017, p. 50-57). Translation of phraseological units always represents a great difficulty, especially when translating these set expressions in fiction. As V.N. Telya states "phraseological units arise in national languages on the basis of such a figurative representation of reality that reflects the everyday empirical, historical or spiritual experience of the linguistic community..." (Telya, 1996, p. 13). Since phraseology is always an objective reflection of national activity, the richness and diversity of the phraseological fund of the Chinese language, its numerous language units have been preserved since ancient times. The source of most Chinese phraseological units is Chinese classical literature, for example: classical canons, philosophical treatises, historical chronicles, fiction, as well as historical and philosophical parables, borrowings from other languages, etc. In addition, modern Chinese is constantly replenished with new phraseological expressions. The vast majority of pieces of art of modern Chinese fiction refer to Chinese classics

which is a consequence of the cult of wisdom and philosophy. It is typical for China.

In the field of literary translation, phraseological expressions represent a great difficulty for the translator. Due to its figurative nature and emotional reflection in fiction, the phraseological unit in the cultural context is the most important linguistic means of providing expressiveness and formal aesthetics. According to Bulgarian translators and theorists of literary translation S.I. Vlahov and S.P. Florin, "In the "scale of untranslability" or "difficulty of translation" phraseologisms or phraseological units occupy almost the first place: the "untranslability" of phraseology is noted by all the experts among the characteristic features of set expressions; it is invariably referred to by the supporters of the "theory of untranslability"; a translator-practitioner constantly encounters the difficulty of translation of phraseological units, the theorist of translation respectfully speaks about it" (Vlahov & Florin, 2012, p. 203). J.I. Recker notes that "the translator must be able to independently understand the main issues of phraseology theory, distinguish phraseological units, disclose their meaning and transfer their expressive and stylistic functions in translation" (Recker, 1974, p. 161).

According to S.G. Ter-Minasova, "in the idiomatics of the language, that is in the layer that is nationally specific by definition, a system of values, public morality, attitude to the world, to people, to other peoples are stored. Phraseological units, proverbs, sayings most clearly illustrate both the way of life, and the geographical location, and the history, and traditions of one or another community united by one culture" (Ter-Minasova, 2000, p. 80). The national values, wisdom and national specifics of speakers of this language are preserved in phraseological units. V.N. Telya also states that "the phraseological fund of the language is a mirror where the linguistic and cultural community identifies its national identity" (Telya, 1996, p. 9). So, phraseology constitutes a vivid and nationally peculiar part of native speakers' linguistic picture of the world and it also represents the culture of native speakers of a certain linguistic community.

Therefore, when translating phraseological units, many difficulties arise due to differences in culture and customs, styles, as well as in geographical, historical, religious beliefs, habits, etc.

Methodology

In the process of studying the difficulties and techniques of translating phraseological units on the example of Mo Yan's novel "Life and Death are wearing me out", various methods and research techniques were used. When analyzing the difficulties of translating phraseological units, a descriptive and linguo-culturological methods were used. To determine the methods of translation of phraseological units, a comparative method and lexico-semantic techniques were used.

Results and Discussion

In 2012 the Chinese writer Mo Yan, whose works have been translated into many foreign languages, including Russian, was awarded the Nobel Prize in Literature. The famous Russian translator I. A. Egorov calls him an author who has "a power that has deep roots in the land of China" (Egorov, 2014, p. 5). The postmodernist novel "Life and Death are wearing me out" should be distinguished among Mo Yan's works (Mo Yan, 2014, 703 p.). The novel contains numerous phraseological units (in Chinese they are divided into: chéngyǔ, guànyòngyǔ, xiēhòuyǔ, yànyǔ, proverbs, idioms and expressions, aphorisms) and quotes from Chinese classical literature, legends and myths. Many of them are vivid, emotionally intense expressions belonging to a certain language style. The expressions often have a pronounced national character. With the help of these set expressions, the narration becomes more evident and vivid, the characters are distinguished by identity and vividness, they are endowed with expressive and colorful speech.

For the first time, the term "idiom" was used by the English linguist L.P. Smith. According to this author, the English term idiom corresponds to the French term idiotisme and is used to reveal the grammatical structure of combinations of words characteristic of the English language which meanings cannot often be explained from the point of view of grammar and logic (Smith, 1922, p. 10). According to Maslova, "Phraseological units semantically reflect the long process of development of people's culture and record and pass cultural attitudes and stereotypes, standards and archetypes through generations" (Maslova, 2008, p. 81). The study of idioms allows us to trace the history throughout the development of human society from the origin of traditions and customs to the development of science and technology, as well as compare the evolution of two or more language communities.

Therefore, first of all, the difficulty of translating phraseological units with historical and cultural components is that it is necessary to provide commentary that is related to Chinese history, the way of life of Chinese people. Let us give examples from the Russian translation of the novel "Life and Death are wearing me out": 蟑螂挡车 (the mantis detains the chariot) - the idiom is quoted from the books "Zhuang Zi - Peace on the Earth" (Zhou, 2018, p. 136), which says that the mantis raises his front legs to stop the chariot, not knowing that he doesn't have enough strength. This phraseological unit is used to describe the inevitable failure of a person trying to do the impossible overestimating his powers.

When translating phraseological units with cultural components, the difficulty is that different peoples understand and evaluate non-linguistic cultural phenomena also in different ways. According to Timko, the main factors that influenced the difficulties of translating lexical units with cultural components include, first of all, the fact that "native speakers of the target language are not familiar with the phenomenon of foreign-language culture". Secondly, "different peoples differently assess a similar phenomenon of culture: for example, native speakers of the source language are positive, and native speakers of the target language are negative" (Timko, 2007, p. 9).

For example, in the Chinese view of the world, the sheep is treated with sympathy, pity, because it is good, kind, but weak and meek, for example: 绵善如羊 (good and kind as a sheep) describes a kind person, 羊入虎口 (the sheep got into the tiger's jaws) illustrates the dangerous position of a naive sheep. In Russian, taking into account national cultural connotations, the sheep is associated with negative images. The sheep has cultural connotations: "weak", "cowardly" - a bully is always a coward; and "unworthy" - even a bad sheep gives a bit of wool. Phraseological units describing the elements of culture, mentality and life of different nations play a particularly important role in the process of creating a linguistic view of the world.

Translators also find it difficult to work with phraseological units that are a part of ancient Chinese folk beliefs. In ancient times, people's worldview was based on the oldest beliefs (animism, fetishism, etc.), which were embodied in myths, rituals and rites. In Chinese ancient consciousness and the concept of the world, a variety of spirits played a great role. They were

reflected in linguistic activity through phraseological units or set expressions. Buddhism had a great influence on Chinese culture, so in Chinese there are many phraseological units that are associated with this religion. Let us give examples from the novel under study: 鬼哭狼嚎 phraseological unit (to howl, to produce heartbreak cries) interprets it as a ghost crying, describing loud mournful cries. Phraseological set expression 救人一命, 胜造七级浮屠 (to save a person's life is better than erecting a seven-story pagoda) appeared from Buddhist canons and is often used in Chinese literature.

Different issues arising while translating phraseological units are treated differently, various methods and opinions on the translation are offered. According to most researchers, including V.N. Komissarov, L.V. Dmitrieva, N.F. Smirnov, E.A. Martinkevich (2008) and S.E. Kuncevich (1999), four main methods of translating phraseological units can be distinguished: *the method of phraseological equivalent, the method of phraseological analogue, word-for-word translation of phraseological units and descriptive translation of phraseological units.*

When analyzing the translated text of Mo Yan's novel, the following methods of translating phraseological units were discovered:

1) The method of phraseological equivalent.

When such a method is used in the target language, it means that there is a phraseological unit that coincides in all parameters with the phraseological unit of the source language, and the entire set of values of the translated unit is maintained. However, the translator is required to most fully reproduce a foreign phraseological unit. For example:

他蓝脸泛青，瘦骨嶙峋，仿佛一只拔光了羽毛的公鸡，全身散着臭气，一耸一耸地往前逼近。 / "His birthmark was nearly black. By then he was **so skeletal** he looked like a plucked rooster, and a very smelly one, as he advanced on the fat woman..." (Translation by I.A. Egorov) (Mo Yan, 2014, p.117)

你把这事悄悄跟爹说，让他那榆木脑袋开开缝，抓紧时间，牵牛入社，融入集体大家庭。 / Talk about this thing inchmeal with him, drum into his **dimwit** that it is needed to use the moment and join the commune with the bull, to join the ranks of the collective farm" (Translation



by I.A. Egorov) (Mo Yan, 2014, p. 229). The Chinese idiomatic expression 榆木脑袋 has the corresponding equivalent of “dimwit” in Russian. It coincides both figuratively and in meaning, but also stylistically and emotionally. Phraseological units differ from each other in structure and meaning in Russian and Chinese, so this method is rarely used by the translator.

2) The method of phraseological analogue.

According to V.N. Komissarov, “this type of phraseological correspondence is the so-called phraseological analogue” (Komissarov, 2001, p. 14). Phraseological analogues are used when there are no phraseological equivalents in the target language and you need to choose a phraseological unit with the same meaning but based on a different image. For example: 你们西门家院里出来的，不论是人还是驴，都是一箭双雕的强梁。/ In your Shimen estate either people or cattle...everybody is able to kill two birds with one stone (Mo Yan, 2014, p. 73) In the example, the phraseological unit 箭双雕 is word-for-word translated as “**to kill two hawks with one shot**”. When translating into Russian, an analogue “to kill two birds with one stone” is used. The use of such a method provides a sufficiently high degree of equivalence while maintaining stylistic and emotional significance.

3) Word-for-word translation of phraseological units.

A word-for-word translation (calquing) of phraseological units can be applied only if the result is an expression which imagery is easily perceived by the Russian reader, and there is no impression of unnatural and non-characteristic of the generally accepted norms of the target language. According to Komisarov, “Calquing is a way of translating the original lexical unit by replacing its components (morphemes or words (in case of set expressions) with their lexical equivalents in the target language” (Komissarov, 1990, p. 173-174). In other words, a word-for-word translation is used when it can convey to the reader the true meaning enclosed in the source language. For example: 人是一言既出，驷马难追；驴是一诺千金，不见不散。/ **Words once spoken by humans cannot be taken back, not even by a team of horses** (instead of “words are not birds – out you let them, and back you never get them”); for donkeys, **it's a matter of a promise is a promise, and we would wait for one another, no longer how long it took** (Mo Yan, 2014, p. 65).

