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THEORY AND PRACTICES OF LAW

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CRIMINAL LIABILITY FOR SMUGGLING IN UKRAINE: SOME ISSUES OF THEORY AND PRACTICE

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Abstract. The article highlights certain problematic aspects related to the legal assessment of certain features of crimes provided for in Articles 201, 201-1, 305 of the Criminal Code of Ukraine. Attention has been drawn to the high level of scientific study of this issue. The content of the social danger of smuggling has been analyzed; the negative impact of the researched crimes on the relations of the market economy in Ukraine has been shown. The features of the object and the subject of the respective encroachments have also been clarified, and the special legal status of certain objects moving across the customs border of Ukraine has been emphasized. Attention has been also focused on the importance of taking into account the blanket method of describing dispositions of “contraband” prohibitions. It has been emphasized on the importance of taking into account the provisions of the Customs Code of Ukraine, as well as by-laws, which detail the procedure for moving certain items across the customs border of Ukraine, when qualifying the crimes investigated in the article. Finally, the controversy in criminal law science and the inconsistency of judicial practice in determining the moment of the end of smuggling have been demonstrated.

Key words: contraband, object, crime, customs border, public danger, criminal liability, Criminal Code.

Introduction. Problematic issues related to smuggling as a criminal law phenomenon, its essence and subject, have remained relevant for a long time. Nowadays, with the development of market economy relations, it is hard to overestimate the importance of combating smuggling, which directly affects the economic security of the state. This is why the creation of appropriate measures, mechanisms and control tools to avoid illegal supplies of goods, valuables and objects should be one of the prerogatives of state policy in terms of ensuring economic stability, economic activity and crime prevention.

In the theory of criminal law, we have not yet received unambiguous and final solutions: 1) to the issues related to statutory elements of illegal movement of objects across the customs border of Ukraine in the system of criminal norms; 2) to understanding which outwardly similar actions should constitute an administrative or criminal misdemeanor, and which should constitute crimes; 3) correlation of crimes, which contain elements of illegal movement of objects across the customs border of Ukraine, methods of committing such acts. These and related issues are still being discussed in academic circles. The situation is even more complicated by the inconsistency, sometimes-outright contradiction, of judicial practice in terms of qualification of Articles 201, 201-1, 305 of the Criminal Code.

The goal of the study. The article explores some problematic issues related to the legal assessment of elements of crimes provided for in Articles 201, 201-1, 305 of the Criminal Code of Ukraine.

Analysis of recent research and publications. A significant number of academic works has been written on the subject of criminal liability for smuggling, especially since the 2000s, when the current Criminal Code of Ukraine (hereinafter – the Criminal Code) was adopted and the attention of domestic criminologists to the issues of liability for economic crimes increased significantly. Legal issues of smuggling as a crime (it refers primarily to acts provided for in Articles 201 and 305 of the Criminal Code)

has been discussed in the studies of many scientists, including: P. Andrushko, L. Bagriy-Shakhmatov, O. Bantyshev, O. Horoh, N. Gutorova, O. Dudorov, D. Kamensky, V. Kyrychko, O. Kravchenko, Yu. Kurylyuk, P. Matyshevskiy, R. Movchan, P. Mykhaylenko, A. Muzyka, V. Navrotsky, O. Omelchuk, O. Protsyuk, A. Savchenko, V. Silenko, S. Soroka, E. Streltsov, M. Havronyuk, V. Shakun and some others.

It is also worth briefly recalling the main dissertation studies which have addressed issues of criminal liability for smuggling. In his the dissertation “Smuggling under the criminal law of Ukraine” (2002), the first modern dissertation-level work after the adoption of the Criminal Code of Ukraine in 2001, O. Omelchuk offered a thorough analysis of theoretical and law enforcement issues related to the first edition of Art. 201 of the Criminal Code – that study retains a high degree of relevance even today. Among the main provisions of this scientific work, the following should be mentioned: 1) provisions on the social conditioning of criminal liability for smuggling; 2) proposal to recognize social relations regarding the provision of economic activity in Ukraine as the generic object of smuggling protected by the criminal law; 3) proposal to clarify the methods of illegal movement of contraband items across the customs border of Ukraine with concealment from customs control (Omelchuk, 2002: 9).

Next, O. Protsyuk’s dissertation “Criminal liability for smuggling” (2006), while also having a universal title, became an independent monographic study in the development of those provisions, which were first considered by O. Omelchuk. O. Protsyuk has focused, in particular, on the following aspects: 1) the latest interpretation of the term “goods” used in Art. 201 of the Criminal Code (that is, in the current version of the article), which covers criminal law, economic and customs characteristics of the subject of the specified composition of the Code of Criminal Procedure; 2) it was also argued that guilt in smuggling can be expressed only in the form of direct intent, and the motive and purpose, as a rule, are selfish and do not affect the qualification of smuggling; 3) provisions regarding such contraband items as gas, oil and oil products, electricity were specified and clarified; 4) comparative legal analysis of domestic legislation with European and world legislation was also carried out regarding the assessment of the relationship and the need for unification of the norm establishing criminal liability for smuggling; 5) finally, it was proposed to clearly distinguish smuggling from related crimes by comparing the objects of crimes, the objects being moved and the nature of the actions committed by the criminal (Protsiuk, 2006).

Finally, among dissertation studies that are complex in terms of object and subject, devoted to the criminal-legal evaluation of smuggling, the work of O. Kravchenko “Criminal law characteristics of smuggling (Article 201 of the Criminal Code of Ukraine)” (2010), has successfully combined theoretical provisions with examples of their practical application. The author emphasizes the following theoretical and practical aspects of liability for smuggling: 1) definition of the generic object of smuggling is formulated as social relations protected by criminal law, which are formed in the field of foreign economic activity and are aimed at protecting economic interests of the state and legal interests of subjects foreign economic activity; 2) the main immediate object of the crime provided for in Art. 201 of the Criminal Code, as social relations protected by criminal law in the sphere of state regulation of the procedure for the movement of goods and other objects across the customs border, established for the implementation of the customs policy of Ukraine, procedures for customs control, customs clearance, tax and fee collection; 3) justified necessity of introducing changes and additions to Part 1 of Art. 201 of the Criminal Code regarding the legislative expansion of a range of contraband items (Kravchenko, 2010: 12, 161).

While recognizing the significant contribution of the mentioned and some other researchers to the development of the current criminal legislation on combating smuggling, at the same time there are many unresolved issues in terms of the correct assessment of the violation of customs rules, especially against the background of constant changes in customs-related regulatory framework in our country.

Main part. The main part of this paper covers several theoretical and law-enforcement issues related to the definition of objective signs of “smuggling” crimes, provided for in Art. Art. 201, 201-1, 305 of the Criminal Code.

I will start with the element of public danger of smuggling, the establishment of which helps to determine the content of the object of this crime. Smuggling remains one of the biggest threats to Ukraine’s national security in the economic sphere. In particular, in one of his speeches at a meeting of the National Security and Defense Council of Ukraine, the President of Ukraine Volodymyr Zelensky announced that the state budget loses UAH 300 billion annually as a result of smuggling schemes (Zelenskyi, 2021). Somewhat more “modest” indicators are mentioned in the expert environment: for example, as a result of the implementation of smuggling schemes during 2018–2020, Ukraine has lost from UAH 63 to 96 billion annually (Dubrovskiy, Cherkashyn & Hetman, 2020). It is not difficult to predict that the negative dynamics are still observed today, although in view of the military aggression against Ukraine, which began on February 24, 2022, the prevalence of this phenomenon has somewhat decreased, primarily due to the military capture of or blocking activities of Ukrainian seaports.

Based on his own scientific research in the field of economics, A. Tymoshenko rightly draws attention to the fact that in modern conditions of the development of economic relations, the need to ensure customs security as a component of the economic security of the state is growing, thus directly affecting the economic security of enterprises, which participate in customs operations. Therefore, the primary task for our state is the fight against smuggling, which is taking on increasingly sophisticated and organized forms. This, in turn, endangers national security and further economic development of the country (Tymoshenko, 2021: 14).

From a purely economic point of view, offenses and crimes of economic orientation are always more profitable, when compared to legal business. A significant factor in deterring an offender may be the risk of being prosecuted. At the same time, in Ukrainian realities, given the mass of economic delinquency, the latency of relevant acts, corruption in the ranks of regulatory and law enforcement agencies, and the imperfection of legislation, such risk is actually insignificant. As a result, none of the countries in the world, whatever the development of its economy, can boast of victory over smuggling activities (Orlovska, 2018: 78.).

Taking into account the content of the current versions of Articles 201, 201-1 and 305 of the Criminal Code, it can be stated that the main direct objects of the provisions provided for by them are, respectively: 1) procedure established by law for the movement of certain restricted or prohibited items across the customs border of Ukraine, which ensures the implementation of customs control and customs clearance; 2) similar procedure for moving timber or sawn timber of valuable and rare tree species, as well as unprocessed timber; 3) procedure for the movement of narcotic drugs, psychotropic substances, their analogues and precursors across the customs border of Ukraine established for the purpose of ensuring public health protection.

As one may see, the element of public danger and the actual characteristics of the objects of these three encroachments essentially “revolve” around a common mechanism of committing illegal acts, namely: movement of specially defined prohibited items across the customs border of Ukraine.

Next, regarding the elements of crimes, which refer to the illegal movement of items across the customs border of Ukraine. First, it makes sense to study the text of the official law.

1. The object of the crime provided for in Art. 201 of the Criminal Code includes: items of cultural value; poisonous substances; potent substances; explosive substances; radioactive materials; weapons or ammunition (except for smooth-bore hunting weapons or ammunition for them); parts of firearms; special technical means of secretly obtaining information.

2. The object of the crime provided for in Art. 201-1 of the Criminal Code includes: lumber or lumber of valuable and rare tree species; unprocessed lumber; other timber, prohibited for export outside the customs territory of Ukraine.

3. Finally, the object of the crime provided for in Art. 305 of the Criminal Code includes: narcotic drugs; psychotropic substances; their analogues; precursors; falsified medicinal products.

Despite the rather voluminous list of items in these prohibitions, in practice only some of them are mentioned in materials of criminal cases; as for other material objects, the facts of their illegal movement across the customs border are almost never recorded by law enforcement agencies.

Free circulation of the above-mentioned groups of objects can be significantly limited by legislation – their movement across the customs border requires, as a general rule, a special permit. The specificity of the subject of the crime in such situations necessitates the qualification of the committed crimes as a group. Except for Art. 201 and Art. 305, the following statutes can be incriminated: Articles 263, 265, 267, 307, 309, 321 of the Criminal Code (Naukovo-praktychnyi komentar, 2018: 637).

An example of determining elements of a potent substance that has become the subject of illegal movement across the state border of Ukraine can be found in the text of the following court verdict.

According to the verdict of the Hlybtsky District Court of the Chernivtsi region, PERSON_1 was found guilty of committing the crime provided for in Art. 201 of the Criminal Code. The court established that the accused, while being in Radauci, Romania, has purchased medicine “Romparkin 2 mg comprimate” in local pharmacies, in the amount of 10 packages (50 tablets per package) containing the active substance Trihexyphenidyl, which according to the order Ministry of Health of Ukraine dated August 17, 2007 No. 490 is included in the “List of poisonous medicinal products by international non-proprietary or common names”.

In fulfillment of her criminal intent, aimed at the illegal movement of poisonous substances (namely, the medicinal product “Romparkin 2 mg comprimate” containing the active substance trihexyphenidyl) across the customs border of Ukraine, from Romania to Ukraine, with concealment from customs control, PERSON_1 hid and kept the specified medicine in one of his two bags. Subsequently, during customs control at the customs post “Vadul Siret” of the Chernivtsi customs office of the SFS of Ukraine, during the inspection of hand luggage and personal inspection of PERSON_1, the above-mentioned medicinal products, which she did not present to customs control, were discovered and seized. She recognized the 10 packages of the drug “Romparkin 2 mg comprimate” containing the active substance trihexyphenidyl as hers and reported that she moved them across the state border of Ukraine to treat her sick parents.

The court has reached the conclusion that PERSON_1 committed a criminal offense provided for in Part 1 of Art. 201 of the Criminal Code (Vyrok Hlybotskoho raionnoho sudu: 2018).

An important point: in case the object of illegal movement would not be poisonous, but falsified medicinal products, the qualification should be carried out according to Art. 305 of the Criminal Code, instead of Art. 201.

A careful study of the elements of smuggling reveals that in order to clarify the essence of these concepts, it is necessary to refer to the norms of other, non-criminal, legislation. It is obvious that in order to clarify the meaning of the words used in the disposition of Part 1 of Art. 201 of the Criminal Code, the terms “movement”, “customs border”, “customs control”, “place of customs control”, “time of customs control” etc. one should refer to various regulations, for example the Customs Code of Ukraine.

O. Kravchenko rightly observes that there are not many articles in the current Criminal Code, the content of which would be as “blanket” as the articles on smuggling. In fact, the content of all elements of its objective side is revealed with the help of other normative acts, primarily normative acts in the field of customs law. That is why it is fair to say that for the correct application of the norms on smuggling crimes in practice, the issue of harmonization of various branches of law (primarily criminal, administrative, customs) becomes extremely important (Kravchenko, 2010: 72).

As is known, the question of the sectoral appropriateness of normative acts related to the “blanket” dispositions of the Criminal Code is resolved in the literature ambiguously. Some scientists recognize such acts as a source of criminal law, because they, together with the provisions of the Criminal Code, determine criminality of acts. At the same time, other scientists deny the thesis about the “criminal legal affiliation” of normative acts, to which the blanket provisions of the Code of Criminal Procedure are referred, considering that all, without exception, features of the composition of crimes are concentrated in the Criminal Code, and not scattered throughout other normative acts (Kamensky, 2021: 22). Thus, academic discussion in this direction continues.

There are numerous erroneous and even conflicting situations in connection with the issue of blanket dispositions of “contraband” prohibitions in practice. Here is an example. Art. 201-1 of the Criminal Code recognizes movement across the customs border of Ukraine in an appropriate manner of timber and lumber of valuable and rare species of trees, as well as unprocessed timber, as a crime despite the fact that regulatory legislation, in particular the above-mentioned Law of Ukraine, in order to ensure the implementation of the provisions of which the Criminal Code was supplemented by Art. 201-1, prohibits only the export of the specified items outside the customs territory of Ukraine. However, according to the logic of things, it would be wrong (taking into account the fact that the Criminal Code cannot recognize as criminal types of behavior that are permitted by regulatory legislation) to claim that the importation into the customs territory of Ukraine outside of customs control or with concealment from customs control of timber and lumber of valuable and rare species of trees, as well as unprocessed timber cannot be qualified under Art. 201-1 of the Criminal Code. After all, such actions, taking into account the method of their execution, are prohibited by the current legislation (Kamensky, 2018: 245).

The “blanketness” feature of the dispositions of the investigated prohibitions can be found, for example, in the Instruction on the procedure for the registration of the right to export, temporary export of cultural values and control over their movement across the state border of Ukraine, approved by the Order of the Ministry of Culture and Arts of Ukraine No. 258 of April 22, 2022. There, in particular, the terms of cultural values, declaration, as well as the list of cultural values prohibited for export outside the customs territory of Ukraine, are defined. These concepts are important for the purposes of prosecution under Art. 201 of the Criminal Code.

Currently, there is no unity in science and law enforcement practice regarding the solution to the issue of the conclusion of smuggling as a crime, when it is committed by hiding items from customs control. The actions of persons who tried to illegally export and hide items from customs control across the customs border of Ukraine, but were detained by customs officials before crossing the customs border of Ukraine, are considered by the vast majority of courts as attempted smuggling. At the same time, the courts proceed from the fact that individuals did not carry out their intention to the very end for reasons beyond their control.

Traditionally smuggling is recognized as a completed offense from the moment of the actual crossing of the customs border. At the same time, it does not matter whether the person who moved the object of the crime in the appropriate manner has crossed the customs border of Ukraine. Determining the moment of end of smuggling should be approached differently and should take into account whether the objects of crime are being imported or exported. Actions related to an attempt to remove items from the customs territory and which were not completed due to reasons beyond the control of the culprit (for example, contraband items were discovered during an inspection of things or a personal inspection before the actual movement of them across the customs border) should be regarded as an unfinished attempt to commit a crime.

Conversely, if the objects are imported into the customs territory of Ukraine, the fact of completed smuggling is established during customs control, which is carried out already after the objects of the crime have crossed the customs border, which allows to establish the concluding moment of the crime, and therefore excludes the possibility of voluntary refusal.

In general, two opposite points of view have expressed on the researched issue in academic literature. Thus, some scholars claim that smuggling is considered a completed crime not only when the perpetrator managed to smuggle certain items across the state border, but also when the attempted smuggling was stopped by customs authorities or border guards during an inspection. Therefore, these authors identify the moment of the end of smuggling with the moment of customs inspection and detection of guilty goods hidden from customs or border control, when elements listed in the provision on liability for smuggling have been established. Criminal liability for smuggling can be discussed only if the actions aimed at the illegal movement of goods across the border were committed within the country, and not outside its borders.

Conversely, another group of researchers adheres to the opposite point of view, arguing that smuggling should be considered a completed offense only when the cargo crosses the state (customs) border outside of customs control or with concealment from customs control, regardless of whether the cargo had been imported into the territory of the state or exported from it (Omelchuk, 2002: 132–137).

From the *de lege ferenda* standpoint, the following should be noted in particular. While critically responding to the draft law No. 5420 “On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine regarding the criminalization of smuggling of goods and excise goods, as well as false declaration of goods” (hereinafter – draft law No. 5420), registered in the Ukrainian Parliament on April 23, 2021, which was submitted by the President of Ukraine, and was intended to solve the problem of restoring criminal liability for goods smuggling, O. Dudorov and R. Movchan have made the following comment. Proposal to use the phrase “actions in the prohibitions projected in this document aimed at movement across the customs border of Ukraine” (instead of the wording “movement across the customs border of Ukraine” used in Article 201, Article 201-1 of the Criminal Code) is perceived ambiguously. This novel is designed to solve the issue related to the differential determination of the end of smuggling. Instead, inherent in the current wording of Art. 201 of the Criminal Code “tying” of the moment of the end of smuggling to the actual crossing of the border in case of export of objects outside Ukraine leads to the fact that the end of smuggling is usually established only when the objects have already entered the territory of another state, which complicates the fight against smuggling. Transferring the end of smuggling to an earlier stage (compared to the actual crossing of the customs border by the relevant items) is possible only after necessary amendments to Art. 201 of the Criminal Code. Here it is worth considering in particular the fact that in the case when the objects are moved to the customs territory of Ukraine, the fact of completed smuggling is established during the passage of customs control, which is carried out already after the objects of the crime have crossed the customs border, which makes it possible to ascertain the conclusion of the crime discussed (Dudorov, Movchan: 2021).

Examples from the practice of the Criminal Court of Cassation at the Supreme Court (hereinafter referred to as the Cassation Criminal Court) demonstrate the difficulties in qualifying the smuggling of narcotics (Article 305 of the Criminal Code), which are related precisely to the moment of the end of the illegal act. There is every reason to extrapolate these cases to the other two types of smuggling crimes as well. It should immediately be noted that the inconsistency admitted by the cassation level court creates a problem of accurate qualification not only of the act provided for in Art. 305 of the Criminal Code, but also in the process of legal evaluation of the total composition of contraband (Article 201 of the Criminal Code).

In particular, during the cassation review of one criminal case, the Supreme Court of Justice formulated the conclusion that the fact of crossing the customs border of Ukraine with narcotics, in particular by means of postal communication, even before the completion of customs clearance already forms a finished composition of narcotics smuggling (Postanova Kasatsiinoho kryminalnoho sudu Verkhovnoho Sudu: 2020).

The Cassation Criminal Court reached a diametrically opposite conclusion, although in a different panel, in a decision that will also be adopted in 2019. Referring to paragraph 8 of the resolution of the previous Supreme Court of Ukraine recommendations “On judicial practice in cases of smuggling and violation of customs rules”, the Court held that this crime is considered completed from the moment of illegal movement of contraband items across the customs border of Ukraine.

At the same time, the Cassation Criminal Court has noted, according to the factual circumstances of the case established by the lower courts, the subject of the crime – a psychotropic substance – was discovered during the customs inspection of the postal shipment, which had arrived in the name of the accused. Therefore, according to the Cassation Criminal Court, the object of contraband has actually not yet been moved across the customs border. That is why it is necessary to talk here not about a finished crime, but rather about an attempt at smuggling (Postanova Kasatsiinoho kryminalnoho sudu Verkhovnoho Sudu: 2019).

Thus, under essentially identical conditions for the objective side of the act provided for in Art. 305 of the Criminal Code, and at the moment of their termination in the two cited criminal cases, the Cassation Criminal Court resorted to potentially dangerous, for future law enforcement actions, practice of “differentiation” of approaches to the qualification of the committed offense: in one case, elements of the completed smuggling of narcotics were established, and in the other – elements of a completed attempt to commit this crime.

Therefore, it is worth supporting the position of the Cassation Criminal Court, according to which the detection of narcotics imported into Ukraine and at the same time prohibited for import during customs clearance should be qualified as a completed crime under Art. 305 of the Criminal Code, and not as a finished attempt on this crime. Analyses of the positions of the majority of scientists who researched this issue also indicates the correctness of this particular approach based on the conditional formula: “moving prohibited items across the state border (by importing) = finished crime.”

Conclusions. The study of issues of criminal liability for smuggling conducted within the scope of this research paper prompts the formulation of several scientifically and practically relevant conclusions.

First, the content of the element of public danger of three “smuggling” crimes is directly related to the elements of the object and subject of such offenses. In particular, the movement of items specified in the law across the customs border of Ukraine is generally prohibited or requires obtaining a special permit (subject to a special declaration).

In general, the objective elements of smuggling are provided by the legislator in the dispositions of all three prohibitions and include: a) specially indicated types of objects; b) an act expressed in the movement of contraband items across the customs border; c) place – customs border; d) methods of movement: 1) outside customs control; or 2) with concealment from customs control.

The analysis of court practice demonstrates that offenders use any, even specific, methods of moving objects across the customs border – outside of customs control or with concealment from customs control.

Secondly, the importance of taking into account the “regulatory referral” (or “blanket”) method of describing dispositions of “contraband” offenses has been stressed out. Primarily this applies to the provisions of the Customs Code of Ukraine, as well as secondary regulations, which detail the procedure for moving certain items across the customs border of Ukraine. It was determined that the guarantee of correct qualification under Art. Art. 201, 201-1, 305 of the Criminal Code is the correct definition of the provisions of the regulatory legislation specifying the objective elements of smuggling crimes.

Thirdly, regarding the moment of the conclusions of smuggling: the controversy in criminal law science and the inconsistency of judicial practice in this part have been revealed. Position of the Supreme Court of Justice, according to which the detection of narcotic drugs imported into Ukraine

and prohibited for import at the same time during customs clearance, should be qualified as a completed crime under Art. 305 of the Criminal Code, and not as a finished attempt on this crime, has been supported.

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THE FORMATION OF GENERAL PRINCIPLES OF JUDICIAL PROCEEDINGS IN THE PRACTICE OF THE EUROPEAN COURT OF JUSTICE

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Abstract. The article examines the practice of the European Court of Justice amidst the formation of general principles of judicial proceedings in the EU. The research methodology includes general scientific and special scientific approaches and methods. In the author's understanding, the general principles of the EU *acquis* are the fundamental human rights enshrined in the European Convention of 1950 common to all EU member states. They are the basis of the European legal order in general and the European judicial proceedings in particular. The decisions of the European Court of Justice, which specify the right to a fair trial, effective remedy, independence, and impartiality of the court, etc., are reviewed. The position of the Supreme Court regarding the binding nature to the national judiciary of the principles derived from the decisions of the European Court of Justice is analyzed. Thus, the necessity to deepen Ukrainian judges' knowledge of the judicial law of the European Union is emphasized.

Key words: general principles of European Union law, European integration, European judicial proceedings, independence and impartiality of court, right to a fair trial, right to an effective remedy.

Introduction. The Court of Justice of the European Union (hereinafter referred to as "the EU Court" or "the Court") holds pride of place in the system of EU institutions. Its practice has formed general principles which are sources of EU *acquis* and ensure the unity of its legal system. The activities of the EU Court made the following provisions statutorily significant and formally consolidated: the principle of respect for human rights and freedoms; the principle of the right to judicial protection; the principle of legal certainty and legitimate expectations; the principle of direct effect and the rule of law in the European Union; the principle of procedural autonomy of the EU Court and the judicial authorities of the Member States, etc. The mentioned principles are essential to the European legal order as a whole. At the same time, they are the basis for the administration of justice within the EU and its member states. The Ukrainian state has already acquired EU candidate status, so the principles of justice, approved by the practice of the EU Court, are especially relevant.

Main body. The purpose of this research is to conduct a theoretical and applied analysis of the formation and approval of the general principles of law on which European justice relies in the activities of the EU Court.

Material and methods. Foreign and domestic scientific literature extensively covers the European Union's judicial system and the operation of the Court of Justice. In academic and methodological literature, they are usually considered within the EU institutional system or in the context of European law. It is worth mentioning the monographic research by T. V. Komarova (Komarova, 2018), presenting a comprehensive theoretical and methodological characteristic of the Court of Justice of the European Union, as well as the works by I. V. Kaminska (Kaminska, 2021), V. O. Krotinov (Krotinov, 2012), and others, which cover individual issues of the EU Court's activities. A bulk of studies deal with the principles of law formed by the practice of the EU Court and their impact on the development of European Union law, etc. (Nazarenko, 2015; Stanko, 2020; Streltsova, 2012, etc.). However, there is a lack of a comprehensive research of the legal principles developed by the EU Court, which are the basis of European justice.

The methodological basis of the study consists of a system of general scientific and specific approaches and methods. In particular, the dialectical method was used to become acquainted with the legal content of European standards of justice, and the historical method made it possible to identify the patterns of their formation and development. The synthesis of the results obtained during the analysis allowed concluding about the theoretical and applied significance of the EU Court's activities in improving the general principles of justice for modern Ukraine as a European state.

Results and discussion. Since the process of European integration is thoroughly covered in the scientific literature, the author outlines only its main stages relating to the formation and development of the EU Court. The beginning of European integration is naturally considered to be the signing of the Paris Treaty on April 18, 1951, setting up the European Coal and Steel Community (ECSC), which brought together 6 countries: Belgium, Italy, Luxembourg, the Netherlands, Germany, and France. It entered into force on July 23, 1952. The Paris Treaty provided for establishing special-purpose institutions of management and control, in particular, the ECSC Court, which consisted of seven judges appointed for 6 years by mutual consent of the governments of the Member States to ensure the correct interpretation and application of the Treaty.

Thus, at the end of 1955, at a conference in Messina, the above countries founded the European Atomic Energy Community (Euratom) to cooperate in the peaceful uses of nuclear energy, and at the beginning of 1957 – the European Economic Community (EEC) to eliminate internal trade barriers, create a customs union and a common market of the Community. As the Treaties were signed in Rome, they were called the Treaties of Rome. With the entry into force of the treaties, the ECSC Court was renamed the Court of European Communities, common to the three Communities: the European Coal and Steel Community, the European Atomic Energy Community, and the European Economic Community.

At the same time, within integration processes, the principles of law common to the legal systems of European countries began to be approved. The very concept of General Principles of Law was enshrined in the relevant founding treaties. However, according to O. V. Streltsova, “the founding treaties specified neither the concept of general principles nor their content. In practice, it made the Court of Justice of the European Communities (now the Court of Justice of the European Union) fill that gap” (Streltsova, 2012: 265). The signing of the 2007 Lisbon Agreement led to significant changes in the EU judicial system, i.e., a new name for the EU supranational justice system entered into circulation – the Court of Justice of the European Union, its jurisdiction was significantly expanded and hence acquired a multi-vector character. Among the powers of the EU Court is the control over the observance of the norms that make up the system of law of the European Union and their interpretation following the “letter and spirit” of the founding treaties. At the request of the national courts of the Member States, the EU Court shall adopt preliminary rulings, which do not contain a decision of the case but only a clear explanation of the relevant EU acts and have the character of a precedent. Thus, during such activities, the EU Court formulated a bulk of fundamental regulations, i.e., general principles, and confirmed their supreme force in the EU legal system.

There are several approaches to determining the specific list and content of the general principles of EU law. In particular, W. Cairns believes that EU law encompasses: a) general principles that originate from Community law; b) those that are common to the legal order of one or more Member States; c) fundamental human rights; d) general principles of international law. To the first group, the scientist attributes the principles of equality and solidarity. The principles common to the legal order of the Member States are: 1) the principle of legal certainty; 2) the principle of legitimate expectations; 3) the principle of proportionality (Cairns, 2002: 104). For his part, O. A. Nazarenko divides the principles of EU law into the following groups: “1) the principles of correlation of EU law with the legal systems of the Member States (the supremacy of EU law over the national law of the Member States, the direct effect of EU law); 2) the principles of the EU life, which determine the procedure for

the implementation of the powers granted (the principles of proportionality, subsidiarity, etc.); 3) special principles of EU law that apply within certain sectors or spheres of legal regulation in the EU; 4) general principles of EU law are the basic guidelines operating in all areas of the EU competence and, at the same time, inherent to democratic legal systems” (Nazarenko, 2015: 243).

As part of this study, the author focuses on the general principles which were formed as a result of the activities of the EU Court. In his opinion, a direct reference to such principles is evident in the EU founding documents, which amended and supplemented the primary treaties. Thus, part 1 of Art. 6 of the Consolidated Version of the Treaty on the Functioning of the European Union states: “The Union recognizes the rights, freedoms and principles enshrined in the Charter of Fundamental Rights of the European Union of 7 December 2000, as amended in Strasbourg on 12 December 2007, which have the same legal force as the Treaties. Part 3 of the same article states: The fundamental rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and derived from the constitutional traditions common to the Member States are general principles of Union law.

Therefore, the general principles of EU law should, first of all, be understood as the fundamental rights and freedoms formulated in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, and how they derive from the common constitutional traditions of the EU Member States. The EU Court is the entity empowered to interpret and apply the general principles of Community law. According to I. Ya. Stanko, “the frequent use of legal principles in the practice of the EU Court is a practical embodiment of justice, where the rule of law prevails – natural law. It is manifested in court decisions and is mandatory in view of the reasonableness, fairness, and credibility of court decisions” (Stanko, 2020: 159).

As emphasized by I. I. Maryniv, “fundamental human rights have been recognized as the general principles of Community law precisely because of the activities of the EU Court” (Maryniv, 2019: 183–184). At the same time, V. O. Krotinov notes that “the EU Court did not immediately take its control functions in the field of human rights and freedoms. At the beginning of its foundation, it was believed that the legal order of communities is based solely on economic principles [...]. However, in 1969, the EU Court, for the first time, referred to fundamental human rights in the case of *Strauder v Ulm*. Over time, the EU Court developed a catalog of fundamental human rights, which was not granted the force of the regulatory document. During the reform of the founding treaties of 1985 – the adoption of the Single European Act – the governments of the EU states, influenced by the EU Court’s practice, confirmed that respect for human rights is one of the general principles fundamental to the European Union. In 2010, the EU Charter of Fundamental Rights, which became a source of primary law, supplemented the founding treaties. Thus, the powers of the EU Court of Justice in the field of human rights were maximally expanded to such an extent that the issue of correlation between the decisions of the EU Court and ECtHR arose” (Krotinov, 2012).

Consequently, after the adoption of the Charter of Fundamental Rights of the European Union, the decisions of the EU Court primarily rely on its provisions, that is, “for many years, the EU Court has been building judicial practice regarding fundamental rights based on the Charter, turning into the Court of Human Rights for the European Union” (Grzeszczak, Szmigielski, 2015: 11). However, as noted above, the European Union recognizes the fundamental rights enshrined in the 1950 European Convention as general principles of EU law. In our opinion, the relevant provision is systemic for European law in general and European justice in particular. In T. V. Komarova’s opinion, a significant difference in European Union law is that “integration law applies to individuals. European integration used to be a tool for achieving the interests of sovereign states, and now a person comes to the fore hence raising the standards for protecting one’s fundamental rights” (Komarova, 2018: 8). The practice of the EU Court consistently establishes the general principles of the European judiciary, based on the rule of law and ensuring the human right to a fair trial.

It is worth noting that in EU law, the term “tribunal” is used as a synonymous term “court”. The EU Court considered the term in the context of whether a particular entity can apply to CJEU with a preliminary request, as the national court (tribunal) is authorized to do. To define a body applying to CJEU as a court (tribunal), it is necessary “to take into account many factors, e.g., whether the body is established by law, whether it is permanent, whether its jurisdiction is binding, whether a procedure is *inter partes*, whether it applies the rule of law, and whether it is independent” (Judgment of the Court, 1997). Therefore, the EU Court establishes that such a body as a court (tribunal) should be established by law, i.e., every state adopts special laws regulating the functioning of national courts permanently.

The requirement of independence and impartiality of the courts, which are usually considered in unity, is key to the enjoyment of the human right to a fair trial. However, independence mainly concerns the court, and impartiality characterizes the one who makes the decision in the case, that is, the judges. An unambiguous understanding of the principles of independence and impartiality of the courts was formed in the practice of the EU Court. The Court first noted that the concept of a tribunal, that is, a court, “is a concept of Community law and by its very nature can only encompass authorities acting as a third party in relation to the body which has rendered the impugned decision” (Judgment of the Court, 1993). In other words, the court’s independence, which is an indispensable condition for resolving the dispute, means that the court and the body that made the impugned decision must belong to different branches of power.

The EU Court interpreted the requirement of impartiality (neutrality) of courts in two aspects. First, tribunal members (the judges) shall be subjectively impartial: none of its members must be biased or personally interested since there is a presumption of personal impartiality in the absence of evidence to the contrary. Secondly, the court must be objectively impartial: it shall offer guarantees sufficient to exclude any reasonable doubt in this regard (Judgment of the Court (Grand Chamber), 2008).

It should be emphasized that the requirement of independence and impartiality (neutrality), first of all, concerns the EU Court. That view is expressed by I. Kaminska who states that “the EU Court and national judicial authorities are also bound by common requirements for their legal status, in particular, the independence and impartiality of judges, the observance of which is a guarantee of effective judicial protection, as well as by the principles and standards for the administration of justice provided for by the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the Convention) and the Charter of Fundamental Rights of the European Union (hereinafter referred to as the Charter)” (Kaminska, 2021: 13).

In its judgments, the EU Court also underlines the need to ensure efficient judicial protection as a “general principle of Community law, derived from the constitutional traditions common to the Member States, enshrined in Articles 6 and 13 of the ECHR and reaffirmed in Article 47 of the Charter of Fundamental Rights of the European Union” (Judgment of the General Court (Second Chamber), 2010). Under Union law, the EU Court considers the Member States shall provide such remedies which would be sufficient and effective in all areas covered by Union law. This follows from the fact that EU regulations do not create new remedies in the national courts of the Member States, thus, each state in its legislation must determine which procedural rules regulate actions to protect rights. At the same time, the Member States should also pay attention to the principles of efficiency and equivalence in establishing these rules (Judgment of the Court (Grand Chamber), 2013).

Therefore, following Article 47 of the EU Charter, each Member State should establish a system of legal remedies in accordance with EU law and procedures that will ensure their protection. It means that the right to a fair trial and an effective remedy applies whenever the rights and freedoms guaranteed by EU law are at stake. If a violation of EU treaties was committed through the fault of the State and due to breach of the practice of the EU Court, the state liability arises. Thus, in the case of *Andrea Frankovic and Danila Bonifaci and Others v. the Italian Republic*, the EU Court found that the

Member State had failed to take the necessary implementing measures within the prescribed period to fulfil the provisions of Directive 80/987 on the protection of employees in the event of insolvency of their employer. In its judgment, the Court stressed that “compensation by a Member State is particularly necessary if the full effectiveness of Community rules depends on prior action by the State and where, therefore, in the absence of such action, individuals cannot enforce before national courts the rights conferred on them by Community law” (Judgment of the Court, 1991).

Having described the main principles of European justice, it is worth assessing their importance for Ukraine within its EU integration. Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, which contains a separate title III “Justice, Freedom and Security”, is the legal basis for cooperation on justice between the European Union and the Ukrainian state is enshrined (Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, 2014). Article 14 “Rule of law and respect for human rights and fundamental freedoms” stipulates that “The Parties shall attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation will, in particular, aim at strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality, and combating corruption. Respect for human rights and fundamental freedoms will guide all cooperation on justice, freedom and security”.

As you can see, the principle of respect for human rights and freedoms is the basis for cooperation between Ukraine and the EU. For its consistent implementation in the national justice, “The Parties agree to further develop judicial cooperation in civil and criminal matters, making full use of the relevant international and bilateral instruments and based on the principles of legal certainty and the right to a fair trial” (Article 24 of the Agreement).

As T.V. Komarova notes “with the entry into force of the Association Agreement, Ukrainian courts began to use the Agreement provisions and the case law of the Court of Justice of the European Union, sometimes not correctly enough” (Komarova, 2018: 12). In our opinion, it happened because the legal force of the EU Court’s judgments remained ambiguous for Ukraine at that time. The first attempt to clarify the issue was made by the Supreme Administrative Court of Ukraine in its information letter dated November 18, 2014 No. 1601/11/10/14-14. SAC of Ukraine conveyed the difference between the decisions of the European Court of Human Rights as a body whose jurisdiction extends to the Member States of the Council of Europe and the decisions of the European Court of Justice (EU Court), which functions only within the legal system of the European Union. Since Ukraine is a Member State of the Council of Europe, the case law of the European Court of Human Rights is employed as a source of law in resolving administrative disputes. At the same time, “taking into account the European aspiration of Ukraine’s development, as well as the start of the Association Agreement between Ukraine and the European Union, the legal reasonings formulated in the judgments of the European Court of Justice (EU Court) can be regarded by administrative courts as an argument, considerations regarding the harmonious interpretation of the national legislation of Ukraine under the established standards of the European Union legal system, but not as a legal basis (source of law) for the settlement of disputed relations” (SACU Information Letter, 2014).

However, it should be marked that a prerequisite for obtaining membership in the European Union is to achieve full compliance of the candidate state’s legislation and principles with the EU acquis. We believe this applies to both the EU legislation and the case law of the EU Court. The statement corresponds to the position of the Grand Chamber of the Supreme Court set out in the decision in case 910/9627/20 as of 03.08.2022. According to the Grand Chamber, “the decision of the EU Court should be regarded as one that clarifies the provisions of the acts of Union law. As in the case of applying ECHR decisions, the principles arising from its decisions on similar issues, even if they

relate to other states, are subject to consideration” (Grand Chamber of the Supreme Court, 2022). Thus, the general principles of EU law, formed and approved by the practice of the Court of Justice of the European Union, should be applied by Ukrainian courts and, undoubtedly, guide Ukraine in reforming the national judiciary.

In particular, to meet the requirements of the European Commission, the Verkhovna Rada of Ukraine has recently adopted amendments to the procedure for the selection of Constitutional Court judges, incl. the assessment of the moral qualities and law expertise of candidates for the post of judge of the Constitutional Court, carried out by a 6-member Advisory Group of Experts (Law, 2022). However, the updated opinion of the Venice Commission on legislative changes highlights two important points: “the Advisory group of experts, which will check candidates for the CCU, shall include another (seventh) member from the international experts. The seventh independent expert will reduce political influence on the commission. Decisions of the Advisory Group of Experts shall be binding. Under no circumstances can a candidate who has failed their test become a CCU judge” (Sobenko, 2022). In other words, the Ukrainian parliament did not fully take into account the recommendations of the Venice Commission, so amendments to the law are expected, in particular, an increase in the number of members of the Advisory Group of Experts.

In addition, at the request of the European Commission, it is necessary to complete the integrity check of candidates for the High Council of Justice and the selection of candidates for the High Qualification Commission of Judges of Ukraine. There is a positive trend in this regard, but martial law currently prevents the full implementation of all EU requirements. However, completing judicial reform in Ukraine is essential to form judicial power to the European standards. With Ukraine’s accession to the European Union, the decisions of the EU Court will become binding on national courts in the same way as for the judicial authorities of all current EU Member States. The latter are rightly considered “part of the judicial system of the Union. National courts are undoubtedly an instrument for the enforcement of European Union law, including the decisions of the Court of Justice of the European Union. The above became made possible due to the principles of direct effect of European Union law and its supremacy, which had been also developed by the EU Court. In the event of a conflict between national law and EU law, the application of the relevant principles by national courts authorized them to ignore the former. Thus, the mechanism of cooperation (collaboration) between the Court of Justice of the European Union and the national courts of the EU Member States was objectively formed” (Komarova, 2018: 17).

In our opinion, domestic judges need to deepen their knowledge of the European Union judiciary of to use the case law of the EU Court in administering justice. Thus, the Review of the Case Law of the Court of Justice of the European Union – intended primarily for those entities directly involved in the approximation of national legislation to EU legislation – will be useful. Moreover, it can be a convenient tool to assist in the daily work of Ukrainian courts (Review of Case Law of the Court of Justice of the European Union, 2018).

Conclusions. As a result of the study, it was found that the general principles of Union law were formed, approved, and often used in the practice of the Court of Justice of the European Union. Fundamental rights and freedoms formulated in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and common to the constitutional traditions of the EU Member States have the status of the general principles of EU law. The EU Court has successfully completed its task – to fill the gaps in the general principles of EU law, which currently, according to A. Tatam, “shape an index of key concepts for interpretation used to clarify ambiguous provisions of EU law” (Tatam, 1998: 84). Moreover, the judgments of the EU Court specify the general principles regarding the right to a fair trial and the right to an effective remedy. The interpretations are the standards of justice for all EU Member States and other countries developing towards European integration, including Ukraine.

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A PRIMER ON UKRAINIAN CONTRACT LAW VIEWED THROUGH THE PRISM OF CISG AND DCFR

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Abstract. The article is devoted to the analysis of DCFR and CISG, assessment of them as legal principles and social values, and thus establishing their importance for adapting the understanding of the essence of contract law of Ukraine to the European concept of private law.

The article analyzes as topics of special interest the problems of contract formation, a doctrine on culpa in contrahendo, and standard terms or interchangeably general conditions.

In this article, the author provides specific suggestions for improving the provisions of the Art. 650-1 UKR-CC concerning the liability for pre-contractual negotiations contrary to fair dealing.

The application practice of UKR-CC is currently assessed positively, but the legal mechanisms of its action are subject to revision considering the experience of law enforcement and the interpretation of civil law by courts. Modern realities (economic, social, technical, informational) require legal certainty, because UKR-CC, like any codified act, possesses gaps and shortcomings in the presentation of legal material.

Key words: CISG, DCFR, contract, offer, acceptance, culpa in contrahendo, standard terms, interchangeably general conditions.

Introduction. Since Ukraine was granted EU candidate status in June 2022, the process of incorporating the body of EU rules and regulations into the civil law of Ukraine has acquired special importance. In Ukraine, such a process began by signing an Association Agreement with the EU. According to the Law of Ukraine "On the National Program for the Adaptation of the Legislation of Ukraine to the Legislation of the European Union" (Law of Ukraine № 1629-IV, 2004), Ukraine has made a number of commitments to bring its national legislation into line with EU law), but now the process of implementation should change to a new quality, which consists, in particular, in achieving a more complete harmonization, value filling of the norms of the Ukrainian concept of contract law.

Analysis of recent research and publications. Content and meaning of CISG AND DCFR, the issue of harmonization on this basis of Ukrainian and European law was studied by many scientists (Toshkov, 2010; Mastenbroek, 2005; Schimmelfennig, Sedelmeier, eds., 2005; Hharytonov, Sucha, Heiko, 2014), however, the problems of adaptation of the contract law of Ukraine to the concepts of CISG AND DCFR at the same time have not yet been investigated, which, together with the intensification of discussions in the state on this issue in the context of the European integration, has led to the need for comprehensive study.

The aim of the article is to perform the analysis of DCFR and CISG, assessment of them as legal principles and social values, and thus to establish their importance for adapting the understanding of the essence of contract law of Ukraine to the European concept of private law.

Methodology. In scientific research were used a system of both general scientific (dialectical, logical, system-structural, etc.) and special methods of scientific knowledge (historical-legal, comparative-legal, modeling, etc.). In particular, the historical method has allowed the investigation of legal norms' emergence, formation and development. The analysis of the concept and content of the contract law, the dynamics of the legal relationship arising from the formation of a contract were

carried out using the dialectical method. The formal logical method is used to clarify the mechanism of implementation of the general principles of DCFR and CISG. The system-structural method was used to clarify the content of the contract and its place in the system of obligations of Ukraine. The comparative legal method was used for the comparative analysis of the relevant provisions of the contract law in the Civil Code of Ukraine, as well as in the comparative study and analysis of norms of civil law of some European countries. The modeling method was used to develop proposals and recommendations to improve the civil legislation of Ukraine and the practice of its implementation.

A. The place of contract law within the Civil Code of Ukraine

A.1. Codification of civil law in Ukraine: history and modern perspectives

At the time of Ukraine's independence in 1991, civil relations in the country were governed by the legislation of the former USSR and Ukrainian SSR, which remained in force insofar as they did not contradict Ukrainian law. The Civil Code of the Ukrainian SSR 1963 (The Civil Code of the Ukrainian SSR, 1963) continued to be fully in force till 2004.

As the Civil Code of Ukrainian SSR of 1963 reflected the outdated legal doctrine, in the early '90s, Ukraine adopted a significant number of legislative acts aimed to regulate civil relations, particularly the status of participants in business relations, trade, property rights, etc. The change of the legal paradigm consisted in returning to humanistic values: legal ensuring individual sovereignty, a guarantee of personal rights, equalization of the legal status of a person and the state, ensuring the opportunity to freely dispose of personal rights, except as in cases restricted by law.

During codification work, the Romano-Germanic legal system was chosen as a reference point for the creation of the draft Civil Code of Ukraine to use everything valuable that was included in the treasury of civil law. In the process of codification in Ukraine, the expediency of direct reception of some provisions of Roman law was repeatedly emphasized (Haritonov, 1997, p. 269; Vasilchenko, 1996, p. 85.).

Codification work was difficult and conducted with some losses. In the final version of the draft Civil Code of Ukraine, in particular, there is no book on Family law, which was codified in a separate piece of legislation – the Family Code of Ukraine (Family Code of Ukraine, 2003).

The purpose, principles and features of the codification process of civil law in Ukraine can best be revealed based on the proposed by Y. Kharitonov methodological basis of the division of codification acts by their nature and meaning into codes of the passionate (fr. *passionner* – “to captivate, excite, kindle passion”) and the orthodox type (Haritonov, 2002, p. 18).

The orthodox codes reflect the specifics of regulating social relations for a certain period, “they fix the position that was formed on a certain orthodox basis or in any case is a compromise of “preserved” ideas and requirements of developing society” (Haritonov, 2001, pp. 239-247). Examples of such codifications are the Twelve Tables (Goodwin, 1886), the German Civil Code 1896 (*Bürgerliches Gesetzbuch*, 1896) (German: *Bürgerliches Gesetzbuch*, BGB), etc. But sometimes even the orthodox codes serve as a model to follow, as in the case of BGB, which became a model to follow due to the authority of German jurisprudence and the political power of the state) (Haritonov, 2001, pp. 239-240).

Codes of the passionate type, in contrast to the orthodox ones, radically change the approach to the regulation of social relations, translating it into a new quality. Codes of the passionate type, such as the French Civil Code 1804 (French Civil Code, 1804), the Austrian Civil Code 1812 (*Allgemeines Bürgerliches Gesetzbuch*, 1812) (German: *Allgemeines bürgerliches Gesetzbuch*, ABGB), the Swiss Civil Code 1907 (The Swiss Civil Code, 1907) (German: *Schweizerisches Zivilgesetzbuch* (ZGB)), the Dutch Civil Code 1992 (Dutch. *Burgerlijk wetboek*, BW) (Dutch Civil Code, 1992), etc., serve as a model for the codification of civil law in other countries.

The Civil Code of Ukraine (UKR-CC) (Civil Code of Ukraine, 2003) was adopted on January 16, 2003, and entered into force on January 1, 2004. It was created by considering the best achievements of prominent codifications of civil law using a systematic approach to its structure.

