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THE CONTENT OF ACCESSIBILITY OF MEDICAL CARE IN UKRAINE

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Abstract. The article is devoted to the study of the substantive content of the concept of 'accessibility of medical care' under Ukrainian legislation. The author considers the accessibility of medical care as a constitutional right of citizens and as one of the principles of healthcare. The author identified the elements of accessibility to medical care such as: personal accessibility, territorial accessibility, and financial accessibility. However, all these elements are not absolute but are assessed from the perspective of the category of justice, particularly the fair distribution of healthcare resources among citizens. Thus, it is not about the absolute right of a person to medical care and the absolute obligation of the state to provide it*, but* it concerns the ability of every citizen to seek medical assistance and receive necessary timely treatment regardless of financial capability, place of residence, or time of seeking help, and only taking into account the health status and needs of the patient.

Key words: healthcare, medical care, patient, accessibility, citizens' rights, health preservation, health promotion.

Introduction. The accessibility of medical care is a constitutional right of citizens and one of the principles of healthcare, which is ensured by the entire healthcare system.

The issues of various aspects of ensuring the accessibility of medical care have been studied in the scientific works of: S. Ahiyivets, M. Bilynska, V. Berezin, I. Bondarenko, I. Buryak, Yu. Voronenko, V. Halai, Z. Hladun, O. Hlazunova, S. Hnatyuk, I. Demchenko, T. Dudina, L. Zhalilo, N. Zaycheva, Yu. Kiryakova, V. Kovalenko, O. Korvetsky, V. Lekhan, Z. Lobodina, B. Lohvynenko, H. Lopushnyak, H. Mulyar, V. Pashkov, V. Perkhov, L. Pidhorna, N. Rynhach, H. Romanovsky, V. Rudyy, L. Rusnak, O. Samoylenko, I. Senyuta, O. Solovyeva, R. O. Stefanchuk, O. S. Stetsenko, Strelychenko, V. Suzyma, T. Tykhomyrov, T. Frolova, R. Shevchuk, T. Yurochko and others. However, there is still no unequivocal position regarding the understanding of the content of this concept in scientific legal literature.

Moreover, in recent years, especially after the onset of the full-scale invasion of the enemy into the territory of our state, the socio-economic situation in the country has undergone significant changes, which has posed new challenges for our state in ensuring the accessibility of medical care, as the needs for accessibility have changed. In particular, the number of injuries related to military actions (mine-explosive injuries) has increased, as has the need for psychological and psychiatric assistance due to mental health disorders among the population as a result of the stresses experienced during the war. The occupation of part of our territory, the destruction of healthcare facilities, and the mass migration of medical personnel abroad have significantly impacted the accessibility of medical care (Bilan, 2022: 159). All of this requires the formation of a new perspective on the issue of accessibility of medical care in Ukraine.

The purpose of the article is to investigate the substantive content of the concept of 'accessibility of medical care' based on the analysis of Ukrainian legislation and the scientific views of leading legal scholars.

Methodology statement. The methodological basis of the study was made up of general scientific methods of cognition: the dialectical method of cognition of the phenomena of the surrounding reality and the comparative-legal method for comparison of the rights and opportunities of a patient, which are mentioned in the Constitution of Ukraine and detailed in norms of various Ukrainian laws. In accordance with the system-structural approach, the author was able to investigate the issues of the elements of the availability of medical care and meaningful content in the relationship and to formulate the conclusions of this article.

Results of the study. The accessibility of medical care is a constitutional right of the citizens of Ukraine, as well as one of the principles of healthcare. Thus, according to Article 49 of the Constitution of Ukraine, the state creates conditions for effective and accessible medical services for all citizens. In state and municipal healthcare institutions, medical assistance is provided free of charge; the existing network of such institutions cannot be reduced. The state promotes the development of healthcare institutions of all forms of ownership (The Constitution of Ukraine, 1996).

The Constitution of Ukraine includes the following characteristics in the concept of accessibility of medical assistance: personal accessibility (is the right of every citizen and must be provided to every citizen, who needs it – our emphasis – S.B.); financial accessibility (provided free of charge for the patient in state and municipal healthcare institutions); territorial accessibility (the existing network of primary healthcare cannot be reduced, but rather the network of institutions should be developed).

Regarding the free provision of medical care, the Constitutional Court of Ukraine has stated that the provisions of part three of Article 49 of the Constitution of Ukraine, which states that 'in state and communal healthcare institutions, medical care is provided free of charge,' should be understood to mean that in state and communal healthcare institutions, medical assistance is provided to all citizens regardless of its scope and without their previous, current or subsequent payment for providing such assistance (The decision of the Constitutional Court of Ukraine, 2002). However, the Constitutional Court noted that the aforementioned provision does not prohibit the possibility of providing citizens with medical services that go beyond medical assistance (according to the terminology of the World Health Organization – 'secondary medical services', 'paramedical services'), in the specified institutions for a separate fee. This has already been noted in the Decision of the Constitutional Court of Ukraine in the case concerning the constitutional submission of 66 members of the Parliament of Ukraine regarding the compliance of the Cabinet of Ministers of Ukraine's Resolution 'On the Approval of the List of Paid Services Provided in State Healthcare Institutions and Higher Medical Educational Institutions' (the case on paid medical services) dated November 25, 1998, No. 15-rp/98 (The decision of the Constitutional Court of Ukraine, 1998). The list of such paid services cannot encroach upon the boundaries of free medical assistance and, in accordance with the requirements of paragraph 6 of part one of Article 92 of the Constitution of Ukraine, must be established by law.

Thus, on July 5, 2024, the Cabinet of Ministers of Ukraine adopted resolution No. 781 'Certain Issues of Providing Medical Services to the Population for Payment by Legal Entities and Individuals,' which will come into effect on January 1, 2025 (resolution of the Cabinet of Ministers of Ukraine, 2024). The resolution provides a list of cases in which healthcare institutions of state and municipal ownership may provide medical services to the population for payment by legal entities and individuals. In particular, the regulation provides for separate cases when medical services are paid for, and when additional services are provided in addition to medical services. Thus, medical services are paid for in cases of providing services to the population: without a doctor's referral; under contracts with legal entities; in healthcare facilities that belong to the sphere of management of the State Administration Affairs and state bodies that are part of the security and defense sector for patients who do not belong to the attached contingent; which are not covered by the state guarantees program for medical services to the population. However, the issue of the cost of medical services, which is not covered by the medical guarantee program, remains contentious, as according to the Constitution

of Ukraine, medical services are to be provided free of charge. Regarding the so-called additional services related to the provision of medical assistance, the aforementioned resolution stipulates that paid services for the medical care of the population may be provided: at the place of residence (stay) of the patient at the patient's independent choice, provided there are no indications for their provision; the independent choice of the attending physician during the provision of specialized medical assistance in a planned manner in inpatient conditions; accommodation in a room with an increased level of comfort and service at the patient's independent choice (resolution of the Cabinet of Ministers of Ukraine, 2024). It is impossible to agree with the paid choice of the treating physician, as according to Article 38 of the Fundamentals of Legislation guarantees every patient the right to freely choose a doctor and methods of treatment (Law on basics of Ukrainian legislation on healthcare, 1992).

S. Knysh insists that it is necessary to amend the Constitution of Ukraine to establish a list of diseases (oncological diseases, tuberculosis, AIDS, and others) that are outside the scope of free medical assistance, but for which state guarantees regarding full payment for treatment from state medical insurance funds would apply (Knysh, 2019: 144).

However, this statement cannot be agreed upon, as Ukraine has undertaken a number of international obligations regarding the preservation and strengthening of public health, which specifically guarantees patients' access to the latest preventive procedures and treatments for oncological diseases, ensuring the accessibility of medical assistance for the population primarily at the level of primary medical care (resolution of the Cabinet of Ministers of Ukraine, 2024) and a number of other obligations. It is clear that the issue of free access to medical assistance for patients is periodically raised by the state, especially today in the challenging conditions of war, and subsequently in the context of post-war recovery, it is extremely difficult for the state to cover the costs of medical assistance for the entire population of Ukraine. In leading European countries, various models of accessibility to medical assistance are in place, which are usually combined with health insurance. Therefore, in our opinion, we should discuss accessibility to medical assistance not in terms of its free provision, but rather in terms of equitable access for all to medical assistance, clearly distinguishing between medical services that are part of medical assistance (treatment) and medical services that are directly related to it but are not included in its scope. Then it may be possible to ensure equal and fair access to medical care for all who need it due to illnesses, injuries, poisonings, and pathological conditions, as well as in connection with pregnancy and childbirth, rather than because it is guaranteed and funded by the state or local budget.

Also, in our opinion, the formulation of accessibility of medical care for everyone is not accurate, as: the Constitution of Ukraine states that medical services should be accessible to citizens; medical care is provided being based on a specific need (illnesses, injuries, poisonings, and pathological conditions, as well as in connection with pregnancy and childbirth), and not at the individual's discretion.

Accessibility cannot and should not equate to the provision of free services for everyone; attention should be focused on the provision of free medical assistance for citizens who genuinely need it, and in the volume that corresponds to their condition. All other additional services should be covered by health insurance, which is also guaranteed by the Constitution of Ukraine as an element of the right to healthcare.

Unlike the previous author Yu. Shvets defines accessibility as: the absence of discrimination on any grounds; physical (geographical) accessibility; economic accessibility (cost); accessibility of relevant information (Shvets, 2020: 205). However, in our opinion, the absence of discrimination, although mentioned in international documents, cannot be attributed to the accessibility of medical assistance, as it is a general constitutional principle enshrined in Article 24 of the Constitution of Ukraine and pertains to all areas of public life, not just healthcare. Regarding the right to receive information, we believe that information is not medical care and therefore cannot characterize its accessibility.

Thus, according to Article 3 of the Fundamentals of Legislation, medical care and medical information are separated: medical care is the activity of professionally trained medical personnel aimed at the prevention, diagnosis, and treatment related to diseases, injuries, poisonings, and pathological conditions, as well as in connection with pregnancy and childbirth; medical information is information about an individual's medical services or their results, presented in a standardized form in accordance with the requirements established by law, including information about health status, diagnoses, and any documents related to health and limitations of daily functioning/life activities of a person (Law on basics of Ukrainian legislation on healthcare, 1992). That is, medical information accompanies the provision of medical assistance, as it is formed in connection with its provision and cannot be attributed to the accessibility of medical care.

The accessibility of medical care in European countries includes physical accessibility, financial accessibility, and waiting time (Access to healthcare in European countries, 2017). We consider this very important, as today at the legislative level in Ukraine, the guarantee of accessibility of medical assistance does not include waiting time, although this is very important for planned medical care, which is high-tech or requires the purchase of expensive medical equipment, such as transplantation of human anatomical materials, endoprosthetics of large joints, replacement of the eye lens, treatment of rare pathologies, etc.

Researcher L. Bondareva is one of the first in domestic science to substantiate the essence of the concept of 'accessibility of medical care' as 'the organizationally ensured possibility of providing timely and qualified medical assistance to the population of the country regardless of geographical, economic, social, informational, cultural, and linguistic barriers' (Bondareva, 2011: 12). However, in our opinion, any barriers, not just those defined, can be issues in ensuring the accessibility of medical care, but they cannot characterize the essence of the concept of accessibility of medical care. For example, the current state of war and military actions taking place on the territory of Ukraine are issues affecting the element of territorial accessibility of medical care for part of the population of our state, but the state of war itself is not an element of the accessibility of medical care.

Unlike previous views, L. Gamburg, O. Mykhailik, and Yu. Mosaev further add quality to the content of accessibility. They argue that quality is one of the components of the content of accessibility, as substandard medical services do not achieve the desired outcome, undermining the right to accessible healthcare. Among other important components of accessibility are free services and timeliness (Gamburg, 2020: 22). It should be noted that the authors do not distinguish between the concepts of healthcare and medical assistance, which cannot be accepted by us. When talking about healthcare, *accessibility and quality of medical assistance are the main indicators that determine the effectiveness of the healthcare system in any country in the world and the level of civilization of that country, but accessibility is not quality, and quality is not accessibility. These are separate categories that collectively determine the effectiveness of the healthcare category. Of course, we do not assert that the accessibility of medical care does not imply its quality provision, but we state that these categories are measured by different indicators. The quality of medical care is assessed according to medical standards, while accessibility encompasses entirely different categories.*

However, it is important that the authors draw attention to the issue of timeliness. Unfortunately, without disclosing it. In our opinion, timeliness is not the immediate receipt of medical assistance at the time of the patient's request, but rather the determination of the necessity for its provision and the provision of exactly the volume that is necessary according to the patient's condition at a specific time. That is, medical assistance is timely when it is provided according to the needs and condition of the patient. This relates to the right we defined above not just for every citizen, but for everyone who needs it at a certain time (in a timely manner).

V. Matviiv includes three criteria (levels) of accessibility of primary medical care services, such as quality, financial, and territorial or temporal accessibility of medical services. That is, like previ-

ous researchers, it speaks of quality as an element of accessibility. To characterize the quality, the researcher considers indicators such as the conditions for providing medical services (quality indicators of the premises – repairs, cleanliness), effectiveness (results) of treatment, professionalism of doctors, and the attitude towards patients from doctors and medical staff. The second criterion is proposed to include three indicators: the ability to purchase or obtain medications according to the doctor's prescription; the capacity to receive treatment, including consultations, diagnostic and laboratory examinations, and therapeutic procedures; the availability of medical equipment and the possibility of receiving medical services using it. In the third aspect – the level of their territorial or temporal accessibility, the author has identified five components of indicators: the possibility of choosing a doctor; the duration of waiting for a doctor; the doctor's schedule; the possibility of making an appointment in advance for the desired time; the territorial convenience of the medical facility's location and transportation to it (Matviiv, 2023: 405). However, the author does not indicate the necessity (need) for receiving medical assistance, which is crucial for the third level she proposes, as territorial and temporal accessibility should be characterized by needs. The state cannot fulfill the desires of the patient but must proceed from the necessity of ensuring such a right for the patient to the extent required by their health condition.

In our opinion, the issue of accessibility of medical care was most successfully addressed by O. Soloviova. Investigating accessibility of medical care, she concludes that it is one of the social rights recognized by the international community, which is ensured by states and includes such component elements as legal (normative), organizational, economic, and informational (Solovyova, 2017: 110). The scientist refers to the legal element as the normative consolidation of the right to medical assistance, as well as the right to legal protection in case of violation of this right. The organizational element involves the creation of an extensive network of primary healthcare facilities that ensure territorial accessibility and comfortable conditions for patients (including those with special needs) and the availability of a sufficient number of qualified personnel capable of providing medical care. The economic component is sufficient funding by the state for primary healthcare of state and municipal ownership. The informational component ensures the population's awareness regarding access to medical assistance, methods, and ways of treatment (Soloviova, 2017: 111).

WHO experts define the physical, economic, and informational accessibility of medical assistance. Physical accessibility should be understood as the availability of quality medical services in necessary volumes for those who need them; the provision of medical personnel, especially doctors; favorable working hours for medical staff, effective appointment systems, and other aspects of organization and delivery of services that enable people to receive these services when they need them. Territorial accessibility is important from the perspective of the timeliness of providing medical services. Timeliness is the ability of the healthcare system to quickly provide medical assistance after the need has been recognized. Economic accessibility is the measure of people's ability to pay for medical goods and services without financial hardship. The accessibility of information defines the right to seek, receive, and transmit information regarding health-related issues.

In this context, it is also important to note the WHO survey conducted regarding healthcare needs. People across Ukraine report that the main barriers to accessing medical assistance are cost, time constraints related to getting to and from medical facilities, the time taken to receive medical assistance, and limited transportation accessibility. However, at the same time, among those who sought medical assistance, 95% reported that they received primary medical care services, and up to 90% of respondents had access to medical services related to chronic diseases (Gender, equity and human rights, 2022). At the same time, people do not indicate informational accessibility as an issue of accessibility to medical assistance. Therefore, as we have noted above, the right to information is not classified by us as a category of accessibility to medical assistance, since medical information accompanies the provision of medical assistance, as it is formed in connection with its provision and cannot be classified as accessibility to medical assistance.

Conclusions. The elements of accessibility of medical care, in our opinion, are:

1) personal accessibility – equal access to medical care for all, as medical care is a right of every individual and should be provided to anyone who needs it, in the volume that the individual requires and in a timely manner. Therefore, the timeliness of medical assistance for the patient characterizes its personal accessibility. Of course, certain categories of patients may require medical assistance in greater volume than others, so equality does not mean the same volume of medical services provided, but rather means equal access for all citizens to medical care and fair access to it, where each individual receives as much assistance as they need, while not infringing on the rights of other patients;

2) financial accessibility – provided free of charge for the patient in state and municipal healthcare institutions to the extent guaranteed by the state and is the same for all citizens. This is not about absolute free provision of everything for patients, but about the state's guarantee of free medical assistance to the extent determined by the patient's condition. Financial accessibility of medical care raises perhaps the most discussions among scholars and practitioners;

3) territorial accessibility – the presence of a developed capable network of primary healthcare that can meet the population's needs in a given area for all types of medical assistance in the volume they require. This should include not only the territorial availability of primary healthcare but also the presence of qualified medical personnel and necessary medical equipment in a given area, which allows for the provision of specific necessary types of medical assistance in the directions needed by the population.

All these elements collectively characterize the accessibility of medical assistance, but it is not absolute; rather, it is assessed through the category of fairness, specifically the fair distribution of healthcare resources among citizens. Thus, it is not about the absolute right of a person to medical assistance and the absolute obligation of the state to provide it, but rather about the possibility for every citizen to seek medical assistance and receive the necessary timely treatment regardless of financial capability, place of residence, or time of seeking help, and only taking into account the health status and needs of the patient.

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COMBATING TAX AVOIDANCE: EU AND GREEK MEASURES FOR FAIR CORPORATE TAXATION

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Abstract. Tax avoidance refers to the practice of aggressive tax planning aimed at artificially reducing tax liabilities by exploiting weaknesses in national and international tax systems. Unlike tax evasion, which is a direct violation of tax laws, tax avoidance involves the strategic use of legal loopholes to minimize tax burdens, ultimately depriving the state of resources and benefiting the taxpayer. While the European Union allows tax competition among its member states, recent initiatives have been introduced to combat the negative social impacts of tax avoidance. These include measures for information exchange among EU countries and rapid responses to VAT fraud, as well as the adoption of a code of conduct to promote fair corporate taxation. In Greece, a general anti-avoidance rule has been introduced through Article 38 of the Tax Procedure Code, targeting artificial arrangements that undermine domestic tax law. The regulation defines criteria for identifying tax avoidance and outlines the consequences of such practices, including the reassessment of taxes owed. The Greek legal framework and EU law address the issue of tax avoidance, balancing the protection of fundamental economic freedoms with the need to ensure fair taxation and prevent the erosion of tax bases across member states.

Key words: tax avoidance, tax evasion, aggressive tax planning, legal loopholes, European Union, tax competition, VAT fraud, anti-avoidance rule.

Introduction. The issue of tax avoidance and tax evasion represents a significant challenge for governments worldwide, particularly within the European Union, where tax competition among member states and the exploitation of legal loopholes have led to considerable revenue losses. The situation is further complicated by varying national tax policies and the lack of a unified approach to tackling these issues across the EU. In Greece, the problem is acute due to the country's economic structure and history of tax non-compliance. Despite efforts to strengthen legal frameworks, such as the introduction of anti-avoidance rules in the Tax Procedure Code, Greece continues to struggle with VAT fraud, base erosion, and aggressive tax planning by both domestic and multinational corporations. This problem is not only a financial concern but also undermines public trust in the fairness of the tax system and the government's ability to enforce tax laws effectively. Addressing these challenges requires coordinated efforts at both the national and EU levels, focusing on enhancing transparency, improving information exchange between tax authorities, and closing existing loopholes that facilitate tax avoidance and evasion.

In the domain of international taxation, the practice of tax avoidance represents a sophisticated strategy aimed at artificially reducing tax liabilities through aggressive tax planning. Unlike tax evasion, which constitutes a direct breach of tax laws, tax avoidance involves a conscious exploitation of the weaknesses inherent in both international and domestic tax systems to minimize tax burdens. This often involves complex legal arrangements and financial maneuvers that, while not illegal, are

designed to circumvent the spirit of tax regulations. Tax avoidance thus, though lawful in its execution, mirrors tax evasion in its effect: it diverts resources from the public coffers and yields disproportionate financial benefits to the taxpayer involved.