There are three phraseological units in the original sentence. The translator uses various methods in this case. When translating phraseological units 一言既出，驷马难追 and 一诺千金, calquing is used. And the descriptive method of the translation is used when translating a set expression 不见不散. It is worth noting that the translator analyzes the sentence in details concerning the meaning and structure of phraseological units. The choice of translation methods is also different in various situations. 我的声音悲壮凄凉，传播到阎罗大殿的每个角落，激发出重重叠叠的回声。/ “... sad and miserable tones that penetrated every crevice of Lord Yama’s Audience Hall and rebounded in layered echoes” (Mo Yan, 2014, p. 36). For the same purpose, the complex “contextual replacement + word-for-word translation is used”: 你可真是石头蛋子腌咸菜，油盐不进啊。/ “You are really stubborn. It’s like talking to a brick wall, a real “**brick in pickled vegetable: it doesn't absorb any salt**” (Mo Yan, 2014, p. 73). 如果她像我一样博学多才，知道爱斯基摩人就住在雪堆成的屋子里。/ “If she were as **highly educated and talented as I was**, she would know that the Eskimos put snow cubes together to build a house ...” (Mo Yan, 2014, p. 495).

我的主人摆出一副死猪不怕开水烫的架势，轰唧唧地说：我等着。/ “**Like a dead pig that's beyond a fear of scalding water**, my master struck a nonchalant pose. “I'll be waiting” (Mo Yan, 2014, p.57). 春苗穿着一条洁白的连衣裙，不是我‘情人眼里出西施’，她确实亭亭玉立。/ Chunmiao in a white dress, and the matter is not that I make sheep's eyes at her, as they say, “**in the eyes of her beloved, the beloved woman is like Xi Shi**,” - she is really slim and elegant” (Mo Yan, 2014, p. 557). One of the four legendary beauties of ancient China was Xi Shi who lived at the end of the Spring and Autumn period. The translator uses calquing and adds a commentary to the name of Xi Shi to convey the worldview of the Chinese language to the reader. 他拄着一根柳木棍子，面色苍黄，眼窝深陷，下巴上的胡须花白蓬乱，这场大病，使这个咬钉嚼铁的共产党员变成了一个老人。/ He walked with a cane, his pallor, sunken eyes, and chin stubble showing the effects of an illness serious enough to turn a **hard-as-nails** member of the Communist Party into an old man” (Mo Yan, 2014, p. 342).

In addition, when studying the novel, attention was drawn to a special group of phraseological units that were taken as quotes from Chinese

classical literature. For example, “猪十六啊，猪十六，士可杀而不可辱！我刁小三败了就是败了，请你自重，不要用这种方式侮辱我！” / “Sixteen, I say, Sixteen, **you can kill a warrior but you mustn't humiliate him.** Yes, I've lost and I admit it but I ask you to behave honorably and not to disgrace me!” (Mo Yan, 2014, p. 396). 士可杀而不可辱 refers to a scholar who would rather die than be humiliated. In the Book of Rites -Confucian Conduct, one of five initial books of Confucianism: “Confucianism is something that can be kissed but not robbed, something that can be approached but not forced. They can be killed but not insulted” (Confucius, Chunqiu). The methods of calquing and adding a commentary in the translated text are used. Some more examples: 这真是你方唱罢我登场，杨七的表演，逗引得那拨无聊青年哈哈大笑。/ “All the tricks pulled off by Yang the Seventh are really, as they say, “**you didn't have time to finish the aria, and I'm already on stage,**” provoked young loafers' furious laugh” (Mo Yan, 2014, p.460). The set expression 你方唱罢我登场 was cited from the classical novel “Dream of the Red Chamber”.

4) Descriptive translation of phraseological units.

According to L. F. Dmitrieva, E. A. Martinkevich, N. F. Smirnov (2008), and S. E. Kuncevich (1999), when translating and explaining the meaning of the phraseological unit, which has neither analogues nor equivalents in Russian and is not subject to word-for-word translation, the translator needs to use descriptive translation. At the same time, you often have to apply various lexical transformations of the units of the source language. For example, 因为国营农场里人才济济，有几个在这里劳动改造的右派就是留学海外归来的钢铁工程师。/ “because among the talented people gathered there, **the “right elements”** who underwent labor re-education, there were a couple of engineers who studied steel production abroad” (Mo Yan, 2014, p. 56). The examples from the novel under study: 你大伯那么有钱，在县城置一套房子，那还不是小菜一碟？ / “Your uncle is so rich he can build a mansion for him in town **without missing the money at all**” (Mo Yan, 2014, p. 625). The phraseological unit 小菜一碟 (literally “a little plate of snacks”) means “an easy deal”. 他待人接物一团和气，满嘴甜言蜜语，对待你的妻子更是礼貌有加，一口一个小姨，叫得十分亲热。/ “He was friendly to people, he spoke without restraint and his speech was replete with **fine words and**

honeymouthed phrases. He was especially polite in his dealings with your wife, he named her his little aunty in a manner a tender and beloved nephew did (Mo Yan, 2014, p. 624). “礼轻情义重，请笑纳！ / “ - The gift is frivolous, but heartily, please come down and accept! (Mo Yan, 2014, p. 623). The phraseological unit 礼轻情义重 (literally means “a present - a matter of small weight but it means a lot”). The examples from the novel under study: “庞春苗，我和你远日无仇，近日无冤，天下好小伙子有的是，你为什么要非要拆散我们这个家？” / “Chunmiao, we've never been enemies with you and there's no reason for you and me to be enemies now. With all the eligible bachelors out there, why are you dead set on destroying this family?” (Mo Yan, 2014, p. 608). 在以往的阴雨天气里，我总是精神萎靡、昏昏欲睡... / I was always listless during spells of wet and grey weather, wanting nothing more than to lie down and sleep...” (Mo Yan, 2014, p. 598). 我苦思冥想不得其解 / I can't understand, come hell or high water” (Mo Yan, 2014, p. 563). 过马路时我眼观六路，耳听八方 / At the cross-walk he looked in **all directions and listened** (Mo Yan, 2014, p. 531). The word-for-word translation of the phrase 眼观六路，耳听八方 is to watch six roads and to listen to eight cardinal directions. In Chinese, the phrase describes a person who is inventive, flexible and able to observe and analyze the situation.

To avoid errors in the reader's perception of a particular idiom, the translator uses a combination of different methods of translation. For example, combining descriptive translation with word-for-word translation, the translator explains the meaning of Chinese phraseological unit: 正如你刚才所说，你是我哥，而她又是她姐，所以我劝你们胃口不要太大，天网恢恢啊！ / “As you've just said, you are my brother, and they are sisters, so I advise you not to let your appetites grow too big. As they say, **nothing escapes from celestial nets, justice has long arms!**” (Mo Yan, 2014, p. 597). The translator adds the phraseological unit “justice has long arms” and make the translation more understandable for the reader. “小姨，你是个大破鞋！”庞凤凰对目瞪口呆的庞春苗说，然后对着你儿子一挥手，像个指挥果断的军官一样，说：“撤！” / You are the whore of all the whores, aunty big **worn out shoes!**” (Mo Yan, 2014, p. 622). “Worn out shoes” is a set expression to describe women of pleasure in China. Accordingly, with the semantic meaning of such an expression, the author adds an identical phrase from the Russian language. “She

threw it off to her. Then she waved in command to your son. - Let's go!" 我们一路上风餐露宿。/ "Along our complicated way we dined on the wind and slept in the dew" (Mo Yan, 2014, p. 155). The translator intentionally adds an adjective "complicated" for helping the reader to understand.

Conclusions

Phraseology as an important component of the language system demonstrates the metaphorics of language, emotions, feeling, logic of people's thoughts (Boldyreva & Han, 2020, p. 69). Having analyzed the translation of phraseological units of the studied material, we can conclude that the main difficulties of translating phraseological units that the translators can face are national specifics that a significant part of Chinese phraseological units possesses, linguistic and extralinguistic features formed on the basis of mythological, religious and folklore texts.

Translation of phraseological units from Chinese into Russian in various situations requires different approaches. The person who translates an expression must feel part of a foreign-language culture and find the only possible and unique version of its translation into Russian (Kardumyan & Pavlenko, 2018, p.1).

When studying the translation of the phraseological units considered on the basis of Mo Yan's novel "Life and Death are wearing me out", it can be noted that the most common of the methods used is word-for-word translation. The wide use of the calquing method which the translator skillfully combines with the combination of techniques allows him to preserve the finest nuances of the novel: word-play, ironies, allusions and references to the history, culture, religion, literature of China, and that is to convey the mesmerizing imagery of Mo Yan's narration to the reader (Vashkyavichus & Pavlova, 2019, p. 307).

A significant part of both Chinese and Russian phraseological combinations is associated with various realities of folk life, facts of history, customs and rites. The link between a language unit, culture and national character can be made through phraseological expressions. The material and spiritual values of peoples are also transmitted through these linguistic and cultural expressions. When translating these set expressions, translators need not only to convey their meaning, but also to reflect imagery by choosing a similar expression in the target language. In order to achieve accurate

translation, the difficulties encountered in the process of inter-language and intercultural communication must be overcome.

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The educational component "Teaching methodology of social and health-care educational sector" under quarantine restrictions

Освітня компонента «Методика навчання соціальної та здоров'язбережувальної освітньої галузі» в умовах карантинних обмежень

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Abstract

The article reveals the theoretical and practical aspects of the organization of blended learning of future primary school teachers under quarantine caused by COVID-19. On the example of the educational component "Teaching methodology of social and health-care educational sector" the article describes the peculiarities of organizing the educational process in blended format, namely providing examples of tasks that allow to form civic and social competencies of first-level higher education students under the conditions of new time challenges. The article focuses on the specificities of working in the virtual learning environment Moodle, summarizes own teaching experience of training of educational component "Teaching methodology of social and health-care educational sector". The author's method of structuring and content of the educational component is proposed, which is reflected in the textbook. The necessity of using digital tools Canva, Padlet, Coggle for organizing group work of students during blended learning under quarantine conditions caused by COVID-19 is considered and also the samples of tasks to be completed by future primary school teachers are

Анотація

У статті розглядаються теоретичні та практичні аспекти організації змішаного навчання майбутніх учителів початкової школи в умовах карантину, спричиненого COVID-19. На прикладі освітньої компоненти «Методика навчання соціальної та здоров'язбережувальної освітньої галузі» схарактеризовано особливості організації освітнього процесу у змішаному форматі, а саме: наведено зразки завдань, що дозволяють сформувати громадянські та соціальні компетентності здобувачів першого рівня вищої освіти в умовах нових викликів часу. У статті акцентовано увагу на особливостях роботи у віртуальному освітньому середовищі Moodle, узагальнено власний педагогічний досвід викладання освітньої компоненти «Методика навчання соціальної та здоров'язбережувальної освітньої галузі», запропоновано авторську методику структурування та змістового наповнення освітньої компоненти, що відображені у навчальному посібнику, розглянуто необхідність застосування цифрових інструментів Canva, Padlet, Coggle

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given. The article presents the results of a survey of applicants for the first level of higher education program 013 Primary Education, which show that students have a generally positive attitude to using digital tools Canva, Padlet, Coggle, as it positively influences the formation of their professional competence and the formation of their own methodological system. The author's method suggested in this article is incomplete and is continually being improved in accordance with time challenges.