The formation of the civil law system of Ukraine after independence in 1991 was undoubtedly influenced by the fact that the Austrian Civil Code of 1811 was directly in force in Ukraine for a long time, in particular in Galicia and Bukovina, until the collapse of the Austro-Hungarian Empire (German. *Österreichisch-Ungarische Monarchie*) in 1918. With some changes, the Austrian Civil Code of 1811 continued to be in force until 1933 in Galicia even during its accession after the First World War to Poland under the Riga Peace Treaty of 1921. In Bukovina, after the invasion of Romania, the Austrian Civil Code remained in force until 1938 (Boyko, 2016).

Also, a significant impact on UKR-CC has made the Dutch Civil Code of 1992, which is characterized by the ‘leaf’ structure (general rules are preceded by more detailed provisions in the form of ‘layers’) and the presence of ‘correspondent provisions’ (rules of certain sections apply by analogy to legal relations to which they are not directly applicable).

A.2. Structure of the Civil Code of Ukraine

UKR-CC embodies all the existing achievements of the codes of passionate type connected to ideas of natural private law, the rule of law, the division of law into public and private, etc. The structure of UKR-CC is built according to the so-called “pandect system”, which is a product of the work of medieval German glossators (commentators on Roman law). In particular, BGB consists of the following five parts (books): General Part, Obligatory Law, Property Law, Family Law and Inheritance Law.

The structure of UKR-CC is somewhat different from the construction of BGB, but it is a pandect (Haritonov, Haritonova, 2007). In particular, UKR-CC consists of 6 books. Book one – “General Provisions”, the second book – ‘Personal intangible rights of a person, book three – “Property rights and other proprietaries rights (rights in rem)”, book four – “Intellectual Property Law” deals with a special area of civil relations related to the creation and use of the results of intellectual, creative activities of persons, book five – “The Law of Obligations”, covers a wide range of civil relations in both the contractual and non-contractual spheres, to which almost 40 chapters are devoted (Chapters 47-83), book six – “Inheritance Law”.

A.3. System of obligations in the Civil Code of Ukraine

The system of obligations in Ukraine is built with the allocation of general and special parts. The general part of the law of obligations contains common to all types of obligations provisions on the concept and types of obligations, the basis for their occurrence, their performance and termination. The special part of the law of obligations in Ukraine consists of:

- Chapters 55–57: obligations intended to transfer property (e.g., sale, delivery, barter, donation, etc.);
- Chapters 58–60: obligations to create a right to use the property of another person (e.g., rent, lease, etc.);
- Chapters 61, 62: obligations to perform work, e.i., it is an institution of the law of obligations, the rules of which regulate the process of creation and transfer of certain objects of civil rights (e.g., contract on building, contracts for design and survey work, contract on carrying out project and exploration works, etc.);
- Chapters 64-74: obligations to provide services e.i., it is an institution of the law of obligations, the rules of which regulate the procedure of providing specific actions that are consumed in the process of their commission or in the process of carrying out certain activities (e.g., transportation, freight, storage, insurance, commission, property management, loan, credit, etc.);
- Chapters 75, 76: obligations to create a right to use intellectual property rights, i.e., it is an institution of the law of obligations, the rules of which regulate the procedure of creation, use and dispose of intellectual property rights (e.g., license, commercial concession (franchising), etc.);
- Chapter 77: obligations from multilateral transactions (e.g., joint activities, general partnership, etc.);

- Chapters 78, 79: obligations under unilateral transactions (e.g., a public promise of awards, public announcement of the competition, actions in the interests of another person without his authorization, etc.);
- Chapter 80: obligations to save the health and life of a person, property of an individual or legal entity;
- Chapter 81: obligations to eliminate the threat to life, health, property of a person or damage to the property of a legal entity;
- Chapter 82: damage obligations (torts);
- Chapter 83: unjust enrichment (the acquisition and/or preservation of property without a sufficient legal basis).

Art. 509 UKR-CC defines civil obligation as a legal relationship in which one party (a debtor) is obliged to perform in favor of the other party (a creditor) a certain action (transfer property, perform work, provide services, pay money, etc.) or refrain from certain actions, and the creditor has the right to require the performance by the debtor.

A.4. Definition of a contract in the Civil Code of Ukraine: translation difficulties and the search for common terminology

The contract is one of the recognized bases for the emergence of obligations in modern civil law. It should be made remarks on the translation and use of the terms: ‘transaction’, ‘juridical act’, ‘agreement’ and ‘contract’ in modern civil law of Ukraine.

According to Art. 202 (1) UKR-CC, the action of a person aimed at acquiring, changing or terminating civil rights and obligations is called a transaction (Ukrainian. *Pravochin*). Art. 202 (2) UKR-CC states that a bilateral or multilateral legal transaction is a contract (Ukrainian. *Dogovir*). In the civil law of Ukraine, the term ‘contract’ refers to the legal facts on the basis of which the obligations arise (Art. 11 (2) UKR-CC and Art. 509 (2) UKR-CC). Since, according to Book II ‘Contracts and other juridical acts’ of Draft Common Frame of Reference (DCFR, 2009) contracts are treated as a type of juridical acts, in this research we will use the terms ‘legal transactions’ and ‘juridical acts’ as the equivalent.

By Art. 626 (1) UKR-CC, a contract is recognized as an agreement of two or more persons aimed at establishing, changing or termination of civil rights and responsibilities. So, the terms ‘agreement’ and ‘contract’ also can be used as the equivalent.

Since in the framework of this study it is not possible to consider the features of the legal regulation of a contract in all legal systems of Western Europe and compare them with corresponding Ukrainian legislation, we will then limit ourselves to the characteristics of the contract by universal codification – United nations convention on contracts for the international sale of goods (CISG, 1980) and DCFR.

B. Topics of special interest

B.1. Contract formation: offer & acceptance

A contract can be defined as a legally binding agreement (Art. II. – 1: 101(1) DCFR). DCFR when describing a contract uses the conception of a juridical act when CISG is not familiar with it. Art. II. – 1: 101(2) states a juridical act as a statement or agreement (express or implied from conduct) which has legal effect. A juridical act may be unilateral, bilateral, or multilateral but a contract – only bilateral or multilateral.

DCFR states the mere agreement of the parties as the sole requirement for the conclusion of a contract. Art. II. – 4: 101 DCFR provides that the basis for the conclusion of a contract is the intention of the parties to enter into a binding legal relationship/some other legal effect and reach an agreement (consensus) by one party’s acceptance of the other’s offer or in other ways. But only sufficient content on at least the essential terms of the contract (*essentialia negotii*) might be enough for an agreement to be a contract (Art. II. – 4: 103 DCFR).

Although a form is in principle not important for the binding effect of a contract, sometimes further requirements besides the mere agreement must be fulfilled, as in Art. 12 CISG about the required form of a contract. At the same time, both CISG and DCFR don't require for concluding a contract that the property contracted has been handed over to a person authorized to receive it.

The agreement is usually reached through the exchange of "offer" and "acceptance". The offer and acceptance model is used in both civil law and common law jurisdictions by courts and academics. An analysis of the provisions of DCFR and CISG regarding the formation of a contract presents what in those international acts has been reflected as the common approach when defining an offer and acceptance.

Article II. – 4: 201 (1) DCFR provides that a proposal amounts to an offer if it is intended to result in a contract if the other party accepts it, and contains sufficiently definite terms to form a contract. Article 14 (1) CISG provides that a proposal for concluding a contract addressed to one or more specific persons constitutes an offer if it is sufficiently definite and indicates the intention of the offeror to be bound in case of acceptance.

According to Article II. – 4: 201 (3) DCFR a proposal to supply goods from stock, or a service, at a stated price made by a business in a public advertisement or a catalog, or by a display of goods, is treated, unless the circumstances indicate otherwise, as an offer to supply at that price until the stock of goods, or the business's capacity to supply the service, is exhausted. Article 14 (2) CISG contains another concept according to which a proposal other than one addressed to one or more specific persons is to be considered merely as an invitation to make offers unless the contrary is clearly indicated by the person making the proposal.

Once a binding offer was made, the question of revocation of the offer before the offeree's acceptance emerges. Revocation of an offer means canceling the offer by the offeror. According to Art. II. – 4:202(1) DCFR an offer may be revoked if the revocation reaches the offeree before the offeree has dispatched an acceptance or, in cases of acceptance by conduct, before the contract has been concluded. Under paragraph (3) of Art. II. – 4:202 DCFR there are three exceptions to the general rule on the revocation (Art. II. – 4: 202(1) DCFR): (a) if the offer indicates that it is irrevocable; (b) if it states a fixed time for its acceptance; (c) if the offeree had reason to rely on the offer as being irrevocable, and has acted in reliance on the offer. *So, the fixing of a time for acceptance makes the offer irrevocable for that period.*

In CISG an offer is generally revocable. Until a contract is concluded an offer may be revoked if the revocation reaches the offeree before an acceptance has been dispatched (Art. 16 (1) CISG). However, an offer cannot be revoked: (a) if it indicates whether by stating a fixed time for acceptance or otherwise that it is irrevocable; or (b) if it was reasonable for the offeree to rely on the offer as being irrevocable, and the offeree has acted in reliance of the offer (Art. 16 (2) CISG). *The offer can be made irrevocable, but the provision has not cleared the controversy as to whether the mere fixing of a time for acceptance makes the offer irrevocable.*

When rejection of an offer reaches the offeror, the offer lapses, even if the offer is irrevocable and even if the time for acceptance has not yet run out (Art. II. – 4: 203 DCFR, Art. 17 CISG).

The acceptance can be made by a statement or by conduct and must be unconditional (Art. II. – 4: 204 DCFR, Art. 18 CISG).

The contract law of Ukraine, contained in the UKR-CC in Book 5 on "Obligations", is very similar but, in some respects, different from the provisions of CISG and DCFR. By Art. 638 (2) UKR-CC, contracts are concluded by an offer followed by an acceptance. The time of conclusion of the contract is the moment of reaching an agreement regarding the essential terms of the contract. The contract is considered concluded when the person who sent the proposal to conclude the contract (offeror) receives the response of the other party about the acceptance of this proposal (acceptance). This rule applies to consensual contracts, which are concluded at the time of reaching the agreement of the par-

ties. A real contract is considered concluded at the time of the transfer of property or the performance of a certain action.

The contract can be concluded in any form if the requirements regarding the form of the contract are not established by law. If the parties have agreed to conclude a contract in a certain form, it is considered concluded only in this form, even if this form is not required by law for this type of contract. If the parties agreed to conclude the contract using information and communication systems, it is considered to be concluded in writing (Art. 639 (1)(2) UKR-CC). In contracts for which notarial approval is required by law or by agreement of the parties, the time of conclusion of the contract is associated with the moment of notarization (Art. 640 (3) UKR-CC).

By Art. 641 (2) UKR-CC, an offer to conclude a contract can be made by any party to the potential contract. An offer must contain the essential terms of the contract and express the intention of the person who made it to consider himself bound in case of its acceptance.

The main features of an offer are the following:

- must be addressed to one or more specified persons. Therefore, advertising and other offers addressed to an unspecified circle of persons are invitations to make offers for the conclusion of contracts, unless otherwise indicated in the advertising or other offers;
- must contain essential terms of the potential contract;
- must express the intention of the offeror to be bound in case of acceptance of his offer.

But in some cases, an offer may be directed to the public. Invitations to enter into negotiations before concluding contracts addressed to an unspecified circle of persons in advertisements placed in catalogs, mass media, etc. should be distinguished from public offers. Offers placed in advertising or otherwise addressed to an unspecified circle of people usually do not contain essential terms of the contract at all or give an incomplete list of them. Such offers should be considered as an invitation to enter into negotiations when an offer may come from another person and be accepted by the person who placed the advertisement (Art. 641 (2) UKR-CC). At the same time, if an offer is addressed to an undefined circle of persons, but contains all essential terms of the contract, it is recognized as a public offer. Thus, regarding retail sales contracts, the offer of goods in advertising, catalogs, and other product descriptions addressed to an unspecified circle of persons is a public offer, if it contains all essential terms. Display of the product, demonstration of its samples or provision of information about the product (descriptions, catalogs, photographs, etc.) in the places of its sale is a public offer, regardless of whether the price and other essential terms of the sales contract are indicated, except in cases where the seller clearly determined that the relevant product is not intended for sale.

In particular, documents (information) placed in public access on the Internet, which contain essential terms of the contract and an offer to conclude a contract on the specified terms with anyone who applies, regardless of the presence of an electronic signature in such documents (information), are treated as an offer to conclude a contract (Art. 641(1)(3) UKR-CC).

We can conclude, that DCFR regards an advertisement, the display of goods in a shop as an offer unless the circumstances indicate otherwise and until the supply is exhausted. CISG and UKR-CC do not accept that an advertisement or the display of goods in a shop which do not contain essential terms of the contract can amount to an offer but only as an invitation to treat. An advertisement to bring about a bilateral contract merely invites potential clients to make an offer to sell or buy the goods.

UKR-CC, DCFR and CISG weigh the revocation in the same way. In Ukrainian law offer is revocable. Art. 641 (3) UKR-CC provides that the withdrawal of a declaration of will communicated to another person is only effective if it arrives simultaneously with or before this declaration. If the agreement has not yet been concluded, the offer may be revoked if the revocation is delivered to the addressee before the addressee sends an acceptance. The offer cannot be revoked during a period stipulated for its acceptance unless a right to revoke it even before the lapse of this period follows from the content of the offer. *The offer can't be made irrevocable by the mere fixing of a time for acceptance.*

The rejection can be unexpressed but implied, for instance, if the offeree makes a counter-offer (Art. 646 UKR-CC).

The rule of Art. 642 (1)(2) UKR-CC regarding the acceptance of the offer is similar to DCFR and CISG. The acceptance must be complete and unconditional. Assent to the offer can be made by a notice to the offeror or when the offeree begins to do the act.

B.2. Culpa in contrahendo

Under a doctrine on culpa in contrahendo, contractual negotiations create for parties a special legal relationship that imposes on each party a duty of care and gives the right to claim damages (Bar, Clive, 2009, p. 273.; Kessler, Fine, 1964, pp. 401, 401).

According to Art. II. – 3:301 (1) DCFR, parties are free to negotiate and are not liable for failure to reach an agreement. Art. II.-3:301 (2) DCFR imposes upon the parties a duty to act in accordance with good faith and fair dealing when conducting negotiations and concluding contracts. This duty may not be excluded or limited by contract. Each party in negotiations also is obliged not to break off negotiations contrary to good faith and fair dealing. For instance, it is contrary to good faith and fair dealing to enter into or continue negotiations with no real intention of reaching an agreement with the other party (Art. II. – 3: 301 (4) DCFR).

It should be emphasized that this is a duty and not an obligation of the party to negotiate in accordance with good faith and fair dealing (Bar, Clive, 2009, p. 271). The remedies for the non-performance of an obligation are not enforceable in this situation. As it can be assumed also from Art. II. – 4: 103 (2) DCFR that the court can't enforce parties of negotiations to conclude a contract if one of the parties refuses to conclude a contract unless the parties have agreed on some specific matter. So, it is practically impossible to compel the party to negotiate fairly and in good faith.

However, breach of the duty may give rise to a liability for damages under Art. II. – 3: 301 (3) DCFR. The question of damage compensation can arise in the contract conclusion process if a person breaches the duty (commits fraud or makes a misleading account of the nature of something or threats). The liability of the person for damages as a consequence of such behavior doesn't depend on whether there is a valid contract or not. There may be a liability for: 1) entering into negotiations contrary to good faith and fair dealing; 2) continuing negotiations after one has decided not to conclude the contract, and 3) breaking off negotiations contrary to good faith and fair dealing.

The liability of the party based on misrepresentation may be imposed on non-contractual liability arising out of damage caused to another (Book VI DCFR) or because a party gave promises during the negotiations. Such promises can be a basement for the occurrence of informational duties according to Art. II. – 3: 101 DCFR. The business has a duty before the conclusion of a contract to disclose to the other person information about goods, other assets, and services to be supplied. The injured party can expect compensation for the expenses incurred, loss on preparation work and, in some cases, lost profit.

It should be mentioned that the doctrine of culpa in contrahendo has not been adopted in CISG¹ and UKR-CC. There are significant differences between Ukrainian law and DCFR regarding the procedure for resolving disputes about pre-contractual liability for the breaking-off of negotiations between parties to a potential contract (Art. 649 UKR-CC). The doctrine of culpa in contrahendo can't be used in Ukrainian law due to the lack of the concept of good faith. In Ukraine, the court procedure for the resolution of pre-contractual disputes is established for the settlement of disagreements that arose between the parties during the conclusion of the contract, which is based on a legal act of the state authority, the authority of the Autonomous Republic of Crimea, the local self-government body and in other cases established by law.

Such legal acts are, in particular, state orders, based on which procurement contracts are concluded.

¹ CISG does not contain correspond to DCFR provisions on negotiations contrary to good faith and fair dealing.

According to Art. 1 (1) (6) of the Law of Ukraine on Public Procurement (Law of Ukraine 25.12.2015 № 922-VIII, 2025), a procurement contract is an economic contract concluded between a customer and a participant as a result of the procurement procedure/simplified procurement of goods, works and services to meet the needs of the state, territorial communities and united territorial communities. Also according to Art. 633 UKR-CC business entities that sell goods, perform work or provide services to anyone who addresses them (retail trade, transportation by public transport, communication services, medical, hotel, banking services, etc.) are required to conclude contracts with all consumers of their products (services).

However, if the contract is not based on the specified acts, then disputes between the parties are resolved by the court only if the parties have concluded a special contract about the use of a court procedure for the settlement of the dispute or in cases established by law.

While resolving a pre-contractual dispute in Ukraine, the court may decide the disputed clause of the contract in the wording of one of the parties, or state it in its wording, considering the interests of the parties and public interests. In court, it is possible to enforce a party to conclude a contract only if such a contract is based on a legal act of state authority, an authority of the Autonomous Republic of Crimea, a local self-government body and in other cases established by law.

It should be noted that civil legislation of Ukraine does not provide for such a way of protecting rights as recognizing the contract (agreement) as concluded or not concluded based on the results of consideration of the relevant claim in court. In case of evasion of one of the parties from concluding the contract, the interested party may not file a claim for enforcing the other party to conclude the contract on the terms of the project proposed by the plaintiff.

At the same time, according to Art. 16 (2)(12) UKR-CC the court may protect a civil right or interest in another way established by the contract, law or by the court in cases determined by law. However, the use of such a method of protection as enforcement to conclude a contract (when the court makes a decision according to which a person who evades the conclusion of a contract is obliged to conclude it) is impractical and ineffective. The impracticality of making such a decision is explained by the fact that it will lead to the emergence of an 'additional' obligation to conclude the relevant contract along with the primary similar obligation to conclude the contract, which was not fulfilled due to the obligee's evasion of its fulfillment. Therefore, the adoption of such a decision will lead to the emergence of an illogical situation, in which there will be two obligations between the subjects with a similar content, which will differ only based on their origin. The ineffectiveness of such a court decision is that the fact of its adoption does not guarantee that the unfair party will not continue to avoid concluding a contract. Therefore, despite the possibility of an expansive interpretation of Art. 16 (2)(12) UKR-CC, the mechanism used by the Supreme Court of Ukraine to resolve civil disputes related to the obligee's evasion of the contract is debatable. In particular, the adoption of decisions by the Supreme Court of Ukraine in civil cases on the recognition of a contract concluded by its legal nature is the establishment of a fact that has legal significance. This conclusion follows from the fact that the Supreme Court of Ukraine in the decisions dated 02.06.2021 in case No. 910/6139/20 (The decision of the Supreme Court of Ukraine 02.06.2021 in case № 910/6139/20), dated 02.09.2015 in case No. 6-226ц14 (The decision of the Supreme Court of Ukraine 02.09.2015 in case № 6-226ц14) indicated the absence of such a method of protection as the establishment of a legal relationship in civil legislation, however, the court recognized the existence of the contract by recognizing such a contract as concluded. Thus, the Supreme Court did not establish a new legal relationship but recognized the existence of the contract as a legal fact.

The problem of resolving a dispute about the obligee's evasion from concluding a contract by recognizing this contract as concluded based on Art. 16 (2)(12) UKR-CC, is connected with an important condition of the presence of the legal fact that the court should establish. However, in case of evasion of the obliged person from concluding the contract, i.e. not sending to the offeror of acceptance or

any other response regarding the content of the contract, it is not possible to talk about the emergence of a contract as a legal fact. Therefore, the mechanism developed by judicial practice for the implementation of such a method of protection as enforcement to conclude a contract is subject to revision.

The use of such a method of protection of rights as enforcement to conclude a contract is possible only when the parties have provided for such a method of protection in the previous contract, which corresponds to the provisions of Art. 16 and Art. 6 (3) UKR-CC.

The issue of compensation for damages incurred during the pre-contractual process is also ambiguously resolved in the civil legislation of Ukraine. This mechanism is very important because in the pre-contractual process a person relies on the information provided to him/her about the status of the counterparty and the object of the contract. An example of assurance can be information about the full payment of a share in the joint capital of the company, providing information about the absence of property encumbrances, the availability of permits and licenses for conducting business, etc.

According to Art. 650-1 UKR-CC the parties to the contract may agree on a list of assurances (warranties) provided by the party or parties regarding the circumstances that are important for the conclusion, execution or termination of such a contract. In the event of the falsity of assurances and fault or negligence of their presentation, damages caused by the falsity of such assurances shall be compensated by the person who assured the party who relied on such assurances, unless otherwise stipulated by the contract. The introduction of the concept of ‘assurance’ into the legislation of Ukraine only partially solves the problems of liability of the parties to the pre-contractual negotiations for damages caused by non-fair dealing.

Ukrainian law employs delictual liability under Art. 1166 (1) UKR-CC in case of a wrongful breaking of negotiations. Liability is delictual unless the parties have concluded a separate negotiation contract – previous contract (Art. 635 UKR-CC).

We believe that assurances provided out of negligence cannot be the basis for the delictual liability of the party that caused pre-contractual damage. Therefore, we suggest leaving in Art. 650-1 UKR-CC only fault (*culpa*) as a basis of liability for violation of the duty to conclude a contract by the principle of fair dealing.

The amount of damages that can be claimed as a result of a breach of pre-contractual negotiations is included losses incurred in anticipation of a potential contract. It is not possible to award the full damage, including the loss of opportunities. So, the court can’t award lost benefits that a party would have gained in case the final contract had been concluded (expectation damages).

We propose to change Art. 650-1 UKR-CC and publish the article in the next edition:

‘Article 650-1. Liability for pre-contractual negotiations contrary to fair dealing

1. A party who entered into or continued negotiations contrary to fair dealing is liable based on culpability for losses caused to the other party as a result of that party’s reliance that a contract will be concluded.

2. Damages are not cover the expectation damages.’

It can be concluded that UKR-CC and DCFR provide that parties must cooperate in accordance with fair dealing (also by good faith in DCFR) during the conclusion of a contract and respect each other’s legitimate interests. In case of non-fulfillment of this duty, the sanction can be a liability for damages. In UKR-CC and DCFR damages are limited to the reliance interest, and do not cover lost opportunities.

B.3. Standard terms

Standard terms, or interchangeably general conditions, is a concept familiar to a civil, not common law system. As mandatory laws, standard terms are used for consumer protection even in commercial contracts. The definition of general conditions of contract is provided in Art. 2.209(3) of Principles of European Contract Law (PECL) (Lando, Beale, 2000) as “terms which have been formulated in advance for an indefinite number of contracts of a certain nature, and which have not been individually negotiated between the parties”.

When parties to the potential contract are negotiating its terms and each side wants to contract based on its own terms the “battle of forms” (conflicting standard terms) arises. The mechanism for dealing with the enforceability of standard terms provides in Art. II. – 4:208 and Art. 19 CISG. The offerer’s standard form creates a contract only if it gives a definite assent to an offer unless it states or implies additional or different terms which materially alter the terms of the offer. So, standard terms of an acceptance that do not materially alter the standard terms of the offer become part of the contract. According to Art. 19 (3) CISG material alterations of the terms are “additional or different terms relating, among other things, to the price, payment, quality and quantity of the goods, place and time of delivery, the extent of one party’s liability to the other or the settlement of disputes”. That list is not comprehensive and could only have been illustrative (Bar, Clive, 2009, p.351).

The control over a battle of forms can be included in an offer by the offeror by incorporation of a clause to the result that “the offer expressly limits acceptance to the terms of the offer” (Art. II. – 4:208(3)(a)) or in case that ‘the offeror objects to the additional or different terms without undue delay’ (Art. II. – 4:208(3)(b)). Also, a conditional acceptance will be treated as a rejection of the offer if the offeror’s assent to the additional or different terms ‘does not reach the offeree within a reasonable time’ (Art. II. – 4:208(3)(c)).

DCFR in Art. II. – 4:209, unlike the CISG, contains provisions that deal with the issue of the battle of the forms. Even if there are conflicting boilerplate terms in the offer and acceptance, agreement about other terms means that “a contract is nonetheless formed”. So, only the general terms that ‘are common in substance’ (identical in the result and not in formulation) form the contract and conflicting standard terms would not become a part of the contract (“knock out” theory). The parties in any way remain free to state exactly what will not amount to offer and acceptance in their dealings. It can be no contract if one party has previously explicitly indicated, and not in the standard terms, refuse to be bound by a contract based on Art. II. – 4:209 (1). Later, after the exchange of the documents which purport to conclude the contract, the intention of the party not to be bound by a contract should be announced to another party without undue delay.

In CISG it is not so clear, but Arts. 18-19 seem to lead to the conclusion that both in cases of material and non-material alternation of the terms of the offer another theory of ‘last shot’ is used. In the case of the “last shot” theory, the performance by the offeror of obligations without raising objections to the new offer is considered as an acceptance of the standard terms contained in the new offer.

In Ukraine, the parties give a consent to use standard terms directly in the contract between them (Art. 630 (1) UKR-CC). Standard terms of contracts of a particular type in Ukraine are approved at the legislative level. Therefore, in Ukraine, not standard terms are subject to legal regulation, but rather standard types of contracts. A standard contract is a standardized document that defines the essential terms for a certain type of contract. For instance, the Standard land lease (Resolution of the Cabinet of Ministers № 220, 2004) provides for the procedure for calculating the amount of land rent, terms, etc. In the Standard land lease the specifics of a land lease during the war are defined. In particular, after the expiration of the land lease concluded for commercial agricultural production during the war, the lessee does not have a privileged right to renew it for a new period. In the Standard land lease, it is determined that the term of a land lease begins not from the moment of concluding the contract, but from the moment of transfer of the land plot and registration of the lease right.

The Standard contract for the supply of natural gas (Resolution of the National Commission on Energy № 2500, 2015) to household consumers contains not only provisions on the price of the contract, but also on the method of price announcement of natural gas to the consumer and the procedure for calculating delivery volume.

Standardized contracts in Art. 634 (1) UKR-CC are called “accession contracts”. An accession contract is a contract proposed by one of the parties in a standard form that can be concluded only by joining the other party to the proposed contract as a whole. It is important that, according to the civil

legislation of Ukraine, the other party does not have the right to propose the terms of the contract, but only can join it or refuse to conclude.

In Art. 634 (2) UKR-CC, the legislator tries unsuccessfully, as evidenced in practice, to establish restrictions on the discrimination of the weaker party to the contract that joined it on the proposed by the other party terms. In particular, it is allowed to change or terminate the accession contract, if it places the weaker party at an unreasonable disadvantage, as well as if the contract excludes or limits the liability of the other party for breach of obligation. An unreasonable disadvantage appears when the terms are not clear and comprehensive. Also, a party to a contract may suffer an unreasonable disadvantage when the term restricts essential rights that a person had before.

At the same time, the weaker party must prove in court that in the normal process of concluding a contract through negotiations, the conclusion of such a contract would never happen with the terms proposed by the other party.

However, Art. 634 (2) UKR-CC on the issue of regulating the change or termination of the accession contract because of an unreasonable disadvantage does not apply to business-to-business contracts (merchant contracts). In particular, in Art.634 (3) UKR-CC it is stated that the businessperson cannot demand a change or termination of the accession contract if the party that provided the contract for accession proves that the businessperson knew or could have known the terms of the contract. This provision of the law is an absolute absurdity, as it establishes the possibility of concluding a contract by a party that has joined without familiarizing itself with its terms. Changes to UKR-CC should provide for the exclusion of Art.634 (3).

In a situation where the parties did not provide for the application of standard terms in the contract, and one of the parties insists on their use, such standard terms may be applied as a custom of business turnover, if they are established in certain areas of civil relations (Art.630 (2) UKR-CC).

Conclusions. UKR-CC was created on a new conceptual basis as a code of private law, considering current European trends and experience. The application practice of UKR-CC is currently assessed positively, but the legal mechanisms of its action are subject to revision considering the experience of law enforcement and the interpretation of civil law by courts. Modern realities (economic, social, technical, informational) require legal certainty, because UKR-CC, as any codified act, possesses gaps and shortcomings in the presentation of legal material. Thus, by the Concept of updating the Civil Code of Ukraine, prepared by members of the Working Group, established by the Cabinet of Ministers of Ukraine “On the establishment of a working group on recodification (updating) of civil legislation of Ukraine”, July 17, 2019, № 6501, amendments to all books of UKR-CC are offered.

As a result of the investigation conducted in this article, it is proposed to change Art. 650-1 UKR-CC and publish the article in the next edition:

“Article 650-1. Liability for pre-contractual negotiations contrary to fair dealing

1. A party who entered into or continued negotiations contrary to fair dealing is liable based on culpability for losses caused to the other party as a result of that party’s reliance that a contract will be concluded.

2. Damages are not cover the expectation damages”.

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**GERMAN EXPERIENCE IN REGULATING PROCEDURE
FOR DISMISSAL OF CIVIL SERVANTS: AREAS OF APPLICATION
IN NATIONAL LABOUR LEGISLATION**

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Abstract. The relevance of the article is due to the need to optimise and review for compliance with European standards the institution of dismissal of civil servants. Therefore, the modernisation of the civil service in line with the European experience is one of the priority tasks facing the national legislator, and the institution of dismissal of civil servants is one of the issues that, in our opinion, could be improved on the basis of the legislation of European countries. The experience of those countries, which have the civil service modernised and reformed already in the last century, and today have a stable and sustainable system where each element functions properly is certainly useful for Ukraine. Such countries include the Federal Republic of Germany, which is traditionally considered by domestic researchers as a model for reforming any civil service institution. The article analyses the specifics of German legislation regulating the procedure for dismissal of civil servants. The author presents the legislative provisions of Germany in the context of the area under study. The article reveals how the specificities of the national legal framework for the procedure for dismissal of civil servants differ. The positive aspects of progressive foreign legislation are noted. Specific proposals are made to adopt the positive German experience into national labour legislation. It is found that since German law does not set minimum time limits for a civil servant to notify the appointing authority of his/her dismissal, this way the interests of the State are protected if the dismissal of a civil servant will harm them in the short term. An alternative to such changes may be to grant the appointing authority the right to postpone the dismissal of a civil servant if his or her dismissal within the timeframe specified in the application would harm the public interest. For example, in case a civil servant performs certain official tasks that cannot be transferred to another employee, or if the head of the civil service has reasonable doubts about finding an adequate replacement for the civil servant within the time limits established by law.

Key words: Germany, civil servants, dismissal of employees, labour law, civil service.

Introduction. In recent years, our country has been undergoing various intense and complex socio-political processes of establishing a democratic, legal, social State that will ultimately meet the standards of the European Union, which should become the norm of life for our citizens. Therefore, it is important for the legislator to bring national legislation in line with European standards since the outdated Soviet legal heritage is far from compatible with the principles of democracy and the rule of law that are characteristic of the leading countries of Europe and the world.

Despite several civil service reforms and the relatively recent adoption of the Law of Ukraine "On Civil Service" dated 10.12.2015 No. 889-VIII, as our research has shown, problems related to the legal regulation of the procedure for dismissing civil servants still remain in domestic legislation employees. That is why we see the presence of prospects for further improvement of this sphere, and we consider the implementation of positive foreign experience into the legislation of Ukraine to be one of the most effective ways for this.

The inconsistency of some provisions of the current legislation on the civil service with the democratic norms of the European Union and the imperfect regulation of service-labor relations in the field of civil service led to the fact that the quality of personnel of civil servants in our country

required influence from the state. As a result, trust among citizens in state institutions has traditionally remained low throughout the entire time since Ukraine declared independence.

As of today, one of the issues to be optimised and reviewed for compliance with European standards is the institution of dismissal of civil servants. Therefore, the modernisation of the civil service in line with the European experience is one of the priority tasks facing the national legislator, and the institution of dismissal of civil servants is one of the issues that, in our opinion, could be improved on the basis of the legislation of European countries.

Among the states whose experience could be useful, in our opinion, it is first of all worth analyzing the experience of post-socialist countries, because they went through the process of reforming the civil service and bringing it into line with European standards, and as a result joined the European Union. Among such countries, we would like to note such countries as the Republic of Lithuania and Estonia, which, like Ukraine, left the Soviet Union in 1991 and declared independence, but, unlike our country, are members of the EU. Our states are united by a common historical past, close social and economic ties, assistance and support provided by Lithuania and Estonia during the Russian-Ukrainian war, as well as the fact that the goals declared by Ukraine have already been implemented by these countries.

The experience of those countries, which have the civil service modernised and reformed already in the last century, and today have a stable and sustainable system where each element functions properly is certainly useful for Ukraine. Such countries include the Federal Republic of Germany, which is traditionally considered by domestic researchers as a model for reforming any civil service institution.

Literature review. Among the scholars who have studied the issues of foreign experience in regulating employment relations in the civil service, we should note the contribution of: T.Yu. Vitko, M.D. Denysov, N.A. Zhydenko, M.I. Inshyn, A.S. Karpunets, Y.Y. Kizilov, A.V. Kirmach, L.M. Kornuta, A.A. Neselevska, N.S. Panova, L.L. Prokopenko, A.P. Rachynskyi, S.V. Semenenko, V.P. Tymoshchuk, Yu.H. Faier, V.I. Shcherbyna and others. However, the issue of foreign experience in regulating the procedure for dismissal of civil servants is not one that has been comprehensively studied in the domestic scientific literature. Therefore, the focus on this issue is required, and the analysis of the experience of the Federal Republic of Germany is timely and relevant.

Main material. The Federal Republic of Germany, as an object for studying the positive experience in regulating the procedure for dismissal of civil servants, is a State that modernised and reformed the civil service several decades ago. Today, this directly affects the efficiency of the public sector in this country, as well as the quality of administrative services provided to citizens by civil servants. The German model of civil service differs from other models in terms of its clear organisation, clear regulatory procedures for internal organisational activities, complexity of the civil service selection system, high social status of civil servants, three types of legal status of civil servants (preparatory service, probationary service, civil service), high legal, social and economic security of civil servants, etc. (Kizilov, 2016; Hubska, 2017; Prokopenko, Shabatina, 2020). Among the features highlighted by virtually all researchers of the German civil service, it is traditionally underlined that the fundamental basis of the German model is the attraction of the most professional personnel, an enabling environment for them and high standards under which their service will be as effective as possible. Since the procedure for civil service in the Federal Republic of Germany is quite specific, the legal framework for the dismissal procedure in this country is also specific. Despite the fact that the German experience in general is quite problematic for implementation in the domestic context, some of its aspects, in our opinion, could be considered by the domestic legislator in the context of finding ways to improve the national legislation of Ukraine.

The legal act that regulates the procedure for dismissal of civil servants in the Federal Republic of Germany is the Federal Civil Service Act (Bundesbeamtengesetz (BBG)) of February 05, 2009

(Bundesbeamten-gesetz, 2009). Section 5 of this Act is devoted to the procedure for termination of civil service. Analysing the content of this section, we should note that most of its articles are devoted to specific grounds for termination of civil service. Similar to Law of Ukraine "On Civil Service" No. 889-VIII of December 10, 2015 (Law of Ukraine "On Civil Service", 2015), these grounds are grouped under one article, Article 30, which defines four grounds for termination of civil service: 1) dismissal from the civil service (in this context, we are talking about both dismissal from the civil service at the initiative of the civil servant and dismissal at the initiative of the appointing authority); 2) loss of the right to civil service; 3) dismissal from civil service for committing a disciplinary offense; 4) retirement. In other words, in general, the grounds for termination of civil service under Law of Ukraine "On Civil Service" No. 889-VIII of December 10, 2015 (Law of Ukraine "On Civil Service", 2015) and Federal Civil Service Act of Germany of February 05, 2009 (Bundesbeamten-gesetz, 2009) are comparable.

Subsection 1 of Section 5, namely Articles 31-37 of the Federal Civil Service Act of February 05, 2009 (Bundesbeamten-gesetz, 2009), regulates various grounds for dismissal of civil servants related to dismissal of civil servants on their own initiative or on the initiative of the appointing authority. At the same time, the application of a particular ground is influenced not only by the circumstance itself, but also by the specifics of the legal status of civil servants inherent in the civil service model of the Federal Republic of Germany. For example, during the preparatory service, a civil servant may be dismissed for committing a disciplinary offense (Article 34 of the Federal Civil Service Act of February 05, 2009 (Bundesbeamten-gesetz, 2009)), but after completing probationary service and being appointed for life, a disciplinary offense is no longer considered a ground for dismissal. Article 36 of the Federal Civil Service Act of February 05, 2009 (Bundesbeamten-gesetz, 2009) stipulates that a civil servant who is on probationary service "may be dismissed from it at any time". In turn, a civil servant appointed for life, for example, may be dismissed as a result of losing the right to civil service (Article 41) or may resign on his/her own initiative (Article 33).

Despite the fact that the status of a civil servant is characterised by a high level of legal protection, the German legislator tries to maintain a balance in protecting private and public interests in the procedures for dismissal of civil servants. For example, according to Article 33 of the Federal Civil Service Act of February 05, 2009 (Bundesbeamten-gesetz, 2009), civil servants in Germany, like civil servants in Ukraine, may resign from the civil service at their own initiative. Unlike Ukrainian legislation, German law does not set clear deadlines for resignation. It means that a civil servant will be dismissed within the period requested in a written application. In addition, part 1 of this Article defines the right of a civil servant to withdraw such an application within two weeks from the date of submission of the application (as it was done by the Estonian legislator). Moreover, part 2 of this article stipulates that dismissal may be postponed by the appointing authority in order for the civil servant to complete the tasks assigned to him/her, but not for longer than three months. Article 89 of Law of Ukraine "On Civil Service" No. 889-VIII of December 10, 2015 (Law of Ukraine "On Civil Service", 2015) also establishes the obligation of a civil servant to transfer the files and property entrusted in connection with the performance of official duties to a person authorised by the appointing authority in the relevant state body, however, the domestic legislator obliges the civil servant to do so before dismissal, without burdening him/her with additional terms. According to A.V. Kirmach, this can be explained by the protection of public interests from "abrupt" actions of officials (Kirmach, 2010). In other words, since German law does not set minimum time limits for a civil servant to notify the appointing authority of his/her dismissal, this way the interests of the State are protected if the dismissal of a civil servant will harm them in the short term. An alternative to such changes may be to grant the appointing authority the right to postpone the dismissal of a civil servant if his or her dismissal within the timeframe specified in the application would harm the public interest. For example, in case a civil servant performs certain official tasks that cannot be transferred to another employee,

or if the head of the civil service has reasonable doubts about finding an adequate replacement for the civil servant within the time limits established by law. Therefore, based on the German experience, we propose to amend Article 86 by adding a new part 4 as follows:

"[...] 4. The dismissal of a civil servant on his/her initiative may be postponed by the appointing authority for an indefinite period, but not longer than three months, if his/her dismissal would create a significant threat to the public interest in cases:

1) if it is impossible to transfer cases and property entrusted in connection with the performance of official duties within the time limits established by part one of this Article;

2) if the appointee has objective doubts about ensuring the smooth functioning of the state body until the appointment of his/her replacement to the vacant civil service position".

Regarding the dismissal of a civil servant at the initiative of the appointing authority, we would also like to highlight the greater flexibility of the terms provided for by German law than those defined by Law of Ukraine "On Civil Service" No. 889-VIII of December 10, 2015 (Law of Ukraine "On Civil Service", 2015). Part of Article 87 of the latter stipulates that the appointing authority or the head of the civil service shall notify the civil servant of the impending dismissal in case of reduction of the number or staff of civil servants, reduction of civil service positions or liquidation of a state body no later than 30 calendar days; Article 84, part 2, stipulates that in most cases of termination of civil service in case of a civil servant's loss of the right to civil service or its restriction, the civil servant shall be dismissed within three days from the date of occurrence or establishment of the fact provided for in this Article. As for other cases, the current legislation of Ukraine generally does not provide for notice periods for employees, which means that in these cases the general terms provided for by the Labour Code of Ukraine apply (Labour Code of Ukraine, 1971). As noted above, given the specifics of civil service, we believe that the provisions of Law of Ukraine "On Civil Service" No. 889-VIII of December 10, 2015 (Law of Ukraine "On Civil Service", 2015) should be separated from the provisions of the Labour Code of Ukraine (Labour Code of Ukraine, 1971), and in this context, some provisions of the Federal Civil Service Act of February 05, 2009 (Bundesbeamtenengesetz, 2009) are an excellent example of how to regulate service and labour relations within the civil service legislation without reference to labour law. For example, Article 38 stipulates that an order to dismiss a civil servant in some cases (refusal to take an oath or due to membership in the Bundestag) comes into force from the moment of its approval by the appointing authority, and in other cases, at the end of the month following the month when the appointing authority issued the relevant order. Therefore, we propose to amend Article 83 of Law of Ukraine "On Civil Service" No. 889-VIII of December 10, 2015 (Law of Ukraine "On Civil Service", 2015) by adding a new part 5 as follows:

"[...] 5. The order (instruction) on dismissal of a civil servant shall enter into force at the end of the month following the month in which it is issued by the appointing authority or the head of the civil service, unless otherwise provided for in Articles 83-89 of this Law."

Conclusions. To sum up, the analysis of the positive experience of the Federal Republic of Germany in regulating the procedure for dismissal of civil servants enables to conclude that it may be useful for the national legislator in terms of detailing certain aspects. Unlike the Latvian and Estonian civil service models, the German civil service differs significantly from the Ukrainian civil service model. Similarly, the content and structure of Law of Ukraine «On Civil Service» No. 889-VIII of December 10, 2015 (Law of Ukraine "On Civil Service", 2015) and the Federal Civil Service Act of February 05, 2009 (Bundesbeamtenengesetz, 2009) differ significantly, which makes it difficult to apply many positive aspects of German legislation. However, the experience of the German legislator could be useful in determining the timeframe for dismissal of civil servants.

In general, with regards to the prospects of implementing the positive experience of foreign countries into Ukrainian legislation, we emphasise that most of the procedures for dismissing civil servants are regulated in domestic legislation more perfectly or at the same level as in the legislation of other

countries. The adoption of Law of Ukraine “On Civil Service” No. 889-VIII of December 10, 2015 (Law of Ukraine "On Civil Service", 2015) has a qualitative impact on the legal framework for civil service in general, and the procedure for dismissal of civil servants in particular. Therefore, despite the problems underlined in the course of our research, most of the provisions of national legislation, especially those that define the grounds for dismissal of civil servants, are comparable to the provisions of the legislation of European countries. However, when it comes to the regulatory mechanism for certain procedures or terms related to the dismissal of civil servants, the legislation of the Federal Republic of Germany is clearer and more specific. Some of the experience of the State being analysed is relevant for the domestic legislator, so to further optimise the legal framework for the procedure for dismissal of civil servants, the review of foreign experience is extremely useful and necessary.

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POLAND TOWARDS THE WAR AND INDEPENDENCE IN KOSOVO

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Abstract. Poland as a member country of the Group has strong economic and military potential in foreign policy and tries to respect the jointly agreed directions of action. Kosovo has become a challenge for Poland of particular importance, because the war started a few days after the country has joined NATO.

The research includes analysis of the participation of Poland in the ending of the war in Kosovo, and military involvement through the participation of Polish soldiers in the UN, NATO and EU missions, the participation of Polish politicians in resolving the Kosovo conflict, as well as analysis of the response to the proclaiming of Kosovo's independence.

The aim of this article is to develop an evidence-based comprehensive study of the Polish approach to the conflict in Kosovo by showing and analyzing the key features of the conflict as well as the main issues of Polish participation in it. The key pillar of the approaches is a sovereign state acting in accordance with its national interests and important roles played by individual state agencies as well as by non-state, non-governmental and social actors, but also international organizations.

Key words: Kosovo, European Union, NATO, Kosovo war, foreign policy, Poland, peace missions, Kosovo independence, Yugoslavia.

Introduction. The last 20 years have brought profound changes to Polish foreign and security policy. Like other Central European countries, Poland became part of the Euro-Atlantic zone after joining NATO in 1990 and then the EU in 2004. Poland quickly became the most important player in Central Europe and is perceived in the region as a leader with which it is associated. Due to its size, strong economy, internal stability, and strong army, Poland is treated seriously by the EU Council and member states.

On March 12, 1999 in Independence (Missouri – USA) the Minister of Foreign Affairs, prof. Bronisław Geremek handed over to the US Secretary of State, Madeleine Albright, the act of Poland's accession to the North Atlantic Treaty. At that moment, Poland formally became a member of the North Atlantic Alliance, the strongest military organization in the world. Poland joined NATO at a time when the alliance was changing and was on the brink of launching its first offensive operation.

Just two weeks after NATO enlargement, the alliance launched a military operation in Kosovo against the Federative Republic of Yugoslavia. At the very beginning of membership, Poland had to demonstrate that it could adapt to the redefined NATO. Poland passed this test unlike the other two members, the Czech Republic and Hungary; Warsaw unhesitatingly supported NATO's actions and, although it did not take part in the offensive part of the operation, it subsequently sent several rotations of peacekeepers. Another decisive feature of Poland's approach to Kosovo was that it sided with the “non-multilateralists” within the Alliance (K. Longhurst, 2013: 363). It was clear that Warsaw attached little importance to the dispute over NATO's failure to obtain a mandate from the UN Security Council. The domestic search for unlawful warfare that took place in much of Western Europe was small in Poland.

Political and military involvement of Poland in the conflict in Kosovo. Polish troops took part in the United Nations Protection Forces Mission (UNPROFOR) in the years 1992–1995 in former Yugoslavia. Similar activities were related to the activities of the Polish Military Contingent in Bosnia

and Herzegovina as part of the IFOR mission (later renamed SFOR), and after NATO transferred command to the European Union – in the EUFOR ALTHEA mission. Currently, according to the decision of the president, up to 50 soldiers and specialists of military personnel serve in this mission. After a significant improvement in security in the region, Operation ALTHEA is slowly coming to an end. Similarly, active operational involvement of Polish soldiers took place in the KFOR mission in Kosovo.

Since 1999, Poland has been one of the countries most militarily involved in peacekeeping, stabilization and humanitarian missions in Kosovo. The Polish state allocated significant amounts of money from the military budget for this purpose. The long-term training of soldiers in the special Training Center for Specialists of the United Nations Peacekeeping Forces named after Lieutenant General W. Sikorski in Kielce. It was also expensive to equip the units assigned for missions with specialized, modern equipment for logistical support, communication, equipment for field hospitals, day rooms and equipment for cultural and educational work, modern means of wheeled transport, suitable for operations in the mountains in extreme weather conditions. The first units of the Polish Army were sent to the Balkans in 1992 as part of the UN-UNPROFOR mandate.

The priority of the foreign and security policy of all governments in Poland in the 1990s was integration with the North Atlantic Alliance and the EU. Any other variant, be it neutrality, regional cooperation, or possibly a lower form of cooperation with NATO, has never been brought up in the country. From the very beginning of the crisis in Yugoslavia, the Republic of Poland was actively involved in helping to resolve the conflict (M. Waldenberg, 2000). From the beginning of the conflict (1991) until now, Polish soldiers have been actively participating in ensuring peace and security in the Balkans under the auspices of the CSCE first, and since 19994 the OSCE, UN, NATO and EU, as observers, peacekeepers, advisers, trainers and instructors.

In Poland, the attitude towards NATO air strikes on Serbia was publicly manifested relatively mildly. There were neither violent mass protests – as in most of Europe – nor turbulent support – as in Prague. The only public action of approval for NATO activities was undertaken by a small group of Albanians living in Poland (A. Bogusz, 1999).