The European Union, recognizing the potential adverse social consequences of tax avoidance, has initiated several measures to combat this issue. The EU permits tax competition among its member states but, under pressure from the negative impacts of tax avoidance, has recently undertaken steps to address this phenomenon. For example, the European Commission has developed an action plan against tax avoidance, which includes initiatives for enhanced information exchange between EU countries and prompt responses to VAT fraud. Furthermore, member states have adopted a code of conduct that commits them to establishing transparent and fair corporate tax regimes and to avoid crafting tax policies that unduly attract companies from other EU countries or erode the tax base of other member states.

The introduction of Article 38 in the new Tax Procedure Code marks a significant development in Greek tax law, implementing a general anti-avoidance rule for the first time. This provision addresses the economic activities of foreign businesses that, due to their nature, circumvent domestic tax legislation. Consequently, such entities are subject to taxation based on Greek tax rates, aiming to counteract the artificial reduction of tax liabilities through complex international arrangements.

Modern trends in the Greek e-commerce market reveal a growing practice of relocating business activities to neighboring member states, which poses the risk of scrutiny by the Tax Administration for potential tax avoidance. This shift underscores the need for vigilant enforcement of tax laws to prevent such practices from undermining national tax revenues.

Analysis of legal framework. The general regulation of tax avoidance is encapsulated in Article 38 of the Tax Procedure Code (Law 4174/2013, Official Gazette 170/A/26-07-2013). The legal consequences of identifying tax avoidance are detailed in Articles 23, 27, 52, and 56 of the Income Tax Code (Law 4172/2013, Official Gazette 167/A/23-07-2013). A "transaction" under Article 38 is defined broadly to include any action, agreement, grant, promise, commitment, or event. This definition encompasses multiple stages or components within a transaction (Article 38 § 2 of the Tax Procedure Code). Article 38 § 1 of the Tax Procedure Code establishes several cumulative conditions for identifying a transaction as tax avoidance:

– Transaction or Series of Transactions: This refers to any action or omission by the taxpayer that constitutes tax avoidance.

– Artificial Nature of the Transaction: Transactions are considered artificial if they lack economic or commercial substance (Article 38 § 3 of the Tax Procedure Code).

– Critical Purpose of Tax Avoidance: The objective of a transaction must be to avoid taxation, irrespective of the taxpayer's subjective intentions, and must contradict the purpose of the applicable tax provisions (Article 38 § 4 of the Tax Procedure Code). The goal is deemed critical if any other purpose ascribed to the transaction appears negligible, considering all relevant circumstances (Article 38 § 5 of the Tax Procedure Code).

– Tax Advantage: To determine if a transaction has led to a tax advantage, the Tax Administration compares the tax due with and without the transaction (Article 38 § 6 of the Tax Procedure Code).

The purpose of the article. The purpose of this article is to analyze the impact and effectiveness of the recent reforms introduced by Article 38 of the Greek Tax Procedure Code in combating tax avoidance. By exploring how this new anti-avoidance rule addresses aggressive tax planning and foreign business activities, the article aims to evaluate whether these measures align with broader European Union tax policies and legal principles. It seeks to understand how the rule's focus on economic substance over legal form influences tax compliance and fairness, and whether it contributes to a more equitable tax system within Greece. Additionally, the article will examine how these reforms integrate with EU-wide efforts to enhance transparency and prevent tax avoidance, assessing their effectiveness in ensuring that tax regulations are upheld in the face of sophisticated avoidance strategies.

Main part. In the realm of international taxation, tax avoidance involves sophisticated strategies aimed at minimizing tax liabilities through aggressive planning, exploiting weaknesses in tax systems without breaking the law. Unlike tax evasion, which is illegal, tax avoidance is legal but can undermine the spirit of tax regulations. This practice often entails complex arrangements that shift tax burdens in ways that divert resources from public funds, benefiting only the taxpayer involved. The European Union has responded to the adverse impacts of tax avoidance with measures to enhance transparency and cooperation among member states, such as developing action plans against tax avoidance and implementing codes of conduct to ensure fair corporate tax regimes.

Greece's recent introduction of Article 38 in the Tax Procedure Code marks a significant shift, implementing a general anti-avoidance rule to address foreign business activities that evade domestic tax legislation. This provision allows the Tax Administration to disregard artificial transactions aimed at avoiding taxes, focusing on economic substance over legal form. The law establishes conditions for identifying tax avoidance, including the artificial nature of transactions and their primary tax avoidance purpose. Although Article 38 does not prescribe penalties, it facilitates retrospective tax assessments, aligning with the broader principles of preventing tax avoidance. Moreover, EU law mandates that member states respect fundamental economic freedoms when regulating taxes, requiring that any measures restricting these freedoms must be justified by overriding public interests, such as effective tax collection and anti-avoidance efforts. n assessing whether a transaction is artificial, the Tax Administration considers if it involves any of the following situations (Article 38 § 3 of the Tax Procedure Code):

a) Legal characterization of individual stages inconsistent with the overall legal substance of the transaction. b) Application of transactions in a manner inconsistent with ordinary business behavior. c) Inclusion of elements resulting in offsetting or cancellation of other elements. d) Circular nature of transactions. e) Significant tax advantages not reflected in the business risks or cash flows of the taxpayer. f) Significant profit margins before tax relative to the anticipated tax benefit.

The case law under the law for tax avoidance is restrictive, meaning that if a transaction does not fit within one or more of the listed categories, it does not constitute tax avoidance.

Additionally, the law covers both direct and indirect tax avoidance.

Article 38 of Law 4174/2013 does not specify penalties for tax avoidance. However, it allows the Tax Administration to disregard artificial avoidance arrangements. In practice, identifying a transaction as tax avoidance results in retrospective tax assessment as if the transaction had not occurred. The specific legal consequences of tax avoidance are further detailed in provisions of the Income Tax Code.

For instance, expenses paid to individuals or entities in non-cooperative jurisdictions or preferential tax regimes are not deductible from gross revenues, unless the taxpayer proves that these expenses are legitimate transactions and do not result in profit shifting or tax avoidance (Article 65 of the Income Tax Code). Similarly, significant changes in ownership affecting losses are disregarded unless the taxpayer demonstrates that such changes are for genuine business reasons (Article 27 § 4 of the Income Tax Code).

Furthermore, contributions of assets in exchange for shares are permitted under the condition that they do not circumvent the Income Tax Code. The Tax Administration may require the holding of securities for a minimum period to prevent avoidance (Article 52 § 12 of the Income Tax Code). Tax benefits from asset contributions, share exchanges, mergers, and demergers are revoked if these actions primarily aim at tax avoidance (Article 56 of the Income Tax Code).

Although Article 38 of the Tax Procedure Code does not impose administrative penalties for tax avoidance, it is likely that tax authorities will apply analogous tax evasion provisions and impose relevant penalties alongside tax assessments. However, criminal prosecution for tax avoidance is not feasible under tax crime statutes, as these do not specifically criminalize tax avoidance. Nonetheless, criminal prosecution under anti-money laundering laws could be considered if applicable.

EU primary law recognizes several fundamental economic freedoms for EU citizens. Article 26 § 2 of the Treaty on the Functioning of the European Union (TFEU) ensures a single market with the free movement of goods, persons, services, and capital in accordance with Treaty provisions. The scope of these freedoms, potentially relevant for tax avoidance regulation, includes:

– Freedom of Movement of Goods: The EU single market prohibits internal tariffs and measures of equivalent effect between member states, with exceptions for public policy, health, and protection of cultural heritage (Article 28 § 1 TFEU; Articles 34 and 35 TFEU).

– Freedom of Establishment: Restrictions on the establishment of individuals or companies in other member states are prohibited. This includes the right to set up agencies, branches, or subsidiaries (Article 49 TFEU). Exceptions apply for activities linked to public authority (Article 51 TFEU).

– Freedom to Provide Services: Restrictions on the provision of services across member states are prohibited, except for those linked to public authority (Article 56 TFEU).

– Freedom of Movement of Capital: All restrictions on capital movements between member states and third countries are banned (Article 63 TFEU). However, member states may apply measures necessary to prevent violations of national legislation, particularly in taxation (Article 65 TFEU).

While direct taxation remains under member states' exclusive competence, they must respect fundamental EU freedoms when exercising this competence. Article 38 of the Tax Procedure Code, by instituting differential treatment of domestic versus cross-border transactions, potentially infringes upon these EU freedoms.

To ensure compatibility with EU law, any differential tax treatment must be justified by an overriding public interest, such as preventing tax avoidance, as established in EU jurisprudence (e.g., C-446/2004, Test Claimants in the FII Group Litigation). The justification for restricting these freedoms must align with the objective of maintaining effective tax collection and preventing practices that undermine national tax authority.

Conclusions. Tax avoidance is an aggressive form of tax planning used to artificially reduce tax liabilities. Unlike tax evasion, which directly violates tax laws, tax avoidance involves the deliberate exploitation of weaknesses in international and national tax systems to avoid or reduce tax burdens. Despite the legal nature of tax avoidance, it results in similar consequences to tax evasion: depriving the state of resources and providing disproportionate economic benefits to the taxpayer.

The European Union permits tax competition among its member states. However, in response to the negative social impacts of tax avoidance, the EU has recently undertaken initiatives to combat this phenomenon. Specifically, the European Commission has developed an action plan against tax avoidance and has taken steps to enhance information exchange among EU countries and to quickly address VAT fraud. Additionally, member states have adopted a code of conduct that commits them to establishing transparent and fair corporate tax regimes and avoiding tax policies that unfairly attract companies from other EU countries or erode the tax base of other states.

Article 38 of the new Tax Procedure Code introduces a general anti-avoidance rule into Greek law for the first time. This regulation targets the economic activities of foreign enterprises designed to circumvent domestic tax legislation, thereby subjecting them to domestic tax rates.

The contemporary trend in the Greek e-commerce market of relocating business activities outside Greece to neighboring EU member states may therefore be subject to scrutiny by the Tax Administration for potential tax avoidance.

The general regulation on tax avoidance is found in Article 38 of the Tax Procedure Code (Law 4174/2013, Official Gazette 170/A/26-07-2013). The legal consequences of identifying tax avoidance are detailed in Articles 23, 27, 52, and 56 of the Income Tax Code (Law 4172/2013, Official Gazette 167/A/23-07-2013).

"Arrangement" refers to any transaction, action, act, agreement, grant, understanding, promise, commitment, or event. An arrangement may include multiple stages or parts (Article 38 § 2 of the Tax Procedure Code).

For tax purposes, the Tax Administration may disregard any artificial arrangement or series of arrangements aimed at avoiding taxation and leading to a tax advantage. Such arrangements are assessed based on their economic substance (Article 38 § 1 of the Tax Procedure Code).

According to Article 38 § 1 of the Tax Procedure Code, to classify an action as tax avoidance, the following conditions must be met cumulatively:

Arrangement or Series of Arrangements – An arrangement refers to any action or omission by the taxpayer that constitutes a method of tax avoidance.

Artificial Nature of the Arrangement – An arrangement or series of arrangements is considered artificial if it lacks economic or commercial substance (Article 38 § 3 of the Tax Procedure Code).

Purpose of Tax Avoidance – The objective of an arrangement or series of arrangements is tax avoidance if it contradicts the object, spirit, and purpose of the tax provisions that would apply otherwise, regardless of the taxpayer's subjective intentions (Article 38 § 4 of the Tax Procedure Code). A given objective is deemed crucial if any other objective attributed or that could be attributed to the arrangement or series of arrangements seems negligible, considering all the circumstances (Article 38 § 5 of the Tax Procedure Code).

– Tax Advantage – To determine if an arrangement or series of arrangements results in a tax advantage, the Tax Administration compares the tax owed by the taxpayer, taking into account the arrangement, with the amount the taxpayer would owe under the same conditions without the arrangement (Article 38 § 6 of the Tax Procedure Code).

To determine the artificial nature of an arrangement or series of arrangements, the Tax Administration examines if they involve one or more of the following situations (Article 38 § 3 of the Tax Procedure Code):

– The legal characterization of individual stages within an arrangement is inconsistent with the legal substance of the arrangement as a whole.

– The arrangement or series of arrangements is applied in a manner inconsistent with usual business behavior.

– The arrangement or series of arrangements includes elements that result in mutual offsetting or cancellation.

The arrangement or series of arrangements leads to a significant tax advantage not reflected in the business risks taken by the taxpayer or their cash flows. The expected profit margin before tax is significant compared to the expected tax advantage.

The case law on tax avoidance is restrictive. Therefore, if an arrangement does not fall into one or more of the above categories, it does not constitute tax avoidance.

Additionally, the case law covers both direct and indirect tax avoidance.

Legal Consequences of Identifying Tax Avoidance

Article 38 of Law 4174/2013 does not specify penalties for tax avoidance. However, it allows the Tax Administration to disregard the related artificial arrangements.

In practice, identifying an arrangement or series of arrangements as tax avoidance leads to the retrospective assessment of the relevant taxes as if the arrangement had not taken place. The specific legal consequences of tax avoidance assessment are detailed in other provisions of the Income Tax Code.

Thus, it is provided that expenses paid to a natural or legal person or entity resident in a non-cooperative state or subject to a preferential tax regime are not deductible from the gross income of businesses, unless the taxpayer proves that these expenses pertain to real and usual transactions and do not result in profit, income, or capital transfers aimed at tax avoidance or evasion (Broumas, 2016). Such a state is defined as one, or a jurisdiction, or an overseas territory that is under any special connection or dependency status under international law. This provision does not preclude the deduction of expenses paid to a natural or legal person or entity residing in an EU or EEA member state, provided

there is a legal basis for information exchange between Greece and that member state (Article 23 § 13 of the Income Tax Code).

Additionally, if during a tax year, the direct or indirect ownership of a company's share capital or voting rights changes by more than thirty-three percent (33%) of their value or number, the transfer ceases to apply to losses incurred by that company during the tax year and the previous five (5) years, unless the taxpayer proves that the change in ownership occurred solely for commercial or business reasons and not for tax avoidance or evasion (Article 27 § 4 of the Income Tax Code).

Furthermore, the Tax Administration allows contributions of assets in exchange for shares, provided these are not made to circumvent the relevant provisions of the Income Tax Code. To check for potential circumvention, the Tax Administration may require the contributing company to retain the securities received from the receiving company for at least three (3) years after the transfer. These conditions do not apply if the parties involved can reasonably demonstrate that the transfer is not intended for tax avoidance or evasion (Article 52 § 12 of the Income Tax Code).

Finally, any tax benefits arising from contributions in exchange for shares, share exchanges, mergers, and splits of companies, as well as the transfer of a company's registered office from Greece to another EU member state, are fully or partially revoked if any of the related acts primarily aim at tax avoidance or evasion. The fact that the act is not carried out for economically legitimate reasons, such as restructuring or better organization of the companies involved, may serve as evidence that the main purpose of the act is tax avoidance or evasion (Article 56 of the Income Tax Code).

Although Article 38 of the Tax Procedure Code does not foresee administrative penalties for tax avoidance actions, it is highly likely that the Tax Administration will apply tax evasion provisions analogically and impose related penalties along with the assessment of taxes. On the other hand, criminal prosecution for tax avoidance actions based on tax crime provisions is not possible, as the criminal law's principle of nullum crimen nulla poena sine lege stricta prohibits the analogical application of laws in criminal matters (Articles 7 § 1 of the Constitution and 1 § 1 of the Penal Code) (Βλαχόπουλος, 2022; Μουρτοπάλλας, 2023; Μπάρκουλα, 2008; Παυλόπουλος, 2023; Σβώλος, 1998; Σύνταγμα, 1822, 1823, 1827, 2024; Χατζής, 2019). However, criminal prosecution under money laundering legislation should not be ruled out.

EU primary law recognizes certain fundamental economic freedoms for European citizens. Specifically, Article 26 § 2 of the Treaty on the Functioning of the European Union provides: "The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured in accordance with the provisions of the Treaties." The content of the fundamental freedoms that may be involved in regulating tax avoidance is outlined as follows:

Free Movement of Goods – The Union includes a customs union extending to all trade in goods, prohibiting customs duties and all charges having equivalent effect between member states, and adopting a common customs tariff in relations with third countries (Article 28 § 1 TFEU). Quantitative restrictions on imports or exports, as well as all measures of equivalent effect, are prohibited between member states (Articles 34 and 35 TFEU). Such restrictions are allowed only for reasons of public morality, public order, public security, protection of health and life of humans and animals, or preservation of plants, protection of national treasures of artistic, historic, or archaeological value, or protection of industrial and commercial property. These prohibitions or restrictions must not constitute means of arbitrary discrimination or a disguised restriction on trade between member states (Article 37 TFEU).

Freedom of Establishment – Restrictions on the freedom of establishment of nationals of one member state in the territory of another member state are prohibited. This prohibition also extends to restrictions on the establishment of agencies, branches, or subsidiaries by nationals of one member

state in another member state. The freedom of establishment includes taking up and pursuing self-employed activities, as well as the establishment and management of companies, including firms, under the conditions laid down by the legislation of the host country for its own nationals, subject to the provisions of the Treaty concerning the movement of capital and payment (Article 49 TFEU).

Free Movement of Capital – Restrictions on the movement of capital and payments between member states, and between member states and third countries, are prohibited. Member states must permit and facilitate the movement of capital and payments (Article 63 TFEU).

These fundamental freedoms include not only the right to conduct business and cross-border trade but also the right to establish, invest, and operate enterprises without unjustified restrictions or discrimination. The prohibition of restrictions extends to measures that disproportionately impact the ability of businesses and individuals to move capital, goods, and services across borders.

The EU legal system permits restrictions on these fundamental freedoms only for overriding public interests, such as public policy, public security, or public health, and only if the restrictions are necessary and proportionate to achieving these interests.

For instance, restrictions on free movement or establishment for reasons of tax avoidance must be carefully scrutinized. The EU legal framework allows member states to impose measures that are justified and proportionate to combat tax avoidance but restricts measures that unjustifiably hinder the fundamental freedoms provided by EU law.

While the European Union allows member states some latitude to regulate tax avoidance, any measures taken must align with the fundamental freedoms guaranteed by EU law and must be justified as necessary for achieving legitimate public interests.

In discussing the dynamics of savings and investments within an economy, it is crucial to differentiate between enforcement savings and escape savings. Enforcement savings are those that remain within the local banking system and contribute to the economy's growth. These savings are often utilized by large corporations that invest in manufacturing and specialized activities, ensuring that the entire economic system operates at maximum capacity. In contrast, escape savings are diverted away from the local economy, either through investments abroad or by small businesses that do not contribute to the broader economic framework. This diversion results in a weaker money cycle, as funds are not reinvested within the local economy.

The proportion of enforcement versus escape savings significantly affects economic health. When enforcement savings exceed escape savings, as indicated by a high ratio of bank deposits to GDP, the economy benefits from increased money distribution and reuse. This creates a robust economic structure, with efficient money cycles and an economy operating at full capacity. On the other hand, a higher proportion of escape savings results in reduced money circulation and economic stagnation.

The concept of the money cycle provides insight into how regulatory policies can influence these dynamics. A well-functioning money cycle, characterized by high distribution and reuse of money, indicates a strong economic structure (Challoumis, 2022, 2023d, 2023f, 2023c, 2023a, 2024b, 2024c). This is achieved when the banking system primarily serves as a receiver of enforcement savings rather than a giver of escape savings. Regulatory policies that impose higher taxes on businesses that replace smaller enterprises and provide subsidies for investments in manufacturing and specialized sectors help enhance the money cycle. Moreover, low taxes support this cycle by encouraging reinvestment within the economy. The money cycle theory also suggests that the quality of the economy is reflected in its money distribution and reuse. Effective monetary and public policies should, therefore, aim to maximize enforcement savings and minimize escape savings (Challoumis, 2018, 2019, 2021, 2023b, 2023e, 2024a). The banking system's role is central to this process, acting as a conduit for money flow and ensuring that economic units operate efficiently. The theory posits that the state of the economy is both mirrored and shaped by its money cycle, with all economic units contributing to a clearer and more effective economic structure.

In conclusion, the balance between enforcement and escape savings determines the strength of the money cycle and, by extension, the overall health of the economy. Properly designed regulatory policies can reinforce this cycle, fostering a robust economic environment where money is effectively distributed and reused, leading to a well-organized and self-regulated economic system.