Keywords: professional training, future teachers, educational component, educational-research tasks, blended learning, digital tools, Moodle platform.

Introduction

At the beginning of 2020, in conjunction with the global pandemic and quarantine restrictions distance technologies were launched as one of the main thrusts of reform and strategic development of the education system around the world (Adams, 2020; Germann et al, 2019; UNESCO, 2020). Therefore, the demand for online learning and the digitalization of the education system is growing as ever. As a result, the Ministry of Education and Science of Ukraine has recommended higher education institutions to organize the educational process remotely. This is stated in the Recommendations to make changes to the educational process timetable and the classes schedule.

UNESCO statistics on the mass transition to distance learning in a pandemic show that as of April 2020 only 53% of teachers in developed countries had experience of online teaching (UNESCO, 2020). In Ukraine, according to the government, less than 30% of Ukrainian children could qualitatively study in quarantine, and only about 20% of teachers were ready for distance learning (Lytvyn, 2020).

The report of the World Economic Forum identifies new models of education for the School of the Future in preparation for the Fourth Industrial Revolution. In particular, it is emphasized that Education 4.0 should be aimed at developing 8 skill sets, including digital and technological (World Economic Forum, 2020). The New Ukrainian School requires a teacher able to develop 10 key competences, including

для організації групової роботи студентів під час змішаного навчання в умовах карантину, спричиненого COVID-19, а також наведено зразки виконання завдань майбутніми учителями початкової школи. Висвітлено результати опитування здобувачів першого рівня вищої освітньої програми 013 Початкова освіта, які свідчать, що студенти загалом позитивно сприймають застосування цифрових інструментів Canva, Padlet, Coggle, оскільки це позитивно впливає на формування їх професійної компетентності та формуванню власної методичної системи. Пропонована у статті авторська методика не є завершеною і постійно вдосконалюється з урахуванням викликів часу.

Ключові слова: майбутні учителі, освітня компонента, навчально-дослідницькі завдання, змішане навчання, цифрові інструменти, платформа Moodle.

civic and social competences (New Ukrainian school, 2017).

The author and developer of the education component Alla Kramarenko is a participant in the "Learning Together" project (barna-consult), which implies support of Finnish experts to reform school education in Ukraine. In general, the project aims to improve the quality of education and public acceptance of Ukrainian education. The project's ideas were used in the development of the textbook and the content of the educational component "Teaching methodology of social and health-care educational sector".

Thus, the challenges of the time require new approaches to the training of future primary school teachers and the formation of new forms of cooperation between teachers and students using online tools under a Global pandemic and quarantine restrictions (Apshay et. al., 2021).

Literature Review

The problem of training teachers for primary schools has always been a topical issue, and many educators have devoted a large volume of their research to solving this problem: Koval (2020), Kramarenko and Stepaniuk (2021), Bezlyudna and Dudnyk (2021) and others.

The problem of training a primary school teacher for distance learning practice is described by N. Bezlyudna & N. Dudnyk (2021); the problem



of training a primary school teacher for distance learning practice is described by N. Bezlyudna & Dudnyk (2021); professional training of future English language teachers by means of distance learning in universities of the Republic of Poland is outlined by A. Shtepura (2018); psychological and pedagogical foundations of teachers' and students' readiness to use distance learning tools in foreign experience are presented in studies by G. Chorab (2016), A. Postola (2017).

The problem of training future teachers for the primary level of general secondary education becomes especially relevant in connection with the implementation of (Hrynevych, 2016) and the updated State Standard of Primary Education (Decree No. 87, 2018).

One of the main tasks of training future teachers of the New Ukrainian School is to form the ability to organize the purposeful formation of competencies, to ensure content integration (intra- and interdisciplinary) on the basis of key competencies, not by mechanistic integration of subjects, but by aligning the content of education with the sensitive periods of learning, the specifics of perception of new information, etc. (Hrynevych, 2016).

This requires higher education institutions to find ways of improving the professional training of students studying in the 013 Primary Education programs (Chuchalina et. al., 2021).

Thus, according to the educational program 013 Primary Education of the first level of higher education, future primary school teachers have to possess knowledge, practical skills and teaching methods and capably use them in solving pedagogical, educational and scientific-methodological tasks in primary school.

The aim of the article is to discuss the peculiarities of professional methodological training of primary school teachers in the conditions of distance learning at Berdiansk State Pedagogical University on the example of the course "Teaching methodology of social and health-care educational sector" (Kramarenko & Stepaniuk, 2021).

Methodology

In working on the study, we used the following methods. Theoretical: analysis of the initial base of the remote organization of the educational process; synthesis, generalization, comparison - to reveal the features of professional training of future teachers in the conditions of mixed and

distance learning; modeling - to adapt the design of the course "Methods of teaching social and health education" to the conditions of distance learning. Empirical: diagnostic (assessment of independent work of students of higher educational institutions) - to determine the ability to use online tools Canva, Padlet, Coggle.

Results and Discussion

The methodological support of the training process of future primary school teachers includes designing and conducting various types of educational activities in the disciplines of the professional training cycle of education program 013 Primary Education in the conditions of blended and distance learning (Koval & Kramarenko, 2020).

In the circumstances of the pandemic we have to react and adapt to time challenges very quickly, that is why we believe that one of the most efficient ways to organize distance learning is to work with complete educational and methodological complex of the course in the system of e-learning (based on Moodle platform) of Berdiansk State Pedagogical University (<https://edu.bdpu.org/course/view.php?id=279>).

Within the article we will consider the tasks we have developed for practical and self-study work for first-level higher education students in the course "Teaching methodology for social and health-care education sector" (Stepaniuk, 2021).

The work organization on the platform allows systematic and holistic learning of the course and facilitates the organization of interaction between the teacher and students through easy file sharing; setting of time limits for the completion of tasks; rapid organization of educational discussion of tasks; a user-friendly automated system for assessment of students' assignments; the option of individual communication between the tutor and the student; control of student activity and their study hours in the network; course structuring, thematic units, etc.

The potential of the distance learning platform makes it possible to define new competencies and functions of the teacher in the educational process - he/she becomes a tutor, a facilitator, as interacts with students online, organizes their online workspace using the platform's infrastructure, develops educational material, defines goals and creates course content, provides guidelines on how to work with the information in the network, etc (Hurenko et. al., 2017; Koufou & Tsilichristou, 2014).

To optimize, intensify and diversify the educational process it is recommended to use various electronic resources, offering students a variety of tasks for processing, reproducing and presenting learning material.

Below we will look at the peculiarities of professional methodological training of higher education students under distance learning conditions (based on the Moodle platform) through the example of the course "Teaching methodology of social and health-care educational sector".

Under quarantine restrictions, we adapted the design of the course "Teaching methodology of social and health-care educational sector" to the environment of distance learning and implemented it for the 3rd year students of The Faculty of Psychological and Pedagogical Education and Arts. The design of the discipline was focused on achieving its goal: mastering the program learning outcomes and the formation of professional competencies and personal qualities of future primary school teachers.

The course consists of lectures on the Zoom platform, tasks for practical, self-study and individual work on the Moodle platform. All of the tasks were adapted to the distance learning conditions. Each of them had its own grading criteria, which were announced to the students at the beginning of the course and specified in the syllabus.

We present some samples of tasks for self-study, which are appropriate for first-level higher education students in the 013 Primary Education program. The tasks are available on the Moodle education platform (<https://edu.bdpu.org/course/view.php?id=279>):

1. Summarize the experience of educators-practitioners in organizing a health-care educational environment in the New Ukrainian School, identifying the similarities and differences in their work. Identify innovative approaches and assess their level of novelty (Figure 1).

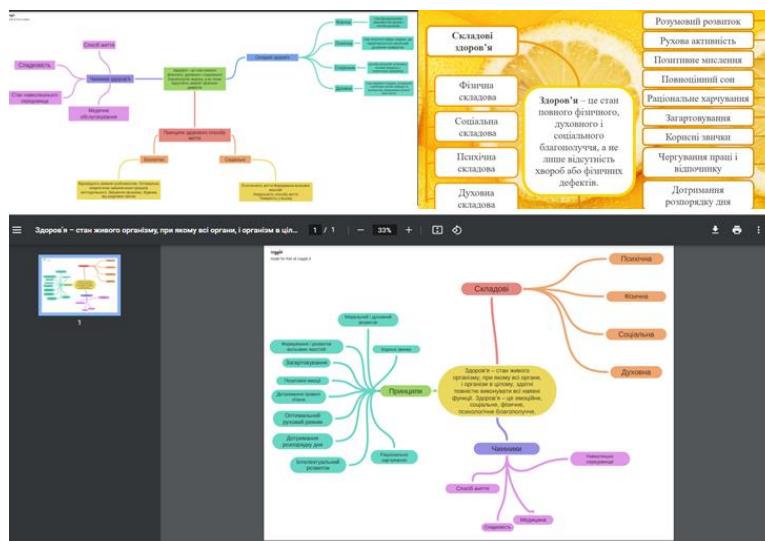


Figure 1. An example of using the google service.

2. Using the Cooggle service (<https://coggle.it>), create a mind map of the definition of "health" (Gorbatuk et. al., 2019; Krauthausen, 2013; Kravchenko, 2018).
3. Develop a script for a morning meeting for 1st graders (choose your own topic of the week) and prepare to simulate it with your group of students.
4. Select games (at least 5) that contribute to the development of auditory and locomotor-movement attention, switching children from one type of activity to another in the

studying the course "I explore the world" (Figure 2).

5. Create an infographic on "Implementing health-care education ideas in the New Ukrainian School" using the Canva service (<https://www.canva.com>).
6. Develop information for a project for primary school pupils on "How does advertising influence choice of products?" in the course "I explore the world". Post the information on the Padlet virtual board (<https://uk.padlet.com>) (Jaros, 2012).

Thus, under the conditions of quarantine restrictions, the self-study of higher education students acquires specific features and requires the use of online tools (Josefsson et. al., 2019). The tasks we have developed are effective for the formation of professional competencies and

readiness of future primary school teachers to work in the New Ukrainian School in the classroom, distance and blended learning as they contribute to more conscious, independent and creative mastery of indirect interaction services in the educational process.



Figure 2. An example of using the Canva service.

Within the course “Teaching methodology of social and health-care educational sector” we also use educational and research tasks, that involve higher education students to understand the problem situation, identify the main contradiction, implement the process of solving the problem, proving the correctness of conclusions and more. The system of didactic tasks is based on the levels of cognitive independence of future teachers which integrate quantitative and qualitative features of self-study work (Shchetyrina et. al., 2019; Kordaki & Kakavas, 2017). Qualitative changes in the nature of the conclusions that lead to the solution of the problem play a dominant role here. Levels of cognitive independence can be considered as a means of managing the development of students' cognitive activity and diagnosing their cognitive abilities (Prokopenko et. al., 2020).