Tadeusz Mazowiecki's reports can definitely be considered a very significant and internationally significant contribution to the resolution of the conflict in the former Yugoslavi (R. S. Hliwa, 1993), who in 1992, on the recommendation of the United Nations Commission on Human Rights, served as the Special Rapporteur on the situation in the field of human rights in the territory of the former Yugoslavia, especially in Bosnia and Herzegovina. In his reports, he extensively described the situation of the Yugoslavia region at that time, citing the causes, course, effects and proposals for solving the existing problems. The main problems were the camps, prisons, the lack of or inefficient functioning of the judiciary, the cut-off of necessary humanitarian aid; overall gross violation of human rights. Mazowiecki decided that the idea and not the consequence of this war was the mutual destruction of nations. Within the first ten days after T. Mazowiecki took up his position, the first report was prepared in which T. Mazowiecki, through the UN Human Rights Commission, alerted the public about mass violations of human rights by all parties to the conflict, as well as numerous fatalities, mass rapes of Muslim women by Serbian soldiers. He emphasized the tragic situation of the Muslim population fearing the threat of collective extermination. He pointed out that local authorities tolerate violence; that there is no rule of law; that the situation of prisoners in the camps is dramatic; that mutual religious and national hatred is reinforced by the indoctrination of the population. He pointed out that UN field units are unable to effectively defend the threatened population and cannot take any steps to stop human rights violations (J. Divjak, 2014).

In addition, in a document dated February 10, 1993, T. Mazowiecki demanded that the UN Defense Forces (UNPROFOR), present in several places in the former Yugoslavia, immediately appear in the security zones and “get a mandate to use force in defense of the civilian population”. The resolution made no mention of “*the defense of the enclave by UNPROFOR soldiers*” at all (J. Divjak, 2014),

Mazowiecki noted in a report written in August 1995, in which he showed the diplomats how much they were reluctant to take action to limit the effects of the war (R. S. Hliwa, 1993).

Meanwhile, in March 1999, Prime Minister Jerzy Buzek pressed hard for accelerating the procedure of Poland's accession to NATO, and he succeeded – Poland joined NATO a few weeks before the NATO Summit in Washington in mid-March. Two weeks after hoisting the Polish flag in Brussels, the war over Kosovo broke out. J. Buzek then announced that Poland took part in a very symbolic way in an attempt to control the situation in Kosovo, but “*we did not know that a war would break out*” (Jerzy Buzek, 2019).

The extreme wings of the Polish political scene spoke out loudly in protest against air raids on Serbia. The statements of “Trybuna”, expressing the views of the extreme faction of the SLD, and “Nasz Dziennik”, whose point of view is close to the deputies of our Circle, even contain phrases: “NATO – the world's gendarme” (Anna Bogusz, 1999).

Earlier, it was Our Circle and the ultra-left SLD MPs Piotr Ikonowicz, Piotr Gadzinowski and Bogdan Lewandowski who did not vote in the Sejm for Poland's admission to the North Atlantic Treaty. Official opposition to Poland's membership in NATO was announced by small quasi-right parties: Stronnictwo Narodowe and Polish National Community, standing on the basis of Pan-Slavism and an alliance with Russia. Later, both groups protest against “*aggression against our brotherly New Yugoslavia under the guise of defending human rights*”, and their protest coincided with the dramatic veto of SLD MP Izabella Sierakowska, reminding that “*Poland has always had cordial ties with Yugoslavia.*” (A. Bogusz, 1999). To strengthen its position, the opposition also relied on religious questions. Yes, the appeal against the participation of Polish soldiers in the military action in Yugoslavia, addressed to President Aleksander Kwasniewski by a group of Orthodox Christians, was based on religious grounds, who believed that Poland's participation in NATO operations could be judged by history, similarly to the participation in the intervention in Czechoslovakia in 1968 as part of the Warsaw Pact. The pro-Serbian “refusal front” gained surprising supporters. Lech Walensa found as many as four reasons to be “*for and even against*” (A. Bogusz, 1999), including the fact that he received the Nobel Peace Prize.

Debates on the legality of NATO's “Allied Forces” operation, as a result of which Serbia was bombed, were also held in the Sejm of the Republic of Poland. During the session of the Sejm on April 8, 1999, the Minister of Foreign Affairs, Bronisław Geremek, attempted to justify NATO's activities in the former Yugoslavia. Yes, he said, “*It is not true that Albanians and Serbs began to die from air attacks. The action of mass ethnic cleansing started earlier, the withdrawal of the OSCE verification mission in which Poles participated started much earlier than the NATO attacks and was related to the beginning of ethnic cleansing*”. In response to the criticism of another member of the Sejm, Ikonowicz, that “in other cases of persecution, no intervention was undertaken”, he explained that “sometimes evil was opposed, and sometimes not.” (*Government information on the basic directions of Poland's foreign policy*). B. Geremek added that he did not think that “failure to oppose evil can be justified by the fact that not in all cases one reacts to it” (*Government information on the basic directions of Poland's foreign policy*). When MP Ikonowicz remarked that the NATO airstrikes had erected a wall of hatred between Serbs and Albanians, he replied that the wall of hatred between Albanians and Serbs was rather caused by ethnic cleansing, mass murder and expulsion of people (*Government information on the basic directions of Poland's foreign policy*). Minister B. Geremek's thesis is confirmed by historians and researchers of the history of Yugoslavia (D. Gibas-Krzak, 2009).

However, what he said next, he asked to be treated as his certain position. He asked whether the intervention by NATO, which was still ongoing at that time, was a breach of international law. He saw this as an important question in debates on international law. At this point, for the last 10 years, the thesis was introduced that international law cannot be limited to the United Nations Charter and respect for state sovereignty, because international law existed before the United Nations Charter

and state sovereignty is not the only reference to international law. Geremek also referred to Tadeusz Mazowiecki, who said that there was a certain dispute between two great principles: between the principle of state sovereignty and the principle of human rights (D. Gibas-Krzak, 2009). He stressed that one should therefore be aware that the United Nations Charter contains the foundations of international law and constructs a security system based on the concerted action of the five powers. At the time when they were formulated, human rights and humanitarian issues had not yet been included in the great acts of international law. These fields developed only after the adoption of the United Nations Charter. In 1949, the Geneva Conventions for the Protection of Victims of War were adopted, in 1977 the protocols to these conventions allowing their use in internal conflicts – and the Kosovo conflict is such – and finally, from 1948 to 1970, several major conventions were adopted on the protection human rights. One should be aware that this has also changed the situation of the *acquis*. This changes our understanding of the violation of international law in the event of an intervention violating state sovereignty (*Government information on the basic directions of Poland's foreign policy*).

In his speech, he also emphasized that it should be recalled that the operation of the North Atlantic Alliance now also refers to the 3rd Resolution of the Security Council; Resolution 1160, Resolution 1199 and Resolution 2003. All these resolutions unequivocally assess the acts of human rights violations taking place in Kosovo. And these resolutions also demand that the Yugoslav government fulfill certain issues. None of them have been performed. The sending of a verification mission under an agreement between the OSCE, NATO and the Yugoslav government was intended as a means of fulfilling what the Security Council had called for, and therefore the conclusion that the Security Council was not informed of the situation is not true. To this he added two more facts. One, that a resolution proposed to the Security Council that would have condemned NATO's actions as aggression was rejected. There were three votes in favor of the resolution, in all others it was not supported. So we can say that we are in a situation where the practice of international law defines completely new rules, which, one can hope, will also become norms of international law (C.J.Chivers. Russian Candidate Denounces Kosovo).

Reaction in Poland to the granting of independence to Kosovo. On February 26, 2008, the Government of the Republic of Poland adopted a resolution recognizing Kosovo's independence. The decision on the imminent recognition of Kosovo's independence was announced by Minister Radosław Sikorski on 18 February during a meeting of the EU General Affairs and External Relations Council. He confirmed in the aforementioned international forum that he had applied for recognition of Kosovo's independence, as did most of the Member States of the European Union. Before that, NATO Secretary General Jaap de Hoop Scheffer visited Belgrade. The Russian presidential candidate Dmitry Medvedev also paid a visit (C .J. Chivers. Russian Candidate Denounces Kosovo). Both sides represented a different view of Kosovo's independence. While Europe and the United States talked about the independence of Kosovo and the further integration of Serbia and Kosovo into Western structures, Russia was against it and claimed that “*the act of declaring Kosovo's independence is absolutely against international law. It violates the sovereignty and destroys the territorial integrity of the Serbian state*” (C. J. Chivers. Russian Candidate Denounces Kosovo).

Sikorski wanted Poland to be one of the first countries to recognize Kosovo's independence. However, it turned out that the minister “*went ahead of the ranks*” (C. J. Chivers. Russian Candidate Denounces Kosovo). Poland was not one of the first countries to recognize Kosovo's independence because the government withheld its decision until the president's opinion was heard. The president, in turn, did not want to hurry, and the whole situation was justified by the need for time and estimation of the benefits and losses that Poland and the world can achieve from recognizing Kosovo's independence. He was mainly concerned that a dangerous precedent would be set for separatist provinces in Georgia (Abkhazia, South Ossetia) or Moldova (Republic of Transnistria). The Prime Minister of the Republic of Poland said that the government supported the recognition of Kosovo's independence.

Despite the president's dissenting opinion, he will respect the government's decision. However, he admitted that *“this is a difficult situation, especially when the government takes a decision that will not improve the image of Poland among a large part of the Balkan Slavs.”* (In the case of Kosovo, Lech Kaczyński strongly observed: *this is a violation of the fundamental principle of the territorial integrity of UN member states*).

Prime Minister D. Tusk noted that he *„has no doubts on which side Poland should be on, but he is grateful to the president for distancing the government from the situation at the right moment.”* Prime Minister D. Tusk believed that *“it is good that the decision was not announced quickly in an ostentatious way. Now she is more restrained, gentle and more understandable to the world. It's because of the president. It is good that there has been a dialogue on this matter between the Prime Minister and the President, said the Prime Minister. But now is the right time to recognize Kosovo's independence. However, in order to recognize the youngest country in the world, as almost 20 EU countries have already done so, Poland cannot leave its natural, Western allies in this difficult situation. It was about the Americans who had already recognized Kosovo.*

At the same time, the Prime Minister planned to send a special political mission to Belgrade, which was to assure the Serbs of Polish sympathy and provide assistance in the framework of Serbia's cooperation with the EU. The government rightly believed that the Serbs should not be harmed, they should be given more care and attention. There were countries in the EU itself, including as large as Poland, which were willing to help Serbia if it was interested in such a European perspective.

After the declaration of Kosovo's independence, T. Mazowiecki, who in 1992 was the UN Special Envoy to Bosnia and Herzegovina, had doubts about what such a mission would look like and who would lead it. The decision to send the mission was supported by Jacek Saryusz-Wolski (PO), who was going to Serbia on behalf of the European Parliament. The future of both Kosovo and Serbia lies in the EU. Serbia needs to be shown a friendly face to the Union, it needs to be encouraged to reform. Wojciech Olejniczak (SLD), in turn, said about the need to send a high-ranking government representative to Belgrade. He emphasized that before recognizing Kosovo's independence, the rights of the Serbian minority should be claimed.

In turn, the charge d'affaires of the Serbian embassy in Poland, Nikola Zurovac, hoped that the Polish government would not recognize Kosovo's independence. He said that *“the number of letters, e-mails and phone calls from Poles supporting Serbia exceeded our expectations”*. The Serbian ambassador was sure that the majority was on the side of Serbia and hoped that the Polish government would too. When Poland proposed to send a mission, Zurovac replied that *“talks are always good”* (In the case of Kosovo, Lech Kaczynski strongly observed: *this is a violation of the fundamental principle of the territorial integrity of UN member states*). Serbia did not recall its ambassador from Warsaw because Belgrade did not manage to send one. Nikola Zurovac was considered the highest diplomatic representative of Serbia in Poland.

In the case of Kosovo, the President of the Republic of Poland, L. Kaczynski, strongly observed – he considered recognition of Kosovo's independence as a violation of the fundamental principle of territorial integrity of UN member states. At the same time, Prime Minister D. Tusk said that the President of the Republic of Poland demonstrated general dissatisfaction with what the government was proposing and doing towards Kosovo. The prime minister also stressed that he was obliged to listen to and consult with the president on many steps, but he did not always agree. Official speeches were also made by the President's Minister, Michał Kaminski, and the head of the Prime Minister's Office Sławomir Nowak, justifying the position of the president and the prime minister. Yes, Presidential Minister Michał Kaminski emphasized that the president recommended *“prudence”* regarding Kosovo. The issue of Kosovo's independence has serious implications for other areas of the world.

In turn, the head of the Prime Minister's office, Sławomir Nowak, said that President Lech Kaczyński believed that Poland should not recognize Kosovo, because it has strategic alliances to the south-east of the Polish borders, and there is also a risk of separatism there. He also stressed that *“the president would prefer not to recognize Kosovo at all”* (Tusk: on Tuesday the government will recognize Kosovo's independence). Nowak added that the head of the Ministry of Foreign Affairs R. Sikorski is in constant contact with his counterparts in the countries that the president was concerned about. As he said, *“we are all worried”*, but the government has a different opinion on this matter and *“restraint is probably not so advisable”*. In his speeches, Prime Minister Tusk said that he was not a *“man of conflict”*, but he did not intend to create an artificial propaganda impression that *“everything is fine”*. Facts, decisions and opinions expressed by the Presidential Palace clearly indicate that the President of the Republic of Poland *“assumed the duty of patronizing the opposition. It's a kind of presidency”* (Tusk: on Tuesday the government will recognize Kosovo's independence). D. Tusk emphasized that he does not necessarily share the position of President L. Kaczyński or expect any special proofs of sympathy from him. However, the prime minister said that he would like the president of the Republic of Poland to be able to cooperate with the government in spite of everything, where it is required by the interest of the state. He stressed that his government would not be a government of *“romantic revolution”*. *„With the help of revolts and revolutions ruins and ashes are most often achieved”*. According to the Prime Minister, the last two years before 2008 showed that *“if someone has too many visions in their head, too much revolutionary temperament, if someone is a radical – it does more harm than good”* (Tusk: on Tuesday the government will recognize Kosovo's independence).

During an official visit to Serbia on May 13, 2009, the President of the Republic of Poland assured that he supported the Serbian position on Kosovo and disagreed with last year's decision of the Polish government recognizing the independence of the former Yugoslavia and Serbia.

The Polish government recognized Kosovo's independence, but the President did not conceal that it happened in conditions when the president and the prime minister did not have the same position on this issue. On the other hand, the Polish president said in Belgrade that the democratically elected Polish government had the right to make such a decision (*In the case of Kosovo, Lech Kaczyński strongly observed: this is a violation of the fundamental principle of the territorial integrity of UN member states*).

As it was already mentioned in the work, the government of D. Tusk recognized Kosovo statehood on February 26, 2008, nine days after the unilateral declaration of independence by the authorities in Pristina. The President of the Republic of Poland also expressed hope that the problem of Kosovo's future could be successfully resolved, while warning that the unilateral proclamation of Kosovo's independence in February 2008 constituted a violation of the fundamental principle of territorial integrity of UN member states. According to the Polish leader, the events around Kosovo resulted in the war in the Caucasus in August 2008, which violated the territorial integrity and sovereignty of Georgia (*In the case of Kosovo, Lech Kaczyński strongly observed: this is a violation of the fundamental principle of the territorial integrity of UN member states*).

President L. Kaczyński confirmed in Belgrade that *“Poland supports Serbia on its way to the European Union”*. He also expressed his support for Serbia's policy towards its former province of Kosovo. Serbian President Boris Tadić thanked L. Kaczyński for not favoring Poland's recognition of Kosovo. Referring to the case of Kosovo, President L. Kaczyński explained that *„it was recognized by the Polish government, which had such a right under the Constitution of the Republic of Poland”*, but he did not hide that it was in conditions when the president and the government were not of the same sentences. He stressed that the democratically elected government had the right to make such a decision. At the same time, he expressed his conviction that the Kosovo issue was a problem to be solved. The President of the Republic of Poland declared that he was an ardent supporter of Serbia's policy on this issue, led by B. Tadić.

Public opinion on Poland's recognition of Kosovo's independence was also divided. Some politicians believed that the independence of Kosovo would cause a dangerous domino effect in Europe. The LPR MEP, Sylwester Chruszcz, was a supporter of this opinion. He referred to his speech in the European Parliament, in which he was surprised that *“the situation in Kosovo is very often communicated to the public in a unilateral way, harmful to the Serbs”*. S. Chruszcz claimed that *“the future of Europe and the world should be decided by sovereign states and nations at the forum of such institutions as the United Nation (An independent Kosovo is necessary, but it makes no sense)*. That is why he thanked Russia and those countries which, at the UN Security Council, were against moving borders in Europe. These positions were supported by Pawel Piskorski, People Platform MEP, who warned against *“the pan-European enthusiasm associated with the birth of the youngest state in the world” (An independent Kosovo is necessary, but it makes no sense)*.

The part of society supporting the recognition of Kosovo's independence believed that the establishment of Kosovo was the right of the nation to establish an independent state and the right to self-determination. Just like Poles, they had the right to rebirth their country on November 11, 1918 (*An independent Kosovo is necessary, but it makes no sense*).

Other publicists also point to the contradiction of the fundamental principles of self-determination and the integrity of the territory. Both of these values are the foundation of the current geopolitical order. They also point out that *“Kosovo is a very poor province. There is virtually no industry and unemployment is well over 50 percent. (...) Independence, in the event of a boycott from Belgrade, will be painful and costly”*. Russia's blocking of Kosovo's independence is *“theatrical gestures” and Moscow is simply “considering how best to use the Kosovo card for its needs ... although it fears any centrifugal and pro-independence tendencies” (An independent Kosovo is necessary, but it makes no sense)*.

It should be emphasized here that Russia's position on this issue remains unchanged. In June 2019, Serbian weeklies published cover photos of Vladimir Putin with the slogan: *“Brothers, Serbs, do not give up Kosovo”*.

The facts mentioned above show that not only the Polish state was strongly involved in the problems of Kosovo, but also scientific and social institutions, which, regardless of the state structures, showed their own initiative and actively participated in the normalization of life in the region destroyed by warfare.

Conclusion. Thus, when Poland was not yet a member of NATO, it was already taking serious steps to stabilize the crisis not only in Kosovo, but also in the entire Balkans. An extremely important role in the analysis and decision-making during the crisis was played by the reports of Tadeusz Mazowiecki, who in 1992, on the recommendation of the UN Human Rights Commission, served as the Special Rapporteur on the Situation in the Field of Human Rights in the former Yugoslavia, especially Bosnia and Herzegovina. In his reports, he extensively described the then situation in the Yugoslavia region, citing the causes, course, effects and proposals for solving existing problems. However, the UN did not treat the reports properly as signals for a sudden and necessary intervention in the Balkan situation in order to prevent the escalation of the crisis, the growing wave of genocide, genocide – crimes with particular atrocities.

Kosovo is an example proving that Poland attached importance to participation in peacekeeping and humanitarian missions in the Balkans. Objectively, however, it must be admitted that the political and military actions for Kosovo were in line with the security strategy of the European Union (UE Resolution: 580) and NATO (New Strategic Concept), and made a significant contribution to the stabilization of this region.

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CONCEPTS, GROUNDS, AND CRITERIA OF CRIMINALIZATION AS A METHOD OF CRIMINAL POLICY

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Abstract. The author, based on a theoretical analysis of the main approaches to understanding the concepts of “method of criminal policy” and “criminalization” and their basic characteristics, defines the concepts of “ground” and “criterion” of criminalization and specifies their content. Using logical-semantic and comparative legal methods, it was established that the ground for criminalization is the cause, a phenomenon that makes a specific act penal. Thus, the ground for criminalization is the socially dangerous behavior of a person that must be subject to a criminal prohibition, or the property of specific behavior to cause significant harm to social values; the criteria of criminalization are the grounds for assessing, determining, and measuring, that is, the values of parameters which make a particular behavior penal. The study of other characteristics of criminalization (conditions, principles, methods, etc.) as a method of criminal policy also seems promising.

Key words: criminal policy, method of criminal policy, criminalization, ground for criminalization, criterion of criminalization.

Introduction. The issue of methods (ways) of implementing criminal policy is more likely one of the most controversial in the theory of criminal policy since it is characterized by a variety of approaches and confusion of concepts.

It should be immediately noted that the ambiguity of approaches to the conceptual framework within the understanding of the methods (ways) of implementing criminal policy is probably the most notable because most researchers ignore the relevant issue or indirectly consider it in other searches. Many problems also arise as classifications of criminal policy methods are used with a different number of elements, so those researchers who use fewer elements try to “squeeze” into them all possible options for implementing criminal policy that is hardly justified.

The same situation occurs when analyzing each specific method of implementing criminal policy. Every researcher who has dealt with the issue concerned presents own vision of the conceptual framework, which does not contribute to the continuity of scientific research in the works of other scientists.

As a result, it is relevant both from the scientific standpoint and the practice of further implementation to define the key characteristics of the “criminalization” concept, i.e., “ground criminalization” and “criterion of criminalization”.

The purpose of the article is to formulate a theoretical argumentation for understanding criminalization as a phenomenon and process; its grounds and criteria as a method of criminal policy in Ukraine. To implement the goal, the author set the task to characterize individual interpretations of the mentioned concepts, to develop the unity of terminology based on the provisions of the modern Ukrainian language and scientific works devoted to the topic under consideration, and define the concepts “ground for criminalization” and “criterion of criminalization”.

Materials and research methods. The paper relies on the provisions of the explanatory dictionary of the modern Ukrainian language and scientific literature. The methodological basis consists

of general scientific and specific scientific methods, in particular, logical-semantic (for defining and deepening the conceptual framework: “criminalization”, “ground for criminalization”, and “criteria of criminalization”), comparative legal method, and analysis (when examining the opinions of Ukrainian and foreign scientists).

Results and discussions. It is advisable to begin considering the grounds and criteria of criminalization with the concept of a method (way) of implementing criminal policy and determining the place of criminalization in the system of these methods.

The terms used to summarize what should be understood as the method (way) of implementing criminal policy are diverse enough. Thus, N. A. Lopashenko discusses the concept of “method of criminal policy”, which includes criminalization, decriminalization, penalization, depenalization, differentiation, and individualization of criminal liability. At the same time, she notes that other authors attribute the same concepts to the content base of criminal policy and its principles and explain one method through another (Lopashenko, 2009: 34).

The same concepts (criminalization, decriminalization, penalization, and depenalization), A. A. Mytrofanov regards as “the main directions of criminal policy in Ukraine”, omitting differentiation and individualization and adding the support of international cooperation in combating crime using national criminal law means (Mytrofanov, 2004: 56).

Without analyzing all the approaches and concepts in detail, it is necessary to refer to the Great Explanatory Dictionary of the Modern Ukrainian Language, which can assist in defining a method (way) of criminal policy (more – Ostrohliad, 2013: 182-186) to establish what concepts should cover the above terms.

Accordingly, the method (way) of implementing criminal policy is a system of techniques for practical actualization and implementation of criminal policy. In other words, the methods (ways) of implementing criminal policy are tools which help criminal policy counteracts crime (crime prevention).

As for the reasons the relevant combination of methods (ways) should be used, it is worthwhile to note that they have much in common in the Ukrainian language, since they are defined as a technique or system of techniques. For our understanding of the techniques or tools of implementing criminal policy, they are both acceptable, and they should be employed in the following phrase “method (ways) of implementing criminal policy” that will ensure the unity of further research.

Therefore, criminalization, decriminalization, penalization, depenalization, differentiation, and individualization of criminal liability are the methods (ways) of implementing criminal policy. “Criminalization” is pivotal among them: it is a sort of trigger, the beginning of the fight against crime, and all other methods are somehow connected with it.

The concept of criminalization

It should be immediately noted that the methods (ways) of implementing criminal policy are inter-related: one affects the other and changes it. Scientists often confuse some concepts because the distinction is complicated by common features. Therefore, the development of theoretical provisions of methods (ways) of implementing criminal policy is important.

According to Kudriavtsev V. N., the first and main “meeting” of crime with the state and the law enforcement system occurs when a criminal law is drafted, that is, in the process of criminalizing socially dangerous acts. It is the content of the criminal law that will specify which acts dangerous for a person, society, or the state are regarded as criminal and types of punishments (although it is penalization – O.O.), as well as other criminal law measures for committing crimes. The scope and content of the criminalization of socially dangerous acts ultimately determine the nature of the strategies that would be most effective given the current crime situation in the country (Kudriavtsev, 2003: 20).

As a result, in V. F. Prymachenko’s opinion, modern domestic scientists mainly distinguish two concepts of criminalization:

– Criminalization in a broad sense provides for enshrining in the criminal law not only elements of a new crime (crimes) body and the corresponding specific legal forms regarding sanction (sanctions) and other penal consequences. In the case concerned, penalization and differentiation of criminal liability also include criminalization.

– Criminalization in the narrow sense provides for the consolidation in the criminal law of only features of a new crime (crimes) body. As for punishment, there is only a statement that a particular crime (crimes) is penal, and the specifics of punishment are solved in the course of penalization, which is beyond criminalization (Prymachenko, 2017: 193-194).

Once again, as V.F. Prymachenko emphasizes, each concept has its shortcomings and advantages and an argument for recognizing its right to exist. However, it is seen that the traditional idea of criminalization is more justified, and it is worthwhile to join it (Prymachenko, 2017: 194).

It is the approach that will be discussed below. As already noted, there is a variety of approaches to the concept of criminalization in the scientific literature. For example, Dudorov O.O. marks that criminalization is a term that in criminal law denotes the process and outcome of classifying acts as crimes. In other words, criminalization is the identification of socially dangerous manifestations of human behavior; the recognition by the state of the option and necessity of applying criminal liability measures and enshrining the signs of socially dangerous acts declared crimes in the criminal law (Dudorov, 2017: 51). According to Zhumaniazov M.A., criminalization is the specification of acts dangerous to the individual or the state and their recognition as crimes by establishing a prohibition on their commission in the criminal law (Zhumaniazov, 2006: 152). Following Mitrofanov A. A., criminalization is the process of establishing socially dangerous types of human behavior, recognizing the admissibility, possibility and expediency of criminal law struggle against them, and enshrining specific types of human acts as criminal and penal in the criminal law (Mytrofanov, 2004: 62). P. L. Fris defines criminalization as the process of identifying socially dangerous types of human behavior, recognizing at the state level of the need, possibility and expediency of criminal legal struggle against them, and defining them in the law on criminal liability as crimes (Fris, 2014: 20), etc.

Thus, several generalizations can be made from the presented definitions of criminalization: 1. Criminalization is a process of identifying socially dangerous behavior, as well as 2. An outcome of the relevant process, that is, the attribution of acts to the category of crimes.

Accordingly, the following research stage should clarify what exactly affects the process which results in making socially dangerous (harmful) behavior criminally punishable.

Grounds and criteria of criminalization

In studying criminalization as a method of criminal policy, a lot of questions about the interpretation of the grounds, causes, criteria, conditions, prerequisites, and principles of criminalization arise, since the relevant topic is full of varied opinions as nowhere else.

To define the concepts under consideration, we turn to the Great Explanatory Dictionary of the Modern Ukrainian Language, which will further arrange approaches and establish the unity of terminology.

As a result, it follows:

– ground: 1. The lower supporting part of any object and structure; base. 2. The main thing something is based or relies on. Scientific basis. The fact that interprets and justifies the actions, behavior, etc. of someone (Velykyi tлумachnyi slovnyk, 2009: 966);

– cause – 1. A phenomenon that drives or triggers another phenomenon. 2. Reason, ground for any actions, deeds (Velykyi tлумachnyi slovnyk, 2009: 1111);

– reason – Ground (real or fictional), the cause of any actions, deeds (Velykyi tлумachnyi slovnyk, 2009: 1140);

– criterion – the basis for assessing, **defining**, or classifying something, a measure (for example, safety criterion – the established values of the parameters and characteristics of the consequences

of an accident, according to which the safety of a potentially dangerous object is justified) (Velykyi tлумachnyi slovnyk, 2009: 588);

– condition – 1. Mutual oral or written agreement about something; contract, agreement. 2. Requirement, proposal put forward by one of the parties who agree on something, as well as when concluding an agreement, contract. 3. (pl.) Mutual obligations of the parties to the agreement proposed for the conclusion, compliance with the agreement, contract. 4. (pl.) Any proposals for payment, benefits, etc. put forward by a person or organization that gives someone a job, premises, etc. 5. (of what, less often for what someone is impelled to) **A necessary circumstance that allows for the implementation, creation, and formation of something, or contributes to something.** 6. Circumstances, peculiarities of reality under which something happens or is carried out. 7. Rules that exist or are established in a particular area of life, activities that ensure the adequate functioning of something. 8. Data collection, the provisions underlying anything (Velykyi tлумachnyi slovnyk, 2009: 1506);

– prerequisite – (of what, for what) Precondition for the existence, emergence, action, etc. of something (Velykyi tлумachnyi slovnyk, 2009: 909).

– method – a certain action, **technique, or system of techniques** that makes it possible to do, implement or achieve something; one that serves as **an instrument, means, etc. in any business, action** (Velykyi tлумachnyi slovnyk, 2009: 1375).

Thus, the concepts' details are feasible for further research. In this case, it is essential to refer to the classification of reasons and grounds well-known in law for initiating a criminal case (initiation of criminal proceedings) and thus determine that the basis for criminalization is the cause, the phenomenon that makes a particular act criminally punishable, and the reason of criminalization may be some formal grounds that require amendments in criminal law, e.g., the requirements of the international community. The criteria of criminalization are the grounds for assessing, **determining, and measuring**, that is, the values of the parameters with which behavior must comply to become criminally punishable. Grounds for criminalization – the necessary circumstances that make it possible to carry out criminalization and provide the option of combating undesirable behavior using criminal law means. The method of criminalization is a **technique or system of techniques** that allows carrying out it.

It is necessary to warn that all the above concepts should be used together, because, for example, only a ground for criminalization is not enough if its conditions are not met, etc.

Let's start with criminalization.

Accordingly, we can agree with the statement, as indicated in the Encyclopedia of Criminal Law, that there is only one basis for criminalization, i.e., the existence of socially dangerous behavior that requires a criminal law ban (Entsiklopediya ugolovnoho prava, 2005: 75). It should be emphasized that there is an approach to quitting the concept of public danger, although its nature and characteristics are widely used, therefore, the concept of "harm" is increasingly employed instead of the concept of public danger. As a result, if we consider the provisions of the Draft Criminal Code of Ukraine (CCU) (Proiekt Kryminalnoho kodeksu Ukrainy, 2022), the basis for criminalization is the ability to cause harm to social values through a particular behavior.

As highlighted by Dudorov O.O. and Khavroniuk M.I., the only reason for criminalization of acts is the appropriate degree and nature of their public danger, which is characterized by their ability to cause essential (and not any other) harm to objects of criminal law protection (and not to any other objects). In the absence of such a degree and nature, it is necessary to point at groundless criminalization. The social danger of actions is not hard and fast concept. It is constantly subject to re-assessment under the influence of negative or positive factors (essential circumstances) that objectively determine the need for criminalization (or, conversely, decriminalization) of a particular act (Dudorov, Khavroniuk, 2014: 66).

The same provision is indirectly supported by Ye. A. Streltsov, who says that the initial step in creating the necessary legal conditions for a corresponding public reaction to criminal behavior is the

definition of the concept of a specific crime. After that, it is important to clarify its elements, which, in turn, become the basis of criminal liability. Thus, to recognise an act as criminal, it must always **have a “necessary and sufficient” public danger** (the author’s mark – O. O.), “stability” in the commission, general prevalence, etc. (Streltsov, 2018: 75).

Yepifanova Ye.V. convinces that criminalization occurs along with the origin of the act’s public danger, and decriminalization is observed in its absence. Public danger is a necessary objective-subjective category, which is the criterion for criminalization and decriminalization of acts, as well as the basis for categorization of crimes. The relevant category is dependent on and derived from the criminal policy of the state. Public danger is the capacity of an act provided for by the criminal law to cause harm to a person, property, the state, and other objects (interests) protected by the criminal law. Criteria of public danger may change over time. The state, proceeding from its interests and the legitimate interests of citizens and legal entities whose rights it protects, identifies the degree of social danger for a particular act. The consequence of such an analysis is the criminalization or decriminalization of acts (Epifanova, 2008: 31).

Consequently, there must be specific criteria for the criminalization of public danger or the ability to cause harm. In other words, the criteria of criminalization are characteristics that answer the question of why a particular kind of behavior is socially dangerous or can harm social values.

Beliaieiev N. A. holds that criminal policy develops criteria of criminalization, following which the legislator chooses from all socially dangerous human acts those that must be attributed to crimes. The process of implementing criminal policy is manifested in the legislator’s definition of a set of features in the presence of which the act is recognized as a crime, that is, in the creation of a Special Part of the criminal legislation (Belyayev, 1986: 134-135).

As H. Kolobov notes, the analysis and assessment of the grounds for criminalization complete those stages of the criminalization process which result in the solution of the main and central issue – the admissibility, possibility and expediency of establishing a criminal law ban. At the next stage – formulation of the criminal law norm – there is a need to take into account a number of other factors. We call them the criteria of criminalization (Kolobov, 2000: 107).

Although it should be mentioned that there is a kind of mixing of stages, first we establish the basis for criminalization, compliance with the criteria, and then determine the conditions and methods of criminalization.

The main thing is to determine the nature and degree of social danger inherent in a specific offense. Action that, in the legislator’s opinion, poses a danger to the interests of society is prohibited by criminal law and becomes unlawful (Severyn, 2016: 325).

According to H. Kolobov, the criteria of criminalization are the circumstances that characterize the objective and subjective properties of criminalized acts and are subject to introduction in law-making for the creation of optimal models of criminal law norms. The criteria of criminalization may relate to the act, consequences, situation, the subject of the crime, the subjective party, and the victim. Even a cursory look at the current criminal legislation makes it clear that among criminalization criteria, there is a dominance of such circumstances as the severity of consequences, the likelihood of their occurrence, the nature of the violation of the relevant rules, etc. These criteria, without doubts, should be regarded in the criminalization process. However, consideration of socio-psychological signs as a criterion is equally important for consolidation of a criminal law ban (Kolobov, 2000: 107).

M. M. Lapunin states that the term “criteria of criminalization” is used in the legal literature. The criteria of criminalization should be regarded as a synonym for crime-forming elements, with which it is worth agreeing. They are as follows: 1) the nature of the act itself (violation of unconditional legal prohibitions); 2) the method of committing the act (violence, deception, bribery, etc.); 3) the consequences resulting from socially dangerous behavior; 4) the attitude of the subject of undesirable socially dangerous behavior to the consequences of such behavior and the act itself; 5) the motiva-

tion of undesirable behavior, indicating its public danger, or persecution ensuing from such behavior, indicating the public danger of the act's purpose (Lapunin, 2006: 171).

The same approach is found in the Encyclopedia of Criminal Law with the following crime-forming elements: 1) the nature of the action itself, which is expressed in the violation of unconditional legal prohibitions. 2) the method of committing an act, which is most often criminal – violence, deception, in particular, documentary bribery, etc. 3) consequences resulting from socially dangerous conduct in the form, for example, of harm to health, major harm, or other serious consequences. 4) the attitude of the subject of undesirable socially dangerous behavior to the consequences resulting from such an action; 5) the motivation of undesirable behavior, indicating its public danger (selfish or other personal interest) or persuing objectives as a result of such an action that indicate the public danger of behavior (for example, non-payment of taxes or concealing prohibited activities) (Entsiklopediya ugolovnogo prava, 2005: 88-89).

Lopashenko N. A. names the following crime-forming elements: 1. The nature of the act itself, which is expressed in the violation of unconditional legal prohibitions. Bright examples of such crimes available in the current CC are attacks on the person (murder, harm to health, rape, etc.), theft, such economic crimes as both types of legalization (laundering) of money assets or other property acquired by criminal means, acquisition or sale of property deliberately obtained by criminal means, coercion to commit a deed or refuse to commit it, counterfeiting, manufacture or sale of counterfeit credit or payment cards and other payment documents, terrorism, banditry, bribery, etc. 2. The way of committing an act, often criminal – violence, deception, including deception, documentary, bribery, etc.; taking out a loan, abuse in the issuance of securities, damage to land, illegal hunting, coercion to testify, etc. 3. Consequences resulting from socially dangerous behavior, in the form, for example, of harm to health, great harm, or other drastic consequences. Such crime-forming elements are rightly defined today as criminal for many actions of an ecological nature (water pollution, atmospheric pollution, violation of the rules for subsoil protection and use, etc.). They, together with other crime-forming features, were used by the legislator in describing the elements of abuses in the issuance of securities, illegal actions in bankruptcy, deliberate and fictitious bankruptcy, etc. 4. The attitude of the subject of undesirable socially dangerous behavior to the consequences resulting from such behavior and to the act itself. Thus, only intentional infliction of mild and moderate harm to human health is criminal; only deliberately false testimony entails criminal liability, etc. 5. Motivation of undesirable behavior that indicates its public danger (selfish or other personal interest), or persecution as a result of such behavior that indicates the public danger of the act's objective (for example, non-payment of taxes or concealment of prohibited activities). The above features are used by the legislator in the criminalization of such acts as the substitution of a child, violation of the rules for the manufacture and use of state countermarks, deliberate and fictitious bankruptcy, abuse of office, obstruction of justice and preliminary investigation, etc. (Lopashenko, 2004: 298-299).

It draws attention to the fact that legislation clearly expresses a tendency according to which the number of crime-forming elements is often associated with the danger of action: the higher the danger, the less crime-forming signs is used by the legislator, and vice versa. To criminalize behavior that is not acute in terms of public danger, the legislator almost always, with rare exceptions, applies two or more crime-forming elements at the same time. That is fully justified to achieve the goals of criminal policy and is consistent with the principles of criminalization (Lopashenko, 2004: 300).

It is essential to stress that in the scientific literature, there are other approaches to understanding the criteria of criminalization. For example, Bieliaiev N. A. says that the most important criteria for deciding whether to classify a particular type of human behavior as a crime are: 1) assessment of the behavior as socially dangerous; 2) recognition of the behavior as contrary to morality and condemned by the overwhelming majority of citizens; 3) statement of the fact that combating such behavior is feasible only through the use of criminal punishment, and the use of other coercive measures and con-

victions for achieving the specific purpose is insufficient; 4) establishment of the fact that punishment by its objective qualities can ensure the achievement of the relevant goals set by the state (Belyayev, 1986: 80).

As can be seen from the above list, the first item can be attributed to the ground or precondition of criminalization, and others are nothing but the conditions of criminalization, that is, these are the circumstances that allow carrying out criminalization and provide for the possibility of combating undesirable behavior using criminal law means.

Conclusions. Thus, some conclusions and generalizations can be drawn from the study:

– criminalization as a method (way) of implementing criminal policy is considered in the scientific literature as a process of identifying socially dangerous behavior, as well as as a result of this process, that is, classifying acts as crimes;

– the ground for criminalization is a cause, a phenomenon makes a certain act criminally punishable. Accordingly, the ground for criminalization is individual socially dangerous behavior that requires a criminal law prohibition, or the capacity of behavior to cause significant harm to social values;

– the criteria of criminalization are the grounds for assessing, determining, and measuring, that is, the values of the parameters that a certain behavior must meet to become criminally punishable. Such criteria include: the nature of the action itself, which is expressed in violation of unconditional legal prohibitions; the method of committing a deed, which is often criminal; harmful consequences resulting from socially dangerous behavior; the attitude of the subject of undesirable socially dangerous behavior to the consequences resulting from such an act; motivation of undesirable behavior, indicating its public danger, etc.

Further research in this area may relate to other characteristics of criminalization, as a method of criminal policy, i.e., conditions, principles, etc., as well as highlight other challenging characteristics of this and other methods.

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MODERN TRENDS IN THE FORMATION OF PUBLIC AUTHORITIES OF CITIES IN THE EUROPEAN UNION AND UKRAINE

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Abstract. The article is devoted to the study of modern trends in the formation of public authorities in the cities of the European Union and Ukraine, to the search for ways to choose the most optimal methods. The purpose of the study is to analyze the trends in the formation of public authorities in the cities of the European Union and Ukraine. The tasks that were set and solved are the analysis of the electoral systems used in the elections of local self-government bodies of the European Union countries, the characteristics of the system and the procedure for the formation of public authorities of cities in Ukraine, and the search for ways to improve the latter. It has been found that in the European Union countries there is mostly a tendency to choose a proportional electoral system and, accordingly, the participation of political parties in the implementation of local democracy. A similar trend is observed in Ukraine. The author defends the position that in the formation of representative bodies of the public authorities of cities, the most optimal is the application of the majority election system, which makes it possible to really implement the representation of the interests of the territorial community.

Key words: local public authorities, local self-government bodies, local state administrations, electoral system, methods of formation of public authorities of cities.

Introduction. We found out that the public authorities of cities are local self-government bodies and state authorities. The procedure for their formation is applied to representative bodies of local self-government – elections, to bodies of state power, the appointment procedure determined by legislation, mostly on civil service, and executive bodies of local self-government are formed by representative bodies of local self-government, on the basis and in the manner prescribed by law.

The issues of the procedure for the formation of city councils, district councils in the city and the election of the mayor are defined in Art. 192 of the Election Code of Ukraine (Election Code of Ukraine, 2019) according to which the choice of electoral system for electing city council deputies depends on the number of electors – members of the territorial community.

So, in relation to city councils, in cities with a larger population, a proportional electoral system is used, and in a smaller one, a majoritarian system. In turn, in relation to the mayor, in cities with a larger population, the majoritarian system of the absolute majority is used.

We defend the position that, regardless of the size of the population, a majoritarian electoral system should be used in local elections, since the activities of political parties are more focused on political struggle, and participation in local elections is regarded as an intermediate stage before parliamentary elections, at the same time, the interests of local importance, the needs of the territorial community are not properly realized.

The use of electoral systems in local elections. Regarding electoral systems, the following should be noted.

The electoral system is understood as the procedure for organizing and conducting elections to representative bodies of government and exercising citizens' electoral rights. Functionally and instrumentally, the electoral system is a component (element) of the political system that organizes and serves the institution of elections, established by law or another normative act in the way of determining

voting results and the order of distribution of mandates between parties and candidates. This set of legally established rules for the organization and conduct of elections, criteria and methods of determining their results: – establishes the principles on the basis of which elections are held, as well as the rights of citizens to elect and be elected; – regulates social relations that arise in the process of organizing and conducting elections to state authorities and local self-government; – establishes guarantees of citizens' electoral rights and the responsibility of deputies and other elected persons before voters. In a narrow sense, the electoral system is an electoral formula, a method of determining election results, a normative and regulatory level of the electoral system. In a broad sense, in addition to the mentioned factor, we should also talk about the institutional space in which the subjects of the election process (the state, political forces, the electorate) are located, as well as what serves as a kind of vestibular apparatus of the system – its information and communication structure (Mykhalchenko M., Samchuk Z. (2010): 268).

In a comparative study of the world experience of the Inter-Parliamentary Union, electoral systems are structured into the following groups: the first is the majority vote system, which consists of subgroups: a) simple majority; b) absolute majority; c) alternative or preferential voting. To the second group of electoral systems, the mentioned research refers to the system of proportional representation, which is divided into: a) full proportional representation; b) limited proportional representation. The third group is a mixed electoral system, which includes: a) a system of simple voting without the right to vote; b) system of limited voting; c) cumulative voting system; d) a system of simple voting with the right to vote. The specified version of the classification of electoral systems is characterized by the fact that it is based not on the method of distributing mandates, but on the voting system (Mykhalchenko M., Samchuk Z. (2010): 269).

Concerning to the formation of local public authorities in Poland, the majoritarian system of relative majority is preserved only in communes with a population of less than 20,000 people, and is used in the form of voting in a multi-mandate district for candidates included in open lists. In communities with a population of more than 20,000 people, the principle of proportional representation with preferential voting in multi-mandate constituencies was introduced. There is also an electoral barrier of 5% of votes, the method of d'Ondt dividers is used for the distribution of mandates among subjects of nomination lists, and the preferential principle is used between candidates. In addition, in 2001, changes were made to the legislation and the number of deputies of local councils was reduced, the purpose of such reforms is to reduce costs (Lendel M. (2012)).

The Constitution of the Czech Republic specifies that only local councils function as legitimate bodies of self-government (the regulatory basis for the functioning of the mayor's institute is provided for in the basic legislation on local self-government). Local representatives are elected on the basis of secret, universal, equal and direct suffrage for a period of 4 years, however, if legal grounds arise, the term of office of the current council may be terminated earlier. In the Czech Republic, local elections take place according to the proportional system in one or several multi-mandate constituencies. In order to structure the political spectrum in communities, an electoral threshold of 5% was established, which is valid for both individual parties and political blocs (Lendel M. (2012)).

The Constitution of the Slovak Republic of 1992 enshrined the provisions of the basic law that citizens who have lived in the territory of the community for a long period of time have the right to run for the positions of local deputies and mayors. Slovakia has chosen the model of direct elections of the highest community official – the mayor. The majority system of relative majority in multi-mandate constituencies is used for the election of council members in all types of communities (no more than 12 deputy mandates per constituency); as an exception, one electoral district may be formed in small rural communities (Article 9). A majoritarian system of absolute majority was proposed for the election of the mayor (Lendel M. (2012)).

At the same time, in 1998, in Slovakia, the parliament made changes to the legislation regarding the use of the proportional electoral system in local elections, but the Constitutional Court recognized

them as unconstitutional, considering it an attempt to influence the results of elections to local authorities with the help of legal changes (Lendel M. (2012).

At the same time, it should be noted that the Constitutions and legislation of foreign countries establish the political and legal prerequisites for the functioning of local democracy, that is, various forms of citizen participation in local self-government. These prerequisites include the activities of political parties (their local organizations) as the main constitutional means of influencing citizens on solving issues of local importance. It is believed that in classical democracies and newly democratic countries, parties play a leading role in the formation and implementation of local policies of local self-government bodies, etc., in the countries of transitional democracies, political parties do not or partially participate in the formation and implementation of local policies (Batanov O.V., Kampo V.M. (2006): 116-117).

O. Batanov and V. Campo state that foreign experience demonstrates the dominant role of political parties in local elections due to the use of proportional and mixed electoral systems and the creation of prerequisites for the formation of electoral coalitions, and later, a party-based parliamentary majority in municipal councils. One of the main trends in the development of local political life is the strengthening of the interaction between local self-government and political parties. In the conditions of a democratic society, parties play the role of an engine that sets in motion not only the state mechanism, but also the mechanism of local self-government, ensuring its normal functioning. The activities of local organizations of political parties in foreign countries are carried out on the basis of party statutes and laws on political parties. In essence, the legal institutionalization of political parties is due to the growth of their role and the need to strengthen the rule of law in foreign countries (Batanov O.V., Kampo V.M. (2006): 118).

The role of political parties in local elections in Ukraine. As for the activities of political parties in Ukraine, let's pay attention to the following point. Yes, in the Kyiv City Council of the IX convocation, deputy factions of the following political parties were formed: "European Solidarity", "UDAR (Ukrainian Democratic Alliance for Reforms) Vitaliy Klychka", "Unity", "Servant of the People", "All-Ukrainian Association "Batkivshchyna", "Voice".

A comparison of the main tasks of the parties "European Solidarity", "Fatherland" and "Servant of the People", for example, leads to the conclusion that the tasks of these political parties coincide, of course not literally, although "promoting the consolidation of society on the basis of universal values", even literally.

Therefore, even a superficial analysis of statutory documents shows that there are no significant differences in the ideology of the political forces mentioned.

It can be stated that their activities are not aimed at the implementation of various political courses for Ukraine, including at the local level, but are aimed at political struggle and the desire to obtain the relevant mandates. It can be said that such a situation is one of the shortcomings of multi-party systems, and actually eliminates civil society, members of the territorial community, in particular, from making management decisions. The two-party system, under the conditions of proportional electoral systems, demonstrates its greater effectiveness, as "democrats" and "conservatives", "laborers" and conservatives, in their programs and statutory documents define sufficiently opposite views on the methods of legal regulation of all spheres of public life.