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SCIENTIFIC CONTRIBUTION OF DOCTOR HABILITAT ILLIA KOLOSOV INTO JURISPRUDENCE: FACTS, THOUGHTS AND PERSPECTIVES

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Abstract. The article reveals the scientific and personal contribution to legal science of Dr hab. I.V. Kolosov, Doctor of Law (Habilitated) (in Republic of Poland), Philosophy Doctor in Law (in Ukraine), Reviewer of international scientific professional journals of 'International Journal of Law and Society', Science Publishing Group Inc. (in New York, USA), 'Technium Education and Humanities' (in Ponta Delgada, Portugal), 'Technium Business and Management' (in Mumbai, India), Invited Expert of the Times Higher Education's Global Academic Reputation Survey-2024 and World University Rankings-2025 (in London, UK), Member of the Harvard Club, Alumnus of Sommerschule-2024 'Recht in Deutschland' of Heidelberg University (Germany) and so on and so forth. The contribution of I. V. Kolosov to the development of the aforesaid science at different stages of his scientific career is studied. Some publications covering scientific and legislative views of I. V. Kolosov, which, in our viewpoint, are multifaceted, revolutionary and significant, are considered. It is established that the scientist's papers clearly and understandably cover issues in such branches of law as labor, international, environmental, criminal, social security, constitutional, etc. It is stated that the citation of Dr hab. Kolosov's works can be found in a link of scientific articles, monographs, textbooks and dissertations. The purpose of the article is to provide a scientific coverage of the creative work and personal contribution to the development of legal science, to reflect on the prospects of the scientific research derivated by him from the viewpoint of facts, and to reasonably reflect on the prospects of scientific research. The author forecasts the prospects for further development of legal science, the actual impact of the legal paradigm on the fate of mankind and its place in solving global problems of our time. Based on the results of the study, the author presents scientifically sound conclusions. In particular, it is determined that the issue of nuclear and environmental safety makes us think about furthermore actions for the complete safety of nuclear industrial facilities and furthermore research on this issue.

Key words: legal science, Dr hab. I.V. Kolosov, global issues of contemporary, impact of the legal paradigm, jurisprudence, labor law, environmental law.

A general statement of the problem and its connection with important sciences or practical tasks. Legal science is a multidisciplinary phenomenon. The theory of state and law is the foundation, base, system-forming factor and methodological basis for the entire legal science. It studies the general and specific patterns of emergence, development and functioning of the state and law, forms its own system of scientific concepts, definitions and principles, and as a result is an independent legal science within the system of legal science (Tetarchuk, Dyakiv, 2021: 184). The term 'jurisprudence' (from the Latin jurisprudential – knowledge of law) originated in ancient Rome in the late IV – early III centuries BC, but the phenomenon it denotes originated in the Ancient East long before the emergence of the Roman state, and reached its highest development in Europe many centuries after Rome had disappeared from the historical scene (Kaliuzhnyi, Shapenko, 2016: 32–39). Thus, based on the above, we can conclude that law has been significantly developed in the Ancient East. The most famous were the Laws of King Hammurabi of Babylon and the Indian Laws of Manu.

The powerful ruler of Babylon, King Hammurabi, who reigned from about 1792 to 1750 BC, belonged to the First Babylonian (Amorite) Dynasty and became the first ruler of the Babylonian Dynasty. During his reign, Hammurabi paid great attention to the centralisation of his power and justice in the country. It was he who drafted the Law of Hammurabi in Babylon around 1757 BC.

In the city of Sippar, a black basalt ceiling was installed with 282 articles of laws from various branches of law. The code is one of the oldest in the world, regulating civil, labour, criminal, criminal procedure and family relations. The Hamurabi Code is a document that enshrines the principle of presumption of innocence. To this day, only 247 articles have been fully preserved, which were carved on the ceiling of the 'Code of Hammurabi', which is still preserved in the Lavra (Andriyevych, 2020: 609–610). In ancient India, the concept of law as independent norms was unknown. The rules that governed people's behaviour were contained in collections called dharmashastras. The most famous is the Law of Manu (Manustriti), approximately II century BC – II century AD. The text of the laws is divided into 12 chapters and consists of 2685 articles. In India, considerable attention was paid to the protection of private property. The law regulates seven possible ways of acquiring property rights: inheritance, gift, purchase, conquest, usury, labour, and alms. There was also a well-known way of acquiring property rights, such as prescription of possession of a thing – with legal confirmation, a person turned from a possessor to an owner. Among the main types of property under the Manu Law was land; the land fund of the state consisted of the land of the lord, communal and private. The laws also protected the ownership of movable property, such as cattle, equipment, and slaves (Bandurka, Shvets et al., 2020: 618).

The jurisprudence of different civilisations differs considerably from each other – ancient, Western European and Slavic. However, with certain information, their development did not take place in isolation from each other. The jurisprudence of most civilisations was formed on the basis of Roman jurisprudence, as it was a school of rational thinking that gave legal scholars the tools for scientific processing of law – clear terminology, legal constitutions, principles of classification and systematisation of legal norms, etc. Roman classical law has made the most significant contribution to world culture and the development of jurisprudence. According to the famous German jurist E. Levy, classical jurisprudence is a unique achievement in legal history and a great intellectual heritage left to us by the Romans (Levy, 1963: 184–200).

Analysis of the latest research and publications on this topic, highlighting the previously unresolved parts of the general problem to which this article is devoted. According to one definition, legal science (jurisprudence, jurisprudence) is a specialized branch of scientific knowledge in the humanities, the scientific activity of which is aimed at studying law: legal forms, functions of the State, society and individual institutions.

At present, there is no single concept of legal science, nor is there an exhaustive list of its features and functions. In this context, it is important to mention the scientific achievements of such scholars as: V.I. Ulyanovsky, V.A. Korotkyi, O.S. Skiba, V.G. Rutman, V.I. Tymoshenko, V.I. Adreitsev, I.B. Usenko, I.V. Muzyky, M.I. Gerasimova, O.V. Tkachenko, S.I. Mikhalchenko, O.R. Slobodian, O.M. Kovalchuk, O.D. Bilimovich, V.D. Kozlitina, V.O. Shchuchenko, S.D. Chernik, T. Bondaruk, V. Goncharenko, I. Hrytsenko, O. Kopylenko, O. Myronenko, P. Muzychenko, R. Levinets, A. Rohozhyn, T. Teremetska, M. Chubat, O. Shevchenko, and others.

At the same time, Dr I.V. Kolosov's scientific contributions to legal science have not received sufficient attention, since his works can be found in a number of scientific articles, monographs, textbooks and dissertations.

The purpose of the article is to provide a scientific coverage of Dr hab. I.V. Kolosov's creative work and personal contribution to the development of legal science from the standpoint of facts, and also to provide a reasonable reflection on the prospects of the scientific research initiated by him.

Presentation of the main research material with full justification of the scientific results obtained. Legal science is represented by a whole galaxy of scientists, among whom a prominent place is occupied by a graduate of the Inter-Regional Academy of Personnel Management (Kyiv) and the postgraduate course of the Yaroslav Mydrui National Law University (Kharkiv), Illia V. Kolosov – Doctor of Law (Habilitated) (in Republic of Poland), Philosophy Doctor in Law (in Ukraine), Reviewer of international scientific professional journals of 'International Journal

of Law and Society', Science Publishing Group Inc. (in New York, USA), 'Technium Education and Humanities' (in Ponta Delgada, Portugal), 'Technium Business and Management' (in Mumbai, India), Invited Expert of the Times Higher Education's Global Academic Reputation Survey-2024 and World University Rankings-2025 (in London, UK), Member of the Harvard Club, Alumnus of Sommerschule-2024 'Recht in Deutschland' of Heidelberg University (Germany), etc. Dr hab. Kolosov, in our opinion, pays a significant and powerful contribution to the development of legal science. His research interests are diverse and cover almost all branches of law, such as labour law, international law, environmental law, criminal law, social security law, constitutional law, criminology, etc.

The scientist has written more than 100 scientific papers and monographs, including widely cited works such as: "To the question of the competence of the court to consider labour disputes: National and Foreign Experience' (2012); "Procedural Issues Related to the Enforcement of Court Decisions in Labour Disputes, Current Issues" (2014); "The International Labour Organization, Its Acts and Role in the Legal Regulation of Labour Relations" (2014); "On the Issue of Measures of Procedural Coercion in the Labour Process" (2014); "International Legal Status of Climate Refugees as Victims of Ecocide" (2023) and many others (Kolosov, 2024). I.V. Kolosov has also published articles that have received wide international recognition: **'**Historical Preconditions for the Emergence of Legal Acts in the Field of Medicine in the States of the Ancient World**'** (2022), for which I.V. Kolosov was invited to become a reviewer of the international professional publication 'International Journal of Law and Society' in the OECP country (United States of America) (NSW, Yaroslav the Wise, 2023). Yaroslav the Wise, 2023); 'Military`s medical cooperation between Poland and Ukraine: labour law features' (2022), with this article the scientist not only confirmed his academic degree in a foreign country, but also received a certificate of higher academic qualification in the European Union, namely a habilitation (dr hab.) (NSW, 2022). Kolosov specialises in research and experimental development in the social sciences and humanities.

Even before entering postgraduate studies, in his article 'Case law of the European Court of Justice in the field of protection of labour rights and legitimate interests of employees as a source of European Union law: issues of application in Ukraine' (2012), the scholar noted the relevance of this topic in the need for scientific awareness of the possibility of applying the practical doctrine of the European Court of Justice in labour disputes in the courts of Ukraine (Kolosov, 2012: 621). In this study, the researcher argues that at present, Ukraine needs to create a system of labour courts and adopt the Labour Procedure Code of Ukraine, explaining that labour disputes in Ukraine are considered under the rules of civil procedure. However, the case law of the European Court of Justice is not considered as a source of judicial proceedings, which does not meet the requirements and elaboration of the subject matter in the scientific doctrine. Thus, in order to effectively apply the norms of international law and the law of the European Union, when developing the Labour Procedure Code of Ukraine as a source of judicial proceedings, it is necessary to determine the case law of the European Court of Human Rights, which will correspond to the vector of European integration of Ukraine and will establish in practice the principle of the rule of international law (Kolosov, 2012: 621–624).

A little later, a new article was published, which also touches upon the sensitive issue of labour disputes 'Procedural issues related to the enforcement of court decisions in labour disputes: current issues of the day' (2014). In this work, the author examines general issues related to the enforcement of court decisions in civil cases, in particular, the enforcement of court decisions, execution of enforcement documents, deferral and instalment plans, and determination of the method of enforcement of court decisions. The scholar conducted a comparative analysis between Ukraine and the Federal Republic of Germany, and studied labour procedural rules related to the enforcement of court decisions in labour disputes (Kolosov, 2014: 207–208). As part of the study, the researcher found that most of the civil procedure rules governing the enforcement of court decisions are not suitable for the needs of the labour process at all, or to a certain extent. The provision on 'knowingly false informa-

tion of the plaintiff' generally goes beyond the normal understanding of the current Criminal Code of Ukraine. Also, the author believes that it is necessary to apply the experience of the Federal Republic of Germany and to enshrine the provision on seizure of the debtor's property under a court decision both at the stage of securing a claim and during enforcement proceedings (Kolosov, 2014: 207–213).

Therefore, based on the above, the proposals submitted by Dr Kolosov are indeed of great importance. Today, in the courts of Ukraine, in the field of labour dispute protection, some lawyers refer to the case law of the European Court of Human Rights, but the Labour Procedure Code of Ukraine has not been implemented, which to some extent hinders the process of reforming the national legal system in the spirit of European integration.

Exploring the same issue, in 2015, a new study was published by the scientist 'Review of Civil Cases on Labour Disputes in the Supreme Court of Ukraine: Problematic Aspects of Law Enforcement Practice'. This work reveals the role, place and importance of the Supreme Court of Ukraine in resolving labour disputes. The author compares the legal framework and the procedure for resolving civil cases by the Supreme Court before and after the judicial reform of 2010. The author also outlines the problematic issues of access to justice in the Supreme Court that arose after the entry into force of the said judicial reform (Kolosov, 2015). In this regard, Kolosov makes rather peculiar recommendations, which, in our opinion, are worthy of a positive assessment: when drafting the Labour Procedure Code of Ukraine, the provision on admission of a case to proceedings by the Supreme Court of Ukraine (currently – Article 360 of the Code of Civil Procedure) should not be included. Until the level of judicial proceedings in Ukraine improves qualitatively, workers should have at least a theoretical chance of a fair trial. Also, scholars suggest using the existing apparatus of the Civil Procedural Law of Ukraine, believing that by excluding the stage of admission of a labour dispute case to the Supreme Court, a certain acceleration will be achieved (Kolosov, 2015: 189–193).

In the article 'Topical Issues of Interim Measures in Civil Cases on Labour Disputes: Problems and Realities of Today' (2016), the author reveals the general concepts of interim measures, their types, grounds and procedure for application in civil cases; peculiarities and specifics of civil cases on labour disputes in view of their social significance; problematic issues of application of interim measures in this category of cases; and makes recommendations on modernisation of the procedure for interim measures in labour disputes (Kolosov, 2016). In the course of the research, the author identified a number of peculiarities of interim relief which relate to the needs of labour dispute cases.

Pursuant to Article 151 of the Civil Procedure Code of Ukraine, the claim is secured by: 1. seizure of property or funds belonging to the defendant and held by him or other persons; 2. prohibition to perform certain actions; 3. establishment of an obligation to perform certain actions; 4. prohibition for other persons to make payments or transfer property to the defendant or fulfil other obligations in relation to him; 5. Suspension of the sale of seized property if a claim is filed for recognition of ownership of this property and removal of its seizure; 6. Suspension of recovery on the basis of an enforcement document challenged by the debtor in court; 7. Transfer of the thing in dispute for storage to other persons. The author proposes to replace the seven types of interim relief available at the time of the study with 3 clarified ones, since the author is convinced that some of them have nothing to do with labour disputes. Clause 3 – it is not allowed to secure a claim by suspending the temporary administration or liquidation of a bank, prohibiting or imposing an obligation to perform certain actions of the Deposit Guarantee Fund during the temporary administration or liquidation of a bank; it is not allowed to secure a claim by suspending decisions, acts of the National Bank of Ukraine prohibiting or obliging to perform certain actions. In the author's opinion, this list is rather interesting in view of the needs of civil proceedings and has such an uncertain legal nature that its application in labour disputes seems more than doubtful (Kolosov, 2016: 112–118). According to Kolosov, a more successful wording is 'the claim is secured... temporary, pending resolution of the case, immediate

admission of the employee to work with accrual and payment of wages to him/her at this time, taking into account the limitations of turn of execution established by law for claims for recovery of wages paid to the employee – if the case contains evidence that labour legislation establishes guarantees of preservation of the workplace or inadmissibility of dismissal in relation to the employee' (Kolosov, 2016: 112–118). The author proposes to allow more than half of the types of interim relief prohibited by the civil procedure legislation in the labour process in modified form; a certain part of the civil procedure rules should not be applied due to their unnecessity for the purposes of labour dispute resolution. The author provides recommendations for saving procedural time and simplifying the procedure for establishing interim measures, which will increase the level of judicial protection of employees' rights, reasonably accelerate it and, as a result, improve the level of social perception of the judicial system and legal regulation of social relations in Ukraine (Kolosov, 2016: 112–118).

Thus, at a time when Ukraine is on the way to joining the European Union, we consider it necessary to reform the judicial system, taking into account its problems and aspects of law enforcement practice. Therefore, in our opinion, the proposals made by Dr Kolosov in this context are quite appropriate and should be used to further improve labour law.

Hence, it is quite clear from the study that the scientist has conducted a lot of research on labour disputes and made quite relevant and significant recommendations for reforming judicial practice, creating a system of labour courts and adopting the Labour Procedure Code of Ukraine with recommendations to it.

Many studies have been published by the scientist on the most painful topic of our time, namely Russian aggression in Ukraine, and the problems faced by our country are clearly highlighted in the works of I.V. Kolosov. His most famous works, for which the scientist received international recognition, are: 'Military medical cooperation between Poland and Ukraine: labour law features' (2022), in which the scientist studied the problems of labour law regulation of military medical cooperation between the Republic of Poland and Ukraine in the context of military conflicts and the problems of humanity. The author's recommendations were made, in particular, regarding the development of the Code on Labour, Medicine and Social Welfare in post-war European Ukraine. I.V. Kolosov noted that in the context of Russian aggression, Ukraine needs help: numerous actions on the international front, further sanctions, military equipment, and humanitarian aid. Ukraine and the Republic of Poland have more than 129 international treaties in force and 470 bilateral agreements. In the author's opinion, in order to further develop the strategic partnership between Ukraine and the Republic of Poland, it is important to further expand and improve the existing legal framework. And to work on the preparation of bilateral documents in the areas of trade, economic and energy cooperation, border cooperation, transport, environment, humanitarian cooperation, youth policy, and military-technical cooperation (Kolosov, 2022: 126–138). For the cooperation of military medicine between Poland and Ukraine, scientists have proposed the following current key areas: railway sanitary medical transport or distribution of aid in cooperation with someone else; medical education; humanitarian medical aid. However, modern Ukraine, unfortunately, does not have a legislative framework in the field of medical law, which worsens the situation, as there are no plans to create laws in this area (Kolosov, 2022: 126–138). Based on the above, the scholar concludes that medical relations should be regulated by labour, criminal and administrative law, which will create a medical and legal triad of regulation of social relations in this area. Also, to encourage the creation of the Code on Labour, Medicine and Social Security in post-war Ukraine as a fundamentally new codified act for the post-Soviet space, which will meet the progressive trends in the development of the international community and the current needs of science and labour law. Thus, to expand the scope of cooperation between Ukraine and Poland in the field of medicine and military medicine in terms of labour law development (Kolosov, 2022: 126–138).

Thus, military-medical and medical-legal cooperation between Poland and Ukraine has not only positive consequences for solving global problems of mankind, but also brings forward a new understanding of labour law.

Another work by I.V. Kolosov has also gained wide international recognition, Historical Prerequisites for the Emergence of Legal Acts in the Field of Medicine in the States of the Ancient World (2022). The author highlighted the problems of the historical development of medical and social relations as prerequisites for the manifestation of medical law in the states of the Ancient World (Egypt, Judea, Assyria and Babylon, Iran, China, India, Tibet, Greece, Alexandria and Rome). The global problems of humanity and the spread of new infectious diseases have prompted fundamental social transformations, among which the medical system plays a crucial role. In particular, the author concludes that general relations needed to be regulated by labour, criminal and administrative law, which created a medical and legal triad of regulation of social relations in this area (Kolosov, 2022: 94–104). By studying the prerequisites for the emergence of legal acts in the field of medicine, the scientist highlighted the conclusions and prospects for further research. The conclusion of Kolosov I.V. that, on a historical and chronological basis, medical and social relations were first regulated by labour law (rules on remuneration of doctors, the Laws of Hamurabi, XVIII century BC) is of pivotal importance for the science of labour law. The author believes that this fact gives rise to a medical and legal paradox, since labour law as an independent branch is not recognised as a scientific doctrine for that period of time, but already in the eighteenth century BC there were its subjects (doctors), sources (Hamurabi Laws) and norms, even under the slave system. The above leads to doubts about the axiomatics of the formation criterion of social development and the correctness of approaches to determining the time when the branch of labour law acquired an independent status (Kolosov, 2022: 94–104).

Based on the author's research, we can conclude that the medicine of the Ancient World gave rise to the first medical theories, scientific systems, which included the doctrine of the etiology and pathogenesis of diseases, methods of treatment and their principles, which were closely linked to philosophical systems and contributed to the development of medicine. The most famous healer, physician and philosopher of the ancient world was Hippocrates, who was considered the 'father of medicine' (Hippocrates, 2005). During the Alexandrian period, Herophilus was the first to perform autopsies on human corpses and study anatomy. It was during this period that he became the basis for the development of deontology and medical ethics, anatomy, philosophy, and pathology (Herophilus, 2010). Since then, medicine has made great progress, but its legal regulation still has its gaps to this day.

As noted by I.V. Kolosov, the creation of the Code on Labour, Medicine and Social Welfare as a fundamentally new codified act for the post-Soviet space, in our opinion, such changes will accelerate the path to the development of European Ukraine.