It should be noted that the formulation of these tasks for higher education students consists of the following stages:

1. Problem definition in the question or task form.

2. Discussing options for solving the problem, instructing on completing the task.
 3. Implementation of the chosen solution to the problem.
 4. Development of tasks and questions for students' self-control.
 5. Discussion of work results, error correction.
 6. Using search results when studying new material or solving another problem.

As a rule, such tasks serve as a means of individuating the training of primary school teachers, develop motivation for educational activity, and provide mastering of research creativity.

We have proposed the following sequence of educational and research tasks:

- identify the problem for formulating the task conditions, based on the concepts of national and international pedagogy;
 - devise ways of solving the problem;
 - argue the feasibility of each variant.

Following is a brief overview of the proposed educational-research tasks, which we use in the

process of professional training of future primary school teachers within the study of the course “Teaching methodology of social and health-care educational sector”.

Here are some samples for introduction.

Educational-research task 1. Analyze the video recordings of the lessons “I explore the world” course and find out how the competence-based approach to the formation of life skills of primary school pupils was realized in the educational process.

Educational-research task 2. Elaborate the requirements for registration of research results and project presentation script “The ABC of Nutrition”.

Educational-research task 3. Give examples of topics for different types of projects in the course “I explore the world”. Supplement them with other attributes (the nature of the contacts, the duration of the activity, the number of participants). For each characterized type of project identify the problem, formulate the goal and task, indicate the interdisciplinary links, propose the option of designing the project results and its practical relevance (Kramarenko & Stepaniuk, 2021).

Completing of these tasks allowed to stimulate the cognitive processes and activity of future primary school teachers and ensured the formation of theoretical style of students' thinking, the training of research methods, and the development of professionally significant qualities of the personality under distance learning conditions.

When completing such tasks, students make assumptions about ways to solve a problematic situation, summarize previously acquired knowledge, discover the causes of situations, explain their origin, and choose the most rational solution for a problematic situation. The teacher must lead this process at all stages, including through questions-prompts.

Therefore, educational and research tasks are effective for the formation of professional competencies and readiness of future primary school teachers to work in distance learning conditions, as they contribute to a more conscious and self-directed mastery of the future pedagogical activity (Popa et. al., 2015).

In the context of the implementation of the new State Standard for Primary Education, it is

important to draw the attention of future primary school teachers to the necessity of changing the spatial environment, programs and teaching tools in the New Ukrainian School.

At the demands of the time, the Berdiansk State Pedagogical University has established a primary education laboratory to reproduce the New Ukrainian School's educational environment for training students of the first and second levels of higher education according to educational programs 013 Primary Education. The lecturers of the Department of Primary Education at BSPU have developed their own design for the laboratory, taking into account the color scheme between walls, furniture, appropriate classroom equipment, sun shutters and individual desks, which can be easily combined into various combinations for pair and group activities. In the conditions of blended learning lectures are conducted by teachers in the laboratory, which enables to demonstrate the techniques of working with didactic material in the laboratory educational environment through video conferencing on the Zoom platform.

Conclusions

Based on the analysis of scientific sources, studying and summary of pedagogical experience we have reached the following conclusions. This study has shown that in the context of quarantine restrictions during a worldwide pandemic, it is important to effectively organize the distance work of higher education students. For this purpose, we have proposed the author's approach to work in the virtual learning environment Moodle on the educational component “Teaching methodology of social and health-care educational sector”. The use of digital tools Canva, Padlet, Coggle for the organization of group work of students during the blended learning period indicates an increased interest of higher education students in their future professional activities and the formation of their own portfolio of creative works, in particular, this is achieved through the completion of educational and research tasks.

The author's method for training the educational component “Teaching methodology of social and health-care educational sector” proposed in the article is not complete and is constantly being improved over time, especially under the quarantine conditions caused by COVID-19. It can be recommended as an effective workable method in the training of future teachers in general, and primary school in particular.

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Illocutionary Pragmatic Adaptation Challenge: Ukrainian Translations of English-language Soft Law Texts

Проблема іллокутивної прагматичної адаптації в українських перекладах англомовних правових текстів м'якого права

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Abstract

The article introduces the concept of illocutionary pragmatic adaptation (IPA) as a local translation adaptation aimed at replacing, de-intensifying or strengthening the modality in Ukrainian translations of the English-language soft law texts. The idea of IPA is based on the premises of illocutionary forces-modality correlation, their graded nature added by the concept of pragmatic translation adaptation, its types, criteria, and strategies. Basic IPA means include shall-associated transformations aimed at adaptation to a softer law and should-associated IPA to a harder law. The omission of shall in the Ukrainian translations results in transforming explicit directives into two-intentional assertives, effecting the replacement of obligative modality by an epistemic belief that the rule should be followed instead of the requirement for the rule observation. Replacing the modal verb of the

Анотація

Стаття впроваджує поняття іллокутивної прагматичної адаптації (ІПА) як локальної перекладацької адаптації, спрямованої на заміну, діентенсифікацію або посилення модальності українських перекладів англомовних правових текстів м'якого права. Ідея ІПА ґрунтується на дослідженні співвідношення іллокутивних сил та типів модальності, різного ступеню їхньої інтенсивності, у поєднанні з концепцією прагматичної адаптації перекладу, її видів, критеріїв та стратегій. Основні засоби ІПА включають перекладацькі трансформації актів, що містять "shall", і спрямовані на адаптацію до більш м'якого права, а також трансформації висловлень із "should", результатом яких є адаптація до більш жорсткого права. Опущення "shall" в українських перекладах має своїм

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recommendation should with the verb of obligation "повинні" (must) leads to the transformation of modality of recommendation into an obligative one based on strengthening the directive illocutionary force. The paper has identified three factors of IPA: (1) genre-related, which determines the target text adaptation either to the softer or harder genres of the source text; (2) a discursive space of soft law core values effecting IPA with a decrease in directive illocutionary force and obligative modality; (3) the factor of the local context.

Key words: basic devices, deontic modality, illocutionary force, pragmatic adaptation; soft law.

Introduction

The article introduces the concept of illocutionary pragmatic adaptation (IPA) in translation as a type of local pragmatic adaptation of the source text based on transformation of illocutionary forces and their associated modality. The analysis bases on the English-Ukrainian translations of international soft law – a set of rules and guidelines that consolidates mainly political obligations of states, binding at the discretion of the party (Abbott & Snidal, 2000; Hillgenberg, 1999).

The relevance of the article is that it contributes to the problem of pragmatic adaptation, which is the constant research challenge in translation studies. For the first time the problem is solved on the basis of international legal texts, which, due to their specificity, exclude intercultural asymmetry as a traditional factor of translation adaptation.

Assumed from the existing theoretical premises of illocutionary force graduated strength and different-scaled modality meanings, the paper advances the hypothesis that the transformations-based change in the type of speech act or its intensity affects either the replacement of deontic modality by epistemic, or the change of the deontic modality scale. Such illocutionary transformations are considered by the article as a pragmatic adaptation to soft law in general or to

результатом трансформацію експліcitних директивів у двокомпонентні за своєю інтенцією асертиви, що впливає на заміну облігативної модальності на епістемічну впевненість у тому, що правило має бути виконане – замість вимоги щодо його виконання. Заміна модального дієслова рекомендації "should" дієсловом зобов'язання "must" призводить до перетворення модальності рекомендації на облігативну модальність, що базується на посиленні директивної ілюкутивної сили. Ідентифіковані три фактори ПА: 1) жанровий, який визначає адаптацію цільового тексту або до більш м'яких, або до більш жорстких жанрів вихідного тексту; 2) дискурсивний простір основних цінностей м'якого права, який впливає на ПА із деінтенсифікацією директивної ілюкутивної сили та облігативної модальності; 3) локальний контекст.

Ключові слова: базисні засоби, деонтична модальність, ілюкутивна сила, прагматична адаптація, м'яке право.

its specific genres, different in their legal binding force.

The purpose of the article is to substantiate the illocutionary pragmatic adaptation of English-language soft law texts in Ukrainian translations from the point of view of its factors and core devices.

Of particular importance for this study is the approach to the adaptation by Yves Gambier, who believes that even if the translator is forbidden to work with the source text with a certain "freedom" of action (as, for example, in legal or other institutional texts), adaptation still happens (Gambier & Gottlieb, 2001, p. 35). The second observation, relevant to our research, belongs to Vinay and Darbelnet (1958/1972, p. 54), and concerns translations of international texts, which must not be just the bureaucratic translations, «that give correct information and zero aspiration; (...) it is a matter of encouraging citizens to be involved in supra-national politics». These ideas meet up with modern «calls for translations to act as events in themselves (Pym, 2012, pp. 122-123; Venuti, 2012, pp. 184-186; Nord, 2014).

Considering the purpose of this study, its theoretical framework encompasses three

research vectors, integrated to substantiate the research hypothesis.

Literature review

The problem of speech acts correlation with modal meanings is quite problematic and poorly explored. The solution to this problem is hampered by the lack of unanimity in linguistics regarding the number and types of modal categories, which vary from two to seven classes according to different researchers (Hegarty, 2016; Nuysts, 2016; Palmer, 1986; Quirk et al., 1985).

Despite some terminological differences, researchers have achieved a certain unanimity regarding the classes of modality: Alethic (modes of truth), Epistemic (modes of knowing), Deontic (modes of obligation), Existential (modes of existence) and Teleological (modes of purpose). In addition to these types, Palmer (1986) differentiates the modality of desire (Volitive modality), and quantificational modality. Kai von Fintel (2006) distinguishes the bouleptic modality that correlates with the modality of desire, and dynamic modality.

Not less relevant in modern linguistics the issue of the modality-illocutionary force correlation –

considering that speech acts serve as a mediating link between grammatical means and forms of modality, on the one hand, and of the communicative and, more broadly, the discursive function of modal meanings, on the other hand. In this regard, John Lyons notes that the theory of speech acts is conceptually positioned between communicative function and modality – as it provides a general framework for "the discussion of syntactic and semantic distinctions that linguists have traditionally described in terms of mood and modality" (Lyons, 1977, p. 725).

In speech acts theory the correlation of modal meanings of utterances with the structure of speech acts was first noted by J. Searle (1983), based on the concepts of "proposition" and "propositional attitude" (modal frame). The "division" of an utterance into a proposition and a modal frame was then introduced by A. Vezhbitskaya (2015) into semantics and is used today to determine the modal meanings of utterances.

The correlations between modality, illocutionary forces, and grammatical means of their expression in relation to assertives and directives are shown in table one (Palmer, 1986, 23-26; Lyons, 1977, 725-849).

Table 1.
Modality, illocutionary forces, and the grammatical means: interface for directives and assertives.