Despite the trend towards the use of the proportional electoral system in the formation of public authorities of cities in European countries, we believe that the majoritarian electoral system is more optimal for local elections, when it comes to real contact of candidates with voters – members of the territorial community, the opportunity to study his biography, the ability to observe his activities, and the ability to access him, in the event that he receives a mandate. We consider the position of the Constitutional Court of the Republic of Slovakia to be correct, that the introduction of a proportional electoral system reflects the efforts of political parties that are part of the parliament

to control and have a significant influence on the activities of local councils – bodies of local self-government.

Formation of non-representative local public authorities. We know that the public authorities of cities are not limited exclusively to representative bodies of local self-government. Thus, city councils form their executive bodies, in the cities of Kyiv and Sevastopol the functions of executive bodies are performed by local state administrations formed in accordance with Art. 118, 119 of the Constitution of Ukraine, the Law of Ukraine "On Local State Administrations", the Law of Ukraine "On Civil Service", territorial bodies of central executive bodies also function in cities.

Civil service legislation applies to employees of local self-government bodies, which, on the one hand, is logical, since Part 2 of Art. 19 of the Constitution of Ukraine (Constitution of Ukraine, 1996) which defines the legal content of the principle of legality for bodies and officials of public authorities, that is, state authorities and local self-government bodies, on the other hand, introduces a certain misunderstanding regarding the constitutional and legal status of local self-government employees. Which do not implement the functions of the state, but carry out activities aimed at the realization by the territorial community of its right to local self-government and separate powers of the executive authorities granted by law.

In the cities of Kyiv and Sevastopol, the bodies of the city's public power are local state administrations, both city and district in the city.

Art. 118 of the Basic Law specifies that the head of the local state administration is appointed by the President of Ukraine on the proposal of the Cabinet of Ministers of Ukraine, and the composition of local state administrations is formed by the heads of local state administrations.

At the same time, the heads of local state administrations are not completely free in the process of forming structural subdivisions of the district, district in Kyiv and Sevastopol state administration, in this process they are guided by the recommended lists of structural subdivisions of the district state administration in Kyiv and Sevastopol and Kyiv and Sevastopol city state administrations, approved by the Resolution of the Cabinet of Ministers of Ukraine dated April 18, 2012 No. 606 (as amended by the Resolution of the Cabinet of Ministers of Ukraine dated December 28, 2020 No. 1336), which in general in practice is perceived as a model.

As for territorial bodies of ministries and other central bodies of executive power, they can be formed, including in Kyiv and Sevastopol, districts in cities, including these. Territorial bodies are subordinate to the relevant ministry, another central body of executive power, and lower-level territorial bodies are also subordinate to higher-level territorial bodies. The heads of local state administrations coordinate the activities of territorial bodies and assist them in fulfilling the tasks assigned to these bodies (Pro zatverdzhennia Typovoho polozhennia pro terytorialni orhany ministerstva ta inshoho tsentralnoho orhanu vykonavchoi vlady (2011).

The conditions for conducting a competition for civil service positions are a painstaking process both for public authorities and for the contestant himself. Because the organizational process requires compliance with clear terms and procedures from both the employer and the person wishing to become a civil servant. This state of affairs in a certain way reveals really motivated individuals, since all competitive tests set a high bar and demands on candidates. But such a component of competitive selection as passing a test is not a universal way of determining the level of knowledge, which is an important component of the requirements for candidates for civil service positions.

Conclusions. The Constitution of Ukraine does not contain separate provisions on the management of cities. Norms determining the procedure for the implementation of appropriate management are contained in various sections of the Basic Law, which in turn relate to the construction of the state apparatus in general and the principles of local self-government in Ukraine. Regulatory and legal regulation of the organization and activities of local public authorities of cities in Ukraine creates a dualistic system that includes local state executive authorities, which in turn include local state

administrations and territorial bodies of central executive authorities – on the one hand, and city mayors, the city council and its executive body, which are local self-government bodies, on the other. Separately, the Constitution of Ukraine notes the special status of the two cities, referring to special laws regarding the organization of governance in them.

As of today, the constitutional and legal regulation of the organization and activity of local public authorities of cities in Ukraine needs to be reviewed, taking into account the problems of implementing local public authority in Ukraine, while approaches to the corresponding reform should take into account the successful experience of EU countries.

The choice of the electoral system for the formation of representative bodies of the public authorities of cities is determined by the competence of the relevant bodies. In Ukraine, in recent years, there has been a tendency to choose the methods of formation of local self-government bodies based on political interests, and not on the interests of territorial communities. At the same time, the electoral legislation of Ukraine, which regulates the issue of the formation of representative bodies of public authorities of cities, is not characterized by stability, which negatively affects the implementation of direct democracy on the ground in Ukraine.

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THE ROLE OF THE STATE IN INTERNATIONAL INVESTMENT ARBITRATION IN CONNECTION WITH THE ARMED CONFLICT

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Abstract. This article deals with the characteristics of using international investment arbitration as a mechanism for obtaining redress for damages caused during Russian aggression. Taking into account certain shortcomings of this legal remedy, the author highlights the State's role in leveling issues related to arbitration costs and protecting the rights of small and medium-sized enterprises. The article contains an analysis of the subrogation clause in the Agreement between the Government of the Russian Federation and Cabinet of Ministers of Ukraine on encouragement and mutual protection of investments of November 27, 1998, as well as an alleged procedure for its implementation. The existing practice of horizontal investment lawsuits is also disclosed as an alternative. The author cites the existing practice of interpreting the Agreement on the example of investment arbitrations in the so-called “Crimean cases,” demonstrating its relevance for subjects in the newly occupied territories. The article includes a summary of the advantages and disadvantages of international investment arbitration in the Ukrainian context and the author's recommendations on non-standard methods of obtaining compensation in the context of an international armed conflict.

Key words: international investment arbitration, aggression, subrogation, horizontal lawsuits, compensation.

Introduction. As of November 2022, more than 140 Ukrainian enterprises were damaged due to the full-scale invasion. The losses caused to Ukrainian businesses reached at least \$9.9 billion and continue to grow (Bielova Yu., 2022). International law guarantees the protection of property rights in peacetimes and during the war, providing several institutional mechanisms competent to address the issue of reparation for damage. However, such mechanisms are limited in the armed conflict between the Russian Federation and Ukraine since most international institutions lack jurisdiction to consider cases against the aggressor State.

One of the few options is international investment arbitration following the Agreement between the Government of the Russian Federation and Cabinet of Ministers of Ukraine on encouragement and mutual protection of investments of November 27, 1998 (Pro zaokhochennia ta vzaiemnyi zakhyst investytsii, 1998). Nonetheless, even in the case of its application, there remain obstacles to protecting the rights of small and medium-sized enterprises, which requires a more active role of Ukraine as the State of origin of the investment.

The key research question of this study was the international mechanisms of compensation for damage caused in connection with the armed conflict, in particular, investment arbitration under the Agreement between Ukraine and the Russian Federation on encouragement and mutual protection of investments as a means of protecting the rights of Ukrainian entrepreneurs.

Previous studies have reported the role and significance of international investment arbitration as a compensation mechanism, particularly in the context of an international armed conflict. Such surveys were conducted by Gaukrodger D. (2016), Yurlov M. (2018), Bielova Yu. (2022), Klymchuk A. (2022). However, research has consistently shown that these studies lack highlighting the role of the State through the implementation of the subrogation clause and horizontal lawsuits.

The purpose of the work is to analyze options for the State's participation in international investment arbitration to protect investors' rights in armed conflict conditions. The objectives of this research are

- to characterize the Agreement between Ukraine and the Russian Federation;
- to analyze the advantages and disadvantages of using investment arbitration as a compensation mechanism in the context of Russian aggression;
- to determine and provide recommendations regarding the use of subrogation mechanisms and horizontal lawsuits by Ukraine to protect the rights of investors.

Material and research methods. The research is critical in nature. It is conducted in the pragmatic paradigm through economic analysis of law (EAL). A combination of quantitative and qualitative approaches was used in the data analysis. Case studies have been established to present detailed characteristics of the relevance of existing awards of investment arbitrations regarding territories of Ukraine occupied since 2014 for newly occupied territories.

Results of the study. In general, bilateral investment treaties (hereinafter – BIT) provide for two dispute resolution mechanisms:

- between the investor and the host State;
- between the State of origin of the investment and the host State.

The differences between these mechanisms are not only in the subject with *locus standi* but also in the scope of a legal right or obligation: interstate disputes, as a rule, involve the interpretation and application of BIT exclusively. In addition, BITs can also provide for a subrogation mechanism, which transfers the right of claim by the investor to the state that acquired such right. Thus, subrogation allows the state of origin of investments to «stand in the place» of the investor, stating that he is compensated for losses caused by the actions of the host state.

The Agreement between the Government of the Russian Federation and Cabinet of Ministers of Ukraine on encouragement and mutual protection of investments enshrines the possibility of judicial settlement, both between the investor and the host state (Article 9) and contracting states (Article 10) (Pro zaokhochennia ta vzaiemnyi zakhyst investytsii, 1998).

In the case of the international armed conflict caused by the aggression of the Russian Federation against Ukraine, compensation in investment arbitration is one of the most promising mechanisms for covering the damages. The subjects of the initiation of the review are mainly Ukrainian legal entities whose assets were destroyed/expropriated due to the actions of the Russian Federation in occupied territories.

In order to use arbitration as a legal remedy, investors need to prove that the Russian Federation exercised effective control over the temporarily occupied territory where their rights were violated. It will be easier to do if the event giving rise to such a violation occurred after the annexation on September 30, 2022. At the same time, according to Mr. Yurlov, the arbitration court will be able to apply an expanded interpretation of the concept of «territory» in the BIT, taking into account not only the official territory but also de facto controlled territory, similar to the Crimean cases, even without official recognition of such control from the side of the Russian Federation [...]. Accordingly, Russia may be liable for all damages (including lost profits) caused to investors due to expropriation and/or destruction of investments (Yurlov M., 2018).

The advantages of investment arbitration in the Ukrainian context are:

- 1) full compensation for damages (Factory at Chorzow, 1928), as a principle guiding investment arbitrations, awarding compensation for both the actual amount of lost assets and lost profits;
- 2) the presence of a methodology for assessing the damage caused («discounted cash flow», «comparison with similar companies») in contrast to other international judicial bodies, in particular, the International Court of Justice of the United Nations;
- 3) lack of a temporal criterion of admissibility: unlike the European Court of Human Rights, the statute of limitations is not defined by specific terms;
- 4) the possibility of enforcement of the investment award in 167 states-parties of the UN Convention on the Recognition and Enforcement of Arbitral Awards (the so-called New York Convention of 1958) at the cost of the assets of the Russian Federation;

5) a variety of protection regimes that can be applied to cases of expropriation, forcible seizure of enterprises, theft, and removal of assets, as well as the intentional destruction of property in temporarily occupied territories.

The disadvantages of investment arbitration as a compensation mechanism are:

- the high cost of the legal process, which varies from 4 to 5 million dollars;
- damage caused during the active phase of the armed conflict on the territories controlled by Ukraine, as well as on disputed territories over which neither party has control (the so-called war clause) (Klymchuk A., 2022), is not subject to BIT.

Suppose the circumvention of the war clause is possible only partially in cases where the Russian Federation itself declares at the official level to establish control over some territory (often even when it does not belong to it). In that case, the costs of arbitration, especially for small and medium-sized enterprises, can be circumvented by subrogation.

Article 8 of the BIT between Ukraine and the Russian Federation contains the following provision on subrogation:

“The Contracting Party or an agency duly authorized by it which has made a payment to the investor on the basis of a guarantee against non-commercial risks in connection with its investments on the territory of the other Contracting Party, shall be entitled to exercise by way of subrogation, the investor's rights in the same scope as the investor itself. Such rights shall be exercised in accordance with the legislation of the latter Contracting Party” (Pro zaokhochennia ta vzaiemnyi zakhyst investytsii, 1998).

In the context of subrogation, it is necessary to analyze in more detail the conditions under which the state can buy the right of claim from the investor, in particular, making a payment based on a guarantee against non-commercial risks.

According to Article 19 of the Law of Ukraine «On Investment Activities,» «the governmental guarantees of protection of investments shall be the system of legal norms, which are aimed at protection of investments and which are not connected with the issues of financial and economic activity of participants of the investment activity and with payments of taxes, duties (compulsory payments) by such participants» (Pro investytsiinu diialnist, 1991). The mentioned protection is provided to national and foreign investors, particularly concerning damages (Khrimli O., 2016).

The legislation of Ukraine in the investment sphere does not contain a definition of «non-commercial risks.» However, Article 1 of the Law of Ukraine «On Ensuring the Large-Scale Expansion of the Export of Goods (Works, Services) of Ukrainian Origin through Insurance, Guaranteeing and Cheapening of Export Crediting» foresees among such risks «the emergence of an armed conflict, the conduct of hostilities, an uprising, revolution, mass unrest, strikes» (Pro zabezpechennia masshtabnoi ekspansii eksportu tovariv (robit, posluh) ukrainskoho pokhodzhennia shliakhom strakhuvannia, harantuvannia ta zdeshevlennia kredytuvannia eksportu, 2016).

Ukraine or a body authorized by it, for example, a special fund, can make a payment to the investor based on a guarantee against non-commercial risks and, in the future – demand compensation from the Russian Federation in the same amount as the investor himself. In such a case, the state has the right to file a «consolidated» claim with one of the bodies specified in Part 2 of Article 9 of the BIT, namely:

- a) a competent court or an arbitration court of the Contracting Party, on whose territory the investments were carried out;
- b) the Arbitration Institute of the Chamber of Commerce in Stockholm,
- c) an «ad hoc» arbitration tribunal, in conformity with the Arbitration Regulations of the United Nations Commission for International Trade Law (UNCITRAL).

The final binding decision obtained as a result of the judicial proceedings may become the basis for confiscating sovereign Russian assets frozen on the territory of foreign countries in compliance with the principle of jurisdictional immunity of state property.

It is important to emphasize that states have never initiated legal proceedings under the subrogation mechanism in the BIT. The reason for this was the reluctance to cause such proceedings to harm diplomatic relations. However, the latter have been torn between Ukraine and Russia since the start of the full-scale invasion last February 24, 2022.

The problematic point of using the mechanism of subrogation is the actual conceptual return to the doctrine of diplomatic protection, from which states have deliberately departed in their investment activity. Although the International Court of Justice of the United Nations clarified in the decision on the *Avena* case that a violation of the rights of an individual could entail a violation of the rights of the State of origin of investment and vice versa, and, therefore, the State of origin of investment can simultaneously file lawsuits both on its behalf and on behalf of its citizens, a more desirable form of protection of the violated right is a vertical lawsuit: from the investor to the host State. Moreover, according to the *Drago-Porter* doctrine, states cannot impose diplomatic, military, or other sanctions against each other to collect debts.

In this case, an alternative to subrogation is a horizontal lawsuit: from the State of origin of investment to the host State. In the history of international investment arbitration, there have already been relevant cases, among which the most interesting is the process between Peru and Chile. The dispute concerned an alleged violation of the rights of a Chilean investor, the owner of *Empresas Lucchetti S.A.* It was related to the closure of a pasta factory situated in an area designated by local Peruvian authorities as an ecological reserve. In the early 2000s, Chile initiated arbitration proceedings against Peru. The dispute was based on the interpretation of the BIT dated February 2, 2000. The fundamental goal of Chile was to extend the temporal validity of the Treaty so that the owner of *Empresas Lucchetti S.A.* was entitled to compensation from Peru. At the same time, the investor himself initiated a vertical proceeding in the Ministry of Internal Affairs and Communications. The last arbitration was faster. The decision was not made in favor of the owner of *Empresas Lucchetti S.A.*, which led to Chile's rejection of its own claims in the interstate dispute (Gaukrodger, D., 2016). At the same time, if the State and the investor chose only one of the mechanisms, the decision could be different.

It should be emphasized that Ukrainian investors have repeatedly used investment arbitration as a means of obtaining compensation for the actions of the Russian Federation aimed at violating property rights. About 10 cases related to the temporary occupation of the Crimean Peninsula were referred for consideration within the framework of the last option provided for in Article 9 of the BIT between Ukraine and Russia, namely to ad hoc arbitration courts. In each of the cases, the investors were awarded compensation. However, the Russian Federation not only did not pay it but is also trying to challenge the arbitration decision in national courts (Yurlov M., 2018). On March 30, 2021, the Paris Court of Appeal rejected the decision of the arbitration tribunal dated November 26, 2018, in the *Oschadbank* case. For a long time, the Russian Federation tried to pass off this fact as a «precedent,» realizing that arbitrations would continue to award compensation to investors. However, on December 7, 2022, the Court of cassation overturned the Paris Court of Appeal decision. It upheld the award of the arbitration tribunal on the recovery from the Russian Federation in favor of *Oschadbank* of \$1.1 billion, excluding penalties from the moment of the decision until the time of actual compensation (Interfax-Ukraine, 2022).

Conclusions. A significant number of victims of Russian aggression, together with considerable damage caused as a result of international crimes committed by Russians, actualize the search for atypical, sometimes innovative mechanisms for receiving compensation. In the case where the defendant in potential cases is the Russian Federation, the list of possible competent institutions is limited, and those that will provide an effective and operational result are exhaustive. One of these mechanisms is international investment arbitration, which in the Ukrainian context has several advantages and certain disadvantages that can be eliminated by intensifying the State's role.

Subrogation and horizontal lawsuits are specific methods of involving the State of origin of investment in international investment arbitration following the Agreement between the Government of the Russian Federation and Cabinet of Ministers of Ukraine on encouragement and mutual protection of investments. Their use, as evidenced by the existing judicial practice, will contribute to obtaining compensation for a significant number of victims, including small and medium-sized enterprises, which are more vulnerable than large businesses in connection with the cost of proceedings. Russian assets frozen abroad, confiscated, and repurposed in the process of recognition and enforcement of the investment arbitration award can be a source of compensation.

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USING THE METHODS OF GENETIC FINGERPRINTING FOR PERSON IDENTIFICATION AND FORMATION OF THE STATE GENOME DATABASE (INTERNATIONAL AND NATIONAL EXPERIENCES)

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Abstract. Person identification using the methods of genomic fingerprinting contributes to the distinction of individuals by their DNA samples. In some regional agencies of the Ministry of Internal Affairs of Ukraine, laboratories have been established and operate at research forensic centers that carry out identification following the human genome. Due to the lack of the necessary legislative framework in Ukraine, there was no unified national register – the state genome database, except for the DNA register of unidentified deceased persons. With the adoption in 2022 of the Law of Ukraine “On State Registration of Human Genomic Information”, the relevant issue progressed at the legislative level. At the same time, many practical problems arose after. In order to solve them, it was decided to compare the international and national experiences.

Key words: person identification during martial law, law on identification, forensic examinations.

Introduction. The Free Encyclopedia defines forensic identification as the application of forensic, or criminalistic, expertise and technology to identify and study traces of biological nature at the scene of a crime or accident. Forensic evidence is used in pre-trial investigation.

The theory of forensic science and identification is based on two fundamentals: each person is unique and unrepeatable (Cole, 2009: 233-255). The uniqueness theory was proposed in the 19th century by the French criminologist Alphonse Bertillon. Moreover, one of the founders of scientific statistics, the Belgian biologist Adolphe Quetelet, concluded that nature never repeats itself (Sudovomedychna identyfikatsiia). The above assumption was accepted as valid and supported by other biologists, but it was never scientifically proven. Experiments were conducted to confirm that no two fingerprints are the same. However, the results were unconvincing. Many modern criminologists agree that it is impossible to individualize a person by just one fact: fingerprints, bite, or handwriting. There are cases when forensic experts rendered biased decisions and neglected the exact results of other analyzes. Another noticeable drawback is that actual studies of physical evidence often produce ambiguous results and hence cannot be considered robust enough for the court.

Forensic science has paid much attention to the problems of conducting forensic examinations and the use of expertise in the investigation of offenses. One can suppose that the issue under consideration was studied sufficiently. Many domestic scientists, such as A. F. Volobuev, V.A. Zhuravel, V.O. Konovalova, N.I. Klimenko, O.V. Oderii, O.S. Sainchyn, V.Iu. Shepitko, M.H. Shcherbakovskyi, and others, tend to believe that expertise is applied in two forms in criminal procedural activities: a) the use of expertise during individual investigative actions; b) within identification examination.

In particular, a person can be identified by fingerprints. Criminologists have analyzed the method somehow, and it seems archaic. You can identify a person by photo or video recording using facial recognition technology, gait and voice analysis, questioned document examination (characteristic phrases, bias in words, and common mistakes), or by using other biometric technologies based on

other material evidence. Such methods are widespread in forensic science. At the same time, modern science claims that it is also possible to identify a person by the deoxyribonucleic acid of the human cell nucleus (DNA) extracted from blood cells, skin epithelium, hair, saliva, or sperm (Cole, 2009), as well as by gene fingerprinting or ear imprinting. In addition, a person can be identified by bite or mold of teeth, which is the subject of forensic dentistry. Features of the application of the mentioned methods are covered in detail in this scientific article.

The main part: Based on the research of genetic engineering, biologists, and histological analysis of the cell, in the late 70s of the last century, forensic scientists and forensic experts attempted to conduct identification examinations using samples of the person's cell and biological traces removed when examining the accident scene. The findings of the forensic medical examination were first presented in court in 1980. As early as 1989, the first person was declared not guilty through DNA analysis, and since then another 336 unjustly convicted were acquitted (Cole, 2009).

Forensic DNA analysis can be a beneficial assistant in forensic identification because nearly every cell in the human body has DNA strands, except for red blood cells. Deoxyribonucleic acid is found in two cellular organelles: the nucleus (nuclear DNA is inherited by the body from two parental DNA) and the mitochondria (mitochondrial DNA is inherited only from maternal DNA). DNA testing is applied in criminal investigations, homicides, and paternity determination to identify human remains after natural disasters or terrorist attacks, as well as to identify missing persons (John Marshall, 2001). In addition, DNA analysis is conducted to confirm the suspect's connection with the victim or the crime scene.

How the identification method works. If biological material suitable for DNA purification is found at the crime scene, it is collected, processed, and forwarded to the laboratory for analysis with a mandatory convoy. Such measures are necessary because they ensure the credibility of the results obtained and guarantee their recognition by the court. Proper collection and storage of biomaterials are essential. Evidence should not be compromised or corrupted in any way. Before packaging biological evidence, it must be dried and only then put in special paper bags. Plastic packages for biological material are strictly prohibited – plastic can damage DNA or provoke the accelerated development of bacteria.

DNA can be extracted from organic material such as sperm, blood, saliva, feces, urine, teeth, bones, and hair. Depending on the type of biomaterial collected at the crime scene, various tests are run for assumption and confirmation. Assumption tests are fast and highly accurate. They are specific to determine the possible type of biological fluid under examination. Confirmation tests give an accurate answer about the type of biological material under examination. In addition to organic material, DNA material can also be formed out of physical evidence. Human DNA is most commonly found on clothing, bedding, weapons, masks, or gloves. The person under identification leaves his DNA on these objects when he touches them or holds them in his hands. Such material evidence is regarded as one that does not have visible traces but may contain DNA of the skin epithelium, which remained on the item after touching. A forensic scientist can successfully extract DNA from biological material consisting of at least six cells (Touch DNA, 2013).

The United States of America is one of the first countries that has adopted the law on DNA database for DNA profiles. In 1994, the United States passed a law on the compulsory collection of DNA samples of persons convicted of crimes committed with the use of violence, which authorized the FBI to use the CODIS (Combined DNA Index System) registration system (Cole, 2009; The Verkhovna Rada of Ukraine, 2015).

The very process of DNA-based identification seems interesting to experts. Extraction is the first step in identification using DNA analysis. Extraction is applied to separate DNA molecules from the cell. The next step is quantification, which determines how many DNA strands have been extracted from biological material. Forensic scientists then apply amplification to create copies of DNA molecules. Isolation of a DNA sample for proper identification is called separation. Only by doing all

the above steps can the specialist complete the analysis and interpretation of the DNA molecule and compare it with known genetic profiles (DNA Evidence: How Its Done).

A DNA sample found at the crime scene is compared to a known DNA sample taken from a suspect or databases. CODIS (Combined DNA Index System) is the FBI database in the United States, which contains files of genetic profiles of offenders. The electronic database has three divisions: local, regional and national – NDIS (National DNA Index System). Data from CODIS and NDIS allow forensic scientists to compare DNA found at the crime scene with DNA samples from convicted criminals and with unknown DNA samples. Based on comparison results, law enforcement agencies develop a further plan of investigative actions. If the results are positive and the DNA samples under comparison match, the identification is considered complete. An unknown genetic profile is compared with those known from the population database, and the probability of an accidental coincidence is determined. The probability of an accidental match is the theoretical probability of any person's DNA match with the DNA samples under test. The case when the markers do not match is called an exception.

During DNA typing, several markers called loci are examined. The more markers analyzed, the greater the likelihood that two unrelated individuals will have different genotypes. As a result, the belonging of DNA to a particular individual will be more reasonable. One difference between the loci of the known and unknown samples is enough to disprove the suspect's involvement in the crime committed.

The FBI has identified 13 major loci of short tandem repeats (STR) the analysis and comparison of which are the most effective for person identification. STRs are short DNA sequences in the genome with lengths of 2-6 pairs of amino acids. STR analysis is widespread in forensics because loci are easily amplified by polymerase chain reaction (PCR) and they have unique variations and thus are effective for person identification. PCR is the technique of copying DNA by making millions of copies. When all 13 major loci are tested for coincidence with a known genetic profile, the probability of an accidental coincidence is one in a trillion (John Marshall, 2001).

The British database NDNAD is one of the most classic and, at the same time, largest DNA profiles database given the population (UK National Criminal Intelligence DNA Database), which was created in 1995 (Pertsev, 2021). Under the Police and Criminal Evidence Act 1984, the DNA Profiles Database records information on any person detained or arrested by the police on suspicion of committing a crime prior to indictment. Samples remained in the collection and were not subject to seizure, even if the case against a particular person was later closed due to a lack of evidence (Touch DNA, 2013).

In Israel, the national DNA database was created in 2007 by order No.14.5.05 of the Main Directorate of the Israel Police. Its use is governed by the Protection of Privacy Law 1981. Under Order No. 14.5.05, the recording and use of DNA profiles is carried out by the chemical and biological laboratory of the Main Investigation Department of the Israel Police. The laboratory is accredited and operates according to the international standard ISO/IEC 17025; it also uses the American CODIS system, which ensures the compatibility of data on record both in the Israeli police and abroad, allowing for verification of genomic information in Interpol and the US FBI (Pertsev, 2021).

On July 9, 2022, the Verkhovna Rada of Ukraine adopted the Law "On State Registration of Human Genomic Information" No. 4265, which is essential for the law enforcement system and forensic activities. According to the Government portal, the law regulates the creation and operation of human genomic information recording, improves the performance of law enforcement agencies in investigating crimes and identifying criminals, and improves the search for missing persons and the identification of unknown persons (The Verkhovna Rada of Ukraine, 2020).

Why is the Law important right now? Amidst martial law, the legal regulation of the mechanism for collecting, processing, and using human genomic information has become an urgent need for the rapid identification of criminals, search for missing persons, and identification of unidentified bodies. The Law enshrines that mandatory and voluntary state registration of genomic information will be carried out in Ukraine (Sergii Ionushas, 2022).

Mandatory state registration will relate to genomic information of:

- persons who committed (or were convicted of) intentional grave or especially grave crimes against the foundations of national security of Ukraine; human life, health, sexual freedom, and sexual inviolability; in the field of distribution of narcotic drugs; against the peace and security of mankind and international law and order;
- unidentified persons, their remains, and parts of the human body;
- persons who are unable to report information about themselves due to health, age, or other circumstances.

The right to voluntary state registration of genomic information will have all citizens of Ukraine, foreigners, and stateless persons at their own request.

State registration of human genomic information in Ukraine will occur in several stages:

- selection and storage of human biological material;
- conducting molecular genetic examination (research) of biological material;
- entering information into the Electronic Register of Human Genomic Information.

It is worth noting that the Electronic Register is state property, and its holder will be the Ministry of Internal Affairs of Ukraine, which should ensure the processing, preservation, protection, and provision of available human genomic information.

The positive aspects are as follows:

- the electronic register will improve the work of law enforcement agencies of Ukraine in the prevention, detection, disclosure, and investigation of crimes since the samples available in the register can be compared with samples of biological material found at the crime scene;
- it contributes to the search for missing persons, in particular, by comparing samples of next of kin with samples of biological material of discovered corpses or with such samples found at the accident scene;
- it simplifies the identification of unidentified corpses by comparing samples of biological material of the corpse and its closest relatives;
- voluntary state registration of human genomic information will allow everyone to search for close relatives, establish family ties, or even paternity (Sergii Ionushas, 2022).

In addition, the Law provides for a specific procedure for the mandatory collection of biological material during martial law from the military, police officers, members of the junior and commanding staff of the civil defense service, as well as members of volunteer formations of territorial communities (in peacetime, the collection will be carried out at the request of the person, that is, only with his consent). In martial law, the approach will allow, if necessary, conducting a molecular genetic examination of the deceased persons, and hence their families getting the body of the deceased defender for burial.

The law provides for the creation of an electronic register of human genomic information. Registration of information can be both state-mandatory and voluntary. Data from the register are not subject to disclosure. Mandatory state registration will be implemented at the expense of the state budget, and voluntary registration will be fee-based. The Ministry of Internal Affairs is designated as the holder of the database.

Issues regarding the specifics of the selection, storage and transportation of samples (biological material) for a molecular genetic test are settled following the procedure approved by the Cabinet of Ministers.

After the molecular genetic test, the genomic information, involving the registration card, is sent within 10 working days to the Administrator of the Electronic Register for its registration.

At the same time, the official of the law enforcement agency, who provides the Administrator with genomic information, fills out the registration card before sending it, in which personally identifiable information is depersonalized by assigning a unique alphanumeric code.

Genomic information is stored in the Electronic Register for 5 to 50 years. The relevant information is available for inquiry officers, investigators, prosecutors, heads of prosecutor's offices and pre-trial investigation bodies, persons authorized to carry out operative-search, counter-intelligence, intelligence activities, the investigating judge, the court, authorized persons of the National Central Bureau of Interpol, and bodies of foreign states in exceptional cases.

Conclusions. Summarizing the above, it should be concluded that there is still a lot of work ahead: subordinate regulations need to be adopted, and ministries and relevant departments need to bring their acts into compliance with the Law to make it efficient to the maximum. The first step in Ukraine on the long road to state registration of human genomic information has already been made (Sergii Ionushas, 2022). It is the results of the state registration of genomic information that will contribute to the identification of criminals; the search for missing persons; the identification of unidentified corpses, their remains, and body parts; the identification of persons who, due to their health, age, or other circumstances, are not able to report information about themselves. The above will make it possible to solve and investigate the most complex qualified murders and other serious, as well as especially serious, related crimes.

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GAMIFICATION – THE URGENT COMPONENT OF THE FORMATION OF ENGLISH TEACHERS' FLEXIBILITY IN PANDEMIC TIMES: ADVANTAGES, DISADVANTAGES

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Abstract. The article deals with gamification – a modern, intensive method of studying the English language in the process of training of the future specialists at higher educational establishments. It is emphasized that there is a clear necessity to avoid excessive passion for education applications because of a danger of one-sidedness and inflexibility in the language studying. The key issue of the article is to highlight the main approaches to the implementation of the gamified process in teaching English at the university in up-to-date conditions (including distance learning), paying attention to the advantages and disadvantages of the mentioned above educational trend, and basing on the pedagogical flexibility.

Key words: Gamification, the skills of critical thinking, language studying, positive motivational context, education applications.

Introduction. The intensive process of the development of all social and educational spheres in our society has accelerated the change of the status of the English language in the system of higher education, which influences not only the teaching methods (from textual-translational to communicative activity), but also the completely new approaches in terms of the pedagogical object interaction. According to the modern requirements, one of the important factors is to absorb this or that information coming from various sources, and also to use it as a stable foundation for further self-improvement in the chosen activity. The general vector in the process of teaching foreign languages at the university becomes focused on the main areas of a particular specialty and involves a continuous search for the ways and approaches to educational process more efficient.

Also the educational system faces the urgent task to form some capabilities for flexible changes in different ways and forms of pedagogical activities, and the developing of the key competencies that correspond to the main tasks of the students. We support the idea, that the most important quality of pedagogical thinking is flexibility (Kuliutkin Y., 2000). This is due to the specific teacher's tasks, namely: the need to switch from one activity to another, flexibility in using educational material for the upgrading of student's personality. Flexibility is interconnected with other qualities of pedagogical

ical thinking: depth, speed, independence and originality. Y. Kuliutkin believes that the flexibility of thinking is manifested in the flexibility of behavior, in the ability to change the strategy of the pedagogical influence in connection with changing of the pedagogical situation (Kuliutkin Y., 2000). Teachers are always in the centre of brand new teaching trends and communication traditions they have to be quick in the space that consists of other teachers, students, authorities and different professional demands. That is why, mentioning positive aspects of others' work, the teachers ought to be flexible and adaptable even in diverse and unpredictable circumstances.

Besides, "concerning these peculiar features of the integral pedagogical process, gamification has become one of such educational forms that meets the current demands and requirements of modern teaching trends. We also see in such playful process the characteristics of some potential changes in the entire educational sphere to a computer-based learning system, which involves minimal active teacher's interference into the whole cooperating educational environment, but requires some IT literacy" – Ibrahim Ouahbi and his colleagues underline this idea (Ouahbi I., 2021).

According to Islam I.J., Md. Sadekur Rahman and Yousuf Mahbubul, "the main purpose of higher education is to produce skilled graduates so that they can think critically and solve real world problems. Presenting a group based solution in a face-to-face class is a common activity in the higher education classroom where other students/peers can actively participate in the follow-up question/answer sessions. Working out a solution together as a group engages students' independent thinking ability and promotes active learning. This means that they have the opportunity to reflect on their own thinking and take it to deeper levels of thinking" (Islam I.J., 2017). However, recent trends show that online support to the higher education class – a form of blended learning is growing day by day.

Gamification is a good alternative educational practice to promote programming teaching, it allows better engagement of students in their learning. Students acquire a reasonable level of abstraction and logic and develop reflections on various course concepts.

So the *object* of the research presented in the article is the process of gamification in formation of teachers' flexibility which is necessary for more productive co-working in the student's environment.

Main part. Analyzing the potentials of educational systems to advance implementing multimedia technologies, Kotevski Z. and Tasevska I. come to the conclusion that educational systems employ an ongoing effort for advancement in order to enhance their educational processes and more effectively transfer the knowledge to their students. In the last couple of decades, the explosive development of Internet and multimedia technologies brought vast possibilities to implement these new paradigms with an aim to improve students' learning and more easily augment their knowledge (Kotevski Z., 2017). One of these advancements is the process of gamification that helps teachers and students upgrade their hard and soft skills in learning languages.

The term "gamification", its methods, techniques, and basic principles came to us from the foreign researches and, above all, related to the business sphere (Werbach K., 2020), although not limited with it, as the other industries also needed changes in approaches and structure. The scientific research of K. Kapp became fundamental, after he had changed the approaches and methods of the learning process, taking into account the peculiarities of the game, and gave them the characteristics of the mobility, enthusiasm and ease (Kapp K. M., 2012). The significant potential for the use of game mechanisms in the educational environment has become a widely used practice and a very effective means of practice, which has attracted the attention of different researchers. In particular, N. Kravets explores the stages of creating a gamified system in the educational process of the universities (Kravets N. S., 2017). O. Tkachenko considers the gamification issue of formal and non-formal education, emphasizing the need of using games, game techniques and game practices for educational purposes (Tkachenko O., 2015). L. Kotlyarova, Y. Gapon, T. Pankiv, L. Passov, T. Sviridyuk, L. Sergeeva were engaged in the analysis of the efficiency of game application while studying English. Based on the theoretical aspects of the problem, we can safely say that gamification makes any pro-

cess more enjoyable and exciting, because the game focuses on many points of motivation – competition, positive excitement, prize incentives, the logic of passing various levels of tests.

S. Deterding and his colleagues consider four concepts based on the idea of the game: gamification, serious games, toys and playful design (Deterding S., 2011). The differences between them lie in two dimensions:

- games / entertainment (gaming / playing) – indicates the direction and regulation of activities;
- whole / parts – indicates the degree of integration of game elements into the process.

Serious games have a specific purpose, aimed at solving real life situations. Toys are games that do not have clear rules and are not aimed at a specific result or goal; they are focused only on experiencing positive emotions or casual research. Playful design also does not have a specific purpose, which is supported by the rules; it is used to make the process more humane, enjoyable and easy to understand (Deterding S., 2011). Gamification uses elements of the game, but the basis of the process remains the same. However, the boundaries between these concepts are rather theoretical, instead, in practice they can be successfully combined (Meske Ch., 2016).

Besides it was mentioned by some researchers, “the essence of video games involves perseverance, intelligence, practice, and learning in order to succeed” (Gray P., 2012). So, games are great motivators, they inspire students to learn and to get something new.

The academic achievement of students is not recognized without understanding their motivation to learn through a framework that asserts the goals of learners. In other words, it can be said that the academic achievement of students in the classroom is an indication of many factors, some of which are related to motivation and the other factors are related to the environmental conditions (Abdo Hasan AL-Qadri, 2019).

The other scientists insist that “gamification has been shown to engage and motivate learners when used properly in the classrooms” (Lee J. J., 2012). According to Werbach and Hunter, it is “the use of game elements and game design techniques in non-game contexts. In addition it deals with the two clusters of Intrinsic and Extrinsic motivation, which are necessary in the learning experience” (Werbach K., 2012).

In general, the use of information and communication technologies (ICTs) in development and social change efforts (ICT4D) is becoming widespread in the hope that providing ICTs can bring about social and economic benefits to promote development (Wichitra Yasya, 2020). In our peculiar case we deal with the process of gamification, which also may be interpreted as one of the effective communication technologies.

So, the *purpose* of the article is to highlight the main approaches to the implementation of the gamified process in teaching English at the university in up-to-date conditions (including distance learning), focusing on the advantages and disadvantages of the mentioned above educational trends, and basing on the pedagogical flexibility.

Materials and Methods. Conducting our work we used such methods of scientific research as collecting data (theoretical basis), analyzing the information in accordance with inductive and deductive methods, general description, experimental qualitative research. For the theoretical basis in order to collect some data for our work it was determined to use the widespread abstraction, formation of concepts, construction of hypotheses, theories. Our piece of scientific research belongs to the thematic (target) investigation that includes such theories, which aim to address a specific and narrow problem, in our case highlighting of the main approaches to the implementation of the gamified process in teaching English (including distance learning), focusing on the advantages and disadvantages of the mentioned above educational trends, and basing on the pedagogical flexibility. As the general description of the mentioned issue was necessary, different theoretical sources were taken into consideration for this purpose. Also for achieving this goal it was necessary to select the facts, classify them, analyze, compare, generalize and explain with the help of deduction and induction. This is the

only way to install causal relationships of the investigated phenomena, to realize objectives and stable dependencies between all components of the studied problem.

Results and Discussions. Realization of progressive technologies of education is connected with comprehension and perception in new way of ideas, tasks, and validities of simultaneous actions in intra-situational relationships of a teacher and students (Mindia E., 2017).

It is a common fact that the term "gamification" – also a progressive technology in education is mostly associated with computer games, but it is not a basic and necessary aspect of the process. Even without the necessary equipment (computer, laptop, projector, interactive whiteboard, etc.) you can gamify the process of learning English. However, it requires more thorough training from the teacher: it is necessary to collect appropriate material, prepare the plan of the chosen topic, determine the goals for students, but the games should not be short-term and consist of easy ways to perform everything. It is worth thinking about mazes of complications and logical problems with step-by-step solutions. To achieve this goal, you need to divide the whole process into certain steps that can be tracked. For example, individualization of tasks according to the level and needs of the group.

The next stage is to develop the game itself with the graphical representation of each level. For the students' benefit they can be divided into subgroups with their names, avatars, logos, symbols. The teacher needs to think about a system of bonuses or rewards for the correct, timely or additional performance of the certain tasks, it will contribute to the emergence and development of team spirit and maintain the overall atmosphere. As practice shows, bonuses can be varied, from sweets to accumulative points, which affect the modular results.

Based on the analysis of some scientific sources, it is determined that gamification is an active process of the application of some game mechanisms in the situations that are focused as much as possible on a positive motivational context for getting an emotional encouragement and overcoming certain psychological and moral barriers.

The key explanation of gamification is that the components of the game are not used in the game environment, but closely related to the acquisition of knowledge and skills of real educational requirements. First of all, we pay attention to cognitive interest, interaction and a burning desire to act, which results in improved knowledge and skills and increased interest of participants.

Based on this, it can be distinguished 3 levels of gamification:

- using a system of points, badges (which mark achievements) and player ratings (leaderboards) in the training course;

- adding a plot and positive atmosphere to the game. Providing educational information in a gradual mode, a significant complication of content from lesson to lesson, as well as the transition to a new topic is presented as a huge leap forward. These include features such as intra-system interaction between users, the possibility of instant feedback and interactive educational videos, where the plot varies depending on the actions of students;

- development of the educational games that contain knowledge and entertainment (Kravets N. S., 2017).

The basic principle of gamification is to provide constant feedback from the user, which provides the possibility of dynamic correction of the participants' behavior.

It is worth paying attention to the main aspects of gamification:

- dynamism – the use of software scenarios that require the attention of participants and real-time response;

- traditionalism – the use of script elements specific to the game script (gameplay), such as virtual promotions, statuses, virtual goods;

- aesthetics – creating a general game impression, which contributes to a positive, emotional involvement of the user;

- social interaction – a wide range of techniques that provide user's interaction (Buhaichuk K. L., 2015).

We consider the fact that life of modern youth in the era of total computerization and access to information, the Internet, along with all electronic devices, applications, games are an integral part of the human existence. It is worth mentioning that today it is known that pilots and surgeons master the skills of their professions quicker with the development of their motor skills of the fingers, and lightning reaction, when you need to switch your attention from one subject to another, playing computer and video games. Therefore, it is logical to use this fact in the educational process. It is worth noting that the possibilities of using the game technologies are endless and are in a constant developing and upgrading process. You can play any non-game content, which is characterized by low motivation.

A successful example of the process of gamification of English lessons can be a prototype of the famous American television quiz “Jeopardy” based on the platform Jeopardy Labs. It is also possible to prepare this game without relying on an electronic resource, preparing five categories of questions, clearly outlining the rules of this activity. In the original version of the quiz, the participants are asked to present the tasks in the form of statements, and the answers to them in the form of questions. At the request of the teacher and according to the level of the group, this condition can be adapted.

A Project method of co-working, as another type of active gaming activity, often lasts several weeks, months or the whole semester, in many ways it is close to role-playing, and especially business games. It was first put into practice through the textbooks of the Project English series (Abdo Hasan AL-Qadri, 2019). When completing a project, students receive a task that requires the active participation of the whole group. The communicative-oriented learning of the foreign languages, which takes place in conversational classes, creates a sense of personal importance during the full performance of the task. For students, motivation becomes internal, not external, because the project belongs to them. They autonomously decide how to perform the tasks, that is, in the center of educational activities there is a student.

We can also single out the use of the DuoLingo platform, which combines the possibility of learning of a language online as another example of gamification. At the initial level, users translate basic, simple sentences that are grammatically simple, while experienced users are given tasks of the increased complexity. As a result, everyone develops and improves language skills according to their level and perception. Because the system is adaptive, it tracks all activities: lessons, translations, testing and workshops in order to provide feedback to the student and plan further activities.

However, the use of educational platforms such as DuoLingo is mostly aimed at the development of the language rather than communication skills, and is limited to mostly everyday topics. In addition, most of the additional, more interesting and complex tasks are not free of charge. But the most significant disadvantage, in our opinion, is that the teacher is deprived of the opportunity to modify the educational process according to the needs and requests of students, and therefore can use these resources only as additional tools.

There is also Duolingo Plus which is a perfect version of Duolingo, where you can download lessons for offline learning, as well as a large number of tests to practice skills and abilities in the language you are learning.

With Qlango you can choose whether to learn words or ones with examples, as well as how to answer the questions (find 1 correct answer among 4, forming sentences, writing answers for dictation, translation into a foreign language, find synonyms or antonyms). This program really has all the characteristics of the game, so it is easy to get carried away to improve the language. This way, each user can install the program according to their needs, because we all learn differently. If you click on a word number, Qlango will read that word, not the whole sentence. It helps us to distinguish one word from another.

Free online service Kahoot allows you to create interactive educational games: quizzes, discussions, surveys. Such kinds of work are effective in training and testing the knowledge. And also the service can be useful for various forms of scientific, methodical and organizational work in the

conditions of distance learning. Participation in games created with the help of the service promotes communication and cooperation in the group, raises awareness in information and communication technologies, stimulates the development of critical thinking.

Nearpod is an online platform that allows teachers to create presentations for their lessons and share them with students during the lesson. In addition, Nearpod provides variety of ready-made, fully interactive tutorials developed by experts, as well as importing lessons from any file type and adding interactive elements, web links or videos to them. Teachers can synchronize their lessons with students' gadgets, creating individual tasks and tracking their performance. It should be noted that all electronic resources for the gameplay of the English language learning process are necessary for online learning, which has set new tasks for everyone, but not all have solutions. This platform includes the ability to add some ready-made presentations and lessons in the Zoom conference.

Today there are many open platforms that can be easily integrated into the educational process (online or offline), building an individual line, creating interactive games, quests and quizzes. For example, with the help of Content Generator, choosing one of 15 templates, the teacher can create a series of interactive exercises and games in order to learn the vocabulary of the lesson. In practical terms, this is easy to do by posting the appropriate game on the Moodle platform which is now used by many educational institutions, or simply open the web page using mobile by phone. Moodle (Modular Object-Oriented Dynamic Learning Environment, pronounced "Moodle") is a modular object-oriented dynamic learning environment, also called a learning management system (LMS), a course management system (CMS), a virtual learning environment (VLE) or simply a learning platform that provides teachers, students, and administrators with a highly developed set of tools for computer-based learning, including distance learning.

It was noted that in the process of the development of new technologies, the role of games during the English lessons should not be underestimated. It is possible to gamify only those processes which have clear and strict objectives with a number of proper conditions. Sometimes you have to overcome the challenges in the forms of mistakes several times to make sure that the game is appropriate and effective. Despite the fact that a large number of educators consider games to be just a fun and time-consuming activity, we believe that the use of games in the process of learning the language has many *advantages*:

1) the playful process stimulates the interest of students during the activities, which, in turn, helps them to be motivated, and the desire to learn on an emotionally positive basis and without fear becomes stronger;

2) the use of games in English classes reduces the level of excitement of recipients, increases self-confidence. Some students often feel fear or discomfort when making mistakes in speech, or are simply afraid of criticism and corrections of the teacher, in the game situation they forget about their experiences, focusing on the task and not on the correct use of any language structures, it automatically develops communication skills, which is the main task of the teacher-practitioner;

3) with the help of the games, participants are placed into realistic situations in which they realize the connections between language and real life, in particular, games promote the active participation of students with higher and lower levels of knowledge;

4) games can be used in any language teaching methods (reading, writing, speaking and listening), allowing to apply practically grammatical structures and vocabulary on the topic. Students learn certain language structures on a subconscious level in the gamified process, focusing on the activity itself;

5) games encourage creative and spontaneous use of language, and promote student's activity, creating a collaborative environment, and developing the skills of critical thinking.

In short, the using of games is not the enemy of English learning. It can be a new model of learning and perception of the information. Games always bring a kind of challenge for players, but in the

process of it the efforts are rewarded, they gradually achieve their goals and in the end they get a real pleasure. The main idea of using the game elements is to create the space for productive cooperation.

The disadvantages of the gamification in foreign language classes are the following:

1) excessive use of games in the classroom can take exactly the time that students could use for other types of work;

2) the free atmosphere during the games, in case of their frequent use, can prevent further concentration of students on serious work during the lesson or preparation for the exam;

3) difficulties in ensuring the same activity for players in performing tasks can be another disadvantage of gamification in English classes. It is here that students will show their individual characteristics of a character, and it will be extremely difficult to get the activity in participation from everyone.

So, the abuse of the gamified process can have all the above-mentioned negative consequences, but a properly defined measure will contribute to both language learning and learning in general.

To determine clearly the positive and negative aspects of gamification, 45 students were interviewed. There was an experiment with those recipients, using the above-mentioned game techniques. The results are shown in the table 1.