The full-scale military invasion of the aggressor state into the territory of Ukraine on 24.02.2022 led to events that have never happened in the history of mankind, namely: the temporary colonization of the Chornobyl Exclusion Zone, attempts at nuclear terrorism and hostilities with the use of lethal weapons at the site of the Zaporizhzhia NPP, the undermining of the Kakhovka HPP dam, etc. (Choporova, 2023: 136–138). I.V. Kolosov, in his research, highlighted the most common problems that Ukraine faces every day in the fight against the aggressor. The works that, in our opinion, deserve further scientific research and address the most pressing issues of our time are: 'International Legal Status of Climate Refugees as Victims of Ecocide' (2023) and 'Nuclear Safety of Industrial Facilities in the Context of Military Conflict'. In his research, the scientist notes that the commission of an act of ecocide's terror by an enemy state at the Kakhovka HPP prompts a scientific search for ways of continuity in the criminal law of Ukraine in the context of borrowing foreign experience in protecting the rights of victims, in particular, from acts of international law. The author proposes to amend the Rome Statute with regard to the international legal recognition of the crime of ecocide, and also to enshrine the rights of victims, including those of the long-term consequences of the crime, namely, climate

change. In this regard, I.V. Kolosov, speaking at the scientific conference 'Continuity in Criminal Law' dedicated to the 70th Anniversary of Prof. Yu. Baulin, referring to McDrive and Dagadu, noted that over the next century, millions of people will be forced to leave their homes due to climate change, small island states are at risk of sea level rise, large areas currently inhabited will become uninhabitable as a result of desertification; more powerful storms will force people to temporarily move to safer areas, probably across borders. While most scientists agree that human activity around the world is contributing to climate change, it is also an environmental phenomenon. The global community must take responsibility for the ongoing climate change (Kolosov, 2023: 316–318). From this provision, Dr hab. Kolosov I.V., provides a rather interesting implication: to supplement the current Criminal Code of Ukraine (Criminal Code of Ukraine, 2001) with articles 120^{1} 'Causing harm to life and health by committing ecocide or encroachment on climate security'; 194^{2} 'Destruction or damage to property by committing ecocide or encroachment on climate security'; 184^{1} 'Violation of electoral, labour and other constitutional rights and freedoms of man and citizen by committing ecocide or encroachment on climate security' (Kolosov, 2023: 316–318).

In our studies, we have emphasized that such 'refugees' are not only caused by global climate change, but also by consistent losses for sectors of the national economy and traditional crafts, or their forced relocation to other regions or disappearance. In the context of ecocide, we consider it quite appropriate to include the forced migration of animals, plants, changes in the directions and channels of rivers and other water bodies, the disappearance of certain types of soil, components of the atmospheric air, despite their inanimate nature and inability to be independent subjects of legal relations (Choporova, 2024: 326–332).

The following work of the scientist, 'Nuclear Safety of Industrial Facilities in the Context of Military Conflict' (2023), is, in our opinion, no less important in view of the following. The events taking place in Ukraine make us think about the consequences and safety of nuclear industrial facilities in the conditions of military conflict and post-war Ukraine. The military aggression of the Russian Federation against Ukraine, which began on 24 February 2022, opened a new Pandora's Box called nuclear terrorism of state-sponsored origin,' I.V. Kolosov noted. In his work, the scientist noted that the enemy, having a military arsenal, threatens to use it against Ukraine and any state, which is a direct path to the Apocalypse. These challenges should entail the creation of new safeguard systems and legal mechanisms for regulating nuclear safety at all levels – national, regional and global (Kolosov, 2023: 601–603). Studying the issue of nuclear safety, the scientist makes an important conclusion, in our opinion. That, for the efficient and safe operation of nuclear industrial facilities, not only their total modernisation is required, with the construction of reactors of a completely new type, different from the previous ones (Kolosov, 2023: 601–603). Dr hab. Kolosov also noted that the legal regulation of the Exclusion Zone also needs to be updated. With the legal regime of closed satellite cities, with enhanced control, checkpoints, detailed document checks, access to such cities or places exclusively for work or research purposes (Kolosov, 2023: 601–603).

Thus, the conclusions and recommendations of the scientist, which clearly highlight the issue of nuclear safety, make us think about further actions for the complete safety of nuclear industrial facilities and further research on this issue.

Finally, Kolosov I.V. is at the origin of the third significant revolution in criminology (after the introduction of fingerprinting), proposing the use of artificial intelligence resources to build a visual model of the offender's face in order to build investigative versions, based on the statistical method of calculating a large number of criminal cases and proceedings of the relevant category and the mathematical law of large numbers. This topic was covered in the work of the scientist, namely: 'Victims of crimes in the field of industrial security: factors contributing to the formation of the offender's personality' (2023). This work is devoted to an empirical study of the preconditions and circumstances that contribute to the commission of a crime against industrial safety. The article presents a cross-cat-

egory statistical observation conducted between 07.09.2023 and 01.10.2023, followed by modelling the personality of the accused using neuro-programming tools (artificial intelligence resources), taking into account the principle of racial and gender distribution. The scientist studied 195 criminal cases and proceedings against 212 defendants considered by the courts of Ukraine in the period from 2010 to 2023 (Kolosov, 2024: 146–158). Based on the results of the study, Dr hab. Kolosov made the following conclusions. Crimes against industrial safety have a distinct 'male face', at first glance, of socially prosperous middle-aged people with higher education and married marital status – city residents. Crimes against industrial safety are mostly negligent and never recidivist. Rare cases of complicity, which should be qualified as a deliberate form of guilt, confirm this conclusion rather than refute it. From his research, the scientist draws what we believe to be a very important conclusion in criminalistics. In Ukraine, there are real problems with the institution of the family, higher education and the recruitment of senior management. Therefore, scientists have proposed to implement comprehensive measures aimed at improving the material well-being of families, reforming the concepts and content of higher education in the spirit of compliance with safety and labour protection standards, overcoming corruption in the appointment of managers at various levels. In addition, the most potential defendants should be sent more often to safety training, on-the-job training, and advanced training in order to prevent crime and restore healthy prudence in their actions. The scientist also noted that the state needs to radically revise the pension system to avoid cases of pensioners and disabled people working in production and hazardous jobs. And also, the need for a gender-balanced personnel policy in the field of production (Kolosov, 2024: 146–158).

Thus, the conclusions and recommendations of the scientist, in our opinion, are quite appropriate and should be considered at the legislative level.

Conclusions from the study and prospects for further research in this scientific area. By studying the works of the scientist, we can conclude that the creative work and personal contribution of Dr I.V. Kolosov to legal science is multifaceted, revolutionary and significant. In the works of the scientist, the problems of almost all branches of law, such as labour law, international law, environmental law, criminal law, social security law, constitutional law, criminology, etc. are clearly and understandably covered. In order to implement the prospects of Ukraine's further European integration vector, we have to establish the principle of the rule of international law in practice. Therefore, the reforms in labour law proposed by Kolosov, in our opinion, will increase the labour productivity and protect human rights, which will be in line with international law. At the same time, the adoption of the Labour Processual Code of Ukraine will significantly accelerate the process of reforming the national legal system in the spirit of European integration, and the judicial system of Ukraine also needs reforming on its way to the European Union. It is also necessary to encourage the development of a Code of Labour, Medicine and Social Welfare in post-war Ukraine, which will further lead to an increase in the material well-being of families, reform of the concepts and content of higher education in the spirit of compliance with occupational safety and health standards, and overcoming corruption in the appointment of managers at various levels. Finally, the issue of nuclear and environmental safety makes us think about further actions to ensure complete safety of nuclear industrial facilities and further research on this issue.

Similarly, I.V. Kolosov's scientific achievements require further research and scientific evaluation, which should be the subject of studies and author's research.

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CURRENT STATUS AND TRENDS IN THE CONSTITUTIONAL AND LEGAL REGULATION OF JUDICIAL INDEMNITY IN EUROPEAN COUNTRIES

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Abstract. The subject of the study is a scientific analysis of the current state and trends of constitutional and legal regulation of judicial indemnity in European countries. **The methodology of the research** consists of a combination of general and special scientific methods chosen with regard to the purpose and subject of the study: dialectical, analytical and synthetic, systemic and structural, legal and dogmatic, legal interpretation and comparative legal methods. **The purpose** of the study is to reveal the peculiarities of the constitutional and legal regulation of judicial compensation on the example of modern European countries. **The results of the study** prove that there are both common and specific features in the constitutional and legal regulation of judicial indemnity in modern European countries. **Conclusions**. Judicial indemnity is an important element of constitutional and legal regulation of the status of judges in European countries. It is not absolute and is characterized by a number of legal limitations. For the most part, in the context of constitutional and legal regulation in European countries, it is not the institution of judicial indemnity, but rather the right to express one's own opinion and the absence of responsibility for such expression, more or less limited by legal norms. Depending on the way in which the provisions on judicial immunity are anchored in the system of constitutional and legal regulation of different European countries, the following main models can be conditionally distinguished: 1) Constitutional-centric: a model in which national constitutions contain some initial, defining, albeit relatively few specific legal provisions on judicial immunity, which are developed in special laws and acts on judicial ethics and court decisions; 2) legislative: a model in which, in the absence of direct constitutional regulation, the main emphasis is placed on special laws on the judiciary and/or on the status of judges, the provisions of which are detailed in acts of judicial ethics; 3) judicial or judicial-centered: a model in which the provisions of legal acts do not contain direct legal regulation of judicial indemnity, and its principles are established in acts of the judiciary.

Key words: judicial indemnity, freedom of expression, constitutional and legal regulation, judiciary, status of a judge, European Union, the concept of «cooling effect».

Introduction. The constitutionally proclaimed strategic course of Ukraine towards European integration (On Amendments, 2019), which has significantly intensified the demand for a fair and independent judiciary in society, strong national pro-European political and legal traditions (Savchyn, 2014), and the incomplete judicial reform in the country determine both the scientific, theoretical, and practical value of understanding and taking into account the accumulated progressive experience of European countries in this area when improving the constitutional and legal regulation of the institution of judicial indemnity in Ukraine. Such an approach also seems to be particularly important in connection with the actualization of the tasks of improving the constitutional and legal status of judges in Ukraine (Kravchuk, 332–367), and finding ways of its modernization. The Strategy for the Development of the Judicial and Constitutional System for 2021–2023 sets the task of identifying areas for improvement of the provisions of the Constitution and laws of Ukraine, priority measures for the modernization of the judiciary, the status of judges and judicial proceedings on a par with the task of «ensuring the coordination and balance of the improvement process, taking into account the further harmonization of national legislation with the legislation of the European Union» (Strategy, 2021). The results of such a course should include, in particular, «ensuring the independence of judi-

cial institutions from any political influence and their accountability to society, continuing the implementation of international standards and best practices of the Council of Europe and the European Union» (Strategy, 2021).

The main common features of constitutional and legal regulation of judicial compensation in modern European countries

Scientific analysis of the experience of constitutional and legal regulation of judicial compensation in modern European countries shows that such regulation has both common and distinctive features. In particular, European law provides all the grounds for the formulation of the doctrine of limited judicial indemnity, which is based on the limited right of a court to freely express its opinions. This approach is embodied, first of all, in Article 10 of the ECHR (Convention, 1950) and in the jurisprudence of the ECtHR, which has repeatedly emphasized the limited nature of such indemnity. When establishing the judicial indemnity in the European countries, the legislator assumed that: 1) such indemnity is a constitutional and legal guarantee of independence of a judge, unhindered and effective exercise of his powers, defense of his position, free expression of will in making judicial decisions; 2) ensuring the possibility of free expression of will in court does not mean permissiveness in expressing irresponsible personal opinions and making arbitrary judicial decisions; 3) judicial indemnity is intended to ensure that a judge has an independent position in the course of judicial activity, which a priori Analyzed in their systemic context, the constitutional provisions of virtually all European countries create a kind of legal «framework» for judicial indemnity, which is limited by structural, status and competence elements of the constitutional regulation of the exercise of judicial power in the state.

EU soft law acts in the constitutionalization of judicial compensation

The results of the implementation of common legal approaches to the formulation of constitutional and legal principles of judicial indemnity can be traced at the level of key legal documents on the functioning of the judiciary and the status of judges, which were formulated by pan-European institutions on the basis of the generalization of the accumulated judicial and legal experience of various European countries. In addition, the constitutional doctrine of judicial indemnity in European countries is based on polymorphism and multisource nature of its consolidation. In particular, the provisions of EU soft law acts are of great importance. A number of international documents containing recommendations on judicial immunity stipulate that the granting of immunity to judges in connection with their judicial functions is primarily related to the need to ensure the proper administration of justice. First of all, it should be noted that European law identifies itself with the fundamental principles of the rule of law, in particular with the freedom of expression, which is considered to be a fundamental basis of a democratic society (Opinion, 2006). The key to the legal framework of judicial indemnity is the universal formula on the essence of the right to freedom of expression for everyone, enshrined in Article 10 of the ECHR. At the same time, the exercise of these freedoms, being subject to duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of confidential information, or for maintaining the authority and impartiality of the court (Convention, 1).

International legal instruments on judicial ethics provide that judicial immunity is directly related to the scope of the right of freedom of expression of judges. Principle 8 of the Basic Principles on the Independence of the Judiciary states that «in accordance with the Universal Declaration of Human Rights, members of the judiciary, like other citizens, have the right to freedom of expression, opinion, association and assembly, provided that, in the exercise of these rights, judges shall at all times conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and

independence of the judiciary» (Basic Principles, 1985). The right of judges to freedom of expression is also emphasized in the Bangalore Principles of Judicial Conduct (Bangalore Principles, 2006). The European Charter on the Status of Judges of 1985 recognizes the right of judges to express their views in order to avoid «excessive rigidity and inflexibility» which could create barriers between the public and the judges themselves (European Charter, 1985). The Opinion of the European Court of Justice of 2.12.2022 No. 25 on the freedom of expression of judges (Opinion, 2022) emphasizes that judges should exercise restraint in the exercise of their right to freedom of expression; stresses the need to strike a balance between the right of an individual judge to freedom of expression and the legitimate interest of a democratic society in maintaining public confidence in the judiciary; provides for the obligation of judges to observe professional secrecy; focuses on the exercise of the right to participate in the discussion of legislation; suggests refraining from any political activity.

The role of ECHR jurisprudence in the development of constitutional and legal regulation of judicial indemnity in European countries

An important role in the constitutional and legal development and implementation of judicial indemnity is played by the jurisprudence of the ECtHR, which has become an important source of constitutional law for EU member states (Synytsyn, 2019). Since the ECtHR's 1999 judgment in Wille v. Liechtenstein, the Court has significantly consolidated its jurisprudence on the scope of judicial indemnity under Article 10 ECHR in close connection with the interpretation of the principle of judicial independence. Thus, the ECtHR has deeply rooted the independence of the judiciary in its analysis of permissible limitations on judicial indemnity. After the judgment in the case of Baca v. Hungary (2016) (the «Baca v. Hungary judgment»), this connection became even more apparent. Thus, the ECHR jurisprudence has formulated the concept of a «chilling effect», the meaning of which is that the fear of prosecution of judges for their opinions has an impact on the exercise of freedom of expression, especially among other judges who wish to participate in public discussions on the administration of justice (Baca v. Hungary Judgment). Thus, the meaning of the «chilling effect» is the negative impact of any state action on judges, which leads them to avoid exercising the full range of rights deriving from the judicial function, for fear of being subjected to state persecution, which may lead to sanctions or informal consequences, such as threats, attacks or defamation campaigns (Pech, 2021). It is the «fear of reprisals that has a chilling effect on the exercise of freedom of expression and, in particular, risks discouraging judges from expressing criticism of State institutions or policies...», which can sometimes «jeopardize the independence of the judiciary» (Judgment in Baca v. Hungary).

At the same time, the ECtHR has formulated some universal requirements for the implementation of judicial indemnity: 1) judges «may be expected to exercise restraint in the exercise of freedom of expression in all cases where the authority and impartiality of the judiciary may be called into question»; 2) the dissemination of even accurate information by judges must be done in a moderate and appropriate manner; 3) the judiciary, in so far as it relates to the exercise of its judicial function, is obliged to exercise the utmost care in the cases it deals with in order to preserve its reputation as an impartial judge (Judgment in the case of Baca v. Hungary); 4) the judiciary, in the exercise of its judicial function, is obliged to exercise the utmost care not only in the cases it deals with, but also in the cases it deals with, in order to preserve its reputation as an impartial judge (Judgment in the case of Baca v. Hungary). Hungary); 4) the judiciary, in the exercise of its judicial function, must exercise the utmost care not only in the cases it hears, but also in criticizing other judges; 5) the nature and severity of the penalties imposed are elements to be taken into account when measuring the proportionality of the interference (Affaire Di Giovanni v. Italie); 6) judges may be held liable for violations related to their freedom of expression, provided that this is not done in retaliation for the exercise of this fundamental right (Miroslava Todorova v. Bulgaria); 7) the right of judges to freedom of expression to consider issues related to the functioning of the judiciary may be transformed into a

corresponding obligation to speak out in defense of the rule of law and the independence of judges when these fundamental values are threatened (Miroslava Todorova v. Bulgaria). These requirements should be applied in the constitutional and legal doctrine and practice of the EU Member States.

The main models of constitutional and legal anchoring of judicial immunity in European countries

Turning to the analysis of the elements which are special in the constitutional and legal entrenchment of judicial indemnity in European States, it should be emphasized that, from the formal legal point of view, the scope of such indemnity, the level of its legal entrenchment (in constitutions and laws, or only in laws and acts of the judiciary) are different, details and methods of its consolidation, which is due to different historical and legal traditions, different roles of the judiciary in society, different ways of objectification in the common law right to freedom of expression, different levels of political and legal culture, etc. For example, in the UK and Scandinavian countries, only general rules on freedom of expression are fixed, and judges formally have full freedom of expression, taking responsibility for processing relevant information and protecting information such as personal data or witness protection (Rosales C.M., Vargas O.R., 2022, 67). In the United Kingdom, no one has the right to hold a judge liable for anything he or she says in the course of administering justice; a judge is also not liable for orders given or decisions made, even if they are erroneous, if they are made within the jurisdiction (Sopilnyk R.L., 2021). In Italy, Liechtenstein, Norway, Portugal, Slovenia, Sweden, Romania, Hungary and Croatia, judges are not criminally liable for acts committed in connection with the performance of their official duties, except for corruption offenses (Dissenting Opinion of Judge H. Yurovska of the Constitutional Court of Ukraine). A somewhat broader scope of regulatory framework for judicial indemnity is characteristic mainly of post-socialist (Central and Eastern European countries) and post-authoritarian European (Spain, Portugal, Greece) states. At the same time, it is noticeable that the constitutional and legal regulation of judicial indemnity is not stable, but rather a dynamic legal phenomenon, which, in particular, depends on the judicial reforms in the states (Hungary, Poland, Slovakia), which have a rather different focus and public support (Čuroš R., 2023; Cheesman S.J. and Badó A., 2023).

Depending on the way the provisions of judicial indemnity are enshrined in the system of constitutional and legal regulation of different European countries, the following main models can be conditionally distinguished 1) constitutional-centered: a model in which national constitutions contain some initial, defining, albeit relatively few special legal provisions on judicial indemnity, which are developed in special laws and acts of judicial ethics and court decisions; 2) legislative a model in which, in the absence of direct special constitutional regulation, the main emphasis is placed on special laws on the judiciary and/or on the status of judges, the provisions of which are detailed in acts of judicial ethics and other acts of the judiciary; 3) judicial-centric: a model in which the provisions of legal acts (constitutions and laws) do not contain direct legal regulation of judicial indemnity, and its principles are defined in acts of the judiciary (codes of judicial ethics, etc.). Let us consider them in more detail.

Constitutional-centered model of judicial indemnity

The countries representing the first model include: Portugal, Ukraine, Croatia, Bulgaria, Montenegro, Albania, Armenia, and Slovenia. For example, in Slovenia, the Constitution contains a categorical prohibition: none of the participants in a court proceeding may be held liable for an opinion expressed in the course of making a court decision (Article 134(1) of the Constitution of the Republic of Slovenia). The Constitution of Portugal (Article 216(2)) stipulates that a judge shall be exempt from liability for his or her decisions, except in cases provided for by law. The application of disciplinary measures against him/her is within the powers of the Supreme Council of the Magistracy

(Constitution of the Portuguese Republic). Instead, in Armenia, a judge cannot be held liable for an opinion expressed in the administration of justice or a judicial act rendered, unless there are signs of a crime or disciplinary violation (part two of Article 164 of the Constitution of Armenia) (Constitution of the Republic of Armenia). Thus, in these two countries, the law should establish cases when it is allowed to bring a judge to justice, including for decisions rendered or opinions expressed. In contrast, according to part four of Article 126 of the Constitution of Ukraine, a judge cannot be held liable for a court decision, except for a crime or disciplinary offense (Constitution of Ukraine, 1996). In other words, this refers only to exceptional cases of holding a judge accountable for his or her decision, but not for the opinions expressed.