Type of the utterance	Illocutionary force and type of the speech act	Type of the sentence	Modality
Statement	Constatative illocutionary function; assertive speech acts	Declarative	Epithemic modality of possibility / necessity: (a) judgements (apodictic, conditional, hypothetical, concessional, purposive, speculative, necessitative, assumptive, etc.); (b) evidentials (quotative and visual). Deontic modality (permission / obligation): compulsives, commands, demands, advices, invitations, permissions, prohibitions, requests, wishes, permissions, warning, recommendation, etc.
Mand / Question	Directive illocutionary force	Imperative Interrogative	rights, with deontic forces, which, create new forms of social reality.

The correlation between the utterance type, the sentence type and illocutionary force is less obvious for commissives. However, it is indisputable to refer the commissive illocution to the subclass of deontic modality. In particular, Searle (1995) connects the speech act of the undertaken obligations, along with duties and

A definite contribution to the problem of the illocution-modality correlation was made, on the one hand, by studies of the phenomena of mitigation / reinforcement from the point of view

of "degrees of strength" of illocutionary force, and, on the other hand, the concept of different modal strength (Palmer, 1986, pp. 57-58; Quirk, et al., 1985)

In the same vein, in functional grammar, modal dimensions, which distinguish types of modal expressions, are presented precisely as paradigms organized on the principle of scale - for example, the scale-paradigm of "probability" (Halliday, 2004, p. 148).

Considering the above, the paper assumes that a change either in the type of act or in its illocutionary intensity directly affects the characteristics of modalities of discourse structured by such acts. It is hypothesized that transformation of speech acts illocutionary points or their intensity in the target text compared to the source text is a kind of pragmatic adaptation of modality. With that in mind, one of the theoretical premises of the work encompasses the studies, focused on the issue of translation pragmatic adaptation.

Adaptation, which has always aroused scientific interest in translation studies (Baker & Saldanha, 2011), are differentiated into local and global as well as pragmatic and sociocultural types (Baker & Saldanha, 2011). Given the peculiarities of the international legal text as the manifestation of a collective will of the states-parties to the document, the translation of such a mutual will, aimed at harmonization of international conduct, "prohibits" the reconstruction of the whole text or its global adaptation.

However, the translator can consciously or unconsciously (Raw, 2012, p. 26) adapt fragments of the text to different degrees of commissive, directive, etc. deontic modalities according to the peculiarities of soft law genres. In texts under consideration there will be a local adaptation that applies to fragments of the text and has "very limited impact on the target text as a whole" (Baker & Saldanha, 2011). For the same reasons, the adaptation of legal text cannot be sociocultural, but only pragmatic, adapted "to the needs of the target language audience" (Neubert, 1968, p. 34) and providing equivalent communicative effect. Intercultural differences in international legal texts are manifested only at the level of interlingual asymmetry of the language systems.

Among the criteria that determine pragmatic adaptation for more details see Halliday (1964, p. 35; Neubert, 1968, p. 56), this article highlights the text register parameters. i.e. the

criterion of the "field (Van Leeuwen, 1993), which, in our case, deals with different genres of soft law varying in degrees of their binding force.

Among the numerous strategies of pragmatic adaptation (Chesterman & Wagner, 2002, pp. 60-63) the most important within the framework of this research is the strategy of 'illocutionary change' directly related to the illocutionary subtype of adaptation, which is associated with the transformation of the soft law modality and under consideration in this paper.

Methodology

To achieve the purpose, the paper uses a set of complimentary methods of analysis, including speech acts explanatory tools, the elements of discourse analysis and pre-translational text analysis. Speech acts analysis (Kravchenko, 2017, 2017a; Sadock, 2004; Searle, 1975, 1975a), is related to (a) identification of the type of speech act, adaptable in translation, as well as illocutionary force indicating devices, which transformation results in a change in illocutionary point / its intensity and associating modality meanings, (b) identification of compound illocutionary meanings of direct and indirect speech acts.

The research partially employs a pre-translation analysis of international documents based on a discursive model of translation that involves the interrelated modules of (a) a harmonized value opposition between "common" and "sovereign" (Kravchenko, Pasternak, 2020); (b) the discourse addresser / addressee, embodied in the metonymic nomination "parties of the document"; (c) the translator as an intermediate system, which is the addressee of the original text and the addresser of the translated text; (d) extra-textual factors; (e) the text semiospheres – both unifying (international documents) and separating (the parties domestic legislation).

The corpus of the analyzed texts includes nine documents of international soft law in English and their translated versions in Ukrainian. The data selection criteria included markers of IPM variation in the source and target texts – modal verbs, which transformation in translation results in change / de-intensification / intensification directive illocutionary forces and associated modality meanings.

The analysis is carried out in three consecutive stages:

- 1) analysis of speech acts associated with deontic obligative modality in the source and target texts – to identify lexical transformations of modal verbs – illocutionary force indicating devices;
- 2) justification of such transformations as the key means of modality adaptation in soft law texts, triggering de-intensification or strengthening of illocutionary force;
- 3) identification of the factors of illocutionary pragmatic adaptation of modality.

Results and Discussion

Despite the minimum interference of the translator of international legal documents in the source text and the maximum "depersonalization" of the translation, the corpus of soft law texts evidences the use of pragmatically marked translation adaptations. In the texts of the soft law any changes, even insignificant ones, of the scale of deontic modality, correlating with the weakening or strengthening of the illocutionary force of directives acts, significantly affect the document legal force.

According to the Principles and rules for the structure and drafting of ISO and IEC documents (ISO, 2021). "shall" indicates an obligation or a legal requirement (see Table 3 – Requirement). The same writing standards are postulated in English Style Guide (2021), provided for authors and translators in the European Commission. In particular, par. 10.24. of the Guide "Positive imperative" states: "To impose an obligation or a requirement, EU legislation uses shall" (English Style Guide, 2021, p. 55).

For example, in (1) according to the above rules, the performative verb *shall*, which introduces the performative part of the directive and functions as an operator of obligative deontic modality, is not only reproduced in the Ukrainian translation, but it is also repeated twice, intensifying directive illocutionary force.

- 1) States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary (principle 25, Rio Declaration on Environment and Development, United Nations (1992)) – Тому держави повинні поважати міжнародне право, яке забезпечує захист навколошнього середовища під час збройних конфліктів, і повинні співпрацювати, при необхідності, у справі його подальшого

розвитку (States *must / should* respect international law, which ensures the protection of the environment during armed conflicts, and *must / should* cooperate, if necessary, in its further development).

At the same time, soft law translations into Ukrainian evidence that only 10 % of the target texts is rendered by means of preserving *shall* and explicit directive illocutionary force conveyed by it. The established translation tradition is the verbal phrase transformation with modals *shall / shall not* into the notional verb in present tense with omission of a modal *shall*, which results in transforming the explicit directives into two-intentional assertive with the implicit directive illocution as one of the illocutionary points along with assertive intention. Accordingly, the directive modality associated with the need to comply with regulatory rules is transformed into an epistemic modality of necessity (see Table 1) with an emphasis neither on obligation nor even recommendation, but on the belief that the rule must be followed. As a result, the translation-bound epistemic meaning weakens deontic obligative modality of the document fragment, as shown in (2):

- 2) All Parties, *taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall* (performative part): (a) Develop, periodically update, publish and make available to the Conference of the Parties (...)national inventories (propositional part) (article 4.1 (a), United Nations Framework Convention on Climate Change, United Nations (1992)). – Усі Сторони, враховуючи свою спільну, але диференційовану відповідальність і свої конкретні національні i регіональні пріоритети, цілі i умови розвитку: а) розробляють, періодично поновлюють, публікують, i надають Конференції Сторін національні кадастри (All Parties ... develop, periodically update, publish...).

In contrast to the original text where the modal operator *shall* explicitly indicate obligative modality and the performative (illocutionary) clause of the directive, the Ukrainian translation represents only a propositional part, and, accordingly, the directive illocutionary force is implicated as one of the illocutionary forces of the assertive-framed two-intentional act.

The same illocutionary transformations resulted in a pragmatic adaptation of the obligative modality fragment to epistemic modality expressed by two-intentional assertive is observed in (3) and (4).

- 3) In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks and facilitate contacts among students and teachers of different communities (12.2, Framework Convention for the Protection of National Minorities) – (...) Сторони забезпечують належні можливості (...) та сприяють...
- 4) Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change (*article 4 (2a)*, United Nations Framework Convention on Climate Change, United Nations (1992)) – кожна з цих Сторін проводить національну політику і застосовує відповідні заходи у пом'якшенні наслідків зміни клімату.

In the target fragments, the performative parts of directives are rendered as *provide opportunities* in (3) and *conducts national policy* in (4). That results in assertive acts that combine illocutionary points of confidence in what it is communicated and implicit recommendation. So, one of the illocutionary points in assertive act remains directive, but with a significantly decreased degree of strength of obligative illocutionary force.

Similar local pragmatic adaptation of the text fragment to a softer law is identified in the speech acts, introduced by "weak" directive, represented by the verb phrase in passive as is observed in the fragment (5):

- 5) In order to protect the environment, the precautionary approach shall be widely applied by States *according to their capabilities* (Principle 15 of the Rio Declaration on Environment and Development, United Nations (1992)) – (...) держави відповідно до своїх можливостей широко застосовують принцип прийняття запобіжних заходів (States, according to their capabilities widely apply the principle of precautionary measures).

In the translated utterance, the "weak" directive in passive is transformed into an assertive speech act due the omission of *shall* that affects the scale of the obligative modality since the "weak"

deontic modality of the obligation is substituted by epistemic modality. The adaptation of modality to softer law is genre-conditioned, since the genre of the Declaration is an instrument of expressing the intention of states, which, however, does not have binding legal force. An additional local adaptation factor is presented in the original texts by a hedging structure *according to their capabilities*, which provides for the possibility of variative application of rules.

At the same time, the transformation of the passive construction in the original text into an active one partially compensates them for the loss of directive modality by increasing the degree of the subject's responsibility for the actions performed (at the formal level, this is conveyed by placing the subject of the action in the syntactical position of the phrasal subject: *держави* (...) широко застосовують принцип прийняття запобіжних заходів (*states*... widely apply the principle of precautionary measures) instead of: *the precautionary approach shall be widely applied* by *States* in original text.

The paper identified three main factors of illocutionary pragmatic adaptation: genre-related; discursive; the local contextual and a combination of factors.

In particular, in (2) and (5), the local contextual factor of adaptation bases on parenthetical phrase-hedge that functions as a kind of reduced exemption clause weakening the obligative modality: *taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances; according to their capabilities*. Other identified hedges involve as far as possible, if there is sufficient demand, where appropriate, where necessary, where relevant, as appropriate, States Parties shall take all measures they deem appropriate, etc. as exemplified by (6):

- 6) In the areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language (*article 10 (2)*, Framework Convention for the Protection of National Minorities) – (...) на прохання таких осіб і якщо таке прохання

відповідає реальним потребам, Сторони намагаються забезпечити (are trying to provide) по можливості (...).