Table 1

The results of the survey

Questions	Yes	No	The number of participants
Do you support the teacher's desire to gamify the process of learning English?	46	14	60
Does the gamified English learning process have a positive effect on the development of communicative skills?	49	11	60
Should we use different online platforms to learn new lexical items?	52	8	60
Are there any disadvantages in the gamified process of learning English?	41	19	60

Conclusions. Thus, the potential for gamification is extremely broad and powerful and is not limited by educational demands, the time of innovative technologies and social changes (online learning) provides the teachers with constant challenges, encouraging them to look for some new forms and methods of interaction with students, using the flexibility and creativity. We can confess, routine in studying reduces motivation and distracts the participants from educational process. It is easy in this case to become the victim of procrastination and lose the necessary motivation. The gamified process helps us avoid that negative impact. That is why during the period of the quarantine, when everything is not characterized by the lively diversity the gamification is the best way to overcome the routine. Many additional resources have become available to us, which diversify the educational and cognitive activities of the students. However, no matter how positive and exciting the idea of complete transforming the educational process into an exciting game may seem, it is important to remember that it should correspond to the educational content and goals of learning. It is highlighted in the article that the advantage of using gamification in the learning process is the ability to provide accessible feedback that helps students to succeed in their language studying and have a positive attitude towards their education.

The process of gamification should not be a priority, its place in the additional, complementary baggage of hard and soft skills, although such activities are quite effective for visual recognition of student's achievement, ways of learning content. But we believe that in the educational process, clear educational goals, objectivity of the obtained results, their possible application in real life and

professional flexibility are the necessary components of today's educational approaches. It should be mentioned that gamification in learning English, uses information resources and integrates them into the multitasking process for both students and teachers, it also helps to solve a number of practical tasks connected with the organizational techniques. In the process of playing games students develop their communication skills, promote the formation and development of their cognitive interest.

Despite all the benefits of gamification, it is necessary to avoid excessive fascination with gaming technology, because there is a danger of one-sidedness and inflexibility. Under the conditions of correct systematized use of the games, the following results can be obtained: increasing the level of linguistic and communicative skills; development of logical and critical thinking, skills of analysis, observation, persistence; formation of motivational and emotional aspect, as well as such personality qualities as willingness to cooperate and socialize.

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STRUCTURE OF FOREIGN LANGUAGE STRATEGIC COMPETENCE OF FUTURE PRIMARY TEACHERS

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Abstract. The article is devoted to highlighting the theoretical prerequisites for the formation of foreign language strategic competence of future primary school teachers. The definition of the term "strategic competence" is provided, its component composition is analyzed, and the purpose of training is determined. The purpose of the article is to highlight the structure of formation of foreign language strategic competence of future primary school teachers. In today's requirements for the foreign language training of students the role of the ability to obtain information from different sources, to absorb, supplement and evaluate it, to apply different ways of cognitive and creative activity is increasing. CEFR (2018) identifies strategic competence as a key element to form communicative competence. The methodological basis of the article is psychological, pedagogical and methodical theories and provisions that reveal conceptual approaches to the researched issues. The scientific novelty consists in determining the structural elements of strategic competence as the basis for the formation of foreign language strategic competence of future primary school teachers. The prospects for further scientific research should be the use of the identified elements of strategic competence as the basis for the formation of future primary school teachers' foreign language educational and strategic competence in the educational process to build a model of appropriate learning.

Key words: strategic competence, primary school teachers, structure of strategic competence, foreign language, development of strategic competence, bachelor.

Introduction. Today, a global reform of all links of the education system is taking place in Ukraine, which is determined not only by the objective requirements of the time, but also by the state of the education system itself. The integration of domestic higher education into the global, particularly European, educational space, the need to ensure the competitiveness of education in the modern information society, require its significant modernization. The problem of demand for specialists who speak English at a high level is becoming more and more apparent, as indicated in the Program for Non-Language Higher Education (2004) and in the Common European Framework of Reference (2018) at levels B1 and B2 (Konotop, 2020). In the modern world, there is a constant demand for specialists who have a high level of professionally oriented foreign language, therefore, the search for effective ways to optimize the educational process is always relevant and important, especially in non-language institutions of higher education, where there is a constant lack of study time for teaching English, but at the same time quite high requirements are put forward for foreign language practical training of future specialists. In our opinion, the use of strategic competence as a basis for the formation of foreign language communicative competence of future primary school teachers in the educational process opens up great opportunities.

The purpose and tasks of the research. The purpose of the article is to highlight the components of developing strategic competence of future primary school teachers.

Research methods. The methodological basis of the article is psychological, pedagogical and methodical theories and provisions that reveal conceptual approaches to the researched issues.

Research results and their discussion. Many scientific papers T.M. Astafurova, K.G. Babaskina, Y.V. Baturina, N.E. Bilonozhko, L.V. Bondar, V.S. Butyeva, O. Bogdanova, O.M. Vanivska, M.P. Daver, I.P. Zadorozhna, M.S. Kalinina, L.O. Kareva, M.R. Koreneva, S.L. Ledovskikh, N.G. Mykhailova, S.Yu. Nikolayeva, M.P. Oliyars, T.I. Timofeeva, D. Tereshchuk, T.Yu. Ternovykh, O.V. Tsepikalo, N.S. Shcherba, V.V. Chernysh, L.V. Yagenich, M. Canale, A. Cohen, D. Numan, M. Swain, etc. are devoted to different aspects of the studying of the formation of strategic competence (Konotop, 2018, 2020). As emphasized by T.I. Timofeeva, successful modeling of the process of formation of structural components of strategic competence involves the integration of teacher and student goals. Only the unity of their efforts, assistance, mutual enrichment, co-creation, focus on determining the value basis of mutual understanding, as well as the importance of the subjects to each other, as the researcher notes, will contribute to the productive formation of students' strategic competence and their communicative development as a whole (Timofeeva, T.I., 2011: 45). Therefore, it is extremely important to consider the content of the strategic competence and the goals of its formation.

According to L.O. Kareva (2002), the central concept of strategic competence includes: 1) the ability to realize a speech intention, which allows establishing contact and mutual understanding with other partners; 2) knowledge of the structural elements of language (grammar, vocabulary) necessary for communication, and the ability to use them in various communication situations; 3) possession of a set of speech-organized formulas necessary during communication (Kareva, L.O., 2002: 20). The researcher defines the following structure of strategic competence: 1) operation with language material (background and non-equivalent vocabulary); 2) operation of selected background knowledge (including knowledge of norms of everyday behavior); 3) operating with a selected minimum of communicatively stereotyped body movements (gestures) and facial expressions that reflect the specifics of the people who speak the language (Kareva, L.O., 2002: 26). The main characteristics of the concept of "strategic competence" according to L.O. Kareva is: 1. its cognitive nature; 2) the relationship between practical purpose and communicative intention; 3) dependence on the context of the situation and psychological characteristics (portraits) of communicators (Kareva, L.O., 2002: 51).

M.R. Koreneva (2003) under strategic competence understands the compensation by the speaker in oral or other form for the lack of information that can occur between communicants when the information was not fully decoded by one of them (Koreneva, M.R., 2003: 22) and his ability to get out of difficult communicative situations due to a lack of language or speech resources by using compensatory strategies and skills (Koreneva, M.R., 2003: 30). In the structure of the strategic competence M.R. Koreneva considers it expedient to distinguish the following components: knowledge, skills, motives and attitude to activity (Koreneva, M.R., 2003: 32). The scientist claims that the compensatory strategy and compensatory skill are the two basic concepts in the structure of foreign language teaching and learning (Koreneva, M.R., 2003: 33). According to M.R. Koreneva's strategic competence includes knowledge about verbal/non-verbal means of compensation, compensatory strategies, skills and compensatory strategies themselves, the ability to overcome various difficult situations in the process of foreign language communication and/or to fill the gaps of a linguistic, pragmatic nature in case of imperfect mastery of foreign language. This ability (competence) presupposes, first of all, the development of compensatory skills, without which the process of communication and use of foreign language is impossible (Koreneva, M.R., 2003: 33).

H.O. Kuznetsova (2004) claims that strategic competence manifests itself in the development of the ability to overcome linguistic difficulties of communication, using at the same time compensating means / paraphrasing, gestures, facial expressions to avoid communication breakdown (Kuznetsova, H.O., 2004: 14). Following L.F. Bachman, G.O. Kuznetsova singles out: 1. evaluation in the structure of strategic competence; 2. planning; 3. execution (Kuznetsova, H.O., 2004: 19).

In the work of T.A. Sokolova (2009) strategic competence is considered in its comparison with compensatory competence. Analysis of the works of scientists engaged in the study of both

strategic and compensatory competencies (I.L. Beam, E.N. Grim, M.R. Koreneva, E.V. Tikhomirova, A.L. Tikhonova, A.L. Trofymova, T.M. Fomenko, L. Bachman, A.S. Palmer, N. Poullisse, S. Savignon, S. Selinker), allowed the researcher to come to the conclusion that the purpose of these competencies generally coincides. They are aimed at overcoming difficulties that arise, in particular, in the process of reading foreign language literature. These difficulties are caused by inferior possession of foreign language (Sokolova, T.A., 2009: 8). T.A. Sokolova (2009) points out the difference between strategic and compensatory competences: 1. they are not the same in their functions. The main function of compensatory competence is the ability to compensate for an interrupted communication process (I.L. Beam, T.M. Fomenko, T.M. Tikhonova, M.R. Koreneva). The sphere of influence of strategic competence is wider. It covers not only the scope of compensatory techniques, but also implies all kinds of educational techniques and tactics related to the concepts of «autonomy», «methodology of learning and self-learning foreign language» (M. Koreneva, N.F. Koryakovtseva, S. Faerch, G. Kasper, R. Richterich); 2) differences between competencies are also revealed from a psycholinguistic point of view. When interpreting strategic competence, scientists (Sh. Roberte, E. Taron) especially emphasize the need to take into account the degree of awareness of those who study, the limitations of their language capabilities. This forces them to strategically choose a certain line of language behavior in one or another situation; 3. strategic competence to a greater extent (compared to compensatory competence) depends on the external conditions of activity and, above all, on the communication participants themselves, and therefore it involves the ability to choose an individually determined strategy of language behavior to increase the effectiveness of communication. As a result of the comparative analysis T.A. Sokolova found that compensatory competence is a part of strategic competence, performing one of the functions of the latter: overcoming difficulties arising from imperfect knowledge or command of a language in order to compensate for an interrupted communication process (Sokolova, T.A., 2009: 8-9).

V.A. Kononova (2009) strategic competence understands as the ability of a student to choose effective educational strategies in the process of mastering an educational discipline in accordance with his educational style, taking into account metacognitive, emotional and social factors (Kononova, V.A., 2009: 122-123). Strategic competence according to V.A. Kononova consists of four components, and the main role is assigned to the cognitive component, which is under the influence of the educational situation (Kononova, V.A., 2009: 130): 1) metacognitive component — indirect, which includes management elements, such as planning, attitude to various resources, including temporary, assessment of the situation and self-assessment, reflection; 2) the cognitive component, which is directly related to learning, to the accumulation of knowledge and production, to the development of abilities and skills; 3) affective strategies, controlling feelings and emotions; 4) social and compensatory strategies that form behavioral norms: how to interact with fellow students, with teachers, with native speakers, how and what roles to play in the educational process.

Yu. Tolmacheva (2009) claims that strategic competence involves the mastery of the secondary linguistic personality by the corpus of the main types of communicative strategies and accompanying types of strategies for the realization of communicative intentions, the skills of variable use of communicative strategies in the process of intercultural communication (Tolmacheva, Yu., 2009: 90). The content of teaching communicative strategies of foreign linguistic behavior by the author includes: communicative strategies and linguistic and behavioral tactics that fill them, represented by a set of typical phrases, topics, situations of educational intercultural communication, as well as a complex of linguistic, sociocultural and intercultural knowledge, strategic skills and skills of intercultural interaction. The above-considered content components, as noted by Yu. Tolmacheva, can be specified: the knowledge component includes: declarative (linguistic, background sociocultural, intercultural, and conceptual) and procedural knowledge (about the functions of communication, communicative intentions, types of communicative strategies and speech-behavioral tactics, deployment algorithms

and mechanisms for using communicative strategies, methods of language behavior in situations of intercultural communication). As for skills, Yu. Tolmacheva proposed their nomenclature, which includes five groups: strategic metacognitive, compensatory, general educational and intercultural communication skills (Tolmacheva, Yu., 2009: 169-170).

L.O. Gelivera (2010) (the author's term «discursive-strategic competence») operates with the concept of «discursive-strategic competence», the discursive component of which includes knowledge about the features of various types of discourse, as well as the ability to use a range of linguistic means to produce and understand texts. Instead, the strategic component deals with «managing» the process of communicative interaction, is the ability to use communicative strategies to solve communicative goals (Helivera L.A., 2010). The strategic component involves the availability of background knowledge that ensures the interconnected communicative and sociocultural development of future specialists; the ability to achieve understanding of the interlocutor with further implementation of one's speech intention; the ability to realize communication goals; the ability to choose a certain line of speech behavior to increase the effectiveness of communication; the ability to use communicative strategies for conducting a conversation and its correction; mastering the skill of using internal «replanning» of speech and finding the necessary language means as a way to solve a communicative task.

According to the tasks of our research, L.O. Gelivera supplements the content of the strategic component with the ability to build discourse generation strategies using synonymous (grammatical) linguistic means depending on the parameters of the communicative situation, since the successful solution of a communicative task largely depends on the correct choice of syntactic construction (Helivera, L.O., 2010: 13). L.O. Helivera schematically presents the strategic competence as follows: 1. knowledge (background); 2. skill (implementing an intention, building a strategy by means of syntactic synonymy); 3. abilities (to realize a communicative goal); 4. skills (use of replanning) (Helyvera, L.O., 2010: 14).

M.M. Goranska (2011) interprets strategic competence (the author's term «compensatory competence») as the readiness and ability of the subject to overcome difficulties of various nature in the process of professional communication with a shortage of language, speech, socio-cultural or educational and cognitive means in foreign / native language, using all available compensatory resources (knowledge, skills, abilities, motivational and reflexive experience and strategies for their productive and flexible application in communicative and problematic situations). The formed strategic competence allows students to use available resources when mastering professionally oriented foreign language, to competently solve communicative tasks in professional activity in foreign language, as well as to use the resources acquired in the course of foreign language in future professional activities in their native language (Goranskaya, M.M., 2011: 4).

As indicated by M.M. Goranska, the characteristics inherent in strategic competence largely coincide with the characteristics of general cultural competences; at the same time, its specific features are defined: complexity, multidimensionality, flexibility, universality, interdisciplinary, intuitiveness, relativity, economy, and dynamism, which allow it to manifest itself in all components of the foreign communicative competence (Goranskaya, M.M., 2011: 11-12). The researcher singles out such components as cognitive, activity, and motivational-value components in the structural composition of strategic competence. The content of the motivational and value component of strategic competence is similar in many respects for all types of speech activity, since every student has a natural need to successfully solve communicative tasks even with minimal experience in solving them (Goranskaya, M.M., 2011: 12).

The content of the components of the strategic competence was grouped by M.M. Horanska in compensatory strategies. For example, linguistic strategies include the techniques of using synonyms, antonyms, substitute words, generic concepts, word formation, using words from other foreign languages, transliterating native language words, paraphrasing, etc.; extralinguistic strategies combine

the techniques of graphic and expressive design of the text, insertion of pictures and graphs, use of auxiliary means (dictionaries, reference books, educational and methodical guides, sample letters, computer programs for checking spelling, computer templates, etc.) (Goranskaya, M.M., 2011: 13).

A.V. Papikyan (2011) believes that strategic competence (the author's term «compensatory competence») occupies a prominent position in the composition of communicative competence, is present and interacts with each competence at any level of foreign language proficiency. In the content of teaching strategic competence as a means of overcoming socio-cultural interference A.V. Papikyan includes the following components: knowledge of verbal / non-verbal means of compensation, knowledge of compensatory strategies and skills; motives and attitude to activity. In view of these facts, the researcher believes that it is necessary in the process of teaching intercultural communication to use compensatory strategies aimed at compensating for missing landmarks of students in the language register (for example, awareness of the peculiarities of the connotative semantics of the linguistic means of foreign language being studied), as well as socio-cultural parameters of communication (Papikyan, A.V., 2011: 68).

Yu.A. Molchanova (2011) (the author's term «compensatory (strategic) competence») claims that strategic competence (the author's term) is present in each competence, interacts with it at any level of foreign language mastery, is an integrator of these competences and at the same time is constantly formed and its level depends on other competences, i.e. the lower the level of formation of linguistic, sociolinguistic, discursive, social and sociocultural competences, the lower the level of formation of strategic competence and vice versa (Molchanova, Yu.A., 2011: 43). Following V.V. Safonova, Yu.A. Molchanova believes that the composition of strategic competence should include specific knowledge, skills and abilities that need to be mastered, abilities that help a person to navigate in the cultural and linguistic environment, and language strategies thanks to which the one who learns, achieves his specific goals (Molchanova, Yu.A., 2011: 43). The researcher also singles out three components of strategic competence: 1) assessment; 2) planning; 3) implementation (Molchanova, Yu.A., 2011: 44).

T.I. Timofeeva (2011) in the content of strategic competence singles out the following structural (s) components: cognitive; motivational; interactive and active (Timofeeva, T.I., 2011: 44).

1. Cognitive component. Gives special importance to cognitive processes (thinking, awareness, judgment), associated with mastering methods of obtaining significant information about the world and about oneself; self-awareness as a moral personality; characterized by the development of knowledge and ideas about oneself, methods of self-knowledge, self-analysis, self-development, goal determination; the development of the idea of the significance of one's «I»; knowing another person; includes the ability to predict the behavior of another person, to effectively solve various problems that arise between people. The complex structure of knowledge, the system of its interrelated components acquires special importance: understanding of the studied material; saving it in memory; the ability to reproduce learned information; apply knowledge in practice and show creativity in transforming it according to the changed situation (Timofeeva, T.I., 2011: 45).

2. Motivational component. Allows to argue the system of motivational-value and emotional-volitional relations to the world, activities, people, oneself, one's abilities, their development. It includes motives, goals, needs for professional training, improvement, self-education, self-development, attitudes towards actualization in professional activity, stimulates the creative expression of the individual and assumes the presence of interest in professional activity, which is manifested in the individual's need for knowledge, in mastering effective methods of organization and interaction. The motive of affiliation and the motive of achievement are important (Timofeeva, T.I., 2011: 46-47).

3. Interactive activity component. The essence of the component consists, on the one hand, in interactive, that is, in direct interaction of the subjects of the educational process, coordination of their actions, cooperation, mutual understanding, and, on the other hand, in the process of such interaction,

the knowledge acquired by students is implemented in practice and developed in they have relevant abilities and skills; the formation of an interactive activity component contributes to solving the tasks of control and correction, stimulation of the process of formation of strategic competence of students in communicative activities, as well as deepening of knowledge and skills (Timofeeva, T.I., 2011: 49). Timofeeva (2011) in the content of strategic competence, in addition to structural ones, also distinguishes functional (f) components in the structure of strategic competence: 1. indicative, 2. operational and 3. reflective (Timofeeva, T.I., 2011: 52).

1. Approximate component. It is based on the provisions of the theory of I.P. Pavlov (about the emergence of an orienting instinct (reflex) and the theory of planned and step-by-step formation of mental actions and concepts by P.Y. Halperin. Students are given the opportunity to analyze and interpret certain situations, they evaluate their own cognitive resource and select a repertoire of strategies, determine the degree of effectiveness of their use (Timofeeva, T.I., 2011: 53).

2. Operational component. The basis for the selection of this functional component is the theory of A.N. Leontiev, in which three main levels of activity organization are distinguished – action, operation, and autonomous activity (Timofeeva, T.I., 2011: 53).

3. Reflective component. It manifests itself in the ability to consciously control the results of one's activities and the level of one's own development, personal achievements: the formation of professionally significant knowledge, abilities, skills and such important qualities and properties as creativity, initiative, focus on cooperation, self-confidence, a tendency to self-analysis, the ability to improvisation, prediction, proactive, critical and innovative reflection, creative imagination and forecasting the results of one's activities. (Timofeeva, T.I., 2011: 55).

A.V. Ivanov (2012) points out that strategic competence (the author's term «strategic (compensatory) competence») is one of the most important components of strategic competence, without which the process of foreign language communication is impossible. Being an independent component, the strategic competence acts as one of the objectives of foreign language education. The researcher understands the ability of the communicator to get out of difficult communicative situations due to the lack of material and social experience of communication in a foreign language environment by using compensatory strategies and skills (Ivanov, A.V., 2012: 45). The selected components of the strategic competence correlate with the components of any act of activity and correlate with the structure of activity. Thus, the structure of strategic competence includes knowledge, skills, motives and attitude to activity (Ivanov, A.V., 2012: 45). The scientist identified two basic elements in the structure of strategic competence — strategy and skill. A compensatory strategy is an activity for the implementation of a certain number of subordinate goals, which leads to the achievement of the main primary goal — compensation for an interrupted communication process due to a shortage of speech resources; compensatory skill is the ability to use certain linguistic and non-linguistic means of a foreign language to compensate for difficulties arising from imperfect mastery of foreign language (Ivanov, A.V., 2012: 45).

Yu.V. Slezko (2014) in strategic competence implies the readiness and ability to use strategies for transforming foreign language discourse in the course of intercultural professional communication (Slezko, Yu. V., 2014: 19). The content consists of: 1. extralinguistic components of the learning content: areas of communication, topics, communication situations; 2. written texts of tourist discourse: verbal, iconic and creolized; 3. language material; 4. knowledge; 5. strategies for mastering foreign language discourse (strategies for modifying foreign language professional discourse, metacognitive and rhetorical strategies); 6. skills that implement these strategies; 7. communicative goals and intentions; 8. emotional and evaluative component (Slezko, Yu., V., 2014: 20).

According V.E. Buteva (2014) strategic competence is an individual's ability to adequately use a learned set of actions (methods, strategies) on the basis of acquired knowledge and skills (Buteva, V.E., 2014: 28). The structure and content of the strategic competence follows T.I. Oliynyk, V.E. Buteva

interprets it as the presence of knowledge about one's own psychological characteristics that affect the mastering process; of knowledge about word formation, grammatical forms, etc., which contribute to the use of educated guesses; models of behavior and a set of speech actions to achieve the set communicative task; relevant skills and abilities that allow using educational and communicative strategies in the learning process (Buteva, V.E., 2014: 28).

S.A. Fedorova (2015) (the author's term «compensatory competence») interprets strategic competence as the ability to compensate for breakdowns in communication caused by a lack of knowledge, limited linguistic, speech and sociocultural means, as well as extralinguistic factors. The development of compensatory skills is possible through productive types of speech activity, and in their combination with receptive ones (listening-speaking, listening-writing, reading-writing, reading-speaking). In the work, the author clarifies the nomenclature of students' compensatory skills. In speaking and writing: use synonyms; use substitutes; use paraphrasing; use clarifications and questions; use associations; use analogies; use non-verbal means of communication; listening and reading: divide the text into complete meaningful parts; recognize familiar words in the text; use illustrative material and country studies comments; carry out syntactic and lexical-grammatical analysis of sentences; use linguistic and sociocultural guesswork (Fedorova, S.A., 2015: 10).

Under strategic competence O.V. Luchyna (2016) (the author's term «compensatory competence») understands the ability and willingness of subjects to compensate for the deficit of their foreign language knowledge, as well as linguistic and social experience of communication in a foreign language environment with the help of various verbal and non-verbal means in order to support the communication process (Luchyna, O.V., 2016: 29). The selected components of strategic competence correlate with the components of any act of activity and correlate with the structure of activity.

Thus, the structure of strategic competence includes knowledge, skills, motives and attitude to activity (Ivanov, A.V., 2012: 45). The scientist identified two basic elements in the structure of strategic competence – strategy and skill. A compensatory strategy is an activity for the implementation of a certain number of subordinate goals, which leads to the achievement of the main primary goal – compensation for an interrupted communication process due to a shortage of speech resources; compensatory skill is the ability to use certain linguistic and non-linguistic means of a foreign language to compensate for difficulties arising from imperfect mastery of foreign language (Ivanov, A.V., 2012: 45).

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Conclusions. One of the important tasks of modern institutions of higher education in Ukraine is the training of competent specialists in accordance with the levels of world standards, socially and professionally mobile, competitive on Ukrainian, European and global labor markets, oriented towards lifelong education. In the conditions of Ukraine's integration into the international scientific and educational space, studying and teaching of foreign languages, and especially English, the language of international communication, is becoming one of the key factors for increasing the competitiveness of graduates on Ukrainian, European and global labor markets. In today's requirements for the foreign language training of students the role of the ability to obtain information from different sources, to absorb, supplement and evaluate it, to apply different ways of cognitive and creative activity is increasing. CEFR (2018) identifies strategic competence as a key element to form communicative competence. Thus, the formation of strategic competence is of great importance for students. The prospects for further scientific research should be the use of the identified elements of strategic competence as the basis for the formation of future primary school teachers' foreign language educational and strategic competence in the educational process to build a model of appropriate learning.

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THE WAYS OF THE FUTURE PRIMARY SCHOOL TEACHERS' ECOLOGICAL COMPETENCE FORMATION

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Abstract. The article reveals the ways of the future primary school teachers' ecological competence formation. The theoretical analysis of the normative documents of Ukraine, psychological, pedagogical and methodological literature, the curricula for primary school and curricula for the primary school teachers' training revealed the main directions of a complex approach to the ecological competence formation. Much attention in the article is focused on the methodological aspect of the future teachers' training in the process of teaching such disciplines as "Ecology" and "Educational Practice (Field)". It is shown that in the process of the teacher's ecological competence formation it is necessary to use traditional and non-traditional forms of conducting classes – binary and integrated lectures, trainings, excursions, to involve students in ecological actions and nature conservation activities. The survey revealed that the use of such methodological approaches not only forms the future primary school teacher's ecological competence, but also promotes his professional self-development and growth.

Key words: ecological competence, future primary school teachers, the academic course of "Ecology", ways of formation, methodological aspect.

Introduction. The contemporary human habitat has recently been trying the humanity's strength – climate changes (melting glaciers, increasing the area of deserts, hurricanes, floods, fires), the spread of epidemics (bird flu, Ebola fever, coronavirus COVID-19); the consequences of the military actions related to the russian invasion of Ukraine; accelerated absorption of resources and accumulation of waste. The cause of the ecological unhappiness of people and, accordingly, the growth of the ecological crisis is the human being himself, who is focused on the immediate result in his strivings after well-being and is not able to think globally, see the long-term prospects and consequences of his actions in care of nature. The destruction of nature is so rapid that it is witnessed by the people of one generation. The violation of the ecological balance in the biosphere is becoming a leading factor not only in the deterioration of human health, but also in the destruction of national economy. Therefore,

the problem of renovation of the content of higher education, both in Ukraine and around the world, in the context of global problems caused by the environmental degradation, the crisis in the relations between the human being and nature, the application of knowledge in life while solving the environmental problems concerning increasing the level of the environmental safety of the modern society.

The environmental education of youth is among the priority directions of educating the modern generation. The foundations of ecological thinking, scientific worldview, ecological culture, responsibility for one's own deeds are laid in childhood. "School education serves as a basis for the development of the individual, provides the individual's maximum development of his intellectual abilities and the formation of his universal qualities, especially the spiritual development of the individual, who leads the ecological lifestyle" (Sichko, 2013: 205).

In addition, "the actuality of the environmental education is caused by a number of factors:

- the need to increase citizens' environmental culture;
- the need to constantly preserve and improve the human living conditions on the planet;
- the need to solve the actual problems related to the reduction of the living space per person;
- the need to preserve, restore and rational use of the natural resources;
- the low level of human perception of the environmental problems as personally significant;
- insufficiently developed skills and abilities of the practical participation in nature conservation activities" (Lokshyna, 1999).

The key role in upbringing the younger generation is played by a primary school teacher, so the future teachers' professional training, their environmental education, culture, readiness to work with children and, after all, environmental competence is an important component of the modern teacher training. The low level of students' ecological consciousness and culture, due to the children's age and psychological characteristics, makes certain requirements to the teachers' professional training, the system of which would meet the requirements of the modern school, society and ensure the formation and development of a harmonious personality with a high level of the ecological consciousness.

Therefore, the purpose of the article is to reveal the ways of the future primary school teachers' ecological competence formation (methodological aspect).

Materials and methods. To achieve the goal of the study a set of methods was used: the theoretical analysis of the normative documents of Ukraine, psychological, pedagogical and methodological literature, curricula for primary school and curricula for primary school teachers' training in order to determine the state and prospects of the problem; questionnaires and observations – to determine the level of the future primary school teachers' ecological training. The study was conducted at the Faculty of Preschool and Primary Education and Arts, "Primary Education" specialty at T.H. Shevchenko National University "Chernihiv Colehium". In order to check the level of the future primary school teachers' ecological competence formation, a questionnaire of the fourth-year students was organized after studying the course of "Ecology" and the main disciplines of the natural and mathematical and general pedagogical cycles. 41 students of the full-time department and 23 students of the part-time department aged 18 to 24 took part in the survey.

The results and discussion. The National Strategy for the Development of Education in Ukraine for 2012-2021 states that the content and organization of modern education are insufficiently oriented on the young people's vital competences formation, their active socialization. Under the conditions of modernization of education and the threat of the ecological crisis, the young people's ecological competence formation, which is a component of the life competence, is especially important (Pro Natsionalnu..., 2013). At the same time, the State Standard of Primary Education (2018) identifies 11 key competences. Among them there is the ecological competence, which includes the awareness of the principles of the ecological management, following the rules of the environmental behavior, economical use of natural resources, understanding the importance of nature conservation for sustainable development of the society (Derzhavnyi standart...).

Consequently, the citizens' ecological competence formation is one of the most important tasks of the sustainable development education. The ecological competence gives a modern person the opportunity to responsibly solve life situations, subordinating the meeting of his needs to the principles of sustainable development (Pustovit, 2008).

There are several approaches to the ecological competence formation, the most commonly used are complex and activity. A complex approach to the conditions for the ecological competence formation proposed by Yu.P. Shapran includes:

- ensuring a holistic system of influence on students throughout the study period;
- special ecological disciplines and courses, which are harmoniously combined with the worldview orientation and greening of all spheres of the university life and activity;
- the interaction of a lecturer and a student, students with each other, the productive discussion of the environmental issues, which teaches to think and act independently (Shapran, 2012).

“High results in the students' acquisition of the environmental competences can be achieved by actively involving various teaching methods in the educational processes and implementing various educational models and projects in the process of studying biological and ecological subjects” (Yakub, 2022: 241). In addition, one more way is filling the disciplines with the ecological content, which ensures the integration and continuity of the ecological education.

The analysis of the curricula and programs on training the bachelors of the “Primary Education” specialty of some universities of Ukraine (T.H. Shevchenko National University “Chernihiv Colehium”, L. Ukrainka Eastern European National University, B. Hrinchenko Kyiv University, National Pedagogical Dragomanov University) revealed that the future teacher's ecological competence formation mainly occurred in the process of teaching the disciplines of the natural and mathematical bias, such as: “Bases of Natural Science”, “Ecology”, “Educational Practice (Field)”. Certain methodological aspects are considered during teaching the general scientific and pedagogical disciplines such as: “Philosophy”, “History of pedagogy”, “Bases of Pedagogy”, “Didactics”, “Theory and Methods of Upbringing”, “Teaching Methods of the “Natural Science” Branch of Learning”. But such the disciplines as “Ecology” and “Educational Practice (Field)” have the greatest potential for the future teachers' ecological competence formation. Let's consider the peculiarities of the teachers' ecological competence formation in detail.

The purpose of the course of “Ecology” is to form the future primary school teachers' ecological competence, acquaint them with the global ecological crisis, which is connected with the negative consequences of the scientific and technical revolution, the formation of organizational skills for the pupils' ecological education, teaching them to love nature, carefully treat it, rationally use its resources.

The main tasks of studying the “Ecology” discipline are:

- the worldview knowledge formation about the main trends of interaction between the society and nature at the present stage, the interdependence of economy and ecology;
- revealing the bases of nature management, the formation of knowledge about the traditions of nature management in different regions of the world, the main principles of the international sustainable development strategy;
- teaching understanding of modern ecological problems, awareness of their importance, urgency and universality;
- bringing up a sense of responsibility for the environment, awareness of the man's place in nature, the need to adhere to the nature conservation legislation;
- the development of the personal responsibility for the state of the environment at the local, regional level, the ability to predict the personal activity and the activity of others;
- the development of the system of intellectual and practical skills, emotional experiences in relation to the study, assessment and preservation of the native land nature and one's own health;

– future teachers’ mastering the technologies and methods of primary school pupils’ ecological education.

As a result of studying the discipline a student must know:

- the subject, tasks, meaning of the course of “Ecology”;
- the main causes of the global environmental crisis;
- the causes of the “demographic explosion” in the world and demographic problems in Ukraine;
- the main environmental problems of the hydrosphere, lithosphere, atmosphere, the main measures to protect them from pollution;
- the basic laws and statutes in the field of the environmental protection;
- the main types of the environmental pollution and ways of getting them into the environment;
- the impact of abiotic, biotic, anthropogenic factors on a human being;
- the main environmental problems of Ukraine;
- the need for rational use and protection of resources;
- the main environmental factors and their role in the life of organisms.

After studying the course of “Ecology”, future teachers must acquire the skills:

- to use the knowledge on the course of “Ecology” to form the young learners’ ecological worldview;
- to use basic scientific and natural and humanitarian knowledge, which is necessary to form the ecological worldview, ecological culture and ecological thinking;
- to conduct observations in nature, to determine the main ecological problems of the region;
- to assess the impact of biotic and abiotic factors on the functioning of the biosphere;
- to be able to analyze ecological maps;
- to use the knowledge of ecology to organize young learners’ work on nature conservation.

We analyzed the State Standard of General Primary Education (Derzhavnyi standart...), Standard educational programs of primary education (Typova osvitalia..., Typovi osvitalia...) and school textbooks “I Explore the World” (Bibik, 2020, Hilberh, 2019, Hrushchynska, 2018), which implements the ecological component of the natural educational branch, in order to identify the topics of the school curriculum that need to be focused on by future teachers. The most important topics of the “Ecology” discipline in the primary school teachers’ professional training are identified:

1. Within the topic “Geoecology” to acquaint students with global ecological problems of the present time, the reasons for their emergence and prospects for their solution.

2. Concerning the topic “Bioecology” it should be noted that it is mostly revealed in the school year, especially in the 2nd grade (it is the adaptation of organisms to the environmental conditions). It is well known that the basis of the ecological knowledge is the study of natural connections, patterns of living systems’ development, the interdependence between objects and phenomena of nature. Therefore, the problems of “Adaptation of plants and animals to different living conditions”, “Life forms of organisms”, “Types of connections in biocenoses”, “Food chains”, which are examined in lectures and practical classes, are the most important in this topic.

3. The topic “Nature Conservation” is of great importance for the future primary school teachers’ training. It is a comprehensive topic of the school subject “I Explore the World”. Students must master the basic terminology, know the difference between “the reserve” and “the National Park”; get acquainted with general measures aiming at the preservation of the geographical covers and biological diversity; get acquainted with the plants and animals recorded in the Red Book.

4. One of the most important issues of the course of “Ecology” is “Primary school children’s ecological education”. Considering various methods and technologies of pupils’ ecological education, it is necessary to focus students’ attention on the research method, activating the pupils’ cognitive interest, stimulating their motivation; working out creative tasks, ecological actions and projects for primary school pupils.

5. An actual topic for students is “Human Ecology”. In this topic it is necessary to concentrate the attention on the factors forming the children’s health, and especially on their lifestyle, which includes: proper nutrition, adherence to the conditions of work and rest, diseases and bad habits prevention; separately determine the safety of children at school, in relation to the impact of the anthropogenic factors on a young learner and its consequences.

6. Another important point of teaching the “Ecology” discipline is to introduce information based on the local region material. The same principle is specific in teaching the school subject “I Explore the World”, it stipulates a systematic study of the pupil’s region: nature, culture and traditions of the people in the place where the child lives. The effectiveness of the local region material use at the lessons in primary school largely depends on the teacher’s knowledge and ability to use it. It should be emphasized that this principle should be implemented in all topics of the course of “Ecology” (Koval, 2017: 375-376).

Regarding the organization of the classes in the “Ecology” discipline, traditionally in the learning process an important role is played by lectures and practical classes, which contribute to the professional development of the future specialist. In addition, students get acquainted with the content of school education, which “includes didactically defined four components, without which it is impossible to form ecological competence:

- 1) the system of knowledge about nature, society, a human being, etc.;
- 2) the experience in implementing already known in the society ways of activity;
- 3) the experience of the creative activity, which can provide readiness to find solutions to new problems, creative transformation of the reality;
- 4) the experience of the emotional and valuable attitude to the world” (Savchenko, 2012).

The non-traditional classes which we use in our work include binary and integrated lectures. The combination of topics of different disciplines, such as “Ecology” and “Mathematics”, “Ecology” and “Theory of Upbringing” or “Teaching Methods of Natural Educational Branch” helps future teachers to understand the ecological component better; contributes to the deepening of students’ ecological and natural knowledge, and allows them to orient freely in a causal connection and provides a practical acquisition of certain professional skills. At the same time, the involvement of two or three teachers in such classes leads to a deeper mastering of special (pedagogical and methodological) knowledge on an interdisciplinary basis and contributes to the activation of students’ cognitive interest.

A considerable attention is paid to the organization of the individual and group tasks of the ecological bias for the students’ independent work. The tasks are of the creative and reproductive or creative (productive) nature, contribute to a more effective way of organizing the learning process. Students create various educational and methodological projects, courses of the lessons, educational hours, make their own didactic games, crossword puzzles, select riddles, fairy tales of the ecological bias for schoolchildren to be used at the lessons (Fig. 1). Future teachers present their creative projects first to their classmates, and then the best ones are implemented in schools in practice.

Conducting practical classes using a variety of technologies in the form of trainings allows to offer students the tasks of various complexity and direct them to developing their professional skills such as independence, the ability to express their opinions, work in a team, the ability to analyze information and think critically.

At the same time, the use of the ecological trainings is an innovative form of the socio-pedagogical work (Koval, 2022: 74). They combine a variety of interactive methods and forms of teaching students – mini-lectures, brainstorming, group discussions, modelling the situation, games, presentations, analysis of situational tasks. The ecological trainings increase interest, in general, to the learning process; ensure the consolidation of the information on the environmental problems and ways of solving them; contribute to the development of the global ecological thinking, and develop organizational and methodological skills of work with children. Besides, the state documents in accordance



Fig. 1. Students' creative works on ecology: A. Didactic game "Merry seeds"; B. Educational and methodical manuals for the students of ecological and natural bias; C. Appendix to the project "What is Ukraine famous for?"

with the concept of the New Ukrainian School states that to form the pupils' ecological competence it is necessary to use new teaching technologies that help increase pupils' motivation. Therefore, their implementation into the future teachers' learning process is appropriate.

Among the non-traditional classes of the course of "Ecology" there is an excursion to the regional landscape park "Yalivshchyna" to the agrobiostation of the T.H. Shevchenko National University "Chernihiv Colehium". During the excursion, students get acquainted with the collection of the collected, imported from different parts of Ukraine and the world plants (ornamental, evergreen, medicinal, rare, introduced and the plants of industrial importance). Future teachers study the plants recorded in the Red Book, learn to create ecological trails and conduct excursions with young learners.

"Educational Practice (Field)" plays an important role in the future primary school teacher's ecological competence formation. This discipline helps to carry out the following tasks of the ecological content:

- deepening and broadening the students' knowledge obtained in the process of studying theoretical courses, the creative use of this knowledge in practice;
- training students for the organization of the excursions to the nature, formation of skills of doing regional studies work, management of youth circles;
- educating students to care for the nature of their native place and introducing the ways and methods of the environmental protection;
- understanding the aesthetic value of nature.

"Educational Practice (Field)" gives the opportunity to reveal the parts of "Ecology" more detailed (Fig. 2).

The educational topics of "Educational Practice (Field)" include the following parts of the ecological knowledge (Fig. 3).

New knowledge should help a future primary school teacher to acquire the following skills and abilities of the ecological content:

- to observe and study plants and animals in natural conditions in accordance with the goal;

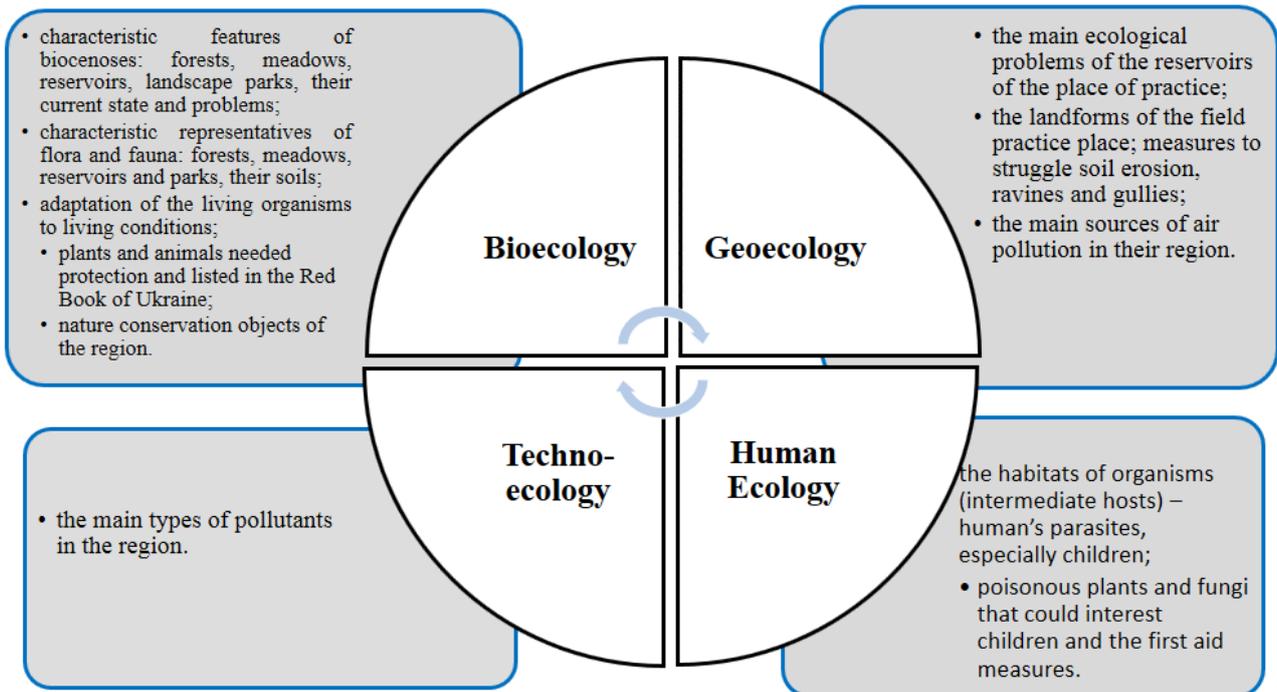


Fig. 2. Integration of the “Ecology” and “Educational Practice (Field)” subjects

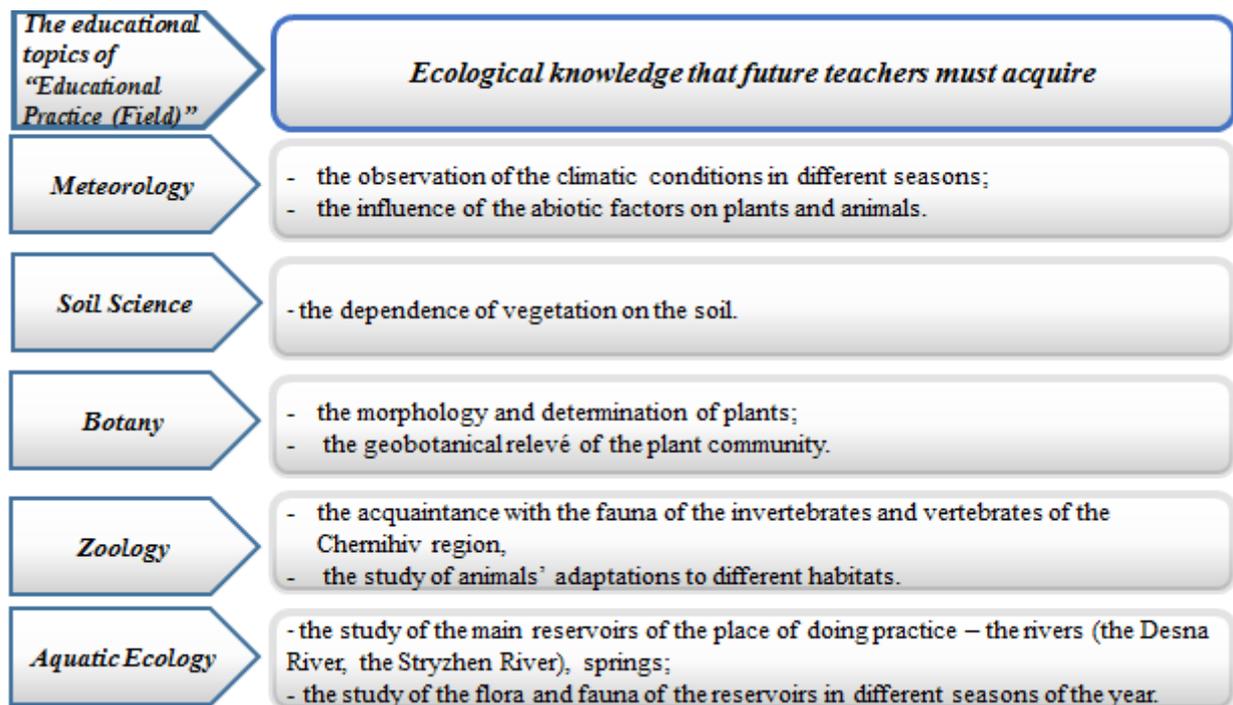


Fig. 3. Educational topics of “Educational Practice (Field)”, which include the ecological knowledge

- to follow the rules of communication with plants and animals and the rules of personal safety;
- to observe the weather and forecast it for the day, month, season, using signs;
- to determine natural and territorial complexes by the nature of vegetation and relief;
- to monitor the condition of the place of practice;

- to define the objects of the organic and inorganic nature that need protection;
- to treat natural objects with care, without damaging them during the observation.

One of the directions of the comprehensive approach to the ecological competence formation and ensuring a holistic system of influence on future teachers throughout the period of studying at the university is to involve students in non-traditional forms of work. Students-volunteers, for several years in a row, actively participate in the ecological city events: “Life in the ECO-style”, “The Desna Day”, “Scientific Picnics”, cleaning the town territories (Fig. 4). Within the framework of the projects, students together with the lecturers made and conducted the ecological master classes for children: the motanka doll “The amulet with your own hands”; the origami “The Red Book of Ukraine”; ecological experiments; the aqua make-up “The favourite animal”.

Involving students in these actions primarily promotes the popularization of the ecological knowledge among the population (bringing up children), drawing the attention to the ecological problems of natural complexes and finding the ways to their joint solution. And secondly, it helps future teachers to grow professionally and acquire the pedagogical skills.

In order to check the level of the future primary school teachers’ ecological competence formation, a survey of the fourth-year students was organized. A continuous monitoring of the state of the students’ ecological competence formation as future primary school teachers contributes to rising the quality of the ecological education, making new additional proposals for the changes and components of its content. The analysis of the questionnaires showed that most students mastered the basic material at a sufficient level. So answering the question “What ecological problems of Ukraine do you know?” future teachers named such as: “The Chernobyl accident” – 61%; “air and water pollution” or “general environmental pollution” – 68.7%; “deforestation” – 39%; “a high level of pollution in some regions of Ukraine – the Donetsk region” 44%; and 3.1% – “the extinction of some species of plants and animals”, “the reduction of the area of the lands suitable for farming”; and “the environmental pollution by metallurgical plants”.



Fig. 4. Participation of students-volunteers in the ecological festival “Life in the ECO-style”

To the question: “What did you learn from the course of “Ecology”? the respondents replied (here are a few examples): “This subject was very interesting and informative for me. I learned a lot about the ecological state of Ukraine, the main causes of the environmental pollution and its consequences”. “I got acquainted with the species of plants and animals recorded in the Red Book of Ukraine”; “I learned how to organize the ecological work in schools”.