Several countries limit the prosecution of freedom of expression to criminal sanctions. For example, the Croatian Constitution excludes criminal prosecution, arrest and punishment of a judge for expressing an opinion or voting in a court decision, except in cases of violation of the law by the judge (Article 119, Part One) (Constitution of the Republic of Croatia). For them, as well as for members of Parliament, Article 75 of the Constitution provides for the institution of indemnity. A similar provision is contained in Article 132 of the Constitution of Bulgaria, which states that judges shall not be criminally liable for the opinions they express and the votes they cast in court decisions (Constitution of the Republic of Bulgaria). Thus, a literal interpretation of the respective constitutional provisions in these countries does not exclude the possibility of exposing judges to other types of legal liability for their opinions and decisions. In addition to Slovenia, the constitutions of other European countries provide for limited judicial immunity: Judges are not liable either for their decisions or for the opinions and decisions they express, but certain exceptions can still be established by law. Thus, the constitutional consolidation of immunity is based on the norms that guarantee such constitutional protection of social relations in the field of justice «in order to prevent actions that are contrary to the purpose of justice and to prevent the issuance of a judgment that by its very nature cannot be an act of justice» (Gdanski, 2023, 275). Such immunity has the characteristics of functional immunity: it applies exclusively to actions related to the issuance of a court decision and the performance of the judge's professional duties (Havroniuk, 2019, 85), i.e. it does not go beyond the temporal framework of the court proceedings.

It is noteworthy that in several European countries, judicial indemnity is even more limited and applies only to judges of higher (supreme) and/or constitutional courts. The Constitution of Albania addresses this issue in Article 137 and provides that «a judge of the Supreme Court shall enjoy immunity in respect of opinions expressed or decisions taken in the exercise of his functions» (Constitution of Albania). Article 86 of the Constitution of Montenegro provides that the President of the Supreme Court, the President and the judges of the Constitutional Court shall enjoy the same immunity as members of Parliament (Constitution of Albania). However, these provisions have the character of exceptional regulations, since the prevailing concept in Europe is the equal legal status of all professional judges (Opinion No. 3, 2002), and therefore approaches to legal fixation of an identical set of components of judicial immunity, applicable to all judges regardless of their place in the judicial hierarchy. It is important to note that none of the constitutions of European states provides for specific types of limitations of judicial immunity, the grounds and procedure for their imposition, as well as the bodies authorized to apply such limitations under the law. It is believed that each state has a wide margin of discretion to determine the need to restrict the freedom of speech of judges, but should not allow disproportionate measures (Barnych, 2021, 122–123).

Legislative model of judicial immunity

The second group of countries includes those in which judicial immunity is established not at the level of national constitutions, but only at the level of special laws on the status of judges or on the judicial system. For example, there are legal obligations for judges in many European coun-

tries, including Andorra, Austria, Croatia, the Czech Republic, Denmark, Estonia, France, Germany, Iceland, Liechtenstein, Lithuania, Malta, Moldova, Norway, the Netherlands, Poland, Portugal, Slovakia, Romania, Slovenia, Turkey, and Ukraine (Report on the Freedom of Expression of Judges, 2015). These legal obligations impose different levels of restrictions on the freedom of expression of judges in different countries.

For example, in Croatia, according to Article 9 of the Judiciary Act, a judge may not be prosecuted, detained, or punished for expressing an opinion or voting during a trial; a judge may be detained without the permission of the SJC only if he or she has committed a crime punishable by imprisonment for five years or more and has been arrested at the scene of the crime in progress; judges have the privilege of not testifying about the content of a meeting or other circumstances that they must keep as official secrets. At the same time, the law contains some limitations on judicial immunity: 1) a judge's conduct may not harm his or her dignity or the dignity of the judiciary, nor may it call into question his or her professional impartiality or the independence of the judiciary (Article 58); 2) a judge may not disclose information about the parties to a dispute, their rights, obligations or legitimate interests that he or she has learned in the course of performing judicial duties; A judge is obliged to keep secret any information that has not been disclosed during the trial (Article 59).

In Germany, the Judicature Act of 1972 provides for special duties of judges and the «maintenance of independence». In practice, public political statements by a judge are not excluded, but a judge should not mention his or her position when publicly expressing political views. In case of breach of duty, a judge may be subject to disciplinary action (Report on Freedom of Expression of Judges, 2015). According to Article 43 of the Law, judges are required to keep their deliberations and votes secret, even after their term of office has ended. Thus, the freedom of expression of judges in Germany is limited only to the issuance of a court decision and the absence of liability for these actions (German Judicature Act).

In Austria, Article 57 of the 1961 Law on the Service of Judges and Public Prosecutors contains the most important obligation related to the freedom of expression of judges – the obligation of loyalty to the state and the law. Violation of this obligation constitutes a disciplinary offense. Depending on the severity of the misconduct, disciplinary measures may include a reprimand, a fine, transfer to another position, or even dismissal. However, as in Germany, this provision does not exclude public political statements by judges (Report on the Freedom of Expression of Judges, 2015).

According to Article 2 of the Hungarian Act CLXII of 2011 on the Legal Status and Remuneration of Judges, judges are subject to the same immunity as members of Parliament. According to Article 37 of the Act: 1) judges shall protect classified information both during and after their term of office (exemption from this obligation may be granted only by a body duly authorized by law); 2) judges shall remain irreproachable and honest in their conduct and shall not engage in any conduct that may undermine public confidence in the judiciary or degrade the prestige of the judiciary. Outside of their official duties, judges are not allowed to comment publicly on pending or completed cases, especially cases in which they have presided (Article 43 of the Law).

In Romania, according to the 2004 Law on the Status of Judges, judges are obliged to refrain from expressing or manifesting their political convictions (Article 8), may not publicly express their opinions on ongoing proceedings and may not comment on the verdicts in the cases they are considering (Article 9) (Law No. 303/2004). Instead, according to Article 19 (3) of the Law of the Republic of Moldova on the Status of Judges of 1995, a judge is not liable for his opinions expressed in the course of his official duties or for court decisions rendered in the course of his official duties, unless he has been found guilty of a criminal offense by a court (Law on the Status of Judges. No. 544-XIII). The Law of Bosnia and Herzegovina «On the High Council of Judges and Prosecutors» in Article 87 states that a judge cannot be prosecuted, arrested or detained, or subject to civil liability for opinions expressed or decisions made within the scope of his or her official duties (Milinković, 2023, 344).

At the same time, according to Article 56(15) of the Law, a judge shall be disciplined for making any comments during the consideration of a case in any court that may reasonably be expected to prejudice or obstruct a fair trial. Similarly, Article 56(4) provides that a judge is subject to disciplinary action if he or she discloses confidential information obtained in the course of performing the duties of a judge. One of the disciplinary offenses is behavior in or out of court that degrades the dignity of the office of judge (Article 56(22) (Milinković, 2023, 345).

As can be seen from the above examples, European countries demonstrate two polar approaches to the regulation of judicial indemnity by law: in some cases, it is a question of non-limitation of liability for statements during the trial, while in other countries such statements are expressly prohibited by law and entail disciplinary liability.

An important element of the expansion of judicial indemnity is the fact that the laws of a number of European countries provide for the right of judges to express a dissenting opinion when making a collegial court decision. The possibility of expressing an individual opinion ensures the internal independence of judges, i.e. their autonomy from other members of the panel, allows judges to maintain their intellectual honesty, giving them the right to disagree with a decision whose arguments and conclusions they do not share. From this perspective, the right to publish dissenting opinions can contribute to judicial independence as well as to the legitimacy of courts in the eyes of the public (Brennan, 1986; L'Heureux-Dubé, 2000). Therefore, individual opinions strengthen the autonomy of the judiciary and judicial indemnity. At the same time, the secrecy of individual voting of a judge is preserved only in 7 (Belgium, France, Italy, Luxembourg, Malta, the Netherlands, Austria) of the 27 EU member states, while the remaining 20 allow publication of individual (dissenting) opinions.

Judicial (court-centered) model of judicial indemnity

Finally, the third model is the most differentiated, from the legal point of view, model of constitutional and legal regulation of judicial indemnity, where constitutional and legislative provisions are combined with rather detailed corporate rules contained in acts of judicial ethics, which are usually of a mandatory nature and whose violation entails the application of legal (mainly disciplinary) liability to judges. Therefore, let us consider some examples of such acts in the context of enshrining certain constitutional and legal elements of judicial indemnity.

An example of a concise formulation of the elements of judicial indemnity at the level of ethical requirements is the Code of Ethics for Members of the Judiciary of Malta of 2004, which states that members of the courts may not discuss cases pending in court (Article 12); they must also not act in a manner that may imply political bias (Article 25) (Code of Ethics for Members of the Judiciary). Instead, the Code of Judicial Ethics of Croatia (2005) stipulates that a judge must refrain from making statements or comments that may undermine the fairness of the judgment in the proceedings and create the impression of bias (Article 5); he or she may not disclose confidential information that has become known to him or her in the course of performing official duties and may not express his or her opinion on individual pending court proceedings; when making public statements or commenting on public events through the media, judges must strive to express

Judicial indemnity is regulated in more detail in the 2005 Code of Judicial Ethics of Bosnia and Herzegovina: 1) while exercising the right to freedom of expression, a judge must always behave in a manner that preserves the dignity of the judicial office, impartiality and independence of the judiciary (Article 4.3); 2) judges must not demonstrate any religious, political, national or other affiliation while performing their official duties (Article 4.4); 3) a judge shall not make any comments, publicly or privately, either on a case in which he/she is or could be involved, or on the cases of another judge, which could justifiably raise doubts about his/her impartiality or could represent undue influence (Article 2.4); 4) a judge may publicly express his/her views in order to improve legislation and the legal system, comment on social phenomena, but taking into account the principles of impartiality and independence of judges (Article 2.4a) (Milinković, 2023, 345). Generally comparable to these guide-

lines are the provisions of the 2006 Lithuanian Code of Ethics for Judges, which states that a judge: 1) should avoid public speeches when it is possible to predict the outcome of a case, and should not discuss the pending case with the parties to the proceedings outside the court; 2) in communication with the public and the media, a judge should not express a personal point of view on specific cases; 3) a judge should strictly observe the requirements for the security of state or official secrets and other information that is not publicly available, not disclose confidential information obtained during the trial; 4) he/she may not use information obtained in court proceedings in violation of the law in his/her public activities and private life (Code of Ethics of the Judges of the Republic of Lithuania).

In recent years, the most detailed requirements for judicial indemnification have been included in the latest legal acts on judicial ethics. For example, the Code of Judicial Conduct of Hungary of 2015 (the Code of Judicial Conduct) contains quite extensive binding norms in this area: 1) a judge may express his or her opinion if it does not undermine the dignity of the court or the judicial profession, as well as the rules regarding statements to the press; 2) confidential information obtained by a judge in his or her capacity as a judge should not be used or disclosed to anyone else; 3) a judge should not criticize the instructions of a higher court in front of the parties; he or she should not express a different point of view; 4) a judge should avoid humiliating a lower court in his or her decisions and should not undermine the prestige of the judicial profession; 5) a judge shall not otherwise criticize the decisions of his/her colleagues, but at the same time he/she may evaluate them or express a constructive opinion in scientific, educational or other professional activities; 6) he/she shall refrain from expressing in words any differences between the parties, sympathy or leniency during the trial, as well as from comments that would indicate a failure to fulfill obligations, and from making decisions in the political or other interests of himself/herself or his/her colleagues; 7) being in a managerial position, a judge shall refrain from any behavior, comments or actions that may offend the human dignity of subordinates (Articles 4–7). Instead, the Code of Ethical Conduct for Bulgarian Judges of 2023 combines binding norms with prohibitive and permissive ones: 1) a judge has no right to make public statements or comments during the consideration of a case; 2) a judge has no right to discuss this process with the parties, their legal representatives, other participants or third parties, except in cases provided by law; 3) A judge shall provide the public with objective, timely and understandable information in accordance with the requirements of the law; 4) a judge shall explain to the public, personally or through the media, the reasons for his or her decisions in cases of public interest; 5) a judge shall not denounce or intrigue against his or her colleagues and officials, but shall openly express his or her position; 6) a judge shall not have the right to publicly express a preliminary opinion on specific cases; 7) a judge shall have the right to freely express his/her personal opinion in the media and social networks on issues that are not directly prohibited by law; 8) when expressing his/her personal opinion, a judge shall be obliged to adhere to the principles and rules of this Code.

As can be seen from the analysis of the above-mentioned provisions of the legal acts of the judicial branch regulating the compensation of judges, this regulation has the following features: 1) it is more detailed and clarifying in relation to the norms of the legal acts in the field of the activity of judges; 2) it combines prohibitive, authoritative and permissive norms; 3) there is a noticeable increase in the volume of such regulation, which seems to be complementary to the actual legislative regulation of the issues of the compensation of judges; 4) issues of judicial indemnification within the judicial process are regulated in an extrajudicial manner together with the right to freedom of expression; 5) regulation of relevant issues in different countries is characterized by common approaches (as a rule, prohibition of disclosure of secret or confidential information, criticism of colleagues, disclosure of information before a court decision, etc.).

Conclusions. The constitutional and legal regulation of judicial indemnity in European countries is a remarkable legal phenomenon, which contributes to the institutional strengthening of the judiciary, the increase of its authority in society and the awareness of the high mission of judges in the estab-

lishment of the rule of law. At the same time, the concept of «judicial compensation» is practically not used in modern European legislation. For the most part, constitutional and legal regulation is not about the institution of judicial indemnity, but rather about the right to express one's opinion and the absence of responsibility for such expression, more or less limited by legal and/or corporate norms. This legal approach concentrates several crucial constitutional and legal ideas that are relevant in the context of our study: 1) judicial immunity is considered in the context of the concept of subjective human rights and appears to be derived from the fundamental human right of freedom of expression; 2) this immunity belongs to professional judges in accordance with the concept of good faith: Everything a judge says is a manifestation of his or her conscientious attitude to his or her professional duties, until the contrary is proven in accordance with the procedure established by law; 3) the freedom of expression of a judge may take place both in his or her judicial (procedural) and extrajudicial activities; 4) the State guarantees judges against prosecution for their statements both in and out of court; 5) judicial immunity is not absolute: The scope of its protection varies according to the legislation, the rules of judicial ethics, the specifics of the judicial system, the authority of the judiciary in society and the State, the established judicial practice, the legal traditions, etc.

Depending on the way in which the provisions on judicial indemnity are anchored in the system of constitutional and legal regulation of different European countries, the following main models can be conditionally distinguished: 1) constitutional-centered: a model in which national constitutions contain some initial, defining, albeit relatively few, specific legal provisions on judicial indemnity, which are developed in special laws and acts of judicial ethics and court decisions; 2) legislative a model in which, in the absence of direct special constitutional regulation, the main emphasis is placed on special laws on the judiciary and/or on the status of judges, the provisions of which are detailed in acts of judicial ethics and other acts of the judiciary; 3) legal or judicial-centered: A model in which the provisions of legal acts (constitutions and laws) do not contain direct legal regulation of judicial indemnity, and its principles are defined in acts of the judiciary (codes of judicial ethics, etc.).

The development of constitutional and legal regulation of judicial compensation is characterized by the following trends 1) strengthening of the influence of supranational judicial legislation (in particular, through the ECHR) on the determination of the scope of judicial indemnity; 2) detailing of restrictions on judicial indemnity; 3) increase in the number of restrictions on judicial indemnity.

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ENSURING THE CONSTITUTIONALITY OF NORMATIVE ACTS AS A FUNCTION OF THE REGULATIONS OF THE VERKHOVNA RADA OF UKRAINE: SOME THEORETICAL, LEGAL AND APPLIED ASPECTS

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Abstract. The subject of the study is a theoretical and legal analysis of the functional orientation of the Rules of Procedure of the Verkhovna Rada of Ukraine (hereinafter – the Rules) in the area of ensuring the constitutionality of normative acts. **The research methodology** is based on a combination of general scientific and special scientific methods selected with due regard for the purpose and subject matter of the study. The dialectical method was used to study the existing trends in scientific cognition of the role of the Rules of Procedure in parliamentary procedures. The methods of analysis and synthesis ensured the identification of regulatory provisions dedicated to ensuring the constitutionality of normative acts and their organization in the form of a single system of activities of the authorized subjects of the legislative procedure. The hermeneutic method helped to interpret the content of the regulatory provisions aimed at ensuring the constitutionality of normative acts. The systemic and structural method helped to identify the stages of regulatory support for the constitutionality of normative acts. The application of the prognostic method made it possible to identify problematic issues in the regulatory framework for ensuring the constitutionality of normative acts and to formulate legal and technological approaches to solving problems in this area. **The purpose** of the study is to provide a theoretical and legal assessment of such a little-known legal phenomenon as ensuring the constitutionality of normative acts – as a special legal function of the Rules of Procedure. The results of the study prove the objectivity of singling out such a function of the Rules as ensuring the constitutionality of normative acts and demonstrate the dialectic of its implementation at different stages of the legislative procedure, and identify certain legal issues in this area. **Conclusions**. One of the key functions of the Rules of Procedure of the Verkhovna Rada of Ukraine is the function of ensuring the constitutionality of normative acts, primarily laws. The realization of this function is systematic and progressive, being traced at different stages of the legislative procedure. It makes it possible to characterize the participation of the Verkhovna Rada of Ukraine in constitutional control over the constitutionality of laws as a highly specialized legal activity of authorized subjects, which is carried out within the structure of the legislative procedure and has the nature of preventive control, covering mainly different stages of preparation and consideration of draft laws. The main

problems in this area are objective (such as fragmentary gaps or insufficient clarity of regulatory norms to ensure such constitutionality) and subjective (such as arbitrariness of the legislator's consideration of scientific, expert and legal opinions on the unconstitutionality of certain provisions contained in newly adopted laws and dominance of political interests over legal ones). At the same time, the logic of the presentation and the content of the regulatory provisions make it possible to comprehend the ways of optimizing some of its provisions with a view to exercising stricter internal parliamentary control over the constitutionality of laws in order to minimize the effort required for a possible challenge of such acts to their constitutionality before the Constitutional Court of Ukraine.

Key words: legal acts, Constitution of Ukraine, constitutionality, Verkhovna Rada of Ukraine, Rules of Procedure of the Verkhovna Rada of Ukraine, parliamentary procedures, legislative procedure, expertise, veto of the President of Ukraine.

Introduction. In modern jurisprudence, the constitutionality of normative acts is rightly considered one of the criteria for the rule of law and stability of the entire legal system of the state (Riznyk, 2021, 14). This is a kind of measure of the quality of legal matter concentrated in legal acts. As both an objective and official legal phenomenon (Riznyk, 2021, 12), their constitutionality requires a system of proper enforcement by authorized legal entities. Outside of this system, it is not possible to maintain the constitutionality of such acts. Therefore, it is fair to conclude that, in the end, "the rule of law is impossible in principle without a system of ensuring the constitutionality of normative acts" (Riznyk, 2021, 1).

The opposite of such constitutionality is the phenomenon of unconstitutionality of normative acts, which, according to S. Riznyk, "is a legal act. Riznyk, "is a legal defect that has a harmful effect on the functioning of the state and society, distorts its purpose, poses a danger to democracy, the rule of law and human rights, and therefore needs to be clarified and eliminated in order to achieve internal coherence of the entire legal system and social consensus" (Riznyk, 2021, 12). Counteracting this legal defect is a fundamental, scientifically based theoretical and applied task of modern general theoretical jurisprudence and a number of branch legal sciences, and also requires more active use in practice of the entire arsenal of special legal means available to lawmakers and law enforcement officers. Meanwhile, in the modern legal literature, a kind of consensus has emerged on the decisive (sometimes exclusive, especially significant) role of constitutional jurisdiction bodies (mostly constitutional courts of nation-states) in ensuring the constitutionality of such acts (Riznyk, 2021, 15). While we fully agree with this conclusion, we must nevertheless warn against the simplistic notion that the function of ensuring the constitutionality of normative acts is exhausted by the activities of these bodies. In fact, constitutional courts, given their functional purpose and competence, constitute only one, albeit central, leading, decisive link in the institutional system of ensuring the constitutionality of normative acts. Legal scholars also include presidents, parliaments, as well as courts of general jurisdiction and some other subjects of law in this system (Vodiannikov, 2023; Hrabchuk, 2018; Dubrova, 2011; Prydachuk, 2014; Riznyk, 2021, 7). The Ukrainian experience provides convincing evidence that the current constitutional model of the Constitutional Court of Ukraine does not "allow us to speak of an absolute monopoly of the constitutional jurisdiction body in determining the compliance or non-compliance of a legal act with the Constitution" (Vodiannikov, 2023, 10).