In (6) the transformation of *shall endeavor* into *are trying* with the omission of the modal *shall* affects the modal frame of the utterance as it loses its illocutionary force indicating device of the explicit directive, enquiring the structural and illocutionary properties of the assertive. The paper assumes that adaptation to epistemic modality of the softer law is triggered here by the local context of the source fragment, which contains three hedges stipulating the conditions for fulfilling the requirements: *if there is sufficient demand; as far as possible and within the framework of their education systems.*

The hedges-derogations may trigger the illocutionary pragmatic adaptation as they convey both permissive modality (imply the possibility of the requirements non-compliance) and dynamic modality meanings (the execution of an action under certain circumstances). Accordingly, the scale of alternativity increases and, on the contrary, the degree of the document binding force decreases.

The paper concludes that the pragmatic adaptation, caused by its local contextual triggers, adapts the performative part of the directive act (omission of *shall*) to the markers of softer deontic modality – hedges contained in its propositional part.

In addition to the parenthetical hedges, the local trigger of adaptation to a softer law, expanding a discretionary power of the Parties, also involve "without prejudice" clauses; metonymic nominations of "sovereign power"; idiomatic references to "public safety", "morals", "cultural identity" and other "implicated intertextuality devices" (Kravchenko & Zhykharieva, 2020) to the texts of domestic legislation, scaling down the directive modality.

On the other hand, the means of the local context may also trigger the vice versa adaptation of the utterance to the harder obligative modality, with the replacement of *may* in negative structure by *must as in (7)*.

- 7) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations (article 26, Universal Declaration of Human Rights, United Nations Human Rights, (1948)) - Здійснення цих прав і свобод ні в якому разі не повинно суперечити ... (The

exercise of these rights and freedoms must in no case be contrary...).

The adverbial phrase *in no case*, used to negate the verb and denote the prohibition locally intensifies the obligatory modality of the act, triggering the replacement of the modal verb of permissive semantics by modal *must* that conveys strong requirement.

In addition to local contextual factors, the criteria of illocutionary pragmatic adaptation also involve genre and discursive factors.

Genre adaptation is possible due to the variation of soft law documents along the scale of obligative deontic modality – from such soft genres as Declarations, Principles, Rules, Appeals, etc., which have minimal binding force, – to the stricter law of the Framework Convention – the genre closest to compulsory law. Correspondently, the paper reveals two types of genre adaptation, incl.: (a) to a "softer" genre of the source text, which results in *shall* omission, de-intensification of directive illocutionary force and obligative modality and shift to epistemic modality; (b) to a harder law, which results in the substitution of the modal verb of recommendation *should* by the obligative verb "пovинні" (must), triggering the intensification of the directive illocutionary force and obligative modality.

The first type of genres, characterized by the features of genre hybridity, combining the characteristics of legal and political discourses, I.I. Lukashuk classifies a "soft law" of illegal international norms (1997, c. 124). Accordingly, when translating such documents, it is possible to adapt them to the soft "declarative" modality of the genres they represent as in (8):

- 8) States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this Declaration (principle 27, Rio Declaration on Environment and Development, United Nations, (1992)) – Держави і народи спiвпрацюють (cooperate) у дусі доброї волі і партнерства у виконанні принципів, втілених у цій Декларації (...).

And, vice versa, the genre criterion of adaptation may be engaged if the translation adapts to the *Framework Convention* "as an umbrella document which lays down the principles, objectives and the rules of governance of the treaty regime. (Framework Convention Concept, p. 1). The framework conventions refer to soft

law because they form a special type of international law – “general” norms and principles that are used in international treaties (Lukashuk 1997, p. 124).

In this regard, a typical example of pragmatic adaptation to a harder law is the substitution of the modal verb of recommendation *should* with the verb of obligation *повинні* (must):

- 9) The Parties *should cooperate* to promote a supportive and open international economic system (...) (article 3 (5), United Nations Framework Convention on Climate Change, United Nations (1992)) – Сторони *повинні співробітничати* (must cooperate) з метою встановлення сприятливої і відкритої міжнародної економічної системи,

In accordance with the Principles and Rules of the International Organization for Standardization (ISO) (2021), “should” is used in documents to express a recommendation (Table 4 – Recommendation). As a performative verb *should* expresses a modality of recommendation as a subcategory of obligatory deontic modality that correlates with directive speech acts, but differs in less directive strength compared to obligations or requirements.

Approximately 75 percent of the Ukrainian translations are carried out in compliance with the above standards – with preserving the recommendation modality, conveyed by impersonal structures *слід та необхідно* (it is needed, it is necessary). However, approximately 25 translations transform the recommendation modality into the modality of the obligation that relies on the intensification of the directive illocutionary force and results in the pragmatic adaptation to a harder law.

The paper revealed that the genre factor in the case of adaptation to a harder law is more efficient than the criterion of the local context, as shown by (10), where hedges, weakening the recommendatory modality in the source text, does not prevent its adaptation to the genre of the Framework Convention:

- 10) *Without prejudice to the sovereign right of the Parties to determine and establish their taxation policies, each Party should take account of its national health objectives concerning tobacco control (...)* (article 6 (2), WHO Framework Convention on Tobacco Control, WHO (2003)).

Без шкоди для суверенного права Сторін визначати й встановлювати свою політику оподатковування, кожна Сторона повинна (must) враховувати свої національні цілі в галузі охорони здоров'я, які стосуються боротьби проти тютюну (...).

The third identified factor of illocutionary pragmatic adaptation is discursive – determined by features of “soft law” as a whole discursive semiotic space constituted by the concepts of “recommendation”, “desirability”, “possibility”. In this vein, the adaptation is carried out in accordance with the “genre semiosphere” of soft law that integrates the most general discursive features - formal, conceptual, semantic, etc., of all genres of such law (Kravchenko, 2006).

The discourse criterion is involved in the translated fragments adaptation to a softer law with the de-intensification of obligatory modality and the transformation of directives into assertives (that is, transformation with the omission of *shall*). This discursive factor can, in particular, explain the transformation of an obligative deontic modality into an epistemic one in the genre of the Framework Convention as in (11):

- 11) Each Party *shall develop, implement, periodically update and review* comprehensive multisectoral national tobacco control strategies, plans and programs in accordance with this Convention and the protocols to which it is a Party (article 5 (1), WHO Framework Convention on Tobacco Control, WHO (2003)) – Кожна Сторона *розробляє, здійснює, періодично оновлює та перевіряє* (develop, implement, periodically update and review) всебічні багатосекторальні національні стратегії, плани й програми з боротьби проти тютюну.

Modal verbs omission or replacing – illocutionary force markers, the article qualifies as the basic means of pragmatic adaptation, since they adapt the modality of speech acts either to the characteristics of soft law, or to one of its genres, which differ in their legal binding, or to local contextual triggers.

Conclusions

The article introduces the concept of illocutionary pragmatic adaptation as a kind of

local translation adaptation aimed at changing, de-intensifying or strengthening the modality scale in the target Ukrainian text in comparison with the original soft law text in English. The notion of IPA is based on the interface of the theoretical premises about illocutionary force-modality correlation and their scaled nature, added by the idea of pragmatic translation adaptation, its types, criteria, and strategies. Based on a compound research method, consistently applied in three stages of investigation, the paper has reached principal findings about basic means of IPA and its main factors.

Basic means include transformation of the verbal group, containing modals *shall* and *should* as illocutionary force markers. The omission of *shall* in the Ukrainian translations either in active or in passive results in transforming the explicit directives into two-intentional assertive that combine illocutionary points of confidence in what is communicated (assertive illocutionary act) with an implicit recommendation (the de-intensified directive illocutionary act). Illocutionary transformations result in replacement of obligative modality with epistemic modality with an emphasis not on the demand but on the belief that the rule must be complied. *Should*-associated transformations represent the adaptation to a softer law.

Another basic means of IPA includes the substitution of the modal verb of recommendation *should* with the verb of obligation “*повинні*» (must), which results in the recommendation modality transformation into obligative modality based on intensification of the directive illocutionary force. *Should*-associated transformations represent the adaptation to a harder law.

Second. The paper identified three main factors of illocutionary pragmatic adaptation: genre-related; discursive; the local context of the translated fragment.

Genre-related factors determine IPA either to the soft (declarative) genre of the source text, which results in omission *shall*, transformation of directives into assertive, and a shift to epistemic modality, or to a harder law – with substitution of the modality of recommendation, conveyed by *should* by the strong obligative modality, expressed by “*повинні*» (must), intensifying the directive illocutionary force.

The discursive factor of the discursive semiotic space, structured by normative values of

“recommendation”, “desirability”, “possibility”, determine adaptation towards softening the norms (based on the directives into assertive transformation) and obligative deontic modality into an epistemic one in the genre of the Framework Convention.

The local context triggers of IPA to softer law are based on parenthetical phrase-hedges that function as a reduced exemption clause, which expand a discretionary power of the participating States and weaken the obligative modality, which results in omission of *shall* in translation.

The local context triggers IPA to harder law occurs in isolated cases and it is based on prohibition clause to emphasize that something must not happen.

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An analysis of a choreographic work: fundamental and innovative methodology

Аналіз хореографічного твору: фундаментальна та інноваційна методологія

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Abstract

The article analyzes the methodology of professional critical analysis of dance art work and outlines the prospects of development of this vector of choreological activities. The purpose of the article is a goal-oriented description of methods of professional analysis of choreographic works in the context of habit training of choreographers' critical thinking. The methods used are as follows: method of synthesis, systematic approach, method of structural analysis, method of analysis of musical content, analysis of the specific character of audience perception, analysis of semiotic components of the work, analysis of the dialectic of a choreographic text. The criteria for the analysis of choreographic works can be worked out through the use of innovative technologies. It is possible to make additional arguments based on the experience of mathematical, music and linguistic methodology. The combination of innovative technologies with techniques that consider the quantitative and qualitative indicators of dance, allows the analysis of a choreographic work to move to a new more evidence-based level. Further development of this applied research issue can be aimed at improving the theoretical apparatus of the proposed innovative methods, or the development of new techniques based on technical developments in the field of GPS-devices.

Анотація

У статті проаналізовано методику професійного критичного аналізу танцювального мистецтва та окреслено перспективи розвитку даного вектора хореологічної діяльності. Метою статті є цілеспрямований опис методів професійного аналізу хореографічних творів у контексті тренування критичного мислення хореографів. Використовуються такі методи: метод синтезу, системний підхід, метод структурного аналізу, метод аналізу музичного змісту, аналіз специфіки сприйняття аудиторії, аналіз семіотичних компонентів твору, аналіз діалектики хореографічного твору. Критерії аналізу хореографічних творів можуть бути розроблені шляхом використання інноваційних технологій. можна наводити додаткові аргументи, спираючись на досвід математичної, музичної та лінгвістичної методики. Поєднання інноваційних технологій з техніками, що враховують кількісні та якісні показники танцю, дозволяє аналізу хореографічного твору перейти на новий, більш доказовий рівень. Подальша розробка даного питання прикладного дослідження може бути спрямована на вдосконалення теоретичного апарату пропонованих інноваційних методів, або на розробку нових методик на основі технічних розробок у галузі GPS-пристроїв.