To the question: “Have your personal characteristics changed after studying the “Ecology” discipline? How?” 40% of the students answered (here are the examples of the answers to the questionnaire): “Yes, they have changed. I was thinking over how much we affected our environment”, “I began to pay more attention to the ecological problems of our town and Ukraine. I think I learnt to analyze the ecological information in detail. I began to pay more attention to the conservation of nature, to that in which state it is now”. “I wanted to do something useful for the environment”. “After studying some topics, I realized how much we harmed nature. So now I will take into account my actions that may affect the environment”. “I began to appreciate nature and the world around me more”.

One of the questions of the questionnaire was a request to name the ecological measures (projects) that are (were) carried out in the region, town, village in which the students participated. The majority of the respondents (90%) listed various projects: “Plant the Christmas tree”, “Cleaning the local springs, rivers”, “Life in the ECO-style”, “Green gang”, “The houses for younger brothers”, “Ecological school quizzes”, “Excursions”, “Collecting batteries”, “The future of the forest is in your hands”, “Cleaning parks, squares”, “Let’s make the environment cleaner”.

The results of the final research testified that the majority of students (53.1%) determined that the acquired environmental knowledge in the process of study influenced their environmental culture (Fig. 5). Therefore, we are aware that our work requires further expansion of the search for new ways of the environmental competence formation.

Conclusions. Analyzing the experience of our scientific body and the university as a whole, we can conclude that the leading role in the ecological competence formation is given to the student’s own experience; the acquisition of the research pedagogical activities that gives the opportunity to form the future teacher’s emotional and valuable attitude to nature, contributes to the creation of the future teacher’s own methodical style of work. This approach requires a change in teaching methods of the subject, strengthening the role of practical and individual work, organizing work in small groups, allowing the time to work with information, implementing the student’s own working ups,

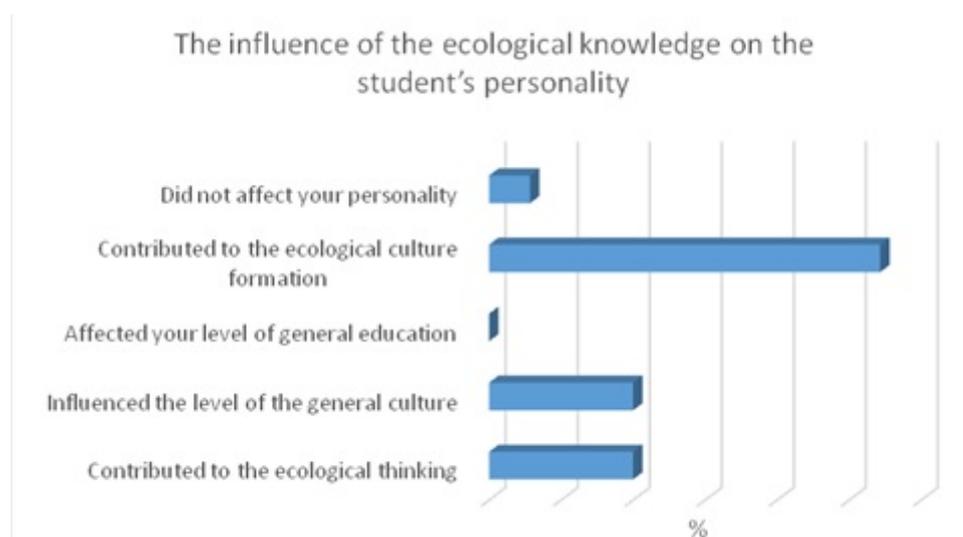


Fig. 5. The influence of the ecological knowledge on the student’s personality

involving students in ecological actions and projects. In addition, it is very important to include excursions in the educational process, future teachers' direct acquaintance with natural and protected objects of the environment. All this contributes to the future primary school teachers' ecological competence formation.

Thus, the primary school teachers' training in higher pedagogical institutions is aimed at providing secondary schools with skilled teaching staff who are able to organize and conduct environmental excursions, use a variety of techniques and methods of educating a caring attitude to nature, involve children in the activities aimed at the environmental protection. The academic courses of "Ecology" and "Educational Practice (Field)" should be not only introductory and give the general ecological knowledge, but also professionally oriented at the future profession of a teacher.

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USING THE APPROXIMAL AND ANALYTICAL METHOD FOR DEVELOPING THE VOCABULARY OF STUDENTS OF LANGUAGE SPECIALIZATIONS IN THE PROCESS OF STUDYING A FOREIGN LANGUAGE

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Abstract. The article deals with the problem of using the approximate-analytical method for developing the vocabulary of students of language specializations in the process of learning a foreign language. The essence of the concept of "approximate-analytical method" was analyzed and the characteristics of this method for developing the vocabulary of students of language specializations in the process of learning English were determined. The features of the use of the approximate-analytical method in teaching English to students of language specializations are outlined and the importance of its use for developing the vocabulary students of language specializations is proved. Special attention is paid to the practical aspects of the implementation of the approximate analytical method in the process of teaching English to students of language specializations. The authors presented methodical recommendations regarding the use of the approximate analytical method in the educational process. The authors consider the approximate analytical method to be an effective means of optimizing the formation of the fundamentals of foreign language communicative competence of students of language specialties in English classes.

Key words: approximal and analytical method, foreign language, students of language specialties, foreign language communicative competence, vocabulary.

Introduction. The implementation of the "New Ukrainian School" concept is accompanied by extremely important changes in pedagogical theory and practice, primarily related to the introduction into the educational process of innovative author's methods of teaching foreign languages in educational institutions. Learning a foreign language should form a personality capable and willing to participate in intercultural communication.

Analysis of recent research and publications. The question of the formation of the vocabulary of language specialties in foreign language classes has been studied both in Ukrainian and foreign science. Thus, scientists considered various aspects of the specified problem: psychological (L.S. Vygotsky, D.I. Feldshtein, Y.A. Ponomaryev, Z.V. Yurchenko), linguistic (L.V. Kardash, O.B. Tarnopolsky); issues of organizing work with the text at different stages of its development (C. A. Boardman, D. Hall, A. Hogue); peculiarities, sequence of learning the oral expres-

sion of thoughts (O.S. Gumankova, S.V. Dengaeva, O.A. Zymovets, E.M. Karpenko, O.P. Mazko, O.S. Mykhaylova, K.E. Kostyuchenko); the formation of students' vocabulary in higher educational establishments (N.F. Borysko, O.V.V. Ozniuk, L.V. Kalinina, S.Yu. Nikolayeva, I.V. Samoilukevich, V.V. Sydorenko).

However, with a large number of methodological studies, there are no special ones aimed at the selection of thorough methods for the development of sets of exercises using the author's methodology of O.V. Vozniuk – approximal and analytical method of teaching a foreign language in institutions of secondary education (Vozniuk, Tychyna, 1998).

Taking into consideration the experience of the scientists, as well as looking for ways to optimize the vocabulary process of students of language specialties using the approximal and analytical method in the process of learning a foreign language, we consider it necessary to emphasize the possibilities of using the approximal and analytical method in the process of learning a foreign language. It should be noted that the educational facilities of the educational institution are oriented towards the development of the child's natural gifts. Therefore, the purpose of our article is to introduce the approximal and analytical method in the process of learning a foreign language regarding the development of the vocabulary of students of language specialties.

To achieve the goal means to use such tasks as studying the peculiarities of the psychological development of students of language specialties in the context of their foreign language learning; analysis of the vocabulary development process of students of language specialties; outlining the didactic potential of the approximal and analytical method in the process of the development of the vocabulary of students of language specialties at the English lessons.

The **main method of our research** is the critical analysis and the summing up of theoretical sources, as well as own development on the use of the approximal and analytical method in the process of vocabulary development of students of language specialties in the English classes.

Main part. The analysis of several theoretical and practical prerequisites for the approximal and analytical method by O.V. Vozniuk allows us to note the following aspects and prerequisites for introducing the method into the educational process of students of language specialties (Vozniuk, 2005: 69-80). For the educational process in the context of teaching a foreign language, an approximal and analytical method based on the phenomenon of semantic and grammatical integration of world languages can be used. This integrality is realized in the visual and semantic universals of various languages of the world, as well as in the thinking of people who speak these languages.

This conclusion follows from the research of N. Chomsky, who developed a universal grammar, which transforms 'surface structures' (at the level of which languages differ) into 'deep structures' (at the level of which languages are integrated and show a certain identity), which become 'innate', which allows us to assert the fundamental unity of the world's languages, when the names of many objects in the surrounding world often sound similar in unrelated languages (Vozniuk, Tychyna, 1998).

So, scientists who studied the basic lexical set of 100 most used words of 60% of the languages of our planet saw that there are structural and logical connections between the names of the same objects when their names sound similar even in the most distant languages. At the same time, such semantic and content motivation of visual and sound signals is characteristic not only for the visual and sound, but also the tactile sphere of the surrounding reality.

Since learning a foreign language on the basis of one's native language (and this is the essence of the specified method), a person is freed from the problem of separating the communicative experience of mastering two languages – native and foreign. And if a foreign language is learned as a native language, then this removes the problem of aggressiveness faced by a person who learns a foreign language outside the communicative environment of its speakers (Voznyuk, Kasyanyuk, 2021).

Therefore, the main feature of this method is the significant convergence of the verbal networks of foreign and native languages to the state of mutual penetration of these languages, when the words of the foreign language – English – are not perceived by the student as words of a foreign language.

On the contrary, in the lexical units of the foreign language, familiar linguistic features inherent in the native language are beginning to be found. Let's consider some of the main ways of converging the verbal grids of a foreign language and the native language to a state of mutual penetration.

1. First of all, there are direct phonetic correspondences when we are dealing with international words that are transparent to understand ("class", "Internet", "caravan", "channel", "canal" etc).

2. The second channel covers so-called indirect phonetic associations, where English words can be understood through the use of certain associations, for example, the word "pigeon" has an association with the word "pignon" and came to English from French, where eccentrically dressed people were compared to by "boys".

3. The next channel involves direct phonetic associations. For example, the word "brave" (which has a number of derivatives – bravo, bravado) can be translated as "brave", that is, "brave". At the same time, it is important to note that the study of these words involves their use in a certain context, when associated words are used together.

4. The next channel – 'word-changing transformations based on the re-awareness of the lexical meaning of words' involves the analysis of the structure of words followed by the re-awareness of the lexical meanings of the parts of the words that are a part of the analyzed words. For example, the word "budget" can be understood as meaning a certain potential for growth.

5. The fifth channel of rapprochement between the lexical composition of the English language and the Ukrainian language is 'word-formation analysis'. If we analyze the composition of the international and fairly understandable word 'basketball', we have such components as 'asket' and 'ball'.

6. The next channel involves semantic transformation, re-awareness of both proper names and geographical names, as well as advertising, etc. For example, the word 'Broadway' is a street in New York 'Broadway'.

7. The seventh channel provides for associative word-changing transformations, when words are transformed, and with them their lexical content. Yes, the word 'corridor' is international and quite understandable.

8. The next channel involves a certain re-awareness of the semantic motivation of English words. Thus, the word 'compulsory' can be semantically motivated by dividing it into structural elements and somaticizing each of the elements.

9. Re-awareness of homophones is important. So, the word "horde" can be connected with the word 'to hoard', i.e. 'to collect', 'to accumulate'.

10. The next channel of the approximate analytical method is the displacement of the semantic motivation of lexical units and its enrichment. Let's consider one example. The English word 'qualification' is translated as 'qualification'.

11. The next channel is related to the use of rhyme, which should play the role of a certain associative bridge between semantically distant words, since their rhythmic structure appears as a key factor that contributes to the emergence of a certain reaction in students to new lexical units that are introduced in class, i.e. rhyme.

12. Therefore, we can talk about the importance of considering the similarity of the phonetic shells of lexical units.

13. It should be noted that the use of the achievements of sound symbolism implies that in the educational process of the higher school the use of lexical units should be in an integral linguistic context. At the same time, you can use words in a single grammatical context – in the field of several parts of speech.

14. The following channel is the usage of etymological series.

15. Here it is extremely important to use so-called nested dictionaries, where lexical units are arranged according to the principle of word formation, when words are placed in certain nests.

16. It is essential that the perception of words is implemented at the level of neural networks of the brain, where words that differ in content and have similar sound shells are perceived in neural zones that are locally close to each other (Voznyuk, 1998).

Therefore, the procedure for implementing the considered channels of convergence of the verbal grids of the English and Ukrainian languages makes it possible to semantically motivate a huge number of lexical units of the English language, which at the same time become 'transparent' – that is, understandable.

We have already noted that the process of learning one's native language is accompanied by the crystallization of the communicative experience of mastering this language. But during the study of a foreign language outside the communicative environment of native speakers, that is, in academic settings, a fundamentally new set of such experience is formed, which is fundamentally separated from the set of communicative and practical experience of mastering a person's native language.

Therefore, the purpose of the approximal and analytical method is to create certain conditions for convergence and integration on a synergistic basis of communicative codes of foreign and native languages with the help of a developed system of approximal and analytical tools for the transformation of lexical and grammatical structures of the English language. The approximal and analytical method implements creative activity, it teaches creativity, because it is aimed at the development and formation of an emotional-figurative-associative-expressive, integral and at the same time multi-meaningful reflection of the surrounding reality, which is inherent to a creative being.

Acquaintance with the approximal and analytical method, in our deep conviction, will be useful for those who study the English language, as this method can help to form a fundamentally new view of the relationship and interaction of foreign and native languages.

It is on the basis of this approximal and analytical method, in our opinion, that an appropriate lexical and grammatical basis for perfect mastery of a foreign language can be formed, which most adequately corresponds to the fundamental goal of modern education – the development of a holistic, multifaceted, creative, harmonious personality.

Let's give an example of a lesson on the topic 'Sports'.

Unit 1

Sport

About 80 words

Basketball – баскетбол → basket (кошик) → ball (м'яч).

Player (плеєр, гравець) → to play (грати) – playful = full of play (грайливий = "повний гри")

Hit (хіт, вдаряти) → musical hit (музичний хіт)

Accurate (від «акуратний» – точний) → accurately (точно)

Strong (від Armstrong – Амстронг, американський астронавт) Armstrong = strong arm.

Gentleman = gentle man (ніжний, шляхетний мужчина), gentility (шляхетність).

Unit 2

This basketball player plays basketball like a monster. (*Цей баскетболіст грає в баскетбол як монстер / потвора*)

He hits the basket with the ball like a monster. (*Він ударяє в кошик м'ячем як монстер/потвора*)

His hits are always accurate (*Його удари завжди точні*)

This basketball player likes musical hits (*Цей баскетболіст/ баскетбольний гравець любить/ полюбляє музичні хіти*)

He plays guitar when he has playful emotions. (*Він грає на гітарі, коли він має грайливі емоції*)

This playful player is full of emotions (*Цей грайливий гравець сповнений емоціями*)

His emotions are positive, and he has strong arms (*Його емоції є сильними і він має сильні руки*)

since this method teaches creativity through its focus on development and formation of an emotional-figurative-associative-expressive, integral and at the same time multi-meaningful reflection of the surrounding reality.

Conclusions. Thus, the study of the approximal and analytical method made it possible to find out that its purpose is the convergence and integration on a synergistic basis of the communicative codes of the foreign and native languages with the help of the developed system of approximal and analytical tools for the transformation of the lexical and grammatical structures of the English language; in the educational process, it is appropriate to study not individual lexical units of a foreign language, but their integral complexes, which are reflected in the common links of the neural constellations of the human brain and form vague ambivalent right-hemisphere semantic ensembles.

At the same time, it remains outside the scope of the study and requires further investigations to study the peculiarities of the implementation of the approximate analytical method in the educational process of general educational institutions.

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ADULT EDUCATION IN UKRAINE: FEATURES AND DEVELOPMENT PROSPECTS

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Abstract. The article considered the issues of forming factors of development and prospects of adult education in Ukraine. The peculiarities and the importance of adult education in our modern conditions of social development are substantiated. In particular, adult education should be considered as the important component of continuing education. The complex of problems connected with its functioning and has a specificity, which is caused by peculiarities of the composition of those who study, as well as the originality of tasks. There is no country in the world that would not be obliged to develop its own technological, social and economic development, cultural development. Nor is there a country that does not link its own future to its further development through the process of continuous education or education through the life. The author also identified the main factors of the development and prospects of adult education in Ukraine, among them: human resources; availability of objective need of systematic adoption of modern information systems and technologies; market needs; satisfaction of higher needs of individual adult person in the development of his/her personality; social and economic development of the country. The main tasks of improvement and development of the adult education system in Ukraine are: improvement of normative and legal support and change of branch legislation; study of the labor market; optimization of the structure of the adult education system according to actual needs of the market in regions, branches and the country as a whole; improvement of educational and methodical, informational and material-technical support of the general system of adult education; expansion of the scope of international cooperation in the field of adult education; formation and application of innovative methods of teaching and learning.

Key words: adult education, prospects of adult education in Ukraine, process of adult education, improvement and development of adult education system.

Introduction. The problem of ensuring international peace and security remains one of the most important for the world community in the 21st century. At the same time, the issues of effective functioning of the education system, including adult education, formation of educational network, financial autonomy of educational institutions are being presented in an existential plan, as education and culture are the nation's foundation. That is why now we clearly see and realize our unity and at the same time the aggravation of our problems that have been before. At the same time, during the war, and after its completion, the main task of the educational sector is and will be effective provision of education quality of all levels. According to this, modern processes of reforming the life of the Ukrainian society have created real preconditions for significant transformations in the economy, culture, education and science, which has significantly increased the requirements for modernization of the education system. Current changes and processes determine the assertion of such social and personal values as: «personality», «spirituality», «professionalism», «humanism», «tolerance». They are aimed at growth of erudition, intensification of person creative possibilities, its general culture, and also integral development of all segments of population.

Moreover, the end of the XX – beginning of the XXI century is characterized by orientation of adult person on provision of social and cultural development. The objectives of education throughout the life of the individual were discussed at many world and international scientific and practical con-

ferences on adult education. At the same time, scientists have come to the conclusion that education should be the main factor of the person activity, in particular, adult person, and acquire the character of continuity. According to this, there is a need to find new approaches to adult education.

Functioning of the system of education including adult education in the conditions of military condition is characterized by the processes of intensive search for new approaches to the process of education, innovative forms of educational process organization, application of effective pedagogical and information technologies. At the same time, current conditions of adult education in higher education require the ability to continuously improve their knowledge and self-acquisition of new ones. Under the appropriate conditions, the higher school should form an adult personality, which is taught as a personality, which is able to make decisions independently in the process of the relevant information and its further use in the professional sphere of activity.

In the context of the study, the interest of scientists who directly or indirectly address issues of adult education, among them: O. Anischenko, Yu. Brandibourg, With. Kovalenko, L. Klochko, N. Kolosova, L. Oluyanova, O. Toporkova, etc. The scientific works of foreign scientists deserve attention (P. Jarvis (R. Jarvis), V. Konoviy (W. Conaway), D. Davis (D. (Davies)), which analyze problems as formation of effective system of adult education, formation of effective and effective mechanisms of educational process improvement in system of adult education, as well as modern tendencies of development of adult education in the context of globalization changes. Taking into account sufficient number of scientific researches of different aspects of educational process organization in Ukraine, at present there is not enough complex and systematic analysis of formation and substantiation of development directions of adult education as the integral and important component of development of the national system of education.

The aim of the study. The purpose of the article is to carry out research and analysis of the main factors of development and prospects of adult education in Ukraine.

Material and research methods. The complex of interrelated methods of research was used to solve the set tasks, such as: theoretical, scientific, analysis, synthesis, deduktion, abstraction, comparison, generalization, systematization, concretization and others.

The results of scientific research. The research shows that against the Russia's full-scale war against Ukraine, all spheres of society's life have undergone significant changes. The changes are also noticeable in the Ukrainian and world labor markets, since it is the Russian-Ukrainian war that is changing the previous paradigms and principles behind which the economy and labor market operate. After Ukraine's victory in this war, our country will need qualitatively new specialists, which will actualize in particular the demand for educational services in the field of informal adult education, which, at the expense of maximum flexibility and is able to satisfy various educational needs of citizens taking into account their individual opportunities, etc. It is aimed at promoting the development and improvement of human life and labor skills, social and cultural development (Anishchenko, 2020: 146).

Moreover, the process of effective stabilization of the labor market in the post-war period is an extremely important task, given the emergence of different groups of population affected by armed conflict, including internally displaced persons, including children and women, people with disabilities and former combatants. The specific needs of these groups should be taken into account when planning and implementing sustainable reintegration processes, including training and employment processes. At the same time, the development of the effective system of labor market management, taking into account the issue of education, as well as the development of special and professional skills should be an important component (Pyshchulina, 2022).

In the modern conditions of social development, continuous education provides the basis for comprehensive development of the individual, as well as the inferior component of growth of its creative and professional potential. At the same time, continuous education is the integral part of the individ-

ual life and the condition of individual constant development. The concept of continuous education is highlighted as the important social and pedagogical principle, which reflects the modern tendency of formation of education as the integral system. Such system is aimed at the development of the individual and contains the conditions of social development. That is why we are talking about modern and innovative view of education and approach to understanding its importance in the modern life of the individual.

The analysis showed that the level of education of the working adult population is the indicator of the high standard of living in the country. At the same time, the issue of adult education development is constantly gaining relevance, in many countries national strategies and state development programs are being formulated and implemented. In particular, successful countries have realized the need to develop adult education (Great Britain, USA, Canada, France, Germany and others). Not only the state, but also local communities, employers and businessmen should invest financial resources in adult education. In different countries, a system of measures is used to ensure the closer education to the student using networks of educational and consulting points, creation of educational centers in educational institutions, institutions of higher education, libraries, hubs, centers, in the workplace, as well as applying various information systems and technologies.

It should also be noted that the specific feature of adult education is that this process should be carried out taking into account age, social-psychological, national and other peculiarities. This is the focus of modern pedagogical science – andragohica as the branch of pedagogical science, which investigates problems of education and education of adult person throughout the life. In the broad sense of andragohipko should be understood as a science of personal self-realization of a person throughout the life. Andragohica helps to reveal the personality with age, helps to find their place in life and also to realize their hidden abilities (Ohienko, 2009: 254).

There are the features of adult education, such as:

1. In contrast to traditional pedagogy, the important position of the teacher is that in the course of adult personality training the teacher performs the function of assisting adult student in the identification, systematization, formalization of personal experience of the latter, correction and replenishment of his knowledge. Usually, the adult person wants to study if he sees the need for training and the opportunity to apply these results to improve his professional activity. At the same time, adult people strive to take the active part in the process and bring their own experience and vital values to educational situations, and also try to associate educational situations with their goals and objectives. That is, in education of adults the teacher's task is to organize the educational process so that adult students become co-authors of their own learning process.

2. In the process of education adults should change priorities of the methods of education themselves. For example, instead of lecture, andragogik provides mainly practical lessons, application of situational tasks and case-technologies, often experimental. In addition, approaches to obtaining the most theoretical knowledge are being changed. At the same time, disciplines that contain integrated material in several related fields of knowledge, such as «object management», are of primary importance. Currently, active methods of adult education are quite popular, among which are: presentations, seminars, business and role games, business trainings, workshops, case-technologies, discussions in team work, modeling and execution of projects, exercises, etc. This provides for a certain variation in the forms of adult education, the application of various forms of group work organization, and the use of dynamic changes in different types of activity.

3. In order to achieve the aims of the andragohic effectively, it is necessary to divide adults by different age categories. In particular, social science defines three age categories, namely: up to 25 years, from 25 to 45 years, more than 45 years. Studies have shown that adults are learning new knowledge and skills of the individual, so they need to individualize their studies, improve their self-esteem and feel of their own dignity. That is why it is for each category of adult person to establish the appropri-

ate goals, approaches, methods, terms, pace of training, and determine the interaction of employees belonging to different categories.

4. Moreover, most adults in the course of study need help. Often this is connected with their lack of readiness to change, there are also psychological reasons, among which are: anxiety of own authority; fear of being incompetent in the eyes of others, as well as inconsistency of own image of a professional and role of a student. At the same time, the adult personality accumulates a significant stock of life, social and professional experience that forms his worldview, through which the adult personality carries out the evaluation of any information that comes.

5. In the present situation the complexity of the process of education of adult person is revealed also in the fact that it has tried on itself influence of classical pedagogical paradigm with all inherent drawbacks of it, namely: dogmatic type of training, lecture form of lessons, separation of theory from life, predominance of technocratic thinking, orientation on mastering of ready knowledge and others.

At the same time, we have identified the main tasks of improving and developing the adult education system in Ukraine, such as: forming and ensuring effective interaction and a single course for a wide range of stakeholders, namely: Ministries, local authorities, educational institutions, organizations and others; improvement of the regulatory and legal base and change of branch legislation; formation of complex marketing researches of the needs of economic branches in specialists, as well as study of labor markets; optimization of the structure of the adult education system according to the real needs of the market in regions, branches and the country as a whole; improvement of educational-methodical, informational and material-technical support of the general system of adult education taking into account modern educational trends; expansion of the scope of international cooperation in the field of adult education; formation of a well-developed system of independent assessment and certification of knowledge obtained through informal and information education; formation and application of innovative methods of teaching and training, review, adjustment and adaptation of educational plans of specialities; development of mentoring and counseling as forms of adult education.

Moreover, it is observed that the adult education system is an important branch of education capable of solving urgent tasks of social, economic and political development. At the same time, in Ukraine this education sector requires conceptual improvement taking into account the peculiarities, as well as legislative provision and financial support at the state level. On the basis of the research we have identified the main factors of development and prospects of adult education in Ukraine, as well as the needs of the adult population in education. Among the factors mentioned are those concerning human resources, aging of knowledge, demographic situation, informatization of education, personal and professional development of citizens, etc. We characterize them in more detail. Close relationship between human resources, educational services market, labor market. Thus, education, new knowledge and corresponding competences allow to increase the value of the person in the labor market. This allows adult people to realize the need to increase their knowledge in order to realize their self-realization and increase their competitiveness.

In view of the intensity of globalization processes and the informatization of society, there is an accelerated process of moral depricing, aging of knowledge, as well as skills of specialists. At the same time, a highly qualified specialist becomes unsuitable for further work. Taking into account this transfer, systematic increase of professional competence, participation in the system of additional education and retraining, specialists of all age categories periodically need. This enables to eliminate the educational distance from representatives of different generations and to promote the competitiveness of the respective enterprises in the market.

Currently, in most developed countries, about 18% of the population is older than 60 years. At the same time, this indicator will increase to 30% by 2030. Given the global trend toward aging, the country's population is encouraged by older people to live more actively, work, and engage in social life. At the same time, different types of educational activity expand spheres of social activity,

promote innovation by new specialties, educational programs, allow to feel at a new stage of life their usefulness, help to establish new friendly relationships, create conditions for realization of the need to share experience.

The research shows that not every adult person has the opportunity to realize his potential, desire and possibilities. A large part is revealed gradually, accumulating knowledge, experience, skills and skills throughout its life. Moreover, adult education becomes a component of the planning of the second half of life, where adult personality has an opportunity to be realized in those activities which for some reason were not previously available.

Availability of objective necessity of systematic introduction of new information systems and technologies. Technical development puts an adult personality before the need to get rid of outdated experience for the sake of getting new. Both the experience of life and professional is often an obstacle to professional growth if it does not meet modern requirements.

Satisfaction of higher needs of individual adult person in the development of his personality. That is, training adults for self-improvement and self-realization in the professional sphere of activity.

In examining the processes of adult education development in Ukraine, attention should be paid to improving the forms of organization of adult education. In particular, the application of individual and group forms of education of adult pupils is quite effective. Thus, the organization of group forms of activity should be carried out by means of various innovative methods, including seminars, trainings, workshops, business and role games, selection of practical situations, cases. At the same time, it is expedient to use certain methods, which have proved themselves well in such cases, in order to effectively solve specific tasks. Quite often and widely used method of "brain attack", search of non-standard solutions, different video views and video-trainings, educational computer programs. At the same time, work in pairs and group forms of education, firstly, contribute to creation of a more favorable environment and, secondly, provide an active feedback between adult participants of the educational process, as they provide the opportunity for the student to transfer their knowledge and skills of the teacher-assistant to others.

The problem of self-development of personality, especially conscious of its forms, attracted attention even from antiquity, but the subject of more detailed analysis it became mainly in the second half of the 20th century. Self-development should be seen as a conscious and personally-managed process, which results in improvement of physical, mental and moral potential of a person, as well as revealing of its individuality. At the same time, the process of self-development has no limits, as it does not have limits and perfection of the person (Melnyk, 2016: 314).

We are impressed by the following N. According To the results Of the research In. Andreeva that "having achieved a certain level of culture, a person seems to launch a flywheel of self-interest, as a result of which begins more and more actively, and, most importantly, more effectively to work out self-knowledge, it is self-actualized, that is, actualizes those problems which it seems most interesting, perspective and personally significant. At the same time, it manages itself more effectively and strives for creative self-realization in any kind of activity" (Melnyk, 2016: 117).

Conclusions. Thus, the results of the study suggest that at present, adult education is, on the one hand, a logical continuation of the educational process, ensuring its continuity, and on the other, it is an integral structural component in the general system of education of Ukraine. At the same time, the prospects of adult education development in Ukraine are connected with effective and consistent implementation of the state policy on creation of appropriate socio-economic conditions for effective activity of different public formations, centers of adult education, third-age universities, etc. It is important to develop effective legal support for education of different categories of adults, as well as to form motivation of adults to education during life, integration of all interested parties and public institutions on the basis of mutual cooperation with the purpose of development of education for different categories of adults.

This will further enable sustainable and consistent socio-economic and social development, improvement and self-actualization of every adult person, formation of personal flexibility and ability to acquire new knowledge. It is also useful to draw considerable attention to international experience in the selection and implementation of educational innovations successfully implemented in many European countries, namely modernization of the content of national educational programs in terms of their focus on the needs of individual consumer groups, as well as the combination of different forms of adult education. At the same time, the following scientific issues will be topical in the future: international experience of adult education development; introduction of modern technologies of professional development of relevant categories of adults, namely: Internally displaced persons, unemployed, military servants, who suffered during hostilities, etc.

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GENERAL ISSUES OF CLIL APPROACH IN TEACHING BA STUDENTS AT HIGHER EDUCATIONAL INSTITUTIONS

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Abstract. The article is devoted to CLIL (Subject and Language Integrated Learning) describes teaching methods, where subjects are taught in foreign languages. CLIL has two aims: the study of the subject through a foreign language and foreign language through the subject. Most common today is the following definition: didactic methodology, which allows to form students' linguistic and communicative competences in a second language in the same educational context in which there are formation and development of general learning knowledge and skills.

The paper aims to show general issues of content and language integrated learning (CLIL) approach in teaching BA students at higher educational institutions. Some issues of professional communication in the domain of education are considered. The correlation of students' language and vocational skills development is examined. The experience of teaching students at the Philological Faculty is focused on.

Key words: content and language integrated learning (CLIL), vocational training, speaking skills, speaking activity, levels of foreign language acquisition, communicative competence.

Introduction. Content and language integrated learning (CLIL) refers to an educational approach in which a foreign language is used as the medium of instruction to teach content subjects for mainstream students. Over the last two decades, the spread of CLIL has been extensive in Europe, it has been fueled both by top-down and bottom-up processes. The aim of the article is to show general issues of content and language integrated learning (CLIL) approach in teaching BA students at higher educational institutions, introducing the part of the lesson for ecologists in which we can see success in speakers' productivity.

Content and Language Integrated Learning (CLIL) is a dual-focused educational approach in which an additional language is used for the learning and teaching of both content and language. That is, in the teaching and learning process, there is a focus not only on content, and not only on language. Each is interwoven, even if the emphasis is greater on one or the other at a given time (Coyle, Hood, Marsh, 2010).

CLIL can be described as an "an educational approach where [some] curricular content is [additionally] taught through the medium of a foreign language [which is often also taught as a subject itself], typically to students participating in some form of mainstream education at the primary, secondary, or tertiary level" (Dalton-Puffer, 2011: 182–204).

Content and language integrated learning (CLIL) approach is widely used in teaching practice at higher educational institutions and is much supported by the European Commission. This approach is focused on studying the main subjects in a foreign language learnt by the students. Consequently, learning a foreign language in a nonlinguistic higher educational institution implies a real-life setting which

includes the situations closely connected with the students' professional interests (Commission of The European Communities Promoting Language Learning and Linguistic Diversity, 2004-2006). State educational standards of higher education points out that BA graduates must have a number of generic and professional competences, and as far as a foreign language is concerned, they must have sufficient skills to communicate in a professional domain in a foreign language. This communication can occur both orally and in a written form and naturally all the skills should be developed systematically and regularly.

Professional communication as a process of interpersonal relations is exercised as the following communicative needs of a specialist:

- realization of a collective professional activity;
- exchange of data, information, and research views;
- development of common strategy of interaction in the professional field etc.

All issues mentioned above are essential both for an individual and for a group of specialists united on the basis of their profession. Professional communication is realized in professional setting due to the communicative function of the language.

Developing communicative skills. Educators and researchers emphasize that the goal of a foreign language teaching in linguistic faculties and universities is to develop communicative skills that will assist graduates to realize professional contacts in a foreign language in different situations both in Ukrainian and in English.

Besides learning English in the frames of CLIL this approach helps students to develop the specific way of thinking and to be ready to perform their professional duties and responsibilities.

Professional duties and responsibilities of our students can include examination and public speaking both in Ukrainian and in a foreign language. A teacher deals with different age of children, taking into consideration different forms and approaches. Moreover, graduates of a higher educational institution in the domain of secondary education should always work in accordance with methodology; be aware of teaching methods, lesson design, control and assess his/her professional activity and its outcomes, realize the importance of regular professional self-development; be ready to get new information; respect moral and cultural values as well as opinions of other people; be hardworking and responsible; reserved and decisive (Belenkova, 2012: 42–49).

In the course of professional communication and translation training students try to develop everything mentioned above in course of foreign language sessions and consequently improve not only foreign language skills but special skills as well.

The experience of Foreign Languages Department of V.O Suhomlynsky National University shows that BA students succeed in participating in international conferences and moots, submitting research papers in English, interpreting traineeships etc. To reach the goal of each activity mentioned above students should take into account the adequate vocabulary items and grammar structures. Speaking about special component of the activity the emphasis is made on the transfer of theoretical special knowledge into the area of the practical solution of a task, and afterwards the transfer of the skills developed from one situation into another; and afterward further transfer of data from the particular situation into a general pattern. Here the correlation of the special subject from the core curriculum of the learners and their personal experience occurs.

Analyzing the close connection of language and special vocational training in the frames of CLIL in a non-linguistic higher educational institution we agree with the statement that the quality of language education depends on the quality of vocational education (Druzhinina, 2008: 60–70). The opposite contention can also be considered as valid and essential, inter alia the quality of vocational education depends on the quality of language education. Consequently, to enhance special competences of teachers-to-be language skills and communicative competences of the students should be constantly cultivated. For this purpose, definite tasks and assignments developing both foreign language skills and special vocational skills should be designed and realized in teaching practice.

The integration of CLIL approach into teaching practice. The issue of CLIL and foreign language teaching integration is immense; it can be examined from various points of view in teaching listening, speaking, reading, writing etc. This paper shows some aspects of BA students' teaching speaking skills. Discussing some issues of different teaching methods and approaches in a foreign language teachers-to-be improve their knowledge, skills and know-how of their profession. They also develop their foreign language speaking skills.

CLIL approach can be integrated into teaching practice from the very beginning of vocational training at university. We suppose that this integration can be successful if the students' language acquisition level is B-1 or higher according to the Common European References. At this level learners «can understand the main points of clear standard input on familiar matters regularly encountered in work... etc..., can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events ... and briefly give reasons and explanations for opinions and plans» (Common European Framework of Reference for Languages, 2004).

Though, the first-year students do not have sufficient vocational knowledge and skills but we can suppose that their interest in their profession will help to cope with this problem. Communicative and problem of solving tasks, project making activity will enhance learners' foreign language speaking skills and their lawyer-to-be enthusiasm. The theoretical background of the communicative task application into teaching practice and the examples of such assignments are provided by A. Atabekova and N. Belenkova (Atabekova, Belenkova, 2013).

The second and the third-year students have deeper knowledge in the domain of law it gives greater opportunity to realize the CLIL approach into practice and develop the pertinent speaking skills of the students.

Foreign educators and researchers in teaching English as a foreign language pay much attention to the ways of how to improve students' speaking skills. First of all, learners should know an appropriate number of vocabulary items, grammar patterns and some expressive means (e.g. speed of the utterance) to support the debate and participate in a discussion. It is especially crucial for lawyers-to-be to know and to use certain phrases to clarify something, to highlight the key point of their discourse, to show the structure of their thoughts. They should be able to reformulate and to restructure their wording in order to be understood better. For this purpose, such expressions might be used: the important thing to grasp is that...; to begin with/and finally...; what I am trying to say is that...; what I mean is...; the point I am trying to make is that...; to put it another way (Harmer, 2001). Students should know these expressions and must be taught how to use them in professional setting.

Success in speakers' productivity also depends on their foreign language processing skills, i.e. speakers must transform the information in their heads and put it in a comprehensible form from the point of view of the language and the meaning. Language processing involves word and phrase extraction from the speaker's memory and then the word and phrase assembly into the correct sequences. Foreign language processing skills development is a matter of foreign language teaching and the corresponding speaking activities should be included into the practice of foreign language teaching. Rapid language processing also depends on the fact whether the students are aware of the information they are speaking about.

Practical implementation of CLIL in class. We have developed a lesson in the discipline "Practical Course of the English Language" for the bachelor level students who study Ecology, and there is a presentation of the part of this lesson in which we can see success in speakers' productivity.

Discipline: English for ecologists

Theme: Floating islands

Year of study: 3rd year of Bachelor degree

Learning objectives:

Content: Peculiarities of floating islands

Language: Introduce and practice new vocabulary

Communication: Receptive (reading and listening) and productive (speaking and writing)

Culture: Diversity and legends of the floating islands

Spark

Activity 1.1. Look at the picture. What can you see at the picture?



- What is an island? Explain in your own words.
- Have you ever seen anything similar in your life?
- What do you know about floating islands? Do they really drift?
- What are they made of?



These islands are kept **buoyant** by the light **spongy** tissues of certain **aquatic** plants, by gases released into their soil by **decomposing** vegetation, or by both these forces. Floating islands commonly rise in newly-flooded **reservoirs**. This happens if the flooded area has plenty of **peaty soil**.

- | | |
|------------|---|
| Buoyant | 1) land consisting of a low-heating-value fossil fuel derived from wood |
| Spongy | 2) living or growing in water |
| Aquatic | 3) floating |
| Decompose | 4) soft and full of cavities |
| Peaty soil | 5) to break up into constituent parts |
| Reservoir | 6) an artificial lake |

Activity 1.2. Watch the video “The Mysterious Floating Islands of Lake Titicaca in Peru” to get the main idea of the content of the lesson <https://www.youtube.com/watch?v=9WHMw7NbT1Y>

Activity 1.2.1 Comprehension of the information

Say if the information is true or false. Correct the false sentences.

Activity 1.2.2 Practice

Ask your fellow students about the information that was mentioned in the video (at least five questions)

Activity 2.1. Look at the picture. Can you guess what it is? What kind of floating island is it? What is the main reason of such islands appearance?



Activity 3.1. Give synonyms to the underlined words. Can you guess what the text is about with the help of these words only?

This floating island of trash was found near a dive site that was said to be “unspoiled by humans”. Found in the Caribbean by photographer, Caroline Power. It’s estimated that roughly 8 million tons of plastic are dumped into the ocean every year. This isn’t the only patch of garbage bobbing in the ocean. In the Pacific, there’s an even larger trash vortex along with 4 other trash gyres around the world. The global prevalence of single-use packaging and poor waste management appears to have left places like these contaminated.

Final Activity

1. Floating islands have always been an element of mythology.
2. Do you know any legends or myths connected with floating islands?

Aeaea

In Greek mythology, Aeaea is the floating home of Circe, the goddess of magic. Circe is said to have spent her time on the island, gifted to her by her father, the Sun, waiting for mortal sailors to land so she could seduce them. (Afterwards, the story goes, she would turn them into pigs.) Some classical scholars have identified Aeaea as the Cape Circeium peninsula on the western coast of Italy, which may have been an island in the days of Homer, or may have looked like one because of the marshes surrounding its base.

Tír na nÓg – A Mythical Kingdom of Eternal Goodness

Somewhere between the vast Atlantic and the Gaelic Otherworld is the mythical Irish floating island of Tír na nÓg, a paradisiacal “Land of the Young” where eternal youth, beauty, health, and abundance are a given. Anyone who visits remains eternally young – but if they touch mortal earth again, they will age immediately – and often horribly.

Planctae – Dangerous Waters with Roving, Deadly Rocks

Less of a floating island, Scylla and Charybdis was a treacherous passage with a deadly whirlpool to one side and jagged, wandering rocks to the other. Few sailors were foolhardy enough to attempt this journey. One was Jason and his Argonauts, who sailed between this rock and a hard place (ever wondered where that expression came from?) barely escaping their own watery grave.

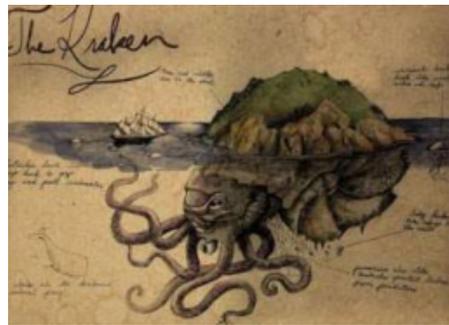
Dancing Islands in Pliny the Elder’s *Natural History*

As one of Rome’s foremost authors, historians, and statesmen, Pliny mentioned several floating islands within present-day Italy. One, he wrote, was “pushed” from place to place to avoid wars. Pliny also wrote about the “dancers,” islands believed to move when a special chorus was sung, along with two more islands, driven around a lake by the wind.

Atlantis – The Great Lost Civilization of Abundance

Atlantis is a mystery that still grips the human imagination today. First mentioned by Plato in 360 BCE, the legend revealed a utopian city situated in the Atlantic, undone by the bad behavior of its inhabitants – a parable relevant to these modern times. One day, Atlantis disappeared without a trace, sinking to the bottom of the ocean... but could it rise again?

Say how each picture relates to the information given above.



Assessment. Divide into 2 groups. Find information about other natural phenomena (Goodwin Sands and Footage of Natural phenomena between two oceans) and make your presentation.

Conclusions. Effective speaking implies effective listening and interacting with other participants. Skillful speakers should be conscious and take into account other opponents’ feelings, their linguistic skills and professional awareness of the subject. They should realize how to take turns, allow others to do so and convey the meaning of the utterance even if some misunderstanding occurs. Communication can be considered as effective if the information sent is processed at the moment of its reception. Information processing depends mostly on the speakers’ special knowledge of the topic discussed. Consequently, language and special content teaching and learning are integrated in practice (Harmer, 2001).

CLIL implementation at V. O. Sukhomlynsky National University (MNU) can be applied in terms of cultural awareness, expanding language competence and increasing students’ motivation. CLIL is

the best methodology for language teaching and learning at BA and MA Schools where English is not a major for learners whose major is not connected with English. For example, for future ecologists while studying the discipline “Practical course of the English language”. It means that the acquisition of the language content is driven by the major subject content and corresponds to the themes of a non-language subject. CLIL methodology is based on the authentic content materials aimed at acquiring basic functional language and is taught by a language teacher.

For language teachers CLIL lessons at BA level at MNU have the following characteristics:

- Integrating language and skills (receptive and productive skills);
- Lessons are often based on studying texts according to students' major;
- Language is approached lexically rather than grammatically;
- Using a wide variety of scaffolding strategies.

Lessons combine digital and non-digital media. We use non-linguistic codes to support students in their minimal output: the mimics, the eye-contact, the body language, paraverbal elements (voice, tone, accent, intonation)

The main conclusion to be drawn is the CLIL approach is very effective in teaching foreign languages and developing professional skills of the students at a nonlinguistic higher educational institutions. This approach diversifies teaching tools and forms of classroom teaching and learning and consequently increases learners' motivation. The integration of foreign language teaching and professional skills development should be further investigated and widely used in teaching practice.

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PODCAST APPLICATION IN FOREIGN LANGUAGE LEARNING AND TEACHING: THEORETICAL ASPECT

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Abstract. The article is devoted to the theoretical aspects of using podcasting technology in foreign language teaching and learning. This communicative tool of social media has become an important educational instrument due to globalization and the rapid development of information and communication technologies in education. The author has analyzed the peculiarities of using podcasts as a means of mastering foreign languages both in a classroom and for independent work. Different classifications of podcasts have been specified. A thorough analysis of the benefits of using audio podcasts, video podcasts, and screencasts has been carried out. Thus, podcast media can be used as one of the alternative media in foreign language teaching and learning.

Key words: podcast, foreign language, learning and teaching, internet, technology.

Introduction. Nowadays, the Ukrainian higher education is experiencing some constructive changes since its traditional model does not meet the current needs of society (Ivanytska, Dovhan, Tymoshchuk, Osaulchyk, Havryliuk, 2021). The researchers argue that ‘the educational events of the last decade have given impetus to significant changes in the education system in Ukraine’ (Zahorodna, Saienko, Tolchieva, Tymoshchuk, Kulinich, Shvets, 2022, p. 78). Modern foreign language teaching is closely related to innovative processes in education. Growth and technological progress have drastically affected teaching methods. The role of digital resources and interactive techniques has increased recently. Using of up-to-date electronic didactic tools makes learning much more effective (Tymoshchuk, 2022).

The World Wide Web provides the modern teacher of a foreign language with a wide range of technical teaching aids, i.e., websites, e-mail, electronic encyclopedias, blogs, wikis, podcasts, webinars, and video conferencing. Thus, the introduction of multimedia technologies allows teachers to make each lesson different from the previous one. Multimedia technologies add interactivity, and dynamics, making it possible to present information in a more visualized and structured way. Multimedia technologies are a powerful factor in increasing the motivation of students to study higher education.

Podcasting is one of the powerful, emergent technological tools that have been used in education for many years. Podcasts offer language teachers and students a wide range of extra possibilities both inside and outside of the classroom (Naidionova, Ponomarenko, 2018). Researches on podcasting pedagogy have already documented lots of evidences that podcasts can greatly help to develop basic learners’ language skills, especially speaking and listening ones (Kavaliauskienė, Anusienė, 2009; Kardashova, 2015; Samad, Bustari, Ahmad, 2017; Dmytriieva, 2018; Naidionova, Ponomarenko, 2018; Yoestara, Putri, 2019).

The scholars state that podcasts can be widely used for various purposes, such as ‘vocabulary revision, listening exercises, interviews with native speakers, key point summaries of a lecture or group of lectures, sharing announcements, describing homework assignment assessment, giving feedback, guidelines, reducing the effects of isolation and promoting inclusivity, developing students’ study

skills through collaborative learning, providing guidance on student practical work, etc.’ (Carvalho, Aguiar, Santos, Oliveira, Marques & Maciel, 2009: 417).

Analysis of recent studies and publications. According to Dmytriieva, ‘podcasting as an online communication innovative technology is a comparatively new way to inspire learning’ (Dmytriieva, 2018: 162). Due to high-tech development, this approach to teaching English has rapidly become popular among Internet users. Published audio recordings on the Internet with a possibility to download the content were first called a “podcast” in 2004 and a year later, in 2005, the editors of The New Oxford American Dictionary chose the term “podcast” as the “Word of the Year” (Kavaliauskienė, Anusienė, 2009).

Podcasting is a synthesis of two words – “iPod” and “broadcasting”, while the podcast is ‘a digital media file, or a related collection of such files, which is distributed over the Internet using syndication feeds for playback on portable media players and personal computers’ (Ho, 2016). Podcast is an audio publishing to the internet, it is defined as sources academic field and has several kinds of material for learning (Asmawati, 2017).

Such scientists as C. Adams, D. Ashley, O. Baltina, O. Bihych, O. Betsko, D. Bolliger, S. Huette, N. Hrytskyk, L. Jackson, D. Jobbings, O. Kirshova, J. Leach, S. Morhunova, G. Salmon, I. Strashko, S. Shekhavtsova, G. Stanley, D. Warlik have researched various aspects of podcasting technology applying in teaching foreign languages.