Legal grounds for distinguishing the regulatory support for the constitutionality of normative acts

However, in addition to the institutional side, ensuring the constitutionality of normative acts also has a purely normative (or rather, regulatory) side, which covers the existence of a complex of specialized legal norms that determine the activities of special state institutions in the field of guaranteeing the constitutionality of normative acts. One of such acts in the system of national legislation

is the Rules of Procedure of the Verkhovna Rada of Ukraine, approved by the Law of Ukraine of February 10, 2010 (hereinafter – the Rules) (On the Rules, 2010), which contains an ordered and interconnected set (system) of legal norms aimed at ensuring the constitutionality of the process of preparation and entry into force of normative acts adopted by the Verkhovna Rada of Ukraine as the sole legislative body in the state (Article 75 of the Constitution of Ukraine (Constitution of Ukraine, 1996). No other normative act plays such a role in the legislative activity of the Verkhovna Rada of Ukraine, which makes the Rules of Procedure a unique legal phenomenon in the system of national legislation that ensures "self-control" of the Parliament (according to Polish researcher A. Gwizdz. Gwizdz, 1971, 5) in terms of the constitutionality of the laws adopted by it as acts of supreme legal force, which are the basis for almost the entire system of state legislation and which are the most important sources of law in most national legal systems in the world today (Gunko, 2020, 72).

Such a special legal role of the Rules of Procedure indicates that it performs a specific function – the function of ensuring the constitutionality of normative acts, and also mediates the activities in this area of both the Verkhovna Rada of Ukraine as a whole and elements of its constitutional "design": the leadership (the Chairman of the Verkhovna Rada of Ukraine, his First Deputy and Deputy Chairman of the Verkhovna Rada of Ukraine), committees of the Verkhovna Rada of Ukraine, MPs of Ukraine and subdivisions (services) of the Secretariat of the Verkhovna Rada of Ukraine, whose functional orientation is in one way or another related to the constitutionality of normative acts. These elements are integral and constructive elements of the institutional side of the system of ensuring the constitutionality of legal acts at the level of the Verkhovna Rada of Ukraine.

A comprehensive theoretical and legal analysis of the content of the regulatory norms confirms that this legal act embodies the principle of presumption of constitutionality of laws adopted by the Verkhovna Rada of Ukraine. According to this principle, "a legal act is deemed to be in compliance with the Constitution of Ukraine and has legal force until it is declared unconstitutional by a separate decision of the constitutional control body. Therefore, the category of constitutionality is a rebuttable presumption" (Vodiannikov, 2023, 12; Sunstein, 1995, 963). This principle is also enshrined in paragraph 1 of part three of Article 151 of the Code of Administrative Procedure of Ukraine (Code, 2005), which is directly addressed to the activities of the Parliament of Ukraine.

Main areas of realization of the function of the Rules of Procedure to ensure the constitutionality of normative acts

In the context of parliamentary procedures, two key areas of implementation of the function of the Rules of Procedure to ensure the constitutionality of normative acts adopted by the Verkhovna Rada of Ukraine should be distinguished. First, the Rules of Procedure perform this function in relation to the laws of the highest legal force – laws amending the Constitution of Ukraine (Articles 141–151 of the Rules of Procedure (On the Rules of Procedure, 2010), the procedure for adoption of which must be flawless from the constitutional point of view. Secondly, the Rules of Procedure perform the same function in relation to all other laws adopted by the Verkhovna Rada of Ukraine as the sole legislative body in Ukraine (Articles 89–135 of the Rules of Procedure) (On the Rules of Procedure, 2010). This approach is in line with the distinction between laws according to their legal force, which is generally accepted in legal science (Gunko, 2020, 71).

Of the two areas of implementation of the constitutional-securing function outlined above, the first one is extraordinary, since amendments to the Constitution of Ukraine are usually prepared, considered and introduced under a particularly complicated procedure and in exceptional cases, while the second area is an ordinary legislative procedure, during which conditions should be ensured for the adoption of only laws that comply (do not contradict) the Constitution of Ukraine.

Two significant clarifications should also be made regarding the scope of the aforementioned function of the Rules of Procedure: first, given its substantive focus on regulating parliamentary proce-

dures, this function applies exclusively to normative acts adopted by the Verkhovna Rada of Ukraine, and second, it applies not only to laws but also to other normative acts of the Parliament, which are only resolutions containing provisions of a normative nature (part two of Article 46, paragraph 1 of part six of Article 89 of the Rules of Procedure) (On the Rules of Procedure, 2010).

The systematic implementation of this function of the Rules of Procedure is based on a number of interrelated legal provisions of both the Rules of Procedure and systematically related regulations of different legal force.

Given the specifics of the procedure for consideration of draft laws amending the Constitution of Ukraine, we will focus here exclusively on the key legal and technological aspects of ensuring the constitutionality of laws in the course of the ordinary legislative procedure based on the analysis of the relevant regulatory provisions.

The main stages of realization of the function of regulatory support of the constitutionality of normative acts

Thus, according to the second part of Article 8 of the Fundamental Law of the State, "The Constitution of Ukraine has the highest legal force. Laws and other normative legal acts shall be adopted on the basis of the Constitution of Ukraine and shall comply with it" (Constitution, 1996). From these formulations it follows that the subjects of the right of legislative initiative are directly obliged to submit to the Verkhovna Rada of Ukraine draft laws that comply (do not contradict) the Constitution of Ukraine (Husarov, 2015; Mudra, 2003; Ryshelliuk, 2004). This is the main substantive criterion that should guide the subjects of the right of legislative initiative (part one of Article 93 of the Constitution of Ukraine (Constitution, 1996), avoiding the practice of submitting deliberately unconstitutional drafts or drafts whose individual provisions are deliberately unconstitutional, i.e., those that directly (explicitly) contradict the provisions of the Basic Law of Ukraine. This lawmaking approach is guided by the provision of part one of Article 90 of the Rules of Procedure, according to which a draft law or other act must be drawn up in accordance with the requirements of the law, these Rules and other regulations adopted in accordance with them (On the Rules of Procedure, 2010). This refers to the provisions of the Law of Ukraine "On Lawmaking", as well as the provisions of the Rules for Drafting Laws and Basic Requirements of Legislative Technique (Methodological Recommendations) prepared by the Verkhovna Rada of Ukraine (Rules). However, neither the Law of Ukraine "On Lawmaking" nor these Rules reflect at least formalized criteria (indicators) of constitutionality of normative acts that would serve as a kind of value and normative guidelines in the course of legislative activity of the Parliament of Ukraine. The next mandatory element of ensuring the constitutionality of a normative act is its legal examination, which precedes its substantive consideration by the Verkhovna Rada of Ukraine (its committees). Such examination is mandatory, as follows from part one of Article 103 of the Rules of Procedure (On the Rules of Procedure, 2010). It is carried out at the initial stage of consideration of the draft law by the Main Scientific and Expert Department of the Verkhovna Rada of Ukraine (hereinafter – MSED). In accordance with the Methodological Recommendations on Conducting Legal Expertise of Draft Legal Acts, approved by the Resolution of the Board of the Ministry of Justice of Ukraine of November 21, 2000, No. 41, the main issue is to ensure that the draft act complies with the Constitution of Ukraine (Methodological Recommendations, 2000). The STEU answers the fundamental question: whether the submitted draft law complies with the Constitution of Ukraine; if not, in which parts, provisions and articles, and what exactly is the reason for such a discrepancy (Koshman).

Further, in accordance with paragraph 1 of part two of Article 94 of the Rules of Procedure, the committee of the Verkhovna Rada of Ukraine, which is responsible for constitutional law issues, prepares a conclusion on whether the draft law complies or contradicts the provisions of the Constitution of Ukraine (except when it concerns amendments to the Constitution of Ukraine) (On the Rules of

Procedure, 2010). The functioning of such a committee within the parliamentary structure is an element of the institutional mechanism for ensuring the constitutionality of acts adopted by the Verkhovna Rada of Ukraine. In the Verkhovna Rada of Ukraine of the IX convocation, this is the Committee on Legal Policy, whose subject matter includes "assessment of compliance of draft laws and other acts of the Verkhovna Rada of Ukraine with the Constitution of Ukraine" (On the List, 2019). The conclusion of this Committee is mandatory for consideration by the Chairman of the Verkhovna Rada of Ukraine or, in accordance with the division of duties, by the First Deputy, Deputy Chairman of the Verkhovna Rada of Ukraine, who are obliged, if this Committee recognizes the draft law as not complying with the Constitution of Ukraine, on the proposal of the main committee or temporary special commission or the Conciliation Board, to return the submitted draft law to the subject of the right of legislative initiative without its inclusion in the agenda of the session and consideration at the plenary meeting of the Verkhovna Rada. Thus, there are grounds to refute the conclusion of O. Bukhanevych and A. Ivanivska about the alleged lack of authority "to exercise preliminary constitutional control over the committees of the Verkhovna Rada of Ukraine" (Bukhanevych, Ivanivska, 2021, 64).

It is worth noting that the Rules of Procedure do not define the legal consequences of the failure of the main committee, temporary special commission or Conciliation Board to make the above-mentioned proposal, which could hypothetically lead to the ignoring of the conclusion of the committee whose jurisdiction includes issues of constitutional law, if it is not the main committee in the consideration of a particular draft law. This, in a way, diminishes the importance of ensuring the constitutionality of normative acts at this stage of the legislative procedure.

It is worth noting that the authors of the Rules of Procedure further constructed a three-stage (three readings) legislative procedure for consideration and adoption of laws as normative legal acts regulating the most significant, most important social relations by establishing generally binding rules (norms) (Methodological Recommendations, 2000). Such a complicated legal model of the legislative procedure should obviously serve as an additional institutional safeguard against the adoption of unconstitutional legislation by the Ukrainian parliament.

Thus, already at the stage of consideration of a draft law in the first reading, the Verkhovna Rada of Ukraine may reject the draft law or return it to the subject of the right of legislative initiative for revision or send it to the main committee for preparation for a repeated first reading, while defining the main provisions, principles, criteria that the revised draft law or its structural parts must meet (part one of Article 114 of the Rules of Procedure) (On the Rules of Procedure, 2010). At the same time, the Rules of Procedure do not clearly state the reasons for which a draft law may be rejected or returned to the subject of the right of legislative initiative, leaving this issue entirely at the discretion of the legislator. However, a systematic interpretation of the relevant regulatory provisions reveals that one of such legal reasons may be the unconstitutionality of its provisions, which prevents a positive decision to adopt the draft law as a basis in the first reading. An argument in favor of rejecting or returning a draft law on the grounds of unconstitutionality may be the conclusion of the LEA or the main committee or committee in charge of constitutional law issues that the provisions contained in the draft law are unconstitutional. At the same time, it is possible that, for one reason or another, the Verkhovna Rada of Ukraine will not heed the expert opinions and will adopt the draft law in the first reading even if it contains certain unconstitutional provisions. Unfortunately, such cases still occur and demonstrate the generally low level of legal awareness of parliamentarians and low attention to scientific and expert opinions prepared by parliamentary lawyers – and this is despite the fact that according to part five of Article 103 of the Rules of Procedure, such "opinions prepared on the basis of the results of the examination shall be sent to the main committee for consideration when considering the draft law and making a decision on further work on it" (On the Rules of Procedure, 2010). Failure to take these conclusions into account poses a significant problem, as constitutional defects in draft laws identified during the examination often have to be corrected at subsequent stages of the legislative procedure.

The constitutionality of laws is ensured, in addition to mandatory, by optional legal expertise, which the Verkhovna Rada of Ukraine may entrust to other state bodies or specialists (Articles 97, 103, 145 of the Rules) (On the Rules, 2010), in particular to specialists of the National Academy of Sciences of Ukraine, as well as the Cabinet of Ministers of Ukraine, relevant ministries, other state bodies, institutions and organizations or individual specialists (Article 103(3) of the Rules) (On the Rules, 2010), "which facilitates a comprehensive review of the provisions of the draft law" (Rybikova, 2017, 112), including its constitutionality.

Thus, in order to prevent the appearance of unconstitutional provisions in a draft law, the subjects of the right of legislative initiative may submit proposals that may relate to certain provisions of the draft law (part one of Article 116 of the Rules of Procedure) (On the Rules of Procedure, 2010). However, even such proposals may contain unconstitutional provisions. In order to prevent their appearance in the text of the draft law, pursuant to part four of Article 118 of the Rules of Procedure, such proposals are identified, left without consideration and not included in the comparative table based on the conclusion of the committee in charge of constitutional law that the proposal to the draft law contradicts the requirements of the Constitution of Ukraine. Such a conclusion is provided by the committee in charge of constitutional law issues upon request of the main committee within 14 days from the date of receipt of the request (On the Rules of Procedure, 2010).

In accordance with the sixth part of Article 118 of the Rules of Procedure, a mandatory legal examination is conducted by the Main Legal Department of the Verkhovna Rada of Ukraine (On the Rules of Procedure, 2010). It is clear that an element of such expertise, as well as scientific expertise before the first reading, is the compliance of the provisions of the draft law with the Constitution of Ukraine (Constitution, 1996), which is reflected in the relevant legal opinion, which becomes part of the draft law file and the content of which is communicated to the MPs of Ukraine. Therefore, when deciding on the adoption of a draft law in the second reading (as a rule, this reading is the end of the consideration of a draft law by the Verkhovna Rada of Ukraine, and the third reading is practically not used), the Verkhovna Rada of Ukraine should take into account the views on the risks of unconstitutional provisions in the draft law. Failure to take into account the comments of the scientific and expert and/or legal departments of the Verkhovna Rada of Ukraine often manifests itself at the stage of challenging the constitutionality of adopted laws in the Constitutional Court of Ukraine.

Some experts have suggested that it is advisable to combine scientific and legal expertise in a single structural unit of the Verkhovna Rada of Ukraine on the grounds that there are no significant differences in these expertise and that the same experts should support draft laws at all stages of the legislative procedure (Antoshchuk, 2007, 42; Rybikova, 2017, 111–112). We object to this idea, considering it unproductive: firstly, separate expertise has proven itself well during the functioning of the national parliamentarism since 1991, they actually contribute to a more balanced and impartial approach to the issue of ensuring the constitutionality of the draft law material, and their results do not cause serious complaints from the subjects of the right of legislative initiative, and, secondly, being performed by different specialists, the results of such expertise will always be more independent than they are performed by the same legal experts.

It is worth noting that the Rules of Procedure do not explicitly provide for the possibility of canceling the results of voting for the adoption of a draft law as a law in case of violations of the constitutional procedure for adopting laws. Instead, in part three of Article 130 of the Rules of Procedure, it provides for such a possibility only in case of violations of the legislative procedure provided for by these Rules (On the Rules of Procedure, 2010). However, taking into account the repeatedly expressed legal positions of the Constitutional Court of Ukraine (paragraph two of item 2 of the reasoning part of the Decision of July 12, 2000 № 9-rp/2000; paragraph five of item 2 of the reasoning part of the Decision of January 25, 2001 № 1-up/2001; paragraph one of item 3 of the reasoning part of the Decision of July 14, 2011 № 35-y/2011; paragraph three of item 2 of the reasoning part

of the Decision of December 27, 2011 № 65-y/2011; paragraph one of subpara. 3 of paragraph 2 of the reasoning part of the Decision of September 17, 2015 No. 41-y/2015; first paragraph of subparagraph 2.1.2 of subparagraph 2.1 of paragraph 2 of the reasoning part of the Decision of July 6, 2017 No. 12-y/2017; second paragraph of paragraph 5 of the reasoning part of the Decision of July 16, 2019 No. 10-p/2019) (Decision, 2021), it should be noted that procedural violations of a constitutional and regulatory (legislative) nature are not identical. At the same time, it is obvious that procedural violations of a constitutional nature are more dangerous, since according to part two of Article 153 of the Constitution of Ukraine, laws are recognized as unconstitutional if the procedure established by the Constitution of Ukraine for their consideration, adoption or entry into force has been violated (Constitution, 1996). In this regard, the wording of part three of Article 130 of the Rules of Procedure, in our opinion, should be revised to expand it – with an additional reference to violation of the procedure for consideration and adoption of laws established by the Constitution of Ukraine as a legal basis for initiating the issue of canceling the results of voting for the adoption of the draft law as a law.

Finally, an element of ensuring the constitutionality of the laws of Ukraine is the possibility of the President of Ukraine to veto a law adopted by the Parliament of Ukraine. Neither the Constitution of Ukraine nor the Rules of Procedure clearly stipulate the grounds for the use of this right by the head of state. However, as far as practice shows, one of the most common legal reasons for its use is a violation of the requirement of compliance with the Constitution of Ukraine in the adopted law, which is what the President of Ukraine draws attention to when formulating his proposals to the law. These reasons for the use of the suspensive veto are also rightly pointed out by scholars (Bahriak, 2016, 9,14). The return of such a law with proposals formulated by the head of state (which, as a rule, are specific and may, in particular, relate to the unconstitutionality of either certain provisions of the newly adopted law or the unconstitutionality of the law as a whole) entails the cancellation of the results of voting for such a law and the opening of the procedure for its reconsideration in the Verkhovna Rada of Ukraine (part one of Article 132 of the Rules of Procedure (On the Rules of Procedure, 2010). Article 133 of the Rules of Procedure (On the Rules of Procedure, 2010) stipulates the need to assess the proposals of the President of Ukraine by the STEU for their constitutionality, as these proposals of the head of state may contain certain unconstitutional provisions. Thus, at the stage of consideration of the proposals of the President of Ukraine, their consideration is again accompanied by a scientific examination of the constitutionality of the proposals submitted by the head of state. When adopting a new version of a law or rejecting the proposals of the head of state, the Verkhovna Rada of Ukraine proceeds primarily from the need to ensure the constitutionality of the new law, its consistency with the norms and principles laid down in the Fundamental Law of the state.

Conclusions. As follows from the foregoing, one of the key functions of the Rules of Procedure is the function of ensuring the constitutionality of normative acts, primarily laws, as the main type of decisions adopted by the Verkhovna Rada of Ukraine as the sole legislative body in the State.

The implementation of this function is systematic and progressive, being traced at different stages of the legislative procedure, which makes it possible to guarantee the constitutionality of adopted acts at least ideally. It makes it possible to characterize the participation of the Verkhovna Rada of Ukraine in constitutional control over the constitutionality of laws as a highly specialized legal activity of authorized subjects, which is carried out within the structure of the legislative procedure and has the nature of preventive control, covering mainly different stages of preparation and consideration of draft laws.

At the same time, problematic aspects in this area include arbitrary consideration of scientific, expert and legal opinions on the unconstitutionality of certain provisions contained in newly adopted laws, dominance of political interests over legal ones in the course of lawmaking, as well as gaps or insufficient clarity of regulatory norms to ensure such constitutionality.

In legislative practice, there are almost no cases of recognizing laws of Ukraine as unconstitutional in their entirety, which generally supports the conclusion that ordinary laws take into account constitutional norms and principles at a relatively high level.

At the same time, the logic of presentation and content of the regulatory provisions allow us to consider ways to optimize some of its provisions in order to exercise stricter internal parliamentary control over the constitutionality of laws in order to minimize the effort required to challenge such acts on the grounds of their constitutionality before the Constitutional Court of Ukraine.

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THE ROLE OF THE CONSTITUTIONAL COURT OF UKRAINE IN ENSURING THE LEGITIMACY OF THE PARLIAMENT AND PRESIDENT'S POWER

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Abstract. The article examines the role of the Constitutional Court of Ukraine in ensuring the legality of the activities of the President of Ukraine. The constitutional and legal status of the Court, its functions and powers to control the constitutionality of presidential acts are analyzed. Based on Article 103 of the Constitution, the president is elected for 5 years. But taking into account the continuity of the exercise of state power in Ukraine, there is a clear record in the first part of Article 108 that the president exercises his powers before the newly elected president of Ukraine takes office. This means that his duty is to perform the functions of the president, there is no other option. This president should be replaced only by his successor – not an acting president, but a full-fledged president, who should be elected in the next free democratic elections.