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Keywords: methods of choreographic analysis, choreographic work, critical activity, choreography.

Introduction

The training of professional choreographers is based on understanding the range of general and special competencies that form the final list of necessary skills. The list of professional disciplines offered for the study is aimed, inter alia, at mastering the ability of artistic and critical activities in the field of choreography. One of the areas of artistic and critical activities is the professional analysis of a choreographic work, which contributes to the development of choreographic art in general, improving choreography skills, the habit training of professional critical activity. The problem of development of this vector of choreographer's activity is the lack of conceptualized methods of dance analysis. An objective analysis of a choreographic work still remains a discursive theme, due to many particulate factors. The present study collects the most relevant methods of analysis of a choreographic work, which were developed in different historical periods of the foundation of this field of study and make a competent analysis possible, excluding subjective evaluations. It is through the conceptualization of convergent methods of professional comprehension of a choreographic work that it seems possible for future choreographers to acquire special competencies.

The purpose of the article is a goal-oriented description of methods of professional analysis of choreographic works in the context of habit training of choreographers' critical thinking.

Theoretical Framework or Literature Review

Defining "dance" as a cultural model, which was presented by V. V. Romm in his research "Dance as a Factor in the Evolution of Human Culture" enabled to consider dance as a symbol-code in a complex system of cultural signs, expanding the methodology of dancological research (Romm, 2006).

The analysis of a choreographic work in the modern system of values, as well as due to the significant development of forms of performance, is greatly complicated by moving away from the standard interaction of a choreographer, performer and spectator. The given three-phasic nature is reflected in the analysis of dance. Jacqueline M. Smith-Autard in

Ключові слова: методи хореографічного аналізу, хореографічна робота, критична діяльність, хореографія.

the monograph "Dance Composition: a Practical Guide to Creative Success in Dance Making", considering important aspects and stages of dance creation, substantiates the specific character of its analysis and highlights the basic principles of creating a perfect dance: knowledge of the structural elements of dance, mastering the methods of composition of a form, feeling and style conception – the author motivates to analyze these components in understanding the choreographic style (Smith-Autard, 2010). The practical guide to the creation of dance also reveals the problems of creating a motive, the interaction of idea and style, analysis of the semantics of movement, stage interpretation of the daily life movement and many others. "Dance Composition Basics: Capturing the Choreographer's Craft. First Edition" developed by Pamela Anderson Sofras introduces the mechanics of creating a dance as exemplified in analyzing the work of two outstanding choreographers. Describing the main stages of development and the creation of dance, the author uses the structural method of analysis of a choreographic work, thus revealing the special aspects of the use of this method (Anderson Sofras, 2006). Katherine Flatt in "Choreography: Creating and Developing Dance for Performance" also focuses on the analysis of the components of dance. The author explores the process of an idea creation, the formation of the context of movement, the geometry of stage space and the importance of its understanding in creating a dance, the structure of movement in time and space, the mechanics of working with music, the structure of forms and others (Flatt, 2020). Thus, Katherine Flatt highlights the key aspects in the process of dance analysis, regardless of the chosen technique. Considerable attention to dance is given in the author's work "The Skill of the Choreographer in Modern Dance" by V. Yu. Nikitin. V. Yu. Nikitin formulates the purpose of a competent dance analysis, identifies the main components that need to be analyzed, and asks the concise questions, the answers to which characterize the dance (Nikitin, 2020). The author also adheres to the principles of the method of structural analysis of a choreographic work, which in his opinion is the most appropriate in the study of dance at different levels of professionalism.

It is important to note that this scientific work is aimed at conceptualizing the methods of critical analysis of dance, developed by a particular choreographer and embodied by performers. In this case, the analysis of the "creativity" of dancers is not taken into account, considering them as replicators. Therefore, the use of the proposed Lucie Clements' Method of Consensual Assessment Technique (CAT) has not been the case here (Clements, 2018), because this method is aimed at analyzing situational creativity.

Methodology

In the case of professional analysis of a choreographic work, it is recommended to use the methods that consider the object as a holistic cultural phenomenon (method of synthesis, systematic approach and other general scientific methods), as well as the methods aimed at determining the special aspects of individual components of a choreographic work (method of structural analysis, method of analysis of musical content, analysis of the specific character of audience perception, analysis of semiotic components of the work, analysis of the dialectic of a choreographic text, etc.). This approach enables to assess dance as a cultural and artistic phenomenon from many perspectives, taking into account the peculiar features of types, genres, forms and styles of dance. The outlined methods are the most common among professional critics of choreographic art, choreographers, practitioners and teachers. Specialists in the context of dance evaluation during competitions and festivals are most often involved in this methodology.

The range of dancological methods today varies from general culturological to choreological. For the purposes of studying dance analysis methods, a systematic approach was involved, combined with semiotic analysis as a basis for understanding dance as a system, and the formation of a three-phase principle in professional critical methodology. By incorporating a systematic approach, it has been possible to consider the coordinated functioning of all the subsystems of a choreographic work, formulating the concept of further development of dance analysis methods. In addition, the article describes such methods as structural analysis, analysis of musical content, analysis of the specific character of audience perception, analysis of semiotic components of a work, analysis of the dialectic of a choreographic text, quantitative analysis of musical and choreographic score – as a basic methodology of

dance analysis. An important science-based step was the formulation of the latest dance methodology – the method of analysis of emotional harmonics, the method of studying dance using Viperpod.

Results and Discussion

Mastering the profession of a choreographer in the field of modern education is based on three main principles: mastering the skills of dance creation, performance and analysis. These three principles have become fundamental and require deepening the theoretical basis for a professional analysis of a choreographic work. The theoretical study of dance has made significant strides from its inception to the use of modern computer programs. A dance conception not only as a rhythmic movement or emotional manifestation has led to the constant improvement of approaches to its analysis. In understanding these three principles of the choreographer's profession, it is important to comprehend "dance" as a form of human existence in time, space, circumstances and regulations.

The purpose of any analysis of a choreographic work is the need to define dance as a subject of certain data relay, the role of dance in socio-cultural changes of a particular country or epoch, recognition of dance as an artistic pattern in a certain artistic period (without making a subjective evaluation), as well as highlighting the features of the choreographer's style or the style of the whole choreography school.

At the beginning of the analysis of the work it is necessary to determine the main approach to this process. It can be built based on the previously mentioned three-phased nature of dance as a cultural phenomenon: analysis of dance in terms of its creation (analysis of the structure of dance), in terms of the mechanics of its performance (analysis of the impact of performing skills and personality of the performer, time and space) and from the standpoint of its audience perception.

At the beginning of the analysis it is possible to determine the general features of dance, which are outlined in the feasibility of determining the idea of the work, its clarity and the characteristic aspects of its development during a choreographic work; definition of style, features of its formation and canonicity; identifying the logic structure of the work. Using the method of structural analysis, the critic must determine the idea and form of dance (their interaction, interdependence), and outline the type to which the choreographic work belongs. The idea of

dance or image (emotional state) is always present and becomes the main goal of the author, which s/he pursues with reference to the creative process (Kolnoguzenko and Mostova, 2019). An idea or emotion is embodied in a form characterized by a set of certain structural components. It is the form during the demonstration of a choreographic work that will be appreciated by the spectator and through its aesthetic perception s/he will comprehend the idea or emotional component (choreographic image).

At the next stage, it is requisite to focus on the analysis of the features of the form: determine the specific features of the structure of horizontal dance drama (comprehension of the signs of the build-up, introduction, development of action, culmination and denouement of dance, combining these parts into a single whole, the duration of these components), identify the structure of screenwriting, characterization of artistic and choreographic images, the interaction of screenwriting, horizontal and musical drama. The conclusions obtained at this stage of the analysis should be correlated with certain styles and ideas of dance, which directly emphasizes the relationship of these components. In the scope of the analysis of the form it is appropriate to determine the features of the author's use of specific techniques for structuring a spatial composition (increasing, contrast, still frame, polyphony, etc.): the relevance of their use, interaction with musical drama, the impact on the development of choreographic images.

Dividing the composition into the main components, it is essential to proceed to the next phase of a structural analysis: studying the features of dance movement (dialectics of dance language) and the organization of performers on stage or any other space (analysis of stable patterns, spatial movements). For many centuries, dance has been understood as a cultural phenomenon in which historical, social and cultural information is stored and relayed in specific symbols-codes. The direct bearer of a cultural text is a dance movement that is formed (like any other text) based on a certain context. That is, dance is able to endow culture with a certain form and make the cultural meanings of a certain epoch more objective. The flexibility and stretching language relays kinetic, contact, psychological, pragmatic information, and as part of its research, it is important to return from the choreographic text to its context in order to better understand the idea of dance. The movement is born from the very life of a human being and it is the natural movement that

becomes the basis of dance: in folk dance, the natural movement is characterized by ethnicity, in modern dance it reproduces a certain emotion and is born from an instant state, in the ballroom dance it embodies the nature of culture or era, the gender-sensitive interaction, ethics and aesthetics of relationships. Certainly, the author carries out considerable professional work before the movement becomes part of the dance. The symptomatic pattern of human behavior embodied in the movement requires choreographic improvement, expansion, dramatic and choreographic hyperbole, academicization (depending on the type of dance and stage necessity). The analysis of the movement, as a dance component, is formed by determining the nature of the movement, its interaction with musical drama, the conformity of the movements of the idea and style of dance, the reconciliation of dance with dynamic and static movements, the consonance between dance movements and patterns, features of the movement development in different parts of the horizontal drama of the work. The analysis also needs to determine how the choreographer-author used the potential for developmental movement, with which elements the choreographer complicated the movements and created options for them (Smith-Autard, 2010). The analysis of a dance pattern also takes into account its development in different parts of dance drama. It is also required to determine whether the patterns were interconnected, whether they developed from simple to complex, identify the mechanics of the interaction of pattern and movement, outline exactly how the author of the dance work uses the stage space, distributes the performers, shifts the attention from the mass of performers to the soloists, whether he uses the shift of the point of perception (whether the choreographer uses this technique rationally). The critic must analyze the relationship of patterns in dance with the idea, images and dance style. The presence and specific features of the creation of the motive need special attention in the process of the analysis of dance movements and patterns, as components of the dance composition. According to Jacqueline M. Smith-Autard, the main motive is a dance phrase, which is formed from the movements (or movement) given at the beginning of the composition and is artistically evaluated and improved by the author (Smith-Autard, 2010). Thereafter, the original motive is developed, varied and clarified by the author, by means of improvisation and use of accumulated performing experience. According to the lexical origin, the motive is a theme or subject that especially dominates in the



composition of the work of art. Glossaries also interpret the term "motive" as the main theme or idea of the work; a certain artistic sample, a characteristic feature of the work. In a choreographic work the motive can be expressed in movement, pattern, compositional detail, compositional fragment, props, moving scenery that becomes part of the composition. Analyzing the motive as a component of the work and an indicator of its features, it is indispensable to take into account the relevance of the motive, style and idea of the work, how often the motive is relayed or duplicated, by what expressive means the motive develops in time and space, whether the development of the motive is correlated with the development of horizontal and vertical drama, whether the motive is obvious to the viewer or recognizable at the level of inner feeling, whether the motive is embodied by all performers or affirmed in the choreographic score of the soloist.