Studies on the use of podcasting in foreign language teaching and learning have identified its potentiality in developing learners’ language skills (O’Bryan, Hegelheimer, 2007; Li, 2012). Podcast can accelerate language learners’ learning not just in listening but also in other language areas such as pronunciation, vocabulary, grammar, speaking and related learning activities. Ashton-Hay and Brookes argue that podcasting facilitates self-paced learning (Ashton-Hay, Brookes, 2011). Scholars also state that podcasting can function as a tool for developing students’ pronunciation (Ducate, Lomicka, 2009).

The Ukrainian scientists (Hrytskyk, 2015; Drobit, 2011; Shyian, 2010) have researched podcasting technology as an effective tool of teaching English. Dmytrovskyi has focused on peculiarities of podcasting as a main component of Internet radio (Dmytrovskyi, 2017). Naidionova and Ponomarenko have proved that teaching listening to students by using podcasts makes it possible to increase student listening comprehension, as this technology provides students with authentic and contextual material. Their findings also suggest that such listening practice should be an integral part of English teaching at university level (Naidionova and Ponomarenko, 2018).

The purpose of the study. This article intends to broaden existing research on the use of podcasting in English as a Foreign Language (EFL) teaching and learning at Ukrainian universities, to justify the significance of using podcasting technology in foreign language classes and to prove its didactic potential. The findings of this study will be helpful for students, teachers, stakeholders, and researchers to adopt this innovative technology for EFL learning and teaching.

Methods of the study. The study employs a number of general scientific methods (analysis, synthesis, comparison, generalization) as well as highly specialized. The method of literature review is used to summarize educational experience of podcasting use in teaching and learning EFL.

The findings of the study. In this era, technology is important to support learning process. Podcast is one of the products of technology that is now popular in language learning and teaching due to its breakthrough. It has the potential to support and promote a wide range of alternative teaching and learning approaches across all stages of the curriculum in a wide range of contexts and in different locations (Naidionova, Ponomarenko, 2018). Podcast has selections of content that can support language learning. This statement is supported by Rosell-Aguilar findings who conducted a survey on podcast. The scholar states that podcast could attract students’ attention in language learning (Rosell-Aguilar, 2007).

N. Kardashova suggests that teachers might use podcasting to promote personalized and independent learning; engage and motivate students; promote creativity in the classroom; create differentiated materials that can be matched to the abilities, needs and motivation of various learners (Kardashova, 2015).

Podcasting offers a number of potential benefits relating to student learning. Based on literature review, we can name such benefits of podcasts as an EFL learning tool: most podcasts are free; transcripts are available for some podcasts; there are lots of podcasts to choose from on a wide range of topics; user-friendly podcast aggregators are widely available; podcasts can be automatically downloaded; podcasts present authentic topics at natural speed; thousands of podcasts are designed for English language learners; learners can build up their own library and share their favorite podcasts with others; listening to podcasts promotes self-instruction.

Podcasts have their own characteristics. They include the possibilities to place individual user podcasts on the Internet; create a personal zone by each podcast author, which is necessary for organizing a network discussion of the content of the podcast; organize a network discussion of the podcast content using a microblog or a web forum; place messages chronologically when discussing the podcast content (in a blog or on a forum); accessibility as a podcast published on the server can be viewed or listened to by any registered user (Dmytrovskyi, 2017).

There are three main types of podcasts, namely audio podcast, video podcast, and a screencast. Screencasting is basically a digital recording of the computer screen output, often including audio narration. Screencasting is different from screen shooting or screen capturing in that the former contains video captures – visual components similar to a movie – of the computer screen activity accompanied by audio, while the latter provides images of the screen content at a particular time (Kilickaya, 2016).

The scientific literature contains various classifications of podcasts. According to G. Stanley, there are authentic podcasts, teacher podcasts, student podcasts, and educator podcasts (Stanley, 2005). Authentic podcasts are podcasts authored by native speakers. These podcasts were not created for educational purposes. However, they are a valuable resource for improving listening skills, learning new vocabulary, and idioms. Teacher podcasts are aimed at helping students learn a particular topic. Student podcasts are audio or video files recorded by students, usually with the help of a teacher, as a result of individual or group work. There are also educator podcasts, their target audience are teachers, since such podcasts are devoted to various aspects of teaching foreign languages.

Ukrainian scholar Baltina suggests classifying according to other criteria. The researcher classifies podcasts depending on the English language used in the podcast. For example, American or British English. The next criterion is the thematic focus of the podcast. For example, business English, sports, news podcasts, podcasts with recitations of classic English poetry, debates and public speaking, podcasts for children, etc. The scientist also classifies podcasts according to the level of language training of the target audience (Baltina, 2011).

Scientists created a classification of podcasts which they stated as ‘a transferable model of podcasting’. This model has ten variables: Purpose, Convergence, Developer, Medium, Reusability, Structure, Length, Style, Capacity, and Frequency (Salmon, Nie, Edirisingha, 2007).

Portuguese scientists have developed a podcast taxonomy having taken in consideration the following assumptions: podcasts are not used in classroom; podcasts are not lectures recorded in the class during face-to-face sessions; podcasts should be reusable although some types, such as those giving feedback, for instance, are not (Carvalho, Aguiar, Santos, Oliveira, Marques & Maciel, 2009). Their taxonomy model had six variables (Table 1).

It is common knowledge podcasts have a certain topic and publication frequency. The main podcast genres are audio blogs, music, comedy podcasts, audiobooks, educational podcasts, news, politics, radio shows, and sports. When learning a foreign language, you can make the most of this technology, because language as a means of information is also an object of study in this context.

Table 1

Podcast Taxonomy (Carvalho, Aguiar, Santos, Oliveira, Marques & Maciel, 2009)

Podcast Taxonomy					
Type	Medium	Length	Author	Style	Purpose
Informative	Audio	Short	Lecturer	Formal	Inform
Feedback / Comments	Video	Moderate	Student	Informal	Analyze
Guidelines	–	Long	Other	–	Develop
Authentic Materials	–	–	–	–	Motivate

There are already a large number of podcasts on the Internet. English language podcasts cover a wide range of subject matter. Widiastuti has analyzed content types of podcasts (Widiastuti, 2012). They are presented in Table 2.

Table 2

Content types of podcasts (Widiastuti, 2012)

Type	Example
Comprehensive	http://www.englishteacherjohn.com/podcast/
Whole lessons	http://www.breakingnewsenglish.com/
Vocabulary, idioms, etc.	http://englishteacherjohn.com/
Conversations with script	http://www.e-poche.net/
Jokes	http://www.manythings.org/jokes/
Songs	http://englishpodsong.blogspot.com/
Phonetics, pronunciation	http://phoneticpodcast.com/
Stories	http://www.englishthroughstories.com/
Listening comprehension	http://mylcpodcasts.blogspot.com/

Podcasting holds uses for both learners and teachers and both parties have two alternatives to utilize this tool: using existing podcasts or creating one’s own original podcasts. Figure one shows this two-alternative model created by Rosell-Aguilar (Rosell-Aguilar, 2007: 476).

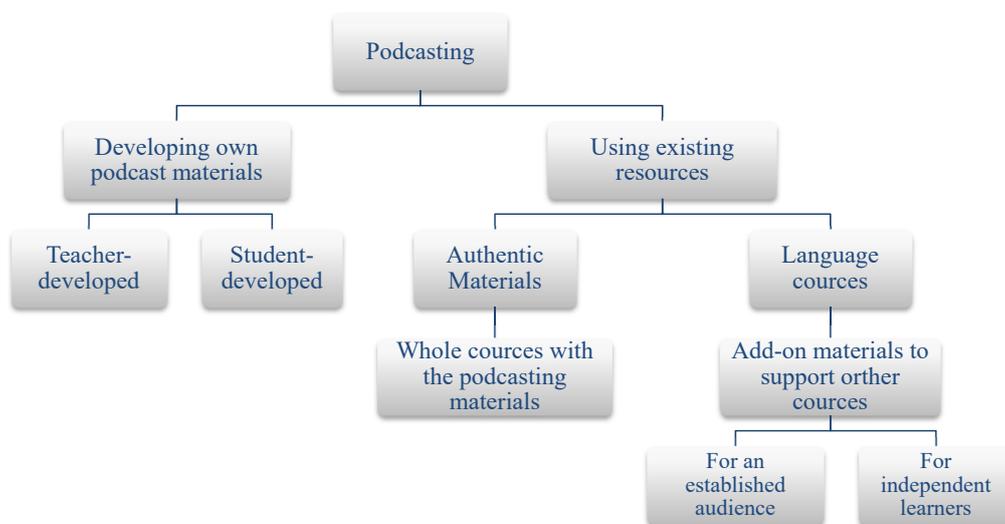


Figure 1. Taxonomy of uses of podcasting for language learning (Rosell-Aguilar, 2007: 476)

According to Shekhavtsova and Protopopova, Internet podcasting technology is based on the following technical and didactic characteristics:

1. Podcasts are authentic, they significantly enrich language knowledge, because they are intended for listening. It is worth noting that the possibility of creating an authentic situation for students improves foreign language learning and makes it motivated.

2. Podcasts are relevant. Learning with the help of podcasts provides an opportunity to replenish regularly the archive with audio and video podcasts from the Internet. It is a unique opportunity to have various files on your computer containing interesting and relevant information from various spheres of life.

3. Podcasts form competence in the field of media and Internet technologies. Using podcasts is very simple and requires no additional effort, but this can be the basis for promising future potential.

4. Work with podcasts can be done autonomously. Autonomy and remoteness are one of the main advantages of the Internet as an educational platform and information resource.

5. Using a mobile technical device outside the educational institution. Students save podcasts both on their personal computers and smartphones providing an opportunity to expand the scope of learning, i.e., access to the podcast outside of school hours provides a chance to study in your spare time. Moreover, the student is able to independently adapt the understanding of a complex audio file in accordance with his own characteristics of information perception.

6. Productivity of the system. First, we play the material at the initial stage of working with podcasts. Then, we do the exercises and tasks that are suggested after listening. As a result, we can create and distribute podcasts ourselves. Therefore, students have the opportunity to work with promising information technology in real life.

7. Interactivity of the system. We interpret interactivity as the creation of comfortable learning conditions under which each student feels his success and intellectual ability. Learning takes place only through constant, active interaction of all students. Podcasting in learning a foreign language provides unlimited opportunities for cooperative interaction, gives the educational process interactivity (Shekhavtsova, Protopopova, 2019).

Both students and teachers can easily find and utilize an unlimited number of resources on such sites that are designed to help them in their language-related studies. For students, for example, such digital tools and learning aids can be really motivating as audio-video resources appeal to digital natives far more than written resources. Working both online and offline (once downloaded) on almost any portable digital device, podcasts remove time and place restrictions. Thus, students hold the option to extend their studies out of the classroom and improve their language skills on their own, which makes them autonomous learners. As podcasts consist of audio and video files, they constitute an invaluable tool that contributes to the development of listening and pronunciation skills. Especially in foreign language learning contexts it is hard to access authentic materials. Podcasts remove this barrier through original speech, dialogues, radio and TV programmes, etc. They also foster other language skills, reading and vocabulary skills in particular. Podcast sites generally offer the transcripts of the audio-video files with accompanying exercises. Accordingly, language learners can reap an integrated benefit from podcasts on their journey to develop language skills. On the other hand, such websites offer benefits for also language teachers. They can bring to-the-point audio-video files to the classroom or ask students to consolidate a specific aspect through a suggested podcast at home.

Podcasts can be used as a repetitive tool, i.e., to repeat the already passed material by means of recorded lectures, including lecture slides and demonstration material (screencasts). Podcasts can also provide supplemental information, for instance, listening to interviews, various additional audio materials on a certain topic, radio programs, announcements, commenting on something, giving instructions on practical work of students, etc. Students find it much more convenient to work with podcasts than with printed publications. They allow them to save time when preparing for class, because some texts

have questions, tasks, and parallel text versions. It is noted that regular listening to a text adapted to the student's ability to perceive a foreign language has a systemic effect on other skills, including general literacy and the ability to perceive and speak a foreign language that is being studied.

It is advisable to listen to the podcast twice. The more times a student listens to the podcast, the faster he gets used to the pronunciation and intonation of the native speaker and understands it. It is recommended to use podcasts at the beginning of the lesson to create a favorable language atmosphere for further work with students ('warm-up'), as well as for the presentation of new vocabulary or grammatical phenomena. Podcasts can also be used for individual training of speaking speed through a simple exercise of imitating the speaker's intonation by trying to repeat his speech after him. You can use podcasts to train in simultaneous translation in classes on the theory and practice of first foreign language translation. Pauses are made during the podcast and students translate the material heard. We use such podcasts as 6 Minute English (a selection of audio materials from the BBC), Luke's English Podcast (a podcast by Luke Thompson, a teacher and comedian from Great Britain who discusses current everyday topics), ESLnewcast.com, EspressoEnglish (podcasts aimed at mastering regular expressions, including explanations of grammatical constructions, idioms, and phrasal verbs). You can use such podcasts for B2 level students as English Lesson Podcast (a selection of materials by the British teacher Jade Joddle), BBC News (quality information about the latest world events from the main news resource), National Public Radio (interesting topics about art, education, and politics), Practical Money Skills (the resource helps to improve language skills and enrich financial terms) (Hlushok, 2017).

Using resources with authentic native speakers, such as podcast, is not defined as a pedagogical approach, but it provides an authentic language context with native speakers who are fluent in their spoken language. Using podcast in test preparation is an option that teachers can use to help the students in learning the English subject. Podcast presents the combination of e-learning with audio, video, and text files, which can instantly replace language laboratories, compact disc, DVD, or radio cassettes, which are usually used in ordinary language classrooms. It makes it easier for the students to be invested in their language learning. Furthermore, it does not only make students able to explore many language inputs, podcast can also stimulate them into the target language because podcast brings authentic English experience to occur in the classroom. Podcast also encourages students to manage their focus on the task, recognize new vocabulary, memorize the sounds of the spoken words, and boost their linguistic competence in order to be a more effective listener. To use a podcast, teacher should prepare the activities that match with the students' ability; that is, podcast with very simple texts should be given to students with lower competence level. From here, they can move to the complicated authentic materials when the students have become advanced.

Conclusions. Podcasts are being used in higher education. Numerous studies on using podcast for teaching and learning foreign language reviewed in this paper make it clear that podcast application is more beneficial and effective than using the traditional 'chalk and talk' method and confirm the efficacy of information and technology applications in EFL learning and teaching contexts. The integration of podcasting can improve academic performance, enhance motivation, and promote learning. We can conclude that a podcast shares similarity with a public library that provides materials or resources straight to users' devices. Podcast is very useful in language learning because it does not only help students master the listening skill, but also motivates students to learn. Podcast allows students to have interaction during the language learning process. Therefore, the use of podcasts for language learning and teaching purposes has definitely several merits; nevertheless, the weak points likely to be involved in the application process should be carefully identified and eliminated as much as possible.

For other researchers who are interested in conducting similar studies. It is good to find out the effect of podcast types (informative, guidelines and feedback) in students' motivation to task achievement.

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DEVELOPMENT OF ICT COMPETENCE OF PRIMARY SCHOOL TEACHERS IN THE PROCESS OF CONTINUOUS EDUCATION

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Abstract. The article examines the problem of formation of informational competence of future primary school teachers in the process of continuous education. On the basis of the methodological provisions of systemic, personal-activity, competence, and acmeological approaches, the essence of the process of formation of information competence of future primary school teachers is revealed, the peculiarities of theoretical and practical training of future teachers are reflected under the conditions of implementation of the model of formation of information competence of future primary school teachers in the process of continuous education. The research defines the essence of the concept of "information competence of the future primary school teacher" as a systemic personality quality that reflects the theoretical and practical ability of the future primary school teacher to use ICT in the process of implementing training methods for students of the first level of comprehensive general secondary education, self-educational activities.

Key words: continuous education, ICT, information competence, primary school teacher, self-education, interactive board, courses.

Introduction. The main idea of continuous education is the humanistic orientation of education, when a person needs to be provided with such conditions that he can fully develop his abilities throughout his life (Luzan, 2010: 52). In modern society, teachers who possess information and communication technologies and are ready for constant improvement of their professional level and self – education are the most in demand. In this regard, the education system still needs teachers with a high level of ICT competence who are able to effectively carry out their professional activities in an informational and educational environment.

The main goal of developing the competence of teachers in the field of information and communication technologies is their preparation for methodical competent use of ICT in the educational process. It includes: stimulating the cognitive activity of students and creating motivation for the educational process with the help of ICT tools; application of means of informatization of education depending on the goal and tasks of the educational process; conduct general education subjects with the help of ICT, taking into account the learning goals, interests and inclinations of students; mastery of methods and techniques of learning with the help of ICT; implementation of control and self-control of educational activities with the help of ICT; self-analysis, self-assessment, including diagnostics based on ICT (Belova, 2004: 65).

Analysis of recent research and publications. The basis of the problem of the formation of informational competence of future primary school teachers in the process of professional training is scientific ideas, concepts, starting points, investigations that were carried out in the following main directions: foreign experience of professional and pedagogical training of teachers (P. Dawson, P. Grossman, M. Huberman, D. Lambert, J. Ross, D. Williams, etc.); pedagogical education of future primary school teachers (Sh. Amonashvili, O. Babakina, N. Bibik, M. Vashulenko, I. Gavrish, O. Ionova, L. Petrychenko, O. Savchenko, V. Sukhomlynskyi, K. Stepaniuk, I. Upatova, L. Khomich,

etc.); informatization of education as a component of the formation of an information society (M. Zhaldak, Yu. Mashbyts, N. Morse, O. Spivakovskiy, O. Spirin, etc.); forming the future teacher's readiness to use ICT (M. Levshin, I. Smirnova, V. Shakotko, O. Shiman, etc.); the impact of ICT on children of primary school age (P. Bisirkin, A. Platonova, N. Polka, etc.). However, as evidenced by the analysis of psychological and pedagogical sources, there are no works in the modern scientific space in which the questions regarding the formation of the IC of future primary school teachers in the process of professional training were investigated.

The purpose of the research is to increase the level of formation of informational competence of future primary school teachers in the process of continuous education.

Presentation of the main material. The process of continuous development of ICT competence is gradual. The pre-professional stage includes professional orientation towards the teaching profession. The professional stage is implemented at the levels of secondary professional and higher professional education. It assumes purposeful training of students of pedagogical educational institutions in the field of ICT application, which includes theoretical and practical training, pedagogical practice, course and diploma design, which is the basis for the further development of teachers in the studied aspect and . The post -professional stage is: professional adaptation in an educational institution, development of professionalism during the period of work in an educational institution, postgraduate studies and advanced training. All these three stages refer to the institutionalized form of continuous education, as education during his whole life. There is also a non -institutionalized form of continuous education, which can be attributed to self-education.

Self-education is a process no less important than education received within the framework of an educational institution. Methodical work for continuous professional development in the form of self-education is one of the effective and necessary forms of teacher mastering the practice of applying the requirements of new educational standards (Kremen, 2000: 16).

Self-education can be presented in two forms : individual and group . IN In the individual form, the initiator is the teacher himself. The group form is carried out in the form of methodical association work, seminars, workshops, advanced training courses, etc., which provide feedback between the results of individual teacher self -education (Luzan, 2010: 52).

One of the most common forms of organization of the post- professional stage of the system of continuous and pedagogical teacher education in Ukraine are professional development courses organized on the basis of state Institutes of professional development. By "improvement of qualifications" we mean the mechanism of development of a teacher 's professional activity and his pedagogical competence. Constant improvement of one's own pedagogical abilities is an important process in a teacher's activity. The quality of professional skills, the relevance of available knowledge in the interdisciplinary field and in the field of innovative learning technologies depends on it. The teacher's timely mastery of modern teaching tools, their use in the practice of teaching children contributes to the successful assimilation of knowledge by students. This aspect was highlighted by a number of teachers who believe that the teacher's self-education and his readiness for this activity is a necessary condition for his successful development among students.

The study of psychological-pedagogical problems and scientific-methodical training in professional development courses are laid down in standardized course training programs. About 65% of the study time is allocated to lectures, the remaining hours – to practice and seminars. Institutes for the development of education have the right to independently adjust the programs of advanced training courses. District and city pedagogical methodical offices also have the function of training and improving the qualifications of teachers. They organize conferences and seminars. Their participants are active listeners and speakers. They adopt the experience of working in educational institutions, master new technical means and methods of learning. The formation of the teaching staff of advanced training institutes is carried out from qualified teachers, scientists, teachers of pedagogical institutions

of higher education. Pedagogical institutes and pedagogical universities, being the basis for the organization of seminars and conferences, participate in improving the qualifications of teachers.

However, the system of such training in courses has a number of disadvantages: episodic and short-term, theorized, low differentiation, remoteness from the educational institution and students. In this case, there is a contradiction between the discreteness and short-term training of elementary school teachers based on professional development institutes and the need for continuous development of ICT competence of elementary school teachers, caused by the need to use ICT in their practical activities.

Passing periodic training in the traditional form once every five years at professional development courses is necessary, but not sufficient and does not allow the teacher to reorganize his work in a timely manner in accordance with the changes that are happening, leads the teacher to be unprepared for the organization of project, research and creative activities (Wikipedia, 2016).

The goal of our experimental research is to create conditions for the active interaction of participants in the educational process. We have come to the need to create a new form of interaction that can and will involve the maximum possible number of participants (teachers, students, pupils, parents). And the interaction will make it possible to create conditions for the active involvement of all parties on a voluntary basis, thus ensuring the development of the ICT competence of each participant, with the aim of activating the activities and positions of students. In our opinion, forms of remote interaction will help both teachers and students in their professional development. This orients primary school teachers to the broad possibilities of using ICT in education.

On the basis of the above, the idea of developing the ICT competence of primary school students and teachers, who are in the continuous process of developing information and communication competences based on remote forms of interaction, etc., was formulated. It is in this way that it is possible to create optimal conditions for effective support of the professional development of students and teachers.

It is very important that the teacher's ICT competence becomes in demand by all participants of the educational process (students, parents, teachers). Unfortunately, neither pedagogical higher education institutions nor PCs pay due attention to teacher training, because it requires the development of new methods and forms of work with teachers, the search for which is still ongoing. Therefore, the development of a model of such training of teachers is relevant.

To date, a teacher does not have enough knowledge obtained during training in a professional institution and experience gained during pedagogical practice [3]. A four-year course of study of bachelors in pedagogical institutions of higher education is not able to provide the necessary level of readiness for the successful performance of professional pedagogical activities, therefore the education system should transition to continuous education.

The formation should be continuous in nature and be based on the ideas of self-development and self-education of teachers in the process of forming their professional activities (Bryukhanova, 2010: 254). It is impossible to organize the training of teachers for the use of ICT tools in the educational process by staying only in the classroom.

The necessary theoretical and practical basis for the use of ICT in the educational process of the school is given to students of pedagogical institutions of higher education by continuous pedagogical practice on the basis of schools. The development of ICT competence of teachers at the university level ensures the minimum level of mastering the methods of information activities and information and interaction with the help of ICT, which is necessary for every teacher.

Experience is the main component of personality, formed in the process of learning. It can be obtained within the framework of informatization of education during the implementation of continuous practical work at school under the conditions of complex use of ICT in the educational process. When organizing work in an elementary school, the most common form of using ICT technologies is accompanying the lesson with a PowerPoint presentation. This became relevant with the advent of the simplest projectors that projected an image on a wall or canvas.

However, information technologies do not stand still and interactive whiteboards are now actively used. This board is equipped with various devices: markers, remote controls. Each interactive board is arranged on the basis of individual software, with which the teacher must be able to work. The ability to work with an interactive whiteboard is especially in demand as a primary school teacher. With the help of flipcharts created in the interactive whiteboard program, physical education minutes, updating of knowledge, control, self-examination of students, projects can be presented.

Also, in the practice of elementary school teachers, didactic games are used (for example, "Light the lights on the Christmas tree", "Mathematical necklace", etc.), created in the program to support the interactive whiteboard (Kremen, 2000: 17). Interactive whiteboards have also become widespread in higher education institutions. Future primary school teachers have the opportunity to make a bank of flipcharts from educational materials subject ah, for the purpose of practical use during lessons in elementary school. Thus, already the university stage of education provides a minimum basis for the use of ICT in the educational process of the school as a place of future work of current students.

In the process of work, the teacher, who has already been trained, implements the theoretical knowledge obtained in the pedagogical higher education institution, while the ICT competence of the teacher is found in the inherent mobility, efficiency, and adaptability. The gradual development of the teacher's personality in the field and application of ICT occurs both during the student's studies at the pedagogical higher education institution and throughout the entire period of work at the school. This is especially relevant in connection with the constant development of both the ICT tools themselves and the methods of their pedagogical use. The requirements for ICT competence of a modern teacher are constantly growing in connection with the development of ICT, the implementation of regional programs in the field and informatization. Competence in the field of ICT will allow the teacher to be competitive in the labor market, ready for permanent employment professional growth and professional mobility in accordance with the needs of modern education in the era of informatization.

Given the constant need to modernize education, modern scientists pay special attention to the methodology of pedagogical science and practice. In the philosophical encyclopedic dictionary methodology (from method and Greek *logos* – word, concept, teaching) is defined as a system of principles and methods of organization and construction of theoretical and practical activities, as well as a teaching about this system (Averyntsev, 1989: 365).

According to I. Shkurat, the main task of the methodology is the accumulation and transfer of social experience with the help of a special formalization of principles and prescriptions, techniques and operations contained in the activity itself (Shkurat, 2006: 22).

The tool for the implementation of methodological bases of the scientific analysis of pedagogical phenomena and processes is a methodological approach, which scientists consider as "a system of activities for obtaining knowledge that allows to substantiate programs, logic and methods of assessing the quality of socio-scientific and pedagogical research", "a system of knowledge that allows to determine the essence and methods of cognitive activity, to establish effective ways of transforming the practice of educational activity", "guidance, orientation, methodological knowledge, which acts as a teaching about the structure of scientific knowledge and the regularities of scientific knowledge".

The significance of methodological approaches lies in the fact that the strategy of studying and transforming pedagogical theory and practice is determined on their basis. It is the methodology that allows the most perfect study of a process or phenomenon, therefore the theoretical problems of modern education are closely related to the development of research methodology in the field of professional teacher training.

In modern pedagogical science, there is a large number of methodological approaches that determine different directions of research and reflect the specifics of specific research activities in the field of professional education.

The study of the problem of the formation of information competence of future primary school teachers in the process of professional training, a thorough analysis of scientific, psychological-pedagogical, methodical sources made it possible to identify the most appropriate methodological approaches to its solution, namely: systemic, personal-activity, competence, acmeological (Fig. 1).

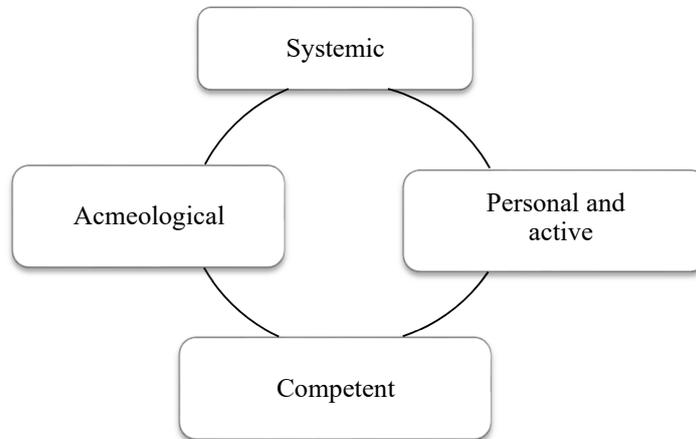


Fig. 1. The unity of methodological approaches to the formation of information competence of future primary school teachers

The identified approaches are interdependent and equal in determining the effectiveness of the formation of information competence in future primary school teachers. Let's consider their essence.

System approach provides research of system-forming connections of the process of formation of informational competence of future primary school teachers in the process of professional training; allows you to track the general properties and qualitative characteristics of individual elements, which are not considered in isolation, but in interaction. This approach is the original foundation on which it is based to develop the formation of informational competence of future primary school teachers in the process of professional training.

In our opinion, it is the systemic approach that helps to take into account the structure of information competence of future primary school teachers as a dynamic system, helps to investigate the interaction of its components that ensure its effective functioning.

In order to more fully understand the essence of the system approach, let's turn to the definition of the original concept "system". Thus, in the online encyclopedia, this concept is defined as a category that denotes an object organized as a whole (Wikipedia, 2016).

Wedster's Revised Unabridged Dictionary characterizes this concept as a set of objects subordinated clearly or according to a certain special order, usually logical or scientific; a single set of objects connected by some common law, principle or purpose; unification of principles or elements that make up a single whole (Dawson, 1984: 96).

The systematic approach in pedagogy is aimed at revealing the integrity of pedagogical objects, various types of connections found in them, and bringing them into a single theoretical picture.

According to the system approach, according to Y. Babanskyi, the following substructures must necessarily be included in the developed research model: conceptual (principles), normative (purpose, content, criteria), technological (methods and forms). Implementation of the system approach involves awareness of the process of formation of information competence of future specialists as its structural components that are interconnected and interact with each other.

The specified approach makes it possible to identify the general properties and qualitative characteristics of individual elements that will make up the author's model of the formation of information

competence of future primary school teachers in the process of professional training of future primary school teachers and should be considered not in isolation, but in interaction.

Since the key concept of the system approach is the concept of "system", when developing measures for the formation of information competence of the future primary education specialist, we relied on the characteristic features of all existing systems (according to P. Luzan, I. Sopivnyk, S. Vygovskaia), namely:

- integrity: the properties of the system cannot be reduced to the sum of the properties and features of its components, and the properties of the system do not follow from the properties of the latter;
- structurality: any system can be characterized based on existing connections and relationships between its elements (based on its structure); the functioning of the system is determined by the functioning of its individual elements and properties of the structure;
- interdependence of the system and the environment: since the system forms and reveals its properties in the process of interaction with the environment in which it functions and in the relationships with which it reflects its integrity;

Hierarchy: any system can be an element of a system of a higher rank, while its elements can be systems of a lower order;

multiplicity of description due to the complexity of the system: its adequate knowledge requires the construction of a significant number of different models, each of which describes or reflects only a certain aspect of the system (Luzan, 2010: 52).

According to O. Ionova, the systematic approach as a method of scientific knowledge is at the basis of all systematic studies and allows to form a complete, integrated idea of the researched object.

Therefore, a systematic approach to the problem of formation of informational competence of future primary school teachers in the process of professional training makes it possible to consider the educational process as a complete system that gives an opportunity to characterize the interrelationship of structural components of the process of formation of informational competence of future specialists of primary school.

We believe that the model of IC formation of future primary school teachers should be considered as a system of interrelated elements: goals, tasks, methodological approaches and principles, structural components of information competence, content, forms, methods, results, as well as criteria and indicators of levels of information competence formation.

It is worth noting that the systematic approach requires the implementation of the principle of unity of theory, experiment, and practice. Thanks to the principles of the system approach, the author's model of the presented research will be an open, non-linear, complex, far-from-equilibrium system with signs of self-organization and self-improvement. It should be noted that it is the systematic approach that makes it possible to present the process of formation of information competence of future primary school teachers in the process of professional training in the form of structural blocks.

The personal-activity approach to the formation of informational competence of future primary school specialists is definitely one of the important modern approaches.

The methodological basis of the activity approach is the theory of activity (O. Leontiev, S. Rubinstein), that is why this approach is manifested in the desire of researchers to use the provisions of the theory of activity in the methodology and interpretation of the content of their works [14]. In this regard, we fully agree with N. Bryukhanova (Bryukhanova, 2010: 215), who emphasizes the need to strengthen the application of the activity approach at the level of each of the disciplines that provide a certain professional training: "teachers should build all theoretical positions and tasks with a "sight" for the future professional activity of students. Students must act, perceive information about the activity and what ensures its implementation, reproduce its elements first, and then in its entirety, determine the prospects for development and their own contribution to this process."

The above-mentioned approach in our research allows us to create conditions for the formation of the activity of education seekers due to working in cooperation with the help of the inclusion of future teachers in professional pedagogical activities. It should be noted that the formation of the information competence of the future primary school teacher is determined primarily by a specific professional need, the satisfaction of which requires certain actions. That is why the personal-activity approach in the presented study involves the practical orientation of the process of training the future primary school teacher to the formation of the ability to use ICT in professional activities, the ability to creatively use the formed information competence in professional activities, motivated to actively use ICT in the conditions of the implementation of the new State Standard of Primary Education and implementation of the Concept of the New Ukrainian School.

It became obvious that information and communication technologies increasingly affect the functioning of a modern school, which in turn becomes an information environment for all participants in the educational process.

The analysis of the genesis of the introduction of the competency paradigm into domestic and foreign education systems confirms its use and restructuring of the higher and secondary education system over the past three decades.

The competence approach as a new conceptual reference point of the system of professional training arouses the interest of the international pedagogical community (Dawson, 1984: 87).

L. Dzyuba-Shpuryk analyzes and rightly notes that one of the leading areas of activity of international organizations (UNESCO, UNICEF, Council of Europe, Organization for European Cooperation and Development, International Department of Standards) is the implementation of a number of initiatives aimed at scientific, methodological, organizational and monitoring support for the process of training international specialists based on the competence approach (Dzyuba-Shpuryk, 2016: 44).

The idea of the competence approach is that the person being taught should not acquire specific knowledge, skills and abilities, but he should develop the ability to navigate independently and make the right decisions in any professional situation. The main goal of this approach is the formation of a competent specialist.

V. Lunyachek in the scientific article "Competency approach as a methodology of professional training in higher education" analyzes in detail the etymology of concepts "competence" and "competence", illuminates views on the structure of competence taking into account the main provisions of the National Qualifications Framework of Ukraine, offers a conceptual scheme of the competence model of a bachelor's / master's degree. The scientist rightly concludes that professional training of students at the current stage in the conditions of a higher education institution is impossible without taking into account the basic provisions of the competence approach (Lunyachek, 2013: 160).

Researchers in the field of the competence approach in education (B. Elkonin, I. Zimnya, A. Khutorskyi, S. Shishov, etc.) note that the difference between a competent specialist and a qualified one is that the former not only possesses a certain level of knowledge, skills, skills, but is able to implement and implements them in work.

The concept of "competent approach" means the focus of the educational process on the formation and development of the main key and subject competencies of the individual. The result of such a process should be the formation of a person's general competence, which is an integrated characteristic of the individual.

Analysis of the theoretical foundations of the professional training of future primary school teachers and research in the field of the competence approach to professional training, we consider it necessary in the definition of this concept to reflect specific aspects of the professional activity of a primary school teacher, such as: propaedeutics, multi-subjects, poly -functionality, reliance on the age characteristics of students and activities with the aim of forming education seekers at the first level of complete general secondary education. key competencies, among which a significant

place is occupied by information and digital competence, which involves confident and at the same time critical application of information and communication technologies for creating, searching, processing, exchanging information at work, in public space and private communication (New Ukrainian school, 2018).

Therefore, the implementation of professional training based on the principles of the competence approach in order to form the informational competence of future primary school teachers allows to fully ensure their readiness for high-quality implementation of professional activities in the conditions of constant renewal of education, in particular, the effective use of ICT.

In the process of scientific and pedagogical research, it was established that the scientific basis of the problem of forming the informational competence of future primary school teachers should be based on the *acmeological approach*, which today is one of the progressive and promising ones for higher education.

Conclusions. So, by the ICT competence of a primary school teacher, we understand his ability to perform professional activities with the help of information and communication technologies and the formation of ICT literacy of students, the readiness to quickly master and introduce new technologies into school practice in accordance with the trends in the development of the information society .

In particular, the possibilities and advantages of forming teachers' ICT competence are provided by applied forms of training for bachelors in the field of pedagogy. Dual education is built into the programs and the bachelor's degree, in which the theoretical part of the training takes place on the basis of an educational organization, and the practical part – at the future workplace of a primary school teacher.

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THEORY AND HISTORY OF CULTURE

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CONTEMPORARY BANDURA ART AS AN EMBODIMENT OF THE CULTURAL CODE OF UKRAINIANS

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Abstract. For many centuries, the activity of representatives of bandura art supported the morale of Ukrainians in difficult war times and periods of repression. In the course of the research, we can observe how the bandura repertoire reflected the desire of people to fight for freedom and carried history through the ages. With the start of a full-scale war in Ukraine in 2022, a young generation of contemporary bandurists began to actively support the Ukrainian people. Accordingly, linearly continuing the centuries-old musical tradition and demonstrating the mission of bandura art in particular. So, we can talk about this musical tradition as an embodiment of the national spirit and the cultural code of the Ukrainians.

The article analyses samples of bandura repertoire in different stages of Ukrainian history. The work also highlights the peculiarities of contemporary bandura art, the activities of its representatives, as well as their musical works.

Key words: contemporary bandura art, bandura players, cultural symbol, authentic instrument, media show, music of war.

Introduction. The culture of the nation is its treasure, which is a part of every generation and conveys the traditional philosophy of the people and their mentality. In old Ukrainian traditions, there are cultural symbols that collectively form the cultural code of the nation, as a separate people. These symbols help the people to identify themselves, to pass on tradition, history and people's beliefs to the next generations. In Ukrainian culture, there are many symbols that are given great attention and importance. They are praised and honoured (viburnum is a symbol of beauty, bread is a symbol of life) (Zhaivoronok, 2006: 270, 618).

Bandura is one of the brightest manifestations and embodiments of Ukrainian culture. In the minds of the people, the bandura is an authentic (Rusanivkyi, 2012: 93) instrument, through which the spirit of the people, its mental peculiarities are praised and reflected. Thus, it becomes the personification of a living tradition (Matkovsky, 2019: 60-65). An authentic instrument from the moment of its spread among the people acts as an ideological symbol of Ukrainians' struggle for freedom, which accompanies people and supports them in difficult times. This association was formed in particular due to the repertoire of its performers and their way of communicating with the audience. The basis of the bandura repertoire is the *duma* (Gromyaka, 2007: 212). This genre arose in the 15th century, which coincides with the period of the spread of Cossacks¹ and the national self-awareness of Ukrainians as a separate ethnic and cultural unit. The executor of the *dumas* was considered the bearer of the national ideology and spirituality of the people. Currently, bandura art in Ukraine is presented in several forms: traditional (authentic), academic and contemporary direction of development. Its history can be conditionally divided into several stages.

Stages of development. Many scientists (M. Prokopenko, O. Famintsyn) studied origin and evolution of the instruments (*kabza*, later *bandura*). The most meaningful explanation of the origin and

¹ The military-political union of Zaporozhian Sich was created in the 16th–18th centuries.

characteristics of the bandura is covered in Hnat Khotkevich's work "Musical Instruments of the Ukrainian people" (Khotkevych, 1930: 87). He considered the bandura to be a "purely Ukrainian invention" of the end of the 18th century, due to the addition of short melodic strings (prystrynky) to the construction of another instrument, the kobza. Due to the performance of the folk lyric-epic, the instruments are related. Therefore, we can say that the bandura is a conceptual and ideological continuation of the kobza. In turn, both those instruments are an example of the embodiment of an authentic Ukrainian tradition. The themes of kobzars (bandurists) authentic repertoire reveal the peculiarities and mentality of the people. Their repertoire is filled with love for the native land, history, and the spirit of freedom. In addition to the theme of the compositions, the method of conveying them to the audience is also related, namely, the recitative form of presentation of the material in combination with instrumental improvisation, which allows you to immerse the audience in the process of understanding the story and deep analysis, thereby touching the subtle aspects of the human soul. However, it is worth noting that these instruments are significantly different from each other in terms of external characteristics (shape, structure, method of sound production, and method of holding during performance).

Therefore, when we describe the history of bandura art, taking into account the aspect of conceptual kinship of bandura with kobza, it is appropriate to start with the period of the spread of kobzarstvo on the territory of Ukraine.

The bearers of kobzar art were only men – kobzars, who were considered preachers of the will of the people and bearers of their cultural and spiritual heritage. During the days of the Zaporozhian Sich (XVI–XVIII centuries), the kobzar was a highly respected person who spoke at the negotiations of ambassadors and at royal courts, went to war with the Cossacks, and was considered a defender of morality and the spiritual world. His mission was to preserve the history of the cossacks and tell the masses of people the true reality (Matkovsky 2019: 60-65). These facts testify to the active involvement of musicians in the lives of the Ukrainian people several centuries ago, as an embodiment of a living musical tradition.

From the beginning of its foundation, the kobza (and later the bandura) was diatonic (Pylypchuk, 2021: 43-46). Each performer made the instrument with his own hands according to his own vocal and performance capabilities, and the tuning of the instrument changed according to the composition he was performing. Their repertoire consisted of traditional songs of Ukrainian folklore, namely: dumas, historical songs, religious and moralistic songs, satirical songs and dance pieces (Chornopisky, 2008: 108-111). The texts of authentic dumas tell us about historical events ("Ruinuvannia Sichi Kateryny"/"Destruction of Sich by Kateryna"), the suffering of the enslaved people ("Plach nevolnykiv"/"Crying of the Slaves", "Marusia Bohuslavka") and the exploits of the Cossacks ("Samiilo Kishka", "Duma pro Baidu"/"Duma about Baida"). They contained ideas about the features, ideals, and behaviour of Cossack national heroes who respect their native land and the christian faith and defend it valiantly against enemies ("Duma pro kozaka Holotu"/"Duma about the cossack Holota"):

...ne boitsia ni ohnia, ni mecha, ni tretoho bolota... /
 ...(he) don't afraid of fire, or the sword, or the third swamp..)²

The texts reflect the freedom-loving people, which is one of its main characteristics ("Sokil i sokolia"/"Falcon and falcon"):

..Luchche my budem po poliu litaty../*We'd better fly across the field*
 Ta sobi zhyvnosti dostavaty, / *And to obtain livestock on our own,*
 Anizh u tiazhkii nevoli / *Than to live in severe captivity*
 U paniv prozhyvaty. / *With the masters..*³

² Own translation

³ Own translation

During the compositions' performances, the musicians used melodeclamation, supplementing it with elements of sonorism (exclamations, shouts, howls) and performance ornamentation, which we will refer to in the future as traditional techniques of playing the bandura (Yutsevych, 2003)⁴. The purpose of using these techniques was to morally arouse the listener, to evoke sympathy and empathy, and to fill with a sense of unity with the people and the desire to fight for freedom and rights.

From the end of the 18th century, the bandura gained more and more use among the population, and the kobza gradually lost popularity. After the liquidation of Zaporozhian Sich and during the period of mass enslaving of the population bandura players began to travel throughout the country, performing at fairs, streets, and near churches, telling news and stories about the Cossacks and the fate of enslaved compatriot. In this way, they touched the subtle aspects of the human soul, inciting their feelings and desire to fight for freedom and boosting morale. They acted as a sort of media and psychologists of the time (Chaika, 2012).

In the XX century in Ukraine, there was a process of academisation of the instrument, which at that time was presented only as folk instrument. In 1902, at the 12th Archaeological Congress in Kharkiv, the report of researcher and bandurist Hnat Khotkevich was announced. He emphasised the need to introduce an ensemble form of performance and a unification of construction. There was also a big concert of bandura players and a presentation of their work. These two events attracted the attention of the participants in the congress and served as an impetus for active research of the instrument, thereby starting the process of modernization of the bandura and its subsequent academisation (Yurenko, 2004: 44). In the first half of the 20th century, a large constellation of bandura players embodied the idea of the formation of academic bandura art (Hnat Khotkevich, Vasyl Yemets, Mykhailo Teliha, Volodymyr Kabachok, and others) (Zheplynskyi, 2011).

During the World War II, bandura players with new strength continued the tradition of supporting the national spirit of the population. The tired people welcomed the bearers of bandura art very kindly, because they were considered a symbol of the Cossacks, as the personification of willpower. Their performance repertoire awakened national consciousness, faith in one's own strength, love for the country, and the desire to protect it. The bandurists invested deep meaning and symbolism in songs, as well as the idea of liberation struggle and faith in a better future. Relevant compositions, in particular, were created during that time: "... As military bandura player Andrii Bobyr notes: "My comrades often asked me to sing. After a difficult battle, the song tamed the pain, before the battle, it gave strength and determination. We really liked "Na smert partuzana"/"To the death of a partisan" (Kostyuk, 2015: 248-261). There were dumas and songs in the repertoire of bandura player Yehor Movchan that awakened national consciousness ("Nasuvallas hrizna khmara"/"A threatening cloud was approaching", "Chornyi voron"/"Black crow"), reflected the realities of the time, and conveyed people's faith in a bright future, in particular a song based on A. Malyshka's poem "Koly techut kryvavi riky"/"When bloody rivers flow":

Koly techut kryvavi riky / *When bloody rivers flow*
 V stepakh, opalenykh vohnem, / *In the steppes scorched by fire,*
 Proslavym skryvdzhenykh naviky, / *We will glorify the offended forever,*
 A zaprodantsiv — proklenem! / *And we will curse the sellers!*
 ...I pidrostut novi vnuchata... / *...And new grandchildren will grow up...*
 Na volni, radisni zhnyva. / *At large, happy harvest.*⁵

Bandura players helped people psychologically cope with all the horrors of war, death, and ruin. In the rear and on the battlefield, the performers did not leave the bandura and gave concerts. They believed that their music was a weapon against the enemy and medicine for the human soul, so they continued their mission (Kostyuk, 2015: 248-261).

⁴ Mordent, flageolet, forslag, glissando, tremolo, etc.

⁵ Own translation.

Despite the difficult social, economic, and political vicissitudes of the 1920s and 1940s⁶, the banning and physical destruction of bandura players, the process of the formation of an academic bandura was successful. The changes were reflected in many aspects (Yugova, 2017). The question arose of introducing a unified and improved chromatic, not diatonic, instrument design with a built-in tonality switching system (instruments of the “Chernihiv” type of 1953 – the design of Ivan Sklyar and the “Lviv” type of 1964 – the design of Vasyl Herasymenko) (Zinkiv, 2021). The bandurists' repertoire combined samples of academic music and authentic Ukrainian music. Composers created original works and transcribed from the repertoire for other instruments. The theme of the compositions was permeated with the acquisition of Ukrainian cultural heritage, which was noted in the title of the work, the use of folk music modes, appeal to folklore (Ukrainian folk dance “Na berezhku na stavku”/“*On the coast, on the pond*” by S. Bashtan, concert piece “Baida” by K. Myaskov, concert instrumental fantasy “Kupalo” by O. Herasymenko, the play “Pisnia vitru”/“*The Song of the Wind*” by R. Hrynkyv). The perfection of the chromaticism of the academic instrument is also proven by the performance of works of world classics, in particular: A. Vivaldi “The four Seasons”, J. S. Bach cycle of works “The well-Tempered Clavier”, F. Schubert “Ave Maria”, etc. Unification of the design of the instrument allowed bandurists to unite and play music in ensembles. In turn, this practice made it possible to significantly expand the performance repertoire and daily life of bandura players (symphonic orchestra, orchestra of folk instruments, chapels, trios and duets) (Lisnyak, 2019).

The active phase of the bandura academisation process took place in the second half of the XXth century due to the fruitful and multicomponent work of bandura players (Vasyl Herasymenko, Serhiy Bashtan, Konstantin Myaskov, Lyudmila Posikira, etc.) (Zheplynskyi, 2011). At the beginning of the XXI st century, the bandura took its place among other academic instruments in Ukraine. All the quantitative and qualitative changes that took place during the period of academisation of the instrument did not erase its history and ideology, but rather interpreted and preserved it in accordance with the realities of that time. The representatives of bandura art continued to promote and convey the Ukrainian tradition, which were reflected in the repertoire, stage costume of the performer, and the theme of the concerts, where its performance could most often be heard.

Reasons. The socio-cultural changes that are taking place in the XXI century are giving rise to a new era, the catalyst for which can undoubtedly be considered global digitalization (Lisnyak, 2022: 144-164). The development and implementation of high technologies in the everyday lives of people also affected the modern worldview and the formation of a new generation. In particular, the reaction to these changes was reflected and implemented in contemporary art. The artist of the new era is not afraid of modern technologies. On the contrary, he skilfully uses them for his own purposes in order to create and popularise his art.