The purpose of this article is to analyze the constitutional powers of the President and the Parliament of Ukraine, the specifics of their activities under martial law, as well as the development of recommendations for improving legislation to ensure the continuity and efficiency of state administration.

Key words: rule of law, Constitution, president, legal norms.

Introduction. The problem of legitimacy and stability of the government in the conditions of martial law is extremely relevant for Ukraine. In view of the aggression by the Russian Federation and the introduction of martial law, the issue of ensuring the continuity and efficiency of the activities of state authorities, in particular the president and the parliament, arises. One of the most important manifestations of the democratic development of society and the state as a whole is the functioning of a democratic parliament – an institution that enjoys the full trust of the people, speaks on its behalf and maintains public relations with it (In the case of the constitutional submissions). The level of social representation and protection of the interests of the country's citizens directly depends on the efficiency of the parliament. In this case, Ukraine is no exception. After all, the place and role of the Parliament of Ukraine – the Verkhovna Rada in the mechanism of the state and society is determined by its representative nature, the fact that only the Verkhovna Rada of Ukraine has the right to speak on behalf of the people of Ukraine, adopt laws and other acts. These provisions were recorded in the Declaration on State Sovereignty of Ukraine and enshrined in the 1996 Constitution of Ukraine. On the one hand, under the conditions of constitutional and political reforms, there are tendencies to increase the public role of the Parliament of Ukraine. of Ukraine, giving it a greater amount of constitutional and control rights. On the other hand, there are signs of a parliamentary crisis, which manifests itself in the emergence of political conflicts in the Verkhovna Rada of Ukraine. The question of the legitimacy and stability of the functioning of state power in the conditions of martial law has become especially relevant for Ukraine in view of the ongoing aggression from the Russian Federation. Martial law requires a special legal regime that ensures prompt and efficient state management, protection of national security and public order. In this context, it is particularly important to study the role and powers of the president and the parliament, since these institutions are key in the system of public administration.

Methodology. To analyze the role of the Constitutional Court of Ukraine in ensuring the legitimacy of the president's power, a comprehensive approach was used, including both empirical and doctrinal

methods. Empirical methods: Study of the texts of decisions of the Constitutional Court, as well as relevant legislative acts and legal documents regulating the activities of the president. The analysis is focused on determining the limits of the president's powers and procedures for their control. Doctrinal methods: Detailed study and interpretation of the Constitution of Ukraine, laws and regulations regulating the powers of the president and the activities of the Constitutional Court. Legal interpretation: Application of various approaches to the interpretation of legal norms governing the activities of the Constitutional Court and the powers of the president, such as literal, systematic and teleological interpretation. Comparative legal analysis: Comparison of functions and decisions of the Constitutional Court of Ukraine with similar institutions in other countries. it allows identifying common features and differences, as well as borrowing best practices to improve the activity of the Ukrainian Court. Critical analysis: Evaluation of the effectiveness of the decisions of the Constitutional Court from the point of view of their compliance with the principles of the rule of law, justice and protection of the constitutional order. Analysis of critical reviews and proposals for reforming the Court. Conceptual analysis: Development of new theoretical approaches to understanding the role of the Constitutional Court in ensuring the legitimacy of the president's power. Justification of the need to improve legal norms and procedures to increase the effectiveness of judicial control. Application of these methods makes it possible to comprehensively investigate the role of the Constitutional Court of Ukraine in ensuring the legitimacy of the president's power, identify existing problems and develop recommendations for their resolution.

Main part. Studying the legal regulation, functions and powers in the field of law-making interaction between the President of Ukraine and the Verkhovna Rada of Ukraine, special attention should be paid to legal acts of different status and legal force. Some of the norms are contained in the Constitution of Ukraine as acts of the constituent power, but their details are also contained in separate laws, for example, in the Law of Ukraine "On the Regulations of the Verkhovna Rada of Ukraine" and other laws, as well as in Presidential Decrees, separate bylaws. Both individuals and state institutions can be the main subjects during law-making interaction, it must be clearly distinguished. For example, the President of Ukraine can act on his own behalf, defining this or that project of the law as urgent, while the Office of the President of Ukraine is an institution that is also the official representation of the head of state, which provides civil servants, the patronage service and other responsible employees its organizational, informational, analytical, legal, administrative and material and technical support of the activities of the head of state (Danyliuk, 2015: 23).

The Council of Ukraine is a collegial body, which authorized to activate the legislative function of this body, however, in accordance with the name of a specific people's deputy of Ukraine with the same President of Ukraine (in advance, a deputy's appeal or a deputy's request) has an individual character, which is determined by such criteria by which the corresponding document of the People's Deputy of Ukraine. deputy of Ukraine (Voychuk, 2019: 56).

The said higher distinction during law-making interaction must always be carried out in order to distinguish between normative provisions that reveal a general structure, powers and functions, individual actions and individual acts that have a narrower scope, and very often may not be covered by law-making interaction, which is primarily aimed at for the adoption of laws. Here you need to remember that laws are external in the form of internal content in your dominant position, they are aimed at regulating homogeneous social relations that have a general character and repeatability. It is appropriate for this assessment to be based on the constitutional norm, namely, Art. 92, which states that "only the laws of Ukraine begin:

1) human and citizen rights and freedoms, guarantees of these rights and freedoms; basic duties of a citizen;

2) citizenship, legal personality of citizens, status of foreigners and stateless persons;

3) rights of indigenous peoples and national minorities;

4) order of use of languages;

5) principles of use of natural resources, use of (marine) economic zone, continental shelf, development of outer space, organization and operation of energy systems, transport and communication;

6) basics of social protection, forms and types of pension provision; principles of regulation of work and employment, marriage, family, protection of childhood, motherhood, parenthood; upbringing, education, culture and health care; environmental safety;

7) legal regime of ownership;

8) legal principles and guarantees of entrepreneurship; competition rules and antimonopoly regulations;

9) principles of foreign relations, foreign economic activity, customs affairs;

10) principles of regulation of demographic and migration processes;

11) principles of formation and activity of political parties, other associations of citizens, mass media;

12) organization and activity of executive authorities, foundations of public service, organization of state statistics and informatics;

13) territorial organization of Ukraine;

14) judicial system, judiciary, status of judges; principles of forensic examination; organization and activity of the prosecutor's office, notary, pre-trial investigation bodies, bodies and institutions for the execution of punishments; procedure for execution of court decisions; principles of the organization and activity of the bar;

15) principles of local self-government;

16) the status of the capital of Ukraine; special status of other cities;

17) basics of national security, organization of the Armed Forces of Ukraine and ensuring public order;

18) legal regime of the state border;

19) legal regime of military and state of emergency, emergency zone ecological situation;

20) organization and procedure of holding elections and referenda;

21) organization and order of activity of the Verkhovna Rada of Ukraine, status people's deputies of Ukraine;

22) principles of civil liability; acts that are crimes administrative or disciplinary offenses, and responsibility for them" (Concept of separation of powers).

The specified provision of the Constitution of Ukraine means that it is forbidden to regulate the above-mentioned issues by any other acts. In the case of their adoption, such acts will be unconstitutional, that is, those that do not correspond to the Constitution of Ukraine.

Therefore, the legal basis of law-making interaction is defined mainly in the Constitution of Ukraine, however, specific laws and other regulatory legal acts also partially contain provisions that detail and clarify it, but it is necessary to take into account that constitutional norms are norms of direct effect. Subjects of the studied interaction can act both on their own behalf (individually) and be a representative of an institution or a member of a legislative collegial body. Their powers and functions have a clear character, which arises from the corresponding regulatory consolidation, but they are not limited only legally, because in fact, in practice, the parties during interaction can use legally permitted alternative methods.

Martial law in Ukraine is regulated by the Law of Ukraine "On the Legal Regime of Martial Law", adopted in 2015. This law defines the legal basis for the introduction, implementation and termination of martial law, the rights and obligations of state authorities, military command, local self-government bodies, enterprises, institutions, organizations, as well as citizens of Ukraine and other persons staying on the territory of Ukraine.

During martial law, the President of Ukraine acquires additional powers necessary to ensure national security and defense. The President has the right to impose martial law on the territory

of Ukraine or in some of its localities with the approval of the Verkhovna Rada, to make decisions on general or partial mobilization, to appoint military command and to exercise overall leadership of the state's defense (The Law of Ukraine).

The Verkhovna Rada of Ukraine plays a key role in ensuring the legality and constitutionality of actions of executive authorities during martial law. Parliament approves the president's decision to introduce martial law, approves presidential decrees regulating defense and security issues, adopts laws necessary for the functioning of the state under martial law, and exercises parliamentary control over the actions of the executive power and military command (The Law of Ukraine).

One of the main problems is the lack of a clear mechanism for extending the president's mandate if his term expires during martial law. The Constitution of Ukraine and legislation do not provide for the automatic extension of the president's powers in such conditions, which may lead to legal uncertainty and political instability (Voychuk, 2019: 56).

During martial law, there is a risk of restrictions on the democratic rights and freedoms of citizens, including freedom of speech and assembly, as well as the possibility of abuse of power by executive bodies. This may lead to a violation of the principles of the rule of law and democracy (Volodymyr Zelensky announced).

In international practice, there are different approaches to regulating the powers of the president and parliament during martial law. For example, in the US, the president has broad powers in the field of national security, but his actions are limited by constitutional norms and controlled by Congress and the judiciary. France and Germany have mechanisms in place to ensure a balance between the executive and the legislature, even during emergencies (Voychuk, 2019: 56).

In order to solve the problem of legal uncertainty regarding the powers of the president during martial law, it is necessary to make changes to the Constitution of Ukraine and legislation. In particular, it is possible to provide for the automatic extension of the president's powers for the period of martial law or to introduce a mechanism for the appointment of a temporary acting president (The Law of Ukraine).

In order to ensure the stability of state administration during martial law, it is possible to consider the possibility of introducing amendments to the Constitution of Ukraine, which will provide for clear mechanisms for extending the powers of the president and parliament, as well as establishing additional guarantees for the observance of the rights and freedoms of citizens.

It is important to take into account the international experience of regulating the activities of state authorities during emergency situations. In particular, it is possible to borrow the best practices of countries with developed democratic traditions and effective mechanisms of checks and balances.

According to the Constitution of Ukraine, a limited circle of subjects can apply to the Constitutional Court to clarify the legitimacy of the president. They include:

1. President of Ukraine – for the purpose of resolving issues related to the interpretation of the Constitution.

2. Not less than 45 People's Deputies of Ukraine – a group of deputies can apply to the Constitutional Court with a corresponding submission.

3. Supreme Court of Ukraine – in cases where it is necessary to resolve a specific case.

4. Human Rights Commissioner of the Verkhovna Rada of Ukraine – to protect the constitutional rights and freedoms of citizens.

5. The Supreme Council of the Autonomous Republic of Crimea – on issues related to the competence of autonomy.

It is necessary to pay special attention to the problems in the system of distribution of mutual control functions between the President of Ukraine and the Verkhovna Rada of Ukraine (In the case of the constitutional submissions). The Constitution of Ukraine grants powers in the field of control to both of these subjects of power, however, secondary legal acts, as well as the practice of law-making

in Ukraine, show that there is a need to improve the spheres of influence and the proper implementation of constitutional powers. However, this problem has a more theoretical component than a practical one. Its solution completely depends on the understanding of specific officials of this problem, as well as the desire to get rid of it (Concept of the National Program).

The right of veto gives significant powers to the head of state during law-making interaction, because the work already mentioned the experience of foreign countries, and therefore we observed a trend that such an option is not available everywhere. In essence, the President acts as a transitional element for each law adopted by the parliament to bring it into legal force, because the further fate of the draft law, which has already been signed, depends on its signing or non-signing almost acquired the status of law (Zelinska, 2010: 69).

It is interesting in this aspect to compare the signature of the President of Ukraine and the signature Chairman of the Verkhovna Rada of Ukraine.

Yes, in Clause 3, Part 2, Art. 88 of the Constitution of Ukraine states that "Chair of the Verkhovna Rada of Ukraine signs acts adopted by the Verkhovna Rada of Ukraine. In the same part of this article, it is specified that the Chairman of the Verkhovna Rada of Ukraine exercises the powers provided for by this Constitution in the manner established by the Regulations of the Verkhovna Rada of Ukraine" (Constitution of Ukraine).

In addition, Art. 94 of the Constitution of Ukraine is formulated as follows – "The Chairman of the Verkhovna Rada of Ukraine signs the law and immediately sends it to the President of Ukraine" (Constitution of Ukraine).

Most likely, the above-mentioned norm should be interpreted unambiguously, which would mean that the Speaker of the Ukrainian Parliament cannot refuse to sign the Law adopted by the Verkhovna Rada of Ukraine.

For a full understanding of the veto issue, in particular, the scope laws in respect of which such a right may be applied, it is definitely worth referring to the official interpretation and relevant decisions of the Constitutional Court of Ukraine on this matter.

In particular, in the "Decision of the Constitutional Court of Ukraine in the case based on the constitutional submission of 73 people's deputies of Ukraine regarding the conformity with the Constitution of Ukraine (constitutionality) of the veto power exercised by the President of Ukraine in relation to the Law of Ukraine adopted by the Verkhovna Rada of Ukraine "On Amendments to Article 98 of the Constitution of Ukraine" and its proposals (the case regarding the right of veto on the law on amendments to the Constitution of Ukraine) dated March 11, 2003 N 6-рп/2003, an official interpretation and analysis of the relevant constitutional provisions regarding the scope of application was carried out veto rights by the head of state" (Basics of interaction, 2019).

In this case, in my opinion, it is worth paying attention during its analysis to the fact that the right of veto, on the one hand, can be considered an act of the President of Ukraine, because this is exactly the argument used by the People's Deputies of Ukraine in constitutional submission, and also asked to recognize the right of veto as unconstitutional (Basics of interaction, 2019).

The status of President Volodymyr Zelenskyi after May 2024 remains legal and legitimate based on the principle of continuity of power enshrined in the Constitution of Ukraine. Even after his five-year presidential term expires on May 20, 2024, Zelensky will continue to perform his duties until the newly elected president takes office. This is explained by the fact that there cannot be a vacuum of the highest state power, especially during the martial law currently operating in Ukraine (O'Brien, 1995: 12).

The Constitutional Court of Ukraine must finally resolve the issue of Zelenskyi's legitimacy after May 2024. The President's Office has prepared an appeal to the Constitutional Court on this issue, but a decision has not yet been made. According to current legislation, the provision of the law on the extension of the president's powers during martial law is constitutional until the Constitutional Court finds otherwise (The Law of Ukraine).

At the moment, 13 judges work in the Constitutional Court of Ukraine. Consideration of the issue of the legitimacy of the president is one of the key and most significant tasks of the court, since the president performs many important functions in the state.

Important points regarding the adoption of decisions by the Constitutional Court of Ukraine:

Quorum: In order to hold a plenary session of the Constitutional Court, at least two-thirds of its constitutional composition is required. If there are 13 judges, at least 9 judges are required for a quorum.

Making decisions: Decisions regarding the legitimacy of the president and other constitutional issues are made by a majority of votes from the constitutional composition of the court. In the case of 13 judges, this means that the decision must be supported by at least 10 judges.

The question of the legitimacy of the president is one of the most important, since the president of Ukraine plays a key role in the executive power, international relations, defense and security of the state. Therefore, to ensure legal stability and compliance with constitutional norms, the decision of the Constitutional Court on this issue is of great importance.

The Verkhovna Rada of Ukraine must act exclusively within the framework of the Constitution of Ukraine. However, even strict observance of the provisions of the Constitution is sometimes insufficient to solve all the complex issues that arise in the process of public administration. Therefore, in addition to formal compliance with constitutional norms, active and responsible participation in the law-making process, adoption of new laws and amendments to existing ones is necessary to ensure effective state management and protection of citizens' rights and freedoms.

The Constitutional Court cannot, on its own initiative, begin the interpretation of certain provisions of the Constitution, because this would be an excess of power on its part. For this, the law defines certain entities that can apply. This can be done by the President, at least 45 People's Deputies, the Cabinet of Ministers, the Supreme Court, and the Commissioner for Human Rights. There are many subjects. An appeal to the Constitutional Court should have been made last year. Because according to the Electoral Code, the Verkhovna Rada calls presidential elections no later than 100 days before the voting day. That is, approximately December 21, 2023 was the deadline for the adoption of the resolution of the Verkhovna Rada on the appointment of the regular presidential elections of Ukraine for March 31, 2024. So, by that date, we had to not only apply to the Constitutional Court, but also get its decision on this issue (Constitution of Ukraine).

A positive decision of the Constitutional Court of Ukraine should be a guarantee for the president of Ukraine regarding the extension of his powers. This decision is key to confirming the legitimacy of the president and his ability to continue to fulfill his duties under the Constitution (Zelinska, 2010: 68).

Thus, the work of the Constitutional Court and the Verkhovna Rada is critically important for maintaining the constitutional order and legality in Ukraine, as well as for ensuring the proper functioning of state institutions.

Conclusions. This article was established that the constitutional powers of the President and the Parliament of Ukraine are important for ensuring the stability and efficiency of state administration, especially in the conditions of martial law. The constructive dialogue between the President and the Verkhovna Rada, aimed at agreeing their positions at a certain historical stage, ended on June 8, 1995 with the signing of the Constitutional Treaty "On the Basic Principles of the Organization and Functioning of State Power and Local Self-Government in Ukraine for the Period Before the Adoption of the New Constitution of Ukraine", and also the adoption of an important document for the state – the Constitution of Ukraine on June 28, 1996. As of 2004, relations between the President and the Parliament lost their constructive character, which negatively affected the state-building processes and the socio-economic situation in the country. In the Constitution of Ukraine, it is necessary to clarify the powers of the legislative and executive branches of power, as well as the urgent need for administrative reform.

The process of formation of the branches of state power and the search for an optimal model of interaction continues to this day, requiring constructive solutions and fruitful cooperation of both the legislative and executive branches of power, especially in the modern period.

At the same time, there are a number of problems and challenges associated with the lack of a clear mechanism for extending the president's powers and potential risks for democratic processes. The proposed solutions include amendments to the Constitution and legislation of Ukraine, as well as the use of international experience to improve the legal system.

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INVESTIGATION OF THE PRE-TRIAL REPORT DURING THE TRIAL IN CRIMINAL PROCEEDINGS OF UKRAINE

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Abstract. The article is devoted to the problems of functioning of the institution of probation in criminal proceedings of Ukraine. It is stated that the national criminal procedural legislation does not establish the procedure for investigation of the pre-trial report by the court during the trial with the participation of the parties. It is emphasized that such a legislative gap limits the competitiveness of the parties and creates obstacles on the way to achieving the truth in the case. The article draws attention to the fact that most researchers define a pre-trial report as a written document that characterizes the accused and contains a conclusion about the possibility of correction of the person without applying the punishment associated with isolation from the society, without disclosing its procedural nature. Pre-trial report`s procedural nature, as the authors emphasize, determines whether the analyzed document will be the subject of investigation during the trial. Based on the conducted research, they conclude that the report of the probation authority is a document – evidence in criminal proceedings, which, for the purpose of investigating in the trial, must be included in the list and volume of evidence to be examined, in accordance with Article 349 of the CCP of Ukraine. At the same time, it is emphasized that the report of the probation service should be investigated last, at the final stage of clarifying the circumstances of the criminal offence, as part of the addition to the trial, since it concerns the issue of the sentencing. Pre-trial report as an evidence-document must be announced at the court hearing with the opportunity for the parties to express their position regarding report`s content and preparation methodology. The authors note that during the investigation of the probation report, the parties may ask their own questions to the probation officer, which requires his inclusion in the list of participants in the court proceedings, to whom the parties and other participants in the court proceedings have the right to ask questions during the investigation of the documents (part 2 of Article 358 of the CCP of Ukraine).

Key words: pre-trial report, evidence, document, investigation of the documents, trial, the final stage of clarifying the circumstances of the criminal offence; addition to the trial.