An integral part of the structural analysis of dance is the study of the impact of performance features on the formation of the work. Paying attention to this aspect of the choreographic work, it is appropriate to determine the influence of performing skills on the embodiment of the idea and choreographic images, outline how the technical abilities of the performers influenced the perception of the dance by the audience (improved or worsened).

Consistently, it is indispensable to analyze the work from the point of view of the perceptual style of the audience. It is important to understand how the viewer perceives the information encoded in the symbols, whether the semantics of the symbols and images are reflected in the viewer's worldview. It is also significant to analyze the psychological influence of external factors on the process of awareness of a choreographic work. Such factors include: the properties of the stage space, the saturation of the choreographic work with information, personal qualities of the viewer and his/her previous experience.

In addition, it is meaningful to analyze additional expressive means, such as musical accompaniment, dance stage design, costumes. Thus, structural analysis covers almost all the components of a choreographic work, gives the opportunity to identify specific features at a sufficient level, as well as to create an idea of the choreographer's style. However, this method is not devoid of subjective evaluations and interpretations, as most of the conclusions are based on the experience of the critic. In this case,

there is a need to form a methodological basis for choreological research, based on the objective quantitative indicators.

Keeping in mind a rapid process of digitalization of all spheres of human life, it is important to predict the development of dancological methodology and offer innovative means of dance analysis.

Choreology, as a relatively young science, shaping the methodological apparatus is based on identical developments in the related fields. Against the background of this thesis, the need for the formation of special methods for the study of dance and movement is increasingly outlined in scientific practice, taking into account innovative technologies. The lack of purely choreological methods of dance analysis can be filled by turning to the methodological practice of linguists or musicologists. The compensation for the lack of dancological methods, due to the appeal to the methodology of these scientific fields, is caused by the morphological affinity of dance, music and words.

Recently, the scientific community was offered to use the method of quantitative analysis of a choreographic work. This method is based on the mathematical quantitative analysis and quantitative analysis of a linguistic work. Despite a certain formality and fragmentation in the approach to the study of the object, this method as objectively as possible estimates quantitative indicators, and also relies only on factual data in the study. Shifting attention to the analysis of the dance opus by means of quantitative analysis, the significant objectivity is emphasized in obtaining the final results of the research process, which excludes the subjective interpretation of a choreographic work by the critic and the use of the terms "like", "dislike" (Mostova, 2019). Before using in dance studies (dancology), the method of quantitative analysis has been used in musicology: the researcher developed the formula of "musical foot" (a fragment of the metrorhythmic construction of a musical phrase), which was further analyzed on the principle of alternating short and long "syllables", enabling to determine the belonging to a particular form or musical archetype. In linguistics, this method is involved in the quantification of language units. In the realm of the study of a choreographic opus, the quantitative analysis is used as a means of studying the structure of dance, and is relevant for the analysis of minimal movement or any form of a dance work.

The method of quantitative analysis of a choreographic opus was developed and proposed by N. Sargsyan. The principles of its application in the analysis of classical dance forms are presented in her scientific articles "The Quantitative Method of Analysis of Choreographic and Musical Elements (the Case of Music and Kinetographic Scores of Stoyan Djoudjeff and S. S. Lisitsian)" (Sargsyan, 2016), "Methods of Analysis of Choreographic Opus Using Terms Applied in Musicology" (Sargsyan, 2015). The method proposed by N. Sargsyan is not possible without the use of a dance recording system. In her research, the author turned to recorded choreographic scores by the method of the Armenian choreologist S. S. Lisitsian (the system of recording dance is described in the monograph "Kinetography (recording movement)" (Lisitsian, 1940) and the Bulgarian musicologist Stoyan Djoudjeff (the dance recording system is described in the monograph "Bulgarian Folk Choreography" (Djoudjeff, 1945). Thus, the disadvantages of this method include the need for parallel development of musical and choreographic scores, as well as their further comparison, which requires basic knowledge of music literacy and solfeggio from choreographers.

Thus, the application of the method of quantitative analysis of choreographic score is based on its comparison with the musical score and the feature analysis of the sequence of choreographic movements. During the analysis of a fixed musical and motor recording, the formula of the sequence of movements, the so-called "dance foot", is derived, which is subject to direct further analysis. The choreographic foot is derived by the method of calculating the ratio and sequence of short and long syllables-movements that coincide with the musical foot. Fixed music and choreographic material makes it almost impossible to add a critic's subjective vision to an analysis based on his or her worldview or life experience. The formulated choreographic foot captures quantitative and qualitative indicators of movement with mathematical accuracy, and the use of the most advanced systems for recording movements allows characterizing movement from the standpoint of its performance in time and space and determining its amplitude.

An important stage in preparing for the quantitative analysis of a choreographic work is the process of creating a dance recording based on the use of sign systems. All the sign systems that have been formed today are included in the so-called "descriptive" group on the principle of

displaying a choreographic text. For the quantitative method of analysis, the systems for fixing a choreographic work of a "descriptive" group are suitable. But the increased criticism of the "visual" group of ways of fixing dances, which was relevant in the middle of the twentieth century, does not reflect the actual situation.

Nowadays the expansion of video recording opportunities of a choreographic movement and choreographic work has reached a new technical level. Related to this is the development of an innovative methodology for analyzing a choreographic work. Video gadgets make it possible to see a movement or composition from multiple shots and angles at once, to fix the area of resistance of a dancer during the performance of the movement, the direction of displacement of body weight, the movement of several dancers simultaneously with a significant clarity of the movement compilation, without learning the speed of its performance. In addition, when analyzing the movement of dancers, as well as the analysis of choreographic work, modern GPS-devices can be used. These are standalone Internet devices that are designed to perform a specific function and do not require connection to an additional device; they are actively used in sports to fix the strength and amplitude of the dance movement, acceleration of the dancer, his physical activity. Such devices today include Viperpod, developed by STATSports to account for the physical performance of football players. Thus, video motion capture must be used with the addition of the latest technology. However, for the sake of clarity, the data collected by technical devices need further decryption and presentation in the form of recorded data. Therefore, for some convenience, the descriptive method of fixing the dance is immediately used in the quantitative analysis. Improving the quantitative analysis through the introduction of digital technologies will make the results more objective and will accept the results of the choreological analysis as factual information.

Due to the active development of software in various fields of art, the process of creating kinetograms (choreographic scores) is simplified. European computer software developers began to improve their computer software data in 1987, when it became necessary to simplify and speed up the process of creating a dance recording. At the beginning of the foundation of intellectual development in this field, three programs were patented that accelerated the drawing of kinetograms, transferring them from paper to digital. The programs had certain shortcomings that needed

to be eliminated as soon as possible: the program interface was inconvenient and difficult to use, it was impossible to add new characters, only two programs ran on the Microsoft Windows operating system. Over the years, the software has been improved, meeting the current needs of authors in the accelerated fixation of complex choreographic works. The latest LabaNotator program 1.7.0. (Labanotation graphics edition) is based on the Microsoft Windows operating system; it makes it possible to edit existing and add new characters, create multiple layers of characters that can then be separated, moved and conveniently edited; the program has a multilingual interface (English, German, Croatian, Slovenian). The theoretical part of the program was developed on the basis of R. Laban's dance recording system (Preston-Danlop, 2002). The Macintosh operating system also has a fairly advanced program, based on the theoretical developments of R. Laban, LabanWriter 4.7.2. The program has more than 700 characters, has a differentiation of body parts, indications of movement directions, levels and types of movements, as well as the ways to indicate their duration.

Due to the use of innovative intellectual programs and the use of the method of quantitative analysis, it is possible to conceptualize the author's style during the analysis of a choreographic work, confirmation of the dance affiliation to the type, genre, style and certain form, an analysis of the correspondence of the dramaturgy of a choreographic work to the dramaturgy of music (Mostova, 2019).

Innovative computer technologies can also be applied in the case of studying the emotional component of a choreographic work: the so-called method of emotional harmonics analysis (harmonic – an elementary component of a complex harmonic oscillation). This method was used within the framework of studying the emotional arches of literary works. The theory of emotional arches was first proposed in 1995 by Kurt Vonnegut, who graphically depicted the development of the emotional component of literary plots. According to his idea, all the plots develop within the framework of graphic schemes, which are not as many as it seemed at the time. Kurt Vonnegut's research initiated the development of mathematical study of the emotional component of a literary work. To date, discussions have continued over the number of emotional transitions, but thanks to the work of Andrew Reagan and scientists at the University of Vermont Computing Storyboard Laboratory in

Burlington, it was possible to create schemes of emotional arches and determine the most common of them by the method of intellectual analysis. The essence of the method was to determine the impulse of words, which allowed forming a graphic scheme. The method of analysis of emotional harmonics can be used in the study of various types, forms and styles of dance. Given the concept that dance is a text that reproduces a certain context and relays the information, as well as reconstructs reality through emotional impact, influencing the viewer's consciousness, it becomes possible to analyze the emotional expressiveness of movement as a code. Transmission and recording the frequency of impulses of dance movements in the work, which is possible through the use of modern technologies, allows creating emotional arches that reconstruct the idea of a choreographic work in the graphic plane. Further analysis of a choreographic work from the standpoint of the emotional structure of the dance will allow specifying the patterns based on objective data, according to which some dances are gaining popularity among the audience, while others are ignored.

Conclusions

Summing up, it should be noted that the criteria for the analysis of choreographic works, having been developed over time by the prominent dance theorists and practitioners of choreographic art, can be worked out through the use of innovative technologies. Given the developed methods of analysis of the work, which have already become fundamental, it is possible to make additional arguments based on the experience of mathematical, music and linguistic methodology. The combination of innovative technologies with techniques that take into account the quantitative and qualitative indicators of dance, allows the analysis of a choreographic work to move to a new more evidence-based level.

Further development of this applied research issue can be aimed at improving the theoretical apparatus of the proposed innovative methods, or the development of new techniques based on technical developments in the field of GPS-devices. The findings can be applied in the practical activities of choreographers, teachers of professional disciplines, critics of choreographic art.

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