Contemporary bandura art is a kind of meaningful reaction to the present, which is expressed in the compositions and the actual positioning of its representatives in society. The creativity of modern bandura players illustrates a new image of bandura, which is at the same time interesting to a young audience and remains a symbol of Ukrainian culture.

Contemporary bandura direction is reflected in the reinterpretation of old traditions, the combination of authenticity and modern sound, and the artist's positioning and perception in the mass popular

⁶In the mid-20s of the last century, there were a number of resolutions aimed at obstructing the activities of musicians: "On the prohibition of begging (kobzarism)", "On mandatory registration of musical instruments in police and NKVD", "On approval of the repertoire in the People's Commissariat of Education", "Regulations on individual and collective music performance". Instead, the following instruments were distributed throughout the country: balalaikas, accordions, mandolins, accordions, and guitars.

¹⁰In the mid-1930s, the All-Ukrainian Congress of Lyricists and Bandura Players was held in Kharkiv, killing bandura players and burning their instruments. Representatives of the Ukrainian intelligentsia, including active bandura art leaders Hnat Khotkevych and Opanas Slastyona, were also repressed and physically destroyed. The Kharkiv bandura was liquidated in Ukraine as a symbol of Ukrainian culture, and the bearers of the bandura tradition were repressed.

cultural space. Bandura players perform on chromatic academic instruments designed by Ivan Sklyar back in 1953, but actively use modern accessories (recorders, sound amplifiers, concert stands), and their repertoire of various genres reflects today's popular trends in a harmonious combination with Ukrainian authenticity. Artists participating in popular television talent shows, music and art festivals, gathering an audience on social networks, and paying considerable attention to the visual aspect of the presentation of their work, which in turn popularises and demonstrates musical abilities and the sound of the instrument to a wide audience, are all important factors in the formation of modern bandura art.

While describing the contemporary direction of bandura, it is also worth pointing out some of the reasons and prerequisites for its origin. Despite the successful academicisation of the instrument in the XX century, by the beginning of the XXI century, the instrument remained “folk” in the minds of the mass Ukrainian audience, and the bandurist could not be imagined without a vyshyvanka (traditional ukrainian dress) and songs about the Motherland. The themes of the repertoire, the musical arrangements of the songs, and their arrangements also became quite “monotonous”, with the use of classical harmonies, established modes, etc. Such music sounded on the stages of the philharmonic hall and the concert hall, but was not an object of interest for the mass audience. In that period, the importance and influence of mass art grew more and more. In particular, due to active rotations on radio and television, there was a significantly increased popularity of pop music and pop artists. As a result, a stereotypical, “not modern” or “archaic” vision of bandura and its representatives was born, which set a task for young performers to direct their activities to its debunking. The desire of young bandura players to take their place among other popular performers in the country, to make the authentic instrument interesting and accessible to a large audience, to popularise the instrument among young people and to present it to the foreign public in a dignified way – these are the ideas and goals that in turn led to the birth of “*contemporary bandura*” in Ukraine.

On the other hand, in the XXI century, a large-scale wave of national identity has been observed in many European countries, in particular in Ukraine.⁷ An understandable longing for the past, for what is dear to the heart, for childhood memories, is emphasised by the artists, who try to incorporate these special feelings into their work. As a result, the audience warmly perceives such examples because they are close and familiar. It should not be considered that this is copying the works of our ancestors, traditions or clothes. Popularisation and revival of tradition through ethnic clothing, architecture, art using authentic colours and professional Ukrainian art of the past helps to preserve the tradition of the past.

Taking into account the above facts, we can say that *contemporary bandura art* will be manifested in particular through a reinterpretation of Ukrainian authenticity in a modern retrospective in combination with a contemporary and popular sound, which is expressed with a visual and digitalized presentation of the artistic product to reach a wide audience. An example can be found in the creative activity of modern bandura players, which will be mentioned later.

Representatives. The “birth” of the contemporary bandura can be traced back to 2010, when bandura player Yaroslav Dzhus performed on the stage of the popular talent show “Ukraina maie talant”/“*Ukraina's got talent*”. It is worth noting that the television show “Ukraina maie talant” in 2010 was very popular, one of the most rated shows on Ukrainian television, which was broadcast on Saturdays in prime time. It indicates the reach of a large audience. (STB.ua, 2010) The victory, namely the prize of audience sympathy in the finale of the show, confirmed the interest in bandura among a wide audience and launched the process of development of a new direction in bandura art, namely contemporary.

The musician surprised the audience during the show's casting by performing an atypical banduras repertoire, namely the composition “Svitovi khity”/“World Hits” – a potpourri of world-famous

⁷ The most striking example is the Eurovision contest, in which, in recent years, many countries have tried to demonstrate their national uniqueness through costumes, music and the conceptuality of the number.

melodies, recognisable to a large audience of compositions (“Nothing Else Matters” by Metallica, “Yesterday” by The Beatles, “We Are the Champions” by Queen, etc.). (You Tube, 2010) Unexpected for the audience, the choice of the repertoire and its performance on an instrument that, in the imagination of the audience at the time, was only “folk”, aroused interest in the musician and his work. Already on the live air, accompanied by a string nonet, he performed M. Skoryk's well-known composition “Melodiya”/“*Melody*” and received the prize of audience sympathy. (You Tube, 2011) Here the performer appealed to the audience's feelings because for Ukrainians this composition is associated with the memory of the victims of the Holodomor of the last century.⁸ Just as when performing authentic thoughts and glorifying tragic events of the past, the bandura player touched the thin edges of the audience's soul. This performance, albeit in a new interpretation, gave the same effect as a result. It can be noted here that the main message of the music remained unchanged, but the presentation of the audience underwent changes in accordance with the requirements of modern times.

The participation and victory of Yaroslav Dzhus in the popular media show served as an impetus for the activation of the activities of young bandurists in the popularisation of contemporary bandura art, who in the future can be positioned as contemporary performers (Yaroslav Dzhus, Maryna Krut, Anastasiya Voytyuk, Georgiy Matviyiv, B&B Project, and others). Also began the process of destroying the myth of “archaic”⁹ and the development of a new contemporary direction of bandura art in Ukraine, which continues successfully to this day.

In the following years, a young constellation of bandura players worked on the development of a contemporary repertoire for bandura, which includes original music, texts and musical arrangements of which meet the requirements of modern times and are interesting for a young audience (topics of compositions, harmony, compositional form), as well as translation into bandura familiar popular world and Ukrainian compositions (cover versions). A characteristic of many compositions is the combination of Ukrainian authenticity, acoustic features of the instrument with modern electronic sound and rhythms. The way of popularising and visualising an artistic product has also changed – appearance on popular television shows, original videos of works that are distributed through social networks and YouTube, attention to the concept and presentation of oneself as an artist, which is reflected in a concert costume, one's own positioning. Spreading one's own creativity through social networks allows expanding the circle of connoisseurs of bandura and Ukrainian culture, in particular, in the world.

After the television show, Yaroslav Dzhus began to be actively involved in the popularisation of modern bandura. In 2013, the bandura artist created the “BANDURA STYLE” project, thanks to which contemporary bandura began to spread throughout the country and abroad. At the initiative of the project, the first bandura collection with a modern repertoire was published, which included 6 original works and 6 translations of well-known world compositions, which were distributed around the country for free (Dub, 2013). In order to attract the attention of a larger audience, the bandurist made collaborations with famous musicians and bands (TNMK, Tartak, Go-a, and others), took part in numerous cultural and artistic projects (“KobzArt”, “Kraina Mriy”, “Tarasova Gora”, etc.), began to develop social networks and publish videos on the YouTube channel. In the early years, the bandurist's repertoire consisted largely of melodies from world-famous compositions (“Comptine d'un autre été” by Yann Tiersen, “Shchedryk” by M. Leontovych, “Melodiya” by M. Skoryk, “Yesterday” by The Beatles, etc.) and the author's arrangements of Ukrainian songs, in particular with the use of jazz laments (“Cheremshyna”, “Nich yaka misiachna”, “Kvitka dusha”, etc.).

Yaroslav Dzhus was the initiator of the band “Shpyliasti kobzari”, with which he now tours the world and participates in art projects, festivals and forums (“Nezalezhnist tse my”, International

⁸ Holodomor is a genocide of the Ukrainian nation committed in 1921–1922, 1932–1933 1946–1947.

⁹ Which has gone out of common use, is obsolete. Vocabulary is used in works of art to add a shade of antiquity to the depiction of certain events and phenomena (Bilodid, 1970: 64)

Festival named after Bohdan Vesolovsky, “Terytoriia Rizdva. Zymova misteriiia”) and television programmes of Ukraine (“Holos Kraïny”/“*Voice of the Nation*”, “Ukraïna maie talant”, “Snidanok 1+1”). The group works in the style of “music charge” (fr. *la charge*). They create original cover songs of well-known folk compositions, shoot YouTube clips, and experiment with stage images. The band chose the path of performing those compositions that are familiar to a wide mass audience in order to evoke in them a feeling of nostalgia and a high mood. That is why the band's repertoire is dominated by well-known Ukrainian folk and original songs, recognisable world melodies, and their mixing with each other. The musical design of the band's compositions is filled with elements of sonorism and traditional playing techniques (forslags, glissandos, arpeggios, sound effects) on the bandura in combination with modern metro-rhythms. Their performance repertoire includes cover versions of Ukrainian and international compositions, which they interpret in various styles of pop music, using jazz elements and new age, and their performances are impressive and extravagant (use of LED strips, fireworks, original stage costume).

At the beginning of their creative career, “Shpyliasti kobzari” also took part in the television talent show “Ukraïna maie talant” in 2011. (You Tube, 2013) In their performance, a pot-pourri of Ukrainian songs was played during the live broadcast of the competition (such as “Smereka”, “Oi chy i to kin stoit”/“*Whose throw is worth*”, “Oi na hori dva dubky”/“*Oh, there are two oaks on the mountain*”, and “Vziav by ya banduru”/“*I would take a bandura*”) in combination with samples of world-famous music. Their performance on the stage was presented somewhat in a humorous context, which was expressed through the peculiarities of the arrangement of the composition, the use of certain elements of sound, stage images, and spectacular visual effects. Such an atypical presentation of the bandura and its performers at a large-scale show was aimed at destroying the myth of “popularity” and conservatism of the instrument and its performers, erasing certain conditional frameworks of the bandura player's appearance in the minds of both the public and other bandura players. In 2019, “Shpyliasti kobzari” again went to the television talent show “Holos Kraïny”, where they performed in an updated quantitative composition. (1plus1, 2019) The audience also observed the growth and rebranding of the band, which was reflected in the musical interpretation and design of the compositions, visual presentations, the involvement of other musical instruments (cajon, flute), the appearance of the musicians. Also, they demonstrated a clear artistic position, because their main message was the words – “Bandura is cool”. (You Tube, 2019) The musicians themselves, with their appearance at the show, wanted to demonstrate contemporary bandura music to a wide audience, in particular to international listeners, and break the stereotype of “archaic” bandura music in Ukrainian audiences.

Accordingly, Yaroslav Dzhus and the band “Shpyliasti kobzari” were the first to popularise contemporary bandura for the public using authentic Ukrainian texts in combination with melodies known to a wide audience in the media space. They actively popularised their work through television and social media, presenting contemporary bandura to a large audience. Images in social networks, the spectacular design of music videos and stage images are also important for musicians.

Bandura player Maryna Krut creates and popularises the modern sound of bandura through her own creativity. She began her media career on the stages of popular television talent shows and competitions in Ukraine (“X-Faktor”/“*X Factor*” 2018, “Holos Kraïny” 2019, “Yevrobachennia. Natsionalnyi Vidbir 2020”/“*Eurovision. National Selection 2020*”), was a participant in numerous Ukrainian and foreign festivals (Atlas Weekend, Lviv Bandur Fest, Benderstadt, Faine misto) and cultural and artistic projects (“Sound of Chernobyl”, “Z dnem narodzhennia, Chuvak”/“*Happy Birthday, Dude*”, “Pisnia pid banduru”/“*Song under bandura*”), she recorded collaborations with various popular artists, wrote music for films and commercial projects (“Isolde”, “Ya pratsiuuu na tsvyntari”/“*I work in the cemetery*”, “Zlomovchannia”/“*Breaking silence*”). Her author's output includes music albums (“Arche”, “Albino”), music collections (“Alternative”, “Play me something on the bandura”), as well as a number of video clips that she distributes through social networks, including YouTube.

Considering the above, the bandura player's involvement covers a wide range of activities, which helps popularise contemporary bandura, and positions the musician herself as a pop artist (Petrynka, 2020: 72-76).

The focus of Maryna Krut's authorial compositional activity is aimed at discovering the subtle facets of the organisation of the personality, its soul. An example is also the song "99", about the reasons to "rise" and move on, about the inner strength of the individual and the fear of making mistakes for the "Yevrobachennia. Natsionalnyi Vidbir 2020") (You Tube, 2020), The compositions "Chy ty mii son"/"Are you my dream", "Vse yak ty liubysh"/"Everything as you like", and "Korinnia"/"Roots" reveal the eternal themes of the vicissitudes of love, relationships between people, and the desire for self-awareness in the universe.

Maryna Krut is also called the world's first soul-bandurist (Eurovision.ua, 2020). In author's compositions she pays great attention to the inner experiences of a person, her personal microcosm, and her position in society. This opinion is confirmed by Maryna Krut's second album "Albino". The name of the mini-album "Albino" means albinos. As the author notes, it is these people who are special, as well as the human soul, the different facets of which she emphasises in her compositions (Kovalova, 2019). The album presents six compositions, each of which is interpreted as a separate manifesto, emphasising the importance of simple human feelings and their uniqueness and importance. "Divchinko"/"Girl" – a dialogue between a fragile and vulnerable soul and a rational, social brain; "Radii"/"Be glad" – the importance of life, sincere joy and gratitude for simple everyday things; "Sto lystiv"/"One hundred letters" – reveals the theme of unhappy love; "Khto ya"/"Who am I" – the meaning of life and the meaning of a person in the universe; "Ok" – a kind of hymn of introverts; "Skazhy meni Bozhe"/"Tell me God" – an intimate conversation between a modern person and the Creator.

Attention to the inner world of the individual, interpersonal contradictions, and attention to simple human values, a return to the roots, is the foundation of this album. Her music is characterised by a weightless introduction, often using the "kharkiv"¹⁰ technique of playing, and a relaxed and harmoniously combined couplet accompaniment, which helps to reveal the content of the text in a voluminous way because the greatest attention is paid to it. The accompaniment itself during the vocal part helps the listener adjust to the appropriate internal emotional state. Instrumental performance is a place where the richness of the bandura sound is fully revealed and a high level of performance and technical skill of the bandura player is demonstrated. The compositions also contain proper bandura sound elements and techniques (instrumental improvisational – which is an essential feature of traditional *duma* – melismas, flageolets, glissandos, muting strings), which demonstrate the beauty of the sound of the instrument as well as the performance and technical capabilities of the bandura player.

Maryna Krut also pays attention to the demonstration and visualisation of her own creativity. She very often publishes photos of creative photo shoots with bandura, which she then uses in concert posters. Great attention is also paid to video editing of her performances and video design of music clips, which helps to harmoniously complement the picture of audio and visual perception in the mind of the audience. For an organic appearance on stage, she also uses a special vertical stand for the instrument (the final of the contest "Yevrobachennia. Natsionalnyi Vidbir 2020" (You Tube, 2020) and the air of "Holos Kraïny 9" (You Tube, 2019). The list of original video works of the bandura player also includes filming in nature, where the sounds of the bandura are combined with nature; the singing of the birds ("Hey little bird", "Oi khodyt son"/"Oh, the dream goes", instrumental improvisation – 2021); and siren sounds ("How we live in Ukraine" – 2022) (Naidenko, 2021).

In 2020, the bandura player presented the composition "Kimnata"/"Room" for the cultural and social project "Sounds of Chernobyl" (You Tube, 2020). This work can be interpreted as a vivid

¹⁰Method of throwing the left hand through the upper shemstock to the bandura strings (prystrunky).

example of the continuation of the kobzar tradition and idealism in activity and interpretation through the own creativity of representatives of contemporary bandura art.

The composition is based on the story of the tragedy of the Chernobyl nuclear power plant, which exploded in 1986 and affected the lives of thousands of people. The composition reveals the inner experiences of a person, his childhood trauma and fear. Ukrainian folk instruments – bandura, trembita (Khotkevych, 1930: 237-241), national clothes, use of folk music modes – all this emphasises the involvement and influence of the event on the entire nation. Many symbols are used to reveal the artistic ideas in the video series. In particular, the dominant colours of the video clip are yellow and black, which is a reference to the sign of radiation. The large number of people involved in the video clip shows the scale of the tragedy, and the slight difference between the video sequence and the text of the composition illustrates the lies and distortion of the event by the authorities of the time (Movchan, 2020).

As for the composition itself, from the first seconds we hear the sounds of the unique Ukrainian instruments trembita and bandura, and later their harmonious combination with electronic sound. The bandura player is the narrator of the story. Her recitative narrative reveals the inner experiences and tragedy of a person, tells a story that is characteristic of the authentic bandura tradition. The musical accompaniment helps to keep the viewer's attention by immersing him in a certain emotional state. The instrumental improvisation at the end of the composition uses the modes of Ukrainian folk music, namely the “hutsul” minor mode¹¹, which is recognisable to people and is often used in folk and academic Ukrainian music. Such a combination of Ukrainian authenticity, history, concept, and electronic sound in modern presentations of the material is a vivid example of the manifestation of contemporary bandura art with a reinterpretation and a kind of continuation of its authentic tradition. The idea and implementation of the song “Kimnata” make contemporary comprehension about the scale and consequences of the tragedy of 1986, and an accessible and conceptual demonstration helps to convey it to a wide audience. The realisation of an authentic idea, the construction of a composition (a recitative story about a history with instrumental improvisational parts), in combination with modern elements of visual presentation to the audience, is an example of the contemporary direction of the development of bandura art.

In summary, Maryna Krut's creative work is multifaceted and covers many areas. In her work, the emphasis is placed precisely on the combination of Ukrainian authenticity and electro sound. In compositions, great attention is paid to the inner world of the individual, which is emphasised in visual demonstrations, concepts, and the musical design. We should also mention her powerful presentations of her own creativity to a wide range of audiences via social media and television.

A striking example of the popularisation and spread of modern bandura is the activity of bandura virtuoso player Georgy Matviyiv. In 2012, he was elected a member of the European Jazz Orchestra, thus demonstrating the possibility and beauty of the timbre sound of the bandura not only in the orchestra of folk instruments, but also in the jazz one (Matviiv, 2018). A year before that, he had shot the first bandura music video for the song “Wild West Jazz”. The composition is created in a jazz style with the use of syncopated and swing structures. As the performer himself notes, the video clip depicts a woman with body art on her back, which embodies the disclosure of the soul to art (Matviiv, 2021). The dominant colours in the video work are red and black, which for Ukrainians subconsciously evoke an association with the colours of folk tradition (“traditional clothes” – red means love, and black means grief). This work is a vivid example of the demonstration of contemporary bandura to a wide audience. It combines the original jazz sound on an archaic instrument, and the video clip visually enhances the impression of the viewer, for whom it is a novelty.

¹¹A Ukrainian minor scale in the key of C: c d e^b f[♯] g a b^b.

The bandurist also took part in the large-scale fantasy show “Volodari stukhiy”/“*Lord of the Elements*” in 2018 performed by solo instrumentalists (hutsul cymbals P. Skazkiv, violin O. Bozhyk, ethno wind instruments O. Zhuravchyk) and NAONI (which from Ukrainian stands for National Orchestra of Folk Instruments of Ukraine). Each soloist embodied the element of nature, and a special magical atmosphere was created by the scenery, a combination of traditional and electronic musical instruments, percussion, visual and audio effects, and the use of 3D-mapping technique (Lisnyak, 2020: 80-94.). A feature of his compositional handwriting and performance skills is the perfect and complete use of bandura playing techniques, a combination of different genres in one musical sample (jazz, blues), and creative performance, where bandura sounds full and self-sufficient (Lisnyak, 2019:181-200).

A feature of Georgy Matviyiv's work is the creation of an original virtuoso musical canvas, which combines jazz and Ukrainian authenticity with an impressive visual presentation of its audience in the form of video clips and original music shows. This combination allows you to continue the living Ukrainian tradition, bringing it to a younger audience and thereby popularising it.

Anastasia Voytiuk is a contemporary bandura player, experimenter, composer, and leader of the band “Troye Zillia”, the Lviv Bandur Fest festival of contemporary bandura music. The group “Troye Zillia” are professional musicians who play in the style of folk fusion and world music, successfully experimenting and combining authentic Ukrainian songs with modern rhythms (“Yanchyk”, “Drevo”, “Peremanocho”, etc.). Based on Ukrainian folk songs from different regions of the country, they write original arrangements of mixes of R&B, D&B, Afro-Cuban, and jazz and perform at various Ukrainian and foreign venues (Lisnyak, 2019:181-200).

Music during full-scale war. Despite the long history of transformation and improvement of the bandura, we can observe that its ideological mission and strength have remained unchanged. The activity of contemporary bandura players since the beginning of the war in Ukraine in the XXI century is proof of the continuation of the related centuries-old bandura tradition in modern realities.

The vector of their work has changed somewhat with the beginning of a full-scale war on the territory of Ukraine. Now they are acutely aware of the need to morally support Ukrainians through the performance of patriotic and folk songs, modern compositions, and the author's creative work. Bandura players, like other Ukrainian artists, write songs on the theme of war, give charity concerts for internally displaced people and raise funds for the army, visit the military, encourage their national spirit with music. Through the performance of patriotic compositions for the people and the army, bandurists create a feeling of unity among the nation. Their music awakens a sense of self-identification as a Ukrainian, that is, a part of one nation experiencing a common grief.

Bandura music reinforces these feelings also due to the historical significance of its music, which is the embodiment of the living tradition of the Ukrainian people and the cultural code. In the minds of the people, however, the bandura still remains a traditional instrument. It is her sounds that strengthen people's patriotic feelings and self-confidence, because they subconsciously return a person to their roots.

In such difficult moments, the personal presence of performers and live communication with music is important for people. This is the path of bandura virtuoso Georgy Matviyiv. He continues his creative involvement and performs with a bandura both solo and as a member of NAONI of Ukraine. During this period, he and his band held a series of concerts in different parts of Kyiv and country for the people and in support of the military. Their performances took place in the House of Creative Teams of Ukraine, at the railway station, metro stations, military hospitals, for children and the military. Georgy Matviyiv also gave a live concert on the Crimean Tatar TV channel ART.

As Georgy Matviyiv notes, – “In the conditions of war, language, culture in general, and music in particular are also weapons, and that is what characterises our national identity”,¹² the awakening of

¹² Interview with Georgiy Matviiv 3.05.2022.

the national spirit in her mind. The bandurist ponders and compares music as a means of protection and moral support for a person against an external enemy, a tool for awakening the national spirit in his consciousness. Positive audience feedback and loud applause are results that give an understanding of the correctness of the chosen support vector. Because music is medicine for the soul, it is very important to consider this aspect.¹³

The emotional state of the country is extremely difficult now, so musicians and artists are trying in every way to improve it and distract people from negative thoughts. Concerts are being organised in support of temporarily displaced people in the western part of the country and in Europe. Bandura player Anastasia Voytiuk is an active participant of such events. It is during the performance of authentic songs that she sees her mission as a bandura player today and the union with the authentic kobzar tradition, which consists of supporting the spirit of the population and telling the history of the people, which is cyclical. Her music is filled with a Ukrainian modes that helps people energetically return to their roots through the performance of authentic folk songs. Anastasia Voytiuk gives concerts in Lviv, the Czech Republic, and toured in Poland.¹⁴ The performer herself considers cultural diplomacy and support of the people's spirit to be her mission. In addition, Anastasia teaches Ukrainian authentic songs by giving vocal master classes. Through the bandura and music, the performer speaks to a foreign audience, and such a speech is more powerful on an emotional level. Together with Polish musicians, the bandura player also gives concerts in the Czech Republic and toured in Poland. In the first period of the full-scale war, Anastasia Voytiuk was involved in the recording of the famous pop singer Max Barskih's "Dont F@ck With Ukraine" (You Tube, 2020). Bandura and other traditional instruments can be heard in this electro-house record in support of the army.

Maryna Krut has started active volunteer and artistic activities, which are aimed at actualising Ukrainian music in the world. In addition to making music, she raises money for the military through her social networks. With the support of the Art Foundation, a charity solo concert of the bandura player took place together with jazz musicians at the LV Cafe jazz club in Lviv. The songs that will be included in the new album "Liteplo" – "Chaiky"/"Seagulls", "Volia"/"Freedom" and "Mistomalomy"/"City to the Little One" were presented at the concert. An integral part of the bandura player's activities is holding charity concerts in various European countries in support of her country (Spain, the Netherlands, Switzerland).¹

To encourage Ukrainians, the girl started playing on the streets and recorded a cover of T. Petrynenko's song "Ukraïno"/"Ukraine" at the volunteer headquarters of the city of Khmelnytskyi with the participation of the Khmelnytskyi municipal choir (You Tube, 2022). It is the participation of the team and filming during the weaving of camouflage nets for the military that emphasises the importance of unifying the people and shows the power of joint work for victory. The text of the song illustrates the living love for the native land, which has lived in the hearts of people for centuries and now manifests itself with new force:

Meni ne mozhna ne liubyty, / *I can't help but love you,*

Tobi ne mozhna ne tsvisty. / *You can't help but bloom.*

Lysh doty varto v sviti zhyty, / *Only until then is it worth living in the world,*

1. Interview with Maryna Krut 6.06.2022

Poky zhyvesh i kvitnesh ty! / *As long as you live and flourish!*¹⁵

At the beginning of April 2022, the singer released her original song "Volia"/"Freedom" (You Tube, 2022), in which she conveyed her desire for independence and the reasons for the fight of the Ukrainian military:

¹³ Interview with Georgiy Matviiv 3.05.2022.

¹⁴ Interview with Anastasiya Voituk 2.06.2022.

¹⁵ Own translation.

Mamo, ya v put /*Mom, I'm leaving,*
 Bo nemaie uzhe shcho vtrachaty! /*Because there is nothing to lose!*
 My nikoly ne vmily movchaty, /*We never knew how to keep quiet,*
 Bo nemaie chuzhykh ditei! / *Because there are no other people's children!*¹⁶

The text also highlights the victory of the “mother's song” over the “sound of the city siren” – an air alert, which embodies the victory of the Ukrainian song over terror. This modern interpretation reflects the reality of the Ukrainian people, which highlights the eternal value of the people – love of freedom and love for the motherland. The main emphasis is on the text of the composition. The instrumental accompaniment is sufficiently transparent and unobtrusive, without additional compositional decorations and improvisational parts, which are inherent in modern bandura compositions.

For these two compositions, the leading thought is the idea of the power of the unity of the people against the enemy (“.. Could we, with our hearts, we will ignite thousands of hearts” – “Ukraïno”; “..But I have a million-strong family, it will win on a spring day” – “Volia”), which reflects the peculiarity of the situation and mood of people today.

According to performers of modern bandura art, in such a dark period in the history of the Ukrainian people, they feel more united than ever with the roots and origins of bandura and realise the importance of their mission in maintaining the moral spirit of the people. In real time, you can observe the true mission and importance of the bandura as the embodiment of the traditions of the Ukrainian people.

Conclusions. Bandura art throughout its long history has become the embodiment of a living Ukrainian tradition, as an integral part of the culture of the entire nation. The repertoire of the bandura players and their mission consists of moral support of the population, protection of its mentality, spirituality, and high morals. Contemporary bandura art is a linear continuation of the authentic tradition, although with a modified way of interacting with the audience in accordance with the requirements of modernity.

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¹⁶ Own translation.

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Interview with Anastasiya Voituk 2.06.2022

1. What is the mission and main message of your activity now?

My key missions now are cultural diplomacy and supporting the fighting spirit of Ukrainians both abroad and in Ukraine(...)

(...) Culture is one of the key components of building a nation's identity, and Ukrainian culture is very rich and diverse, especially its singing tradition, which has thousands of songs. These songs contain the historical and emotional memories of the people, and it is now that we realise what many of our songs are about, because our people have already experienced similar violence from Russia and its previous incarnations under other names. Through the song, I make emotional contact with people, and then I can tell them about the situation in Ukraine now. Through the song, I also help people stabilise mentally and partially survive the trauma of war, gain strength and energy to at least continue to live and fight. Through meetings with Ukrainians, I give faith in the country, a sense of unity, mutual support and love(...)

2. What do you feel now as a bandurist? What do you want to convey to people today through your creativity?

(...)As a bandurist, I feel like a soldier on the cultural front. I play on a rare instrument that 100% represents Ukraine, which gives a very great purity and power to the message (...)When I sing old songs, I feel unity with the Ukrainians who lived and sang them before. I feel that our instrument is very beautiful and enchanting, and it is a very powerful force now. (...)Music always impresses more powerfully than conversation or words. This is very delicate and filigree work with the emotional field of a person, and if you get to it, you can change important worldview positions of a person, which will then influence his decisions.

3. Do you have a sense of spiritual unity with the tradition of kobzars, whose activities were directly related to the support of the moral spirit of the people?

(...) I had the feeling that now I understood what our predecessors were singing about. Also, the historical context has already changed, and if once the song sang about the king not letting the soldiers return home, now it is no longer about us—we are independent and fighting for our state, and similar wording can be used by other nations. (...)

(...) When there is great trouble for the people, everyone runs to the basement to hide, literally and figuratively. Metaphorically, we run to our roots to understand exactly who we are and what we are fighting for and whether it is really worth giving our lives for it. And as life shows-it's worth it and for what?

Interview with Georgiy Matviiv 3.05.2022

1. What do you feel now as a bandurist? What do you want to convey to people today through your creativity?

The bandura is an uncompromisingly Ukrainian folk instrument. As a representative of the bandura community, now more than ever I feel the need to share with listeners samples of Ukrainian folk music, works by modern Ukrainian composers, including my own works. In the conditions of war, language, culture in general, and music in particular are also weapons, and precisely what characterises our national identity.

2. Do you have a sense of spiritual unity with the tradition of kobzars, whose activities were directly related to the support of the moral spirit of the people?

Raising the morale of Ukrainians, and especially soldiers, war invalids and displaced persons, children is an extremely necessary mission, because no matter how pathetic it sounds, music really

heals the soul. Together with NAONI, since the beginning of the war, we have held a whole series of concerts in different parts of Kyiv for people from all over Ukraine (in the building of national creative groups of Ukraine, at metro stations, at the train station, in all crowded places, etc.), where we performed Ukrainian music and based on people's feedback it becomes clear that this is an extremely necessary matter. In fact, this is a matter of national importance (literally).

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TRADITIONS OF DANCE CULTURE IN CULTURAL DISCOURSE

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Abstract. The goal is to reveal the traditions of dance culture in the discourse of cultural studies.

Research methodology. The interdisciplinary character of the study is based on the combination of theoretical justification of traditions in the discourse of cultural studies. The power of influencing the content of cultural knowledge lies in explaining the present through the past and in projecting future progress. This is how we consider the methodological key to understanding the dialectical unity of the phenomena of traditions and innovations. The common link between the past, present and future is the originality of the historical place of the people's culture, its national spirit is immersed in ethnocultural genesis. The article emphasizes the structural-functional method as the leading one between the traditions and chronotopes of cultural regionalism from the philosophers of ancient eras, artists of literature to the leading culturologists of modern Ukraine.

Scientific novelty. The traditions of dance culture in the cultural space are revealed. Dance traditions are a phenomenon in cultural discourse in the space of ethnoculture.

Conclusions. Dance traditions are considered in the plane of cultural discourse. The dynamics of traditions in spatio-temporal introjection, which are produced by dance and normalized as an important component in the system of preservation of traditions, are highlighted. During the thousand-year historical and cultural development, the dance demonstrates the spiritual unity of the people, the integrity of culture as a factor of the value basis of the individual who integrates into society, realizing the motivation of spiritual needs.

Key words: culturology, dance, traditions, personality, discourse.

Introduction. Argumentation of traditions in the space of cultural studies objectifies the specified problem in the discourse of spiritual culture. After all, the breadth of cultural studies makes it possible to express the meaningful relationship of a person in the plane or not all aspects of activity in various spheres of his professional focus, from references to ancient traditions to modern theoretical searches.

As a cultural phenomenon, traditions are at the intersection of various fields of scientific knowledge – pedagogy, psychology, philosophy, cultural studies, art history, sociology, etc., so they are studied and analyzed from different points of view. Special acuteness can be seen precisely today, because Russia's war with Ukraine raises the question of the interpretation of this issue exclusively in the spiritual sphere.

The topic of the discourse on the traditions of dance culture is gaining importance today in the context of the transformation of the cultural-historical process that is taking place in society due to the fact that ancient ideologues have faded into oblivion, and modern ones are mostly being developed. The problem of preserving traditions appears before the scientific community at a time of uncertain signs of the variability of the social space, when the life activity of an individual involves integration into a social movement into a harmonious system of society. Therefore, if we look back at the reverse side of historical existence, such problems were faced by man, both in previous eras and now.

The analysis of research and publications related to the outlined issue cannot be artificially localized. That is why we consider the researched problem from the time of ancient philosophy to modern scientific interpretations. In our study, we emphasize cultural discourse in the area of dance traditions. We distinguish the circle of researchers who clarify the problems of dance traditions by the

methodology of cultural research: the structural-functional method. Of course, thinkers of past eras left a significant theoretical legacy to modern researchers. Therefore, thanks to the implementation of traditions in the sphere of spiritual culture, modern scientists have the opportunity to discuss in the plane of its essential content basis. Since dance, by its very nature, can combine scientific research with aesthetic activity, philosophical considerations with traditional plastic culture of reproduction, cultural studies with bodily visions, therefore the scientific work of domestic authors is the driving force behind the cultural dimension in the context of dance culture. In view of this, the ability to ensure the effectiveness of self-development, promotion of the essential characteristics of aesthetic activity, normalization of the structure and genesis of spiritual culture, in which dance culture enables the fixation of traditions with a certain integration on the modern ground, is singled out. After all, cultural studies has its own motivation of a range of problems that are integrated in a certain environment thanks to traditions.

In the scientific literature, there is a variety of approaches to the concepts of traditions and, accordingly, the interpretation of the conceptual foundations and methods of their research. It is known that traditions form a value system, among which there are dominant and subdominant ones. Thus revealing the inner world of the individual, art attracts a person to the most common forms of his activity, to a certain personal and social ideal. A work of art brings a person to a creative basis, gives him a stimulus, exerting a transforming influence. Art, science, education are powerful factors of traditions. They model the spiritual world of a person, setting the basis for the system of views and beliefs that form the foundation of worldview and creativity. In this aspect, thinkers of the ancient world showed scientific interest to modern theorists.

In the era of Antiquity, the ideal of a harmoniously, comprehensively developed person was recognized. At the same time, a new value paradigm arose and began to develop – beauty (the ideal of a person), which is directed, first of all, to the spirit and body of a person.

The purpose of the article. Consider and analyze the methodological discourse of the cultural study of dance traditions.

Presenting main material. We consider traditions as a spiritual virtue of culture. The science of virtues has been normalized since the time of the work of the ancient Greek philosopher Aristotle, who created the pronoun “ethnic” from the word “ethics” (the science of morals, morality) in order to outline a group of qualities that make up the structure of a person's character – kindness, confidence, mercy, generosity, love. In Aristotle's understanding, ethics studies the moral problems of human life, defining the categories of good and evil, and considers various models of interpersonal relations. Throughout the entire history of cultural progress, the concepts of good and duty, nobility, mercy, conscience, love, etc. dominated the main categories. At the same time, some philosophers (Plato), reflecting on the concept of good (good), singled out a value plane: goodness, the meaning of human life, others – mostly the concept of responsibility (I. Kant). Knowledge was recognized as the highest value – a good that allows us to distinguish true good from imaginary; basic truths: soul, personality, freedom, choice, independence (Socrates); wisdom, truth, goodness, beauty (Aristotle).

In the Renaissance era, belief in the limitless possibilities of man, his will, creativity, virtues are grouped into a system of coordinates with truth, goodness, beauty (M. Montaigne, E. Durkheim, M. Weber). That is, this is how traditions are outlined in the plane of values. The humanist M. Montaigne considers values only in relation to a person. He substantiates the reasoning that priorities should be considered through the prism of awareness of the self-worth of the human personality. Therefore, values depend on what opinion is dominant in a person.

In our opinion, traditions can be prioritized only when they are accumulated in the space of spiritual culture. This is how traditions stand out as a spiritual value in the mind, and have a clearly defined essential-content basis of self-evaluation of the individual. Self-esteem is considered as an assessment of oneself, one's virtues and shortcomings, ultimately, one's actions. Self-esteem is

responsible both for one's own value and in the context of additional external evaluation – parents, teachers, peers.

In the Age of Enlightenment, ideas about the values of freedom, justice, goodness, truth, faith, reason, morality, and love for the Fatherland became significant (J.-J. Rousseau, I. Pestalozzi, W. Thomas, I. Kant, V. Windelband, K. Jaspers,). In Rousseau's pedagogical treatises, the idea of free human education is imbued with the spirit of humanism and democracy. Love, respect, education of a “good heart”, “good will”, and “good reasoning” became the leading values of the French teacher. A certain isolation of the individual from traditions and culture is negative in Rousseau's theory and practice. After all, if a person does not have internal consumption of traditions and cultural content, he stops in his development or growth, shrinks, becomes spiritually impoverished.

One of the bright manifestations of spirituality, which embodies worldview and aesthetic information and is the main means of significance of the modern era, are the traditions of various spheres of life. We focus on dance traditions that enable the process of transmission from generation to generation of authoritative spiritual values in the past, active factors of cultural discourse that provide cultural content to this day. This is how culturological principles are made possible by functional groups against the background of which orientation towards creative activity based on traditions is carried out. Today's worldview transformations have led to a new awareness and understanding of the role of dance traditions in culture-creating processes – this is how the movement from dehumanization to post- and trans-humanism takes place. Therefore, the most significant component that preserves the people's memory of the mental archetypes and stereotypes of humanistic existence are traditions.

With regard to the realization of spiritual beliefs in the plane of creative abilities and skills, there is an interrelationship of cultures, communication systems, interrelationship of culturology with the reproductive beginning of landmarks on traditions. Thus, the ideas of dance traditions are genetically represented by the phenomena of revaluation of values in the process of their preservation and transformation. Separated spiritual considerations ensure their descriptive functions, define traditions as leading universals of cultural discourse.

It is customary to associate theoretical achievements about priorities and moral experience based on this in the 19th century with the names of domestic writers, poets, philosophers, teachers, psychologists, among whom we single out I. Kotlyarevskii, Lesia Ukrainka, T. Shevchenko, I. Nechui-Levytskyi, I. Franka and others.

The oldest information about the names of Ukrainian dances in poetic and prose coverage comes from I. Kotlyarevskyi's poem “Aeneid” (1796, 20 years after the defeat of Zaporozhian Sich). The memory of the people has strong roots and the dance and some movements (vykrutas, vyhylyas, tret-yak, gaiduk) are remembered by I. Kotlyarevsky under the names “Gorlitsa”, “Gotsak”, “Vegerya”, “Dudochka”, “Crane”, “Zub”, “Blizzard”, “On the beams”, “Sanzharivka” (Kotlyarevskyi, 2012: 272).

Folk creativity was almost the basis of I. S. Nechuy-Levytskyi's beautiful writing. The writer proclaims the narratives of nationhood and nationality as the guiding principles, guiding the reader to understand the high life ideals of beauty and artistic truth. In the spirit of the people, the writer concentrated the descriptions of details of entertainment – evenings with music and dances at professorial gatherings. The gentlemen danced a quadrille, a polka, a waltz: “The young professors and merchants did not even want to drink tea and kept waiting for the music to play faster for the dances... The musicians cheerfully and loudly hit the signal...” (Nechuy-Levytskyi, 1977: 54).

Lesya Ukrainka's prose (the story “Friendship”) talks about the entertainment of the villagers of the village of Kolodyazhne in Volyn – their songs, dances, and music. Some of them the author, as a folklorist, sporadically (without detailing) described the dances “Krutyakh”, “Cossack”, “Chumak”, “Valets”, “Grechaniki”. In other works, we learn about “Cossack”, “Sabadashka”, “Popadia”, dance on the table, dances of mermaids and monkeys. Artistic descriptions of the dance art of Ukrainians serve as valuable ethnographic material for choreography. After all, the writers actually visited the

places where Ukrainian youth started their dances (evenings, streets, holidays, weddings, funerals, etc.), carefully observing all the nuances of the action, they never invented new names for dances and dance movements (Kulinska, 1976: 165).

Given the above, the problem of spiritual priorities arises as a reaction of public consciousness to the objective discourse of historical and cultural development. Therefore, already before the man of the 21st century, in the conditions of spatial transformation of values, the question of the interaction of dance with personality is actually relevant both in the traditional basis and in its transformation into the modern plane.

The beginning of the third decade of the 21st century is marked by the fundamental nature of changes and global problems in the economy, politics, ecology, morality, education, and culture. Therefore, modern conditions direct young people to various types of activities, where culture and art (at their core, dance) play the role of an indicator of the level of their adaptation to the aesthetic space. Obviously, intensive changes require scientific justification and involve the search for promising strategies for the development of priorities as leading components of the modernization of young people's lives. In view of this, the need for awareness and understanding of the needs of the formation of a new level of understanding and scientific analysis by researchers of modern challenges of humanity is being formed. By chance, worldview issues are formed and resolved, values are determined, priorities are formed.

For high-quality and effective adaptation, we single out dance traditions that take place under the influence of fundamental shifts. Priorities are formed on the basis of behavior, actions, life orientations, moral, ethical, aesthetic beliefs, significant orientation, which can characterize the interaction of individual activity with a certain worldview as a complex social phenomenon. Priorities currently suffer from rapidly changing dynamics, and this causes the need to understand the updated value matrix. To a certain extent, the stated thesis encourages young people (who are engaged in dance) to organize personal space against the background of modern conditions and, in accordance with the requirements of the functioning of society.

Human existence is inseparable from traditions, that is, objects that have a special magnetic power and are an indicator of the level of culture. Therefore, by filling the motivational and meaningful potential of dance traditions with a specific substantive form, they interact and regulate interpersonal and social relations (for example, dance and personality, traditions and modern culture). The basis of dance traditions is the synthesis of the creation of plastic movement by the person who "creates" the dance and, accordingly, the personal component. Demonstration of spiritual culture by means of dance at all times contributed to its visualization and understanding and built the worldview and aesthetic connections of a person with a certain social environment. This is stated in the writings of leading culturologists, art critics and teachers, who update the axiological characteristics of the field of choreography in the conditions of modern civilizational pressures and threats.

At the present stage, the essence of dance traditions in terms of their own existence and functioning of their values has not been sufficiently explored. Therefore, the basic sources of our research are the works of modern cultural experts and art historians O. Afonina (artistic space), Zh. Denisyuk (ethnocultural values), P. Herchanivska (Ukrainian folk culture), O. Kopievska (cultural practices in civilized studios), O. Kolesnyk (phenomenon of interpretation in artistic culture), S. Sadovenko (Ukrainian folk song creativity), V. Lychkovakh (representations of ethnoculture in art) and others. Respected authors associate culture and art, as a rule, with the ability of human consciousness to reflect and fix the meaning of spiritual or material, real or imaginary objects to satisfy human spiritual needs and interests. His (personal) specific contribution to the development of society or, at least, the filling of his personal life with a truly human meaning and real humanistic content depends on how deeply traditions will enter the life of an individual, which was declared in philosophy from the era of Antiquity to modern narratives.

In this regard, the interaction of philosophy and cultural studies was analyzed in V. Lychkovakh's monograph "Philosophy of Ethnoculture" (Lychkovakh, 2011: 196). The general instruction of the author, as can be understood from his research, is an attempt to present the philosophy of ethnoculture as a study of the "language" of spiritual culture, which reveals its universal and national discourses. Entering into a kind of dialogue with culture, "listening" to this language, the philosophy of ethnoculture seeks to reconstruct the mentality of peoples, which is reflected in art, literature, regional traditions, etc.

It is culturology that makes it possible to delineate the circle of values that have universal significance both in the ontological and historical-cultural sense. However, some scientific approaches (psychological, pedagogical, sociological) are oriented to the study of priorities that are significant for the society of this or that specific historical time, or for certain social strata, groups, individuals, to the study of traditions as values through the prism of motivational drives, interests, desires, attitudes, etc.

We singled out a slightly opposite vector of scientific interest, i.e. the dance tradition. We believe that it is somewhat sporadic to present a theoretical complex related to dance traditions: dancing itself, the culture of dances, the science of recording them, the creativity of directors, scientific research in the field of choreography, the socio-cultural value of the art of choreography. The key concept in defining the subject field of the dance tradition is the concept of "dance", which should be justified on the basis of the variety of spheres of its coverage.

Thus, the dance tradition should be considered from the point of view of the historical and cultural carrier of creative, plastic, physical and intellectual potential for the individual. In this plane, special knowledge and skills are developed, such as imaginative thinking, sensitive perception of cultural processes, awareness of the historical picture of the world. Dance traditions have the ability to introduce a new vision of life forms into life creation, eliminating conservatism and stagnation. In this vision, dance traditions are the leading factors.

In the theoretical argumentation of universal human values, dance can be considered in the discourse of cultural studies at the level of modern realities, therefore, we concentrate the activation of the process of cultural and historical development precisely on the traditions of dance culture.

Therefore, the modern period of cultural development requires the actualization of folk choreographic art, the characteristic feature of which is its traditionally oriented nature and saturation with archetypal symbolism.

In view of this, the study of the connections between dance traditions and the world of life of a certain ethnic group, with its ideas, celebratory and ritual spheres, is of particular importance. The specified trends determine the need for a scientific analysis of ethnocultural archetypes of authentic choreographic forms, which are characterized by the solid stability of plastic "ethnocodes" and the underlying idea underlying their semantics. Ethnoimages are born in dance, which can be mediators in the dialogue between ethnocultural archetypes and the symbolism of Ukrainian choreography. In this context, the ritual culture of everyday life, the family, the family, the national calendar is being updated. Accordingly, the role of dance in the ritual complex is seen as the aesthetics of the artistic image, which forms the aesthetics of action, models communications, contributes to the preservation of traditions and their translation into cultural memory.

It should be noted that in the context of cultural studies, we present dance as a driving force for the preservation of plastic traditions, signifying identity and self-identification, integrating plastic traditions into modern culture. As a leading part of this process, we define dance traditions as a means of forming spiritual foundations, educational and cognitive activities in the system of spiritual culture.

In the field of cultural discourse, dance art can act as spiritual landmarks and organically connect with the concept of "purpose" in life. If it is considered that any human activity is purposeful, then, accordingly, any goal should have signs of goals-values. We foresee that creative and aesthetic ideas and relations, which are modeled and introduced into the discourse of cultural studies, in part, thanks to dance culture, act as such.

The activity (choreographic art) of a person is connected with the consolidation of a system of archetypes in the individual and collective consciousness, on the basis of which reference markers of behavior are implemented, which have the ability to regulate the practice of achieving goals-values. After all, values are associated with the awareness of regulating the activity of a creative person aimed at achieving a certain goal.

Dance traditions in the context of cultural discourse should be considered as a cultural-historical phenomenon, which in its own way realizes the ethno-cultural features of the nation. Throughout the entire history of existence, dance interacts with the environment, the spheres of various arts, enables knowledge of the world and awareness of oneself in the world. The dance at each stage of the development of society correlates with a certain area, preserves its regional spiritual and worldview features and is reproduced on the basis of ethno-cultural traditions. Sources and semantic codes of traditional culture are encoded in the dance, originally embedded in the dance heritage, which is reflected in the modern system of cultural knowledge.

Conclusions. Since traditions are the subject of cultural creation, they direct efforts to preserve the national identity of Ukrainian culture and take a balanced view of globalization transformations. Therefore, dance traditions in the aspect of the current state and prospects of the development of ethnographic, cultural, and art studies, as well as many other social sciences, are an expression and an important factor in the justification of spiritual culture. Today, despite the ultra-modern means of communication and information, traditions as a special cultural tool of dance have a powerful ability to influence not only the content of social relations, but also to generalize human experience, to form spirituality in its cultural-historical discourse.

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