Introduction. With the entry into force of the Law of Ukraine "On amendments to certain legislative acts of Ukraine regarding enforcement of criminal punishments and implementation of the rights of convicts" dated September 7, 2016, No. 1492, the internationally popular institution of probation was introduced into the criminal justice model of Ukraine, in particular its variant – pre-trial probation, the purpose of which is to more fully provide the court with information, systematized in the form of a pre-trial report, which characterizes the person of the accused in order for the court to make a decision on the type and extent of punishment (Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo zabezpechennia vykonannia kryminalnykh pokaran ta realizatsii prav zasudzhenykh, 2016).

Having established the provision, according to which the court, passing the sentence, considers the pre-trial report with information about the socio-psychological characteristics of the accused (para. 17 part 1 of Article 268 of the CCP of Ukraine) (Kryminalnyi protsesualnyi kodeks, 2012), the legislator, however, did not regulate the procedural form of the report`s investigation at the stage of the trial of a criminal case. This state of legal regulation in the Ukrainian criminal procedure science rightly considered as a legislative gap, since the parties to a criminal legal dispute should have the right and opportunity to express their opinions regarding the content of the report prepared by the probation service, the methodology for assessing the personality of the accused, to question the provisions of such report. Whereas the making of the final decision is carried out by the court in the deliberation room, the commission of the said actions by the parties during the adoption of the verdict is impossible. This approach of the legislator can damage not only the adversarial nature of the criminal proceedings, but also make it impossible to achieve the truth in the case, because the subject of proof and investigation in court proceedings includes the circumstances that characterize the accused (para. 4 of part 1 of Article 91 CCP of Ukraine). Therefore, the shortcomings of the probation report can distort the court`s vision of the accused`s personality and lead to the imposition of a punishment that does not correspond to his personality.

Thus, there is a need to determine the procedural mechanism of the investigation of the pre-trial report`s data during the trial with the participation of the parties, for which it is expedient to clarify the procedural nature of the report of probation authority itself and to determine the possible procedural form of its investigation, setting it in the criminal procedural law.

The goal of the study. The purpose of the study is to develop theoretical and practical recommendations regarding the stage and order of investigation of the pre-trial report of the probation authority in a court proceeding with the participation of the parties. For this, the following tasks should be performed. To clarify the procedural nature of the pre-trial report in the criminal proceedings of Ukraine, to determine the stage of investigation of the pre-trial report within the framework of the trial, outline the procedural form of the investigation of the probation report during the trial considering the identified features of the procedural nature of such report, to develop recommendations regarding legislative changes and additions in the part of the mechanism of investigation of the pre-trial report in court proceeding under the CCP of Ukraine.

Material and research methods. The basis of the research was doctrinal approaches and legislation relating to the concept of evidence in criminal proceedings, pre-trial report, features of the trial and investigation of evidence, in particular documents. During the study, a systemic-structural approach was used, with the help of which the stage of clarifying the circumstances of the criminal proceedings, during which the evidence-documents are investigated, was separated from the trial as a system of stages. The leading methods of this study were formal-logical – analysis, comparison and generalization, that allow to clarify the features of the pre-trial report, compare them with the features of the evidence in criminal proceedings, and to make conclusions during the research. Forecasting and modeling methods were also used, in terms of constructing possible legal situations that may arise during the investigation of the pre-trial report in the court proceeding.

Results and discussion. The legal definition of a pre-trial report describes it as written information for the court that characterizes the accused (para. 2 of part 1 of Article 2 of the Law of Ukraine "On Probation" (Pro probatsiiu, 2015). This definition, in our opinion, does not fully reflect the features of this legal phenomenon, since the pre-trial report not only contains information about the accused, but also a conclusion about the possibility of his/her correction without the application of punishment associated with isolation from society (para. 3 of Chapter III of the Procedure for preparing a pre-trial report) (Poriadok skladennia dosudovoi dopovidi, 2017). And what is the most important, it does not give the answer to the question about procedural nature of probation report which, in our point of view, is decisive in clarifying the features of the evaluation of the pre-trial report by the subjects of the criminal process.

It should be noted that the researchers of the institute of the pre-trial report, revealing its concept, mostly bypass the issues related to its procedural nature. The doctrinal approaches analyzed by us agree on the fact that the report of the probation service is a written document that is prepared at the stage of the trial and contains comprehensive information about the accused with a conclusion about the presence of risks of re-offending and the possibility of correction of the offender without the punishment in the form of deprivation of liberty, and also serves as an auxiliary tool for the court when making a decision on the type and extent of punishment (Maksymenko, 2020: 49; Olefir, 2015: 34; Tkach, 2014: 56; Chuhaievska, 2018: 706).

Clarifying the procedural nature of the pre-trial report is essential, since it depends on it whether the analyzed document is subject to investigation during the trial in the criminal proceedings. For example, if the pre-trial report is considered to be only a document – a constituent part of the criminal proceedings' materials (according to part 6 of Article 314-1 CCP of Ukraine, the pre-trial report is attached to the criminal proceedings materials), then such document is not necessarily investigated during the trial, by analogy with other documents in the case, that do not affect the content of the sentence (as, for example, petitions of participants in the trial, subpoenas for summoning participants to a court proceeding, decisions made by the court without going to the deliberation room, etc.). If the pre-trial report is considered evidence in criminal proceedings, then the court is obliged to investigate it, and the parties have the right to participate in its investigation.

The analysis of the legislative definition and doctrinal approaches to the concept of evidence and the analysis of the features of the pre-trial report provide grounds for concluding that the pre-trial report has the procedural nature of evidence in criminal proceedings.

According to the Ukrainian legislator, evidence in criminal proceedings is factual data obtained in the manner prescribed by the Code, based on which the investigator, the prosecutor, the investigating judge and the court establish the presence or absence of farts and circumstances that are important for criminal proceedings and subject to proof (para. 1 of Article 84 CCP of Ukraine).

In the criminal process science, the concept of "evidence" is suggested to be understood as a set of such elements as: a) any factual data which is important for criminal proceedings (content of the evidence); b) the procedural form of their consolidation (the method of using evidence in the materials of criminal proceedings); c) carrier of information (external expression of evidence) (Blahuta, Hutsuliak, Defeniuk, 2018: 41).

Ukrainian scientist M. Shumylo, analyzing the legal definition of evidence in criminal proceedings, set in para. 1 of Article 84 CCP of Ukraine, concludes that there are three components in the legal construction of evidence: informational ("evidence in criminal proceedings is factual data"), regulatory ("obtained in the manner prescribed by the Code" and "establish the presence and absence of circumstances that are important for criminal proceedings and subject to proof") and logical ("based on which the investigator, prosecutor, investigating judge and court establish the presence or absence of facts and circumstances that are important for criminal proceedings and subject to proof") one (Shumylo, 2018: 65).

Another researcher – V. Hmyrko – suggests a similar structure of evidence to the one proposed by the named legal scientist. In his opinion, evidence is a result of the person`s intellectual operations, which consists of cognitive, informational and normative segments. The researcher calls one of the structural elements of evidence the normative-procedural one, which establishes the requirements for the legal procedure for obtaining evidence: a) it is factual data; b) it must be obtained in accordance with the procedure prescribed by the CCP of Ukraine; c) factual data must have legal and cognitive significance for criminal proceedings; d) evidence must meet the requirement of the CCP regarding propriety and admissibility (Articles 85–88 CCP of Ukraine) (Hmyrko, 2014: 34).

If we take as a basis the given valid positions regarding the understanding of the structure of the evidence, then the pre-trial report, in fact, contains information about the facts (factual data),

namely those that primarily characterize the accused: the history of committing offence; attitude of the accused towards the incriminated offence; conditions of his/her life activity and development; personal characteristics and social environment, etc. (para. 3 Chapter III of the Procedure for preparing a pre-trial report).

The procedure for collecting information about the accused and preparing a pre-trial report is mainly regulated by the by-law act (the Procedure for preparing a pre-trial report). CCP of Ukraine contains only a blanket norm, which refers to the relevant provisions of the legislation (para. 3 of Article 314-1 CCP of Ukraine) and set the rights and obligations of participants in criminal proceedings during pre-trial report preparation (para. 7, 8 part 4, para. 4 part 7 of Article 42, Article 72-1 CCP of Ukraine). Thus, the information contained in the pre-trial report is obtained in the manner subscribed by the criminal procedural legislation.

The information received by the probation officer is related to the circumstances that must be proven in criminal proceedings and are part of the subject of proof (in accordance with the requirements of para. 4, 5 of part 1 of Article 91 CCP of Ukraine). For example, such fundamental substantive elements of the pre-trial report as the conditions of life and development of the accused (housing, education, work, financial situation) can become a strong argument for the commission of a criminal offence because of the coincidence of grave personal, family or other circumstances, which, according to para. 5 of part 1 of Article 66 of the Criminal Code of Ukraine, is a circumstance that mitigates the punishment and is subject to proof in criminal proceedings (para. 4 of part 1 of Article 91 CCP of Ukraine).

Therefore, the pre-trial report must be considered (is) evidence in the criminal proceeding of Ukraine, since: a) it contains data on the fact characterizing the accused; b) data of this document is obtained in the manner subscribed by criminal procedural legislation; c) pre-trial report relates to the circumstances included in the subject of proof. It should be noted that the pre-trial report corresponds to the characteristics of one of the procedural sources of evidence – a document (Article 99 CCP of Ukraine).

The procedural nature of the pre-trial report makes it possible to determine the stage of the trial in which it will be investigated.

A mandatory condition for the investigation of certain evidence is its inclusion (based on Article 349 CCP of Ukraine) in the volume (list) of evidence to be investigated and the order of their investigation. For this reason, the court, after receiving a pre-trial report from the probation office, must inform the participants of the trial of the fact that the report on the socio-psychological characteristics of the accused has been submitted to the court and offer the parties to decide on the need for its investigation, as well as the place in the sequence of investigation of evidence.

Since the probation service report primarily concerns the issue of sentencing, which the court will decide in the verdict after establishing the guilt of the accused (para. 3 of part 1 of Article 368 CCP of Ukraine), in our opinion, it is appropriate to investigate it last, including the stage of the addition to the trial and after completion of the clarifying of the circumstances of the criminal offence by verifying them with evidence (Article 363 CCP of Ukraine). At this stage, as O. Babayeva rightly observes, the court has already formed an independent internal conviction about the person`s guilt, which cannot be influenced by the pre-trial report (Babayeva, 2018: 66). Also, this approach will provide an opportunity for the probation officer to prepare a report considering the circumstances of a specific criminal proceeding, which will meet European standards, that recommend updating the pre-trial report during the trial (Council of Europe Probation Rules, 2010).

As noted earlier, in our opinion, when determining the procedural form of the investigation of the pre-trial report during the trial, one should be proceeded from the nature of such report as evidence – document in criminal proceedings.

The procedural mechanism of the investigation of documents during the trial is regulated by the Article 358 CCP of Ukraine. In accordance with paragraph 1 of this Article, protocols of investigative

(search) actions and other documents attached to the materials of criminal proceedings, if they contain or certify information that is important for clarifying the facts and circumstances of the criminal proceedings, must be announced in a trial at the initiative of the court or at the request of the participants in the trial and presented to the participants in the trial, and if necessary, also to other participants in the criminal proceedings. Thus, the probation report must be announced during the trial with the opportunity for the parties and other participants in the trial to comment on report`s content and the data presented in it that characterize the accused and affect the final procedural decision on the type and extent of punishment.

It is possible that the investigated pre-trial report may contain contradictory data or certain inaccuracies, that should be clarified during the trial. In addition, the participants in the trial may have questions about the methodology of preparing the pre-trial report, the reasons for the formation of its conclusions. For this purpose, court, as well as other participants in the trial, should be managed to obtain explanations from the subject of preparing the pre-trial report during its investigation at the court hearing. At the same time, the procedural form of document investigation does not provide such possibility, based on the provisions of paragraph 2 of Article 358 CCP of Ukraine, where there is no probation officer in the list of subjects to whom the participants in the court proceedings have the right to ask questions about documents. In this regard, it is necessary to supplement the specified norm with a provision regarding the right of the participants to ask questions to the probation officer on issues related to the pre-trial report.

Based on the results of the study, we consider it expedient and necessary to improve the procedural regulation mechanism with the following changes to CCP of Ukraine: 1) Article 363 shall be supplemented by part 4 with the following provision: "*In the case of receiving of a pre-trial report, the court shall ascertain from the participants in the trial their opinion regarding the need to investigate the pre-trial report in the court hearing. If the participants in the trail insist on the investigation of the pre-trial report in the court hearing, such investigation shall be carried out in accordance with the procedure subscribed by this Code for the investigation of documents.*"; 2) part 2 of Article 358 shall be amended as follows: "*2. Participants in the court proceedings have the right to ask questions about documents to witnesses, experts, specialists, probation officer (regarding the pre-trial report)*".

Conclusions. The procedural nature of the pre-trial report as evidence in the criminal proceedings of Ukraine necessitates the establishment of a mechanism for its investigation by the court with the participation of the parties during the trial of a criminal case.

Like any evidence, probation service report must first be included in the order and volume of evidence to be investigated, in accordance with Article 349 CCP of Ukraine.

Since the pre-trial report mainly concerns the issue of sentencing, it is expedient to carry out its investigation as a last resort, at the end of the clarifying of the circumstances of criminal proceeding by verifying them with evidence, as well as within the scope of the addition to the trial. This approach will meet European standards.

It is advisable to study the pre-trial report in the manner determined by law for the investigation of documents, with the opportunity for the parties to comment on the report and ask questions to the probation officer. Because of fact that the procedural order of the investigation of documents does not give the participants of the court proceedings the right to ask questions to the probation officer, the provisions of paragraph 2 of Article 358 CCP of Ukraine should be supplemented with indication of the specified subject of criminal proceedings.

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IMPLEMENTATION OF THE PRINCIPLES OF THE WELFARE STATE IN THE STRUCTURE OF PENSION SECURITY LEGISLATION OF UKRAINE: THEORETICAL AND LEGAL ANALYSIS

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Abstract. The article is devoted to the theoretical and legal study of the peculiarities of the implementation of the legal bases of the social state in the structure of the legislation on pension provision on the actual example of the legal experience of modern Ukraine. It is shown that, traditionally, the development of pension legislation in Ukraine is considered in domestic legal science mostly outside the implementation of the legal foundations of the welfare state, which does not allow to properly assess either the level of systematic changes, their logic, or their compliance with the fundamental concept of the welfare state as the original normative "base" for the construction of the entire system of pension legislation. Such a theoretical and legal omission in practice led to a false and in many ways distorted vision of the patterns of development and modernization of pension legislation of Ukraine, separated from the realization of the concept of the social state and outside the category of ensuring the pension rights of Ukrainian citizens as mutually determined cuts to reveal the evolutionary potential of this branch of national legislation. It has been established that in the theoretical and legal dimension the formation and development of the system of pension legislation reflects a system-wide legal regularity concerning the strengthening of the determining (guiding) influence of key legal concepts and principles of legal regulation on the development of large systemic formations in the field of law (branches of law and legislation, legal and legislative institutions, etc.). The above mentioned regularity is fully implemented in the structuring, reforming and functioning of the system of pension legislation of Ukraine, which objectifies the general social needs of people and society in pension provision and constitutes a normative "section" of the pension system of the state as a whole. The corresponding structuring takes place against the background of active reform of the national pension legislation and represents an expedient and natural process of planned changes with simultaneous attempts to stabilize the normative material included in the structure of this branch of the Ukrainian legislation. The main guiding idea in the structuring of pension legislation in Ukraine is the constitutionally defined concept of the welfare state, the legal foundations of which are embodied in the content and structure of pension legislation. It has been proven that the guidelines for the consistent and systematic implementation of the above concept in the content, direction and structure of pension legislation are the following 1) the Constitution of Ukraine itself, which performs an important legal orientation function in relation to pension legislation in terms of the state's implementation of positive obligations in the social sphere, 2) legal positions of the Constitutional Court of Ukraine and courts of general jurisdiction (primarily the Supreme Court, which performs the function of ensuring the unity and uniformity of judicial practice in the field of pension disputes), which specify the legal meaning of the concept of the social state in such an objectively defined area as the system of pension legislation, as well as 3) international legal social standards in the area of pension provision, which also reflect the main substantive elements of the legal foundations of the concept of the social state. The difficulties of implementation of this concept in the structure and content of national pension legislation are determined by such factors as contradictions in the interpretation of the content of this concept; the combination of tendencies towards unification and differentiation in the structure of pension legislation, which has not yet ended with the establishment of the optimal state of such combination; the uncertainty of strategic guidelines for the development of pension legislation at the level of adoption of regulatory documents of a programmatic nature by subjects of higher state power; instability, inconsistency and a certain imbalance of the state pension policy both at the level of defining strategic guidelines and at the level of their implementation; the weakness of the state's financial and

economic capabilities caused by the prolonged crisis of the country; asynchronization of the state pension policy at the level of defining strategic guidelines and at the level of their implementation; the weakness of the state's financial and economic capabilities caused by the prolonged crisis of the country; and the weakness of the financial and economic capacities of the state caused by the prolonged economic crisis in the country; the asynchronicity of the formation of different levels of the pension system; the existence of a significant "block" of non-constitutional normative material in the structure of pension legislation (which confirms the increased activity of the Constitutional Court of Ukraine in the course of consideration of pension cases); numerous violations of citizens' pension rights in the course of law enforcement, which creates an additional burden on the judicial system of Ukraine (in particular, on administrative proceedings, within which the judicial protection of citizens' pension rights mostly takes place). The comprehensive implementation of the legal foundations of the welfare state in the structure of pension legislation is considered to be on the way to further constitutionalization of this process, rational and scientifically based determination of strategic priorities for the further implementation of pension reform in Ukraine on the paths of unification and adaptation of the best world (primarily European) practices of pension provision and international legal standards, formation and implementation of a socially oriented pension policy. Keywords: pension rights of citizens, pension legislation, welfare state, Constitution of Ukraine, Constitutional Court of Ukraine, Supreme Court, pension reform, international legal norms. The main problems of the pension legislation of Ukraine are: the weakness of the financial and economic capacity of the state caused by the prolonged economic crisis in the country; the asynchronicity of the formation of different levels of the pension system; the existence of a significant "block" of non-constitutional normative material in the structure of pension legislation (which confirms the increased activity of the Constitutional Court of Ukraine in the course of consideration of pension cases); Numerous violations of citizens' pension rights in the course of law enforcement, which puts an additional burden on the judicial system of Ukraine (in particular, on administrative proceedings, where the judicial protection of citizens' pension rights is mostly carried out). The comprehensive implementation of the legal foundations of the welfare state in the structure of pension legislation is considered to be on the way to further constitutionalization of this process, rational and scientifically based determination of strategic priorities for the further implementation of pension reform in Ukraine on the paths of unification and adaptation of the best world (primarily European) practices of pension provision and international legal standards, formation and implementation of socially oriented pension policy.

Key words: pension rights of citizens, pension legislation, social state, Constitution of Ukraine, Constitutional Court of Ukraine, Supreme Court, pension reform, international legal standards.

Justification of the relevance of the study. As shown in the previous subsections of this study, the welfare state is a multidisciplinary political and legal phenomenon that is projected onto various areas of social relations, gaining its institutional, functional and normative certainty, in particular, in the legislative plane. At the same time, it is the characterization of the Ukrainian state as a social state that is “of great importance in terms of its obligations to a person and society, especially in the context of guaranteeing social rights to citizens” (Klymenko A.L., 2019, p. 61). After all, the main activities of such a state are, in particular, “ensuring the constitutional rights of citizens in the field of education, labor and health protection, pensions, culture, sports; protection of the rights of women and children, youth; organization of effective employment, etc.” (Zastavna O.P., 2023, p. 29). The natural trend of its development is the increasing role of legal means of influence on social relations, which is “associated with the main trends in the development of society and the state, the deepening of their civilization, based on the recognition of a person, his or her life, honor and dignity as the highest value” (Skrypniuk O., Batanov O., 2017, p. 40).

In this connection it is necessary to emphasize that the legislation, which mediates the functioning of the social state and the implementation of its legal principles, is not formed arbitrarily, but in accordance with certain legally and socially significant ideas, guidelines and basic principles, which embody the content and direction of the social policy of this state, its regulatory potential and development guidelines. As the famous Ukrainian legal theorist V. Selivanov once noted, these are

the principles that "have gained general recognition and widespread acceptance and should determine the principles of domestic and foreign state legal policy of Ukraine. It is on the basis of this doctrine that theoretical bases for the implementation of legal norms in social reality are created, theories are structured, constitutional and legal modeling and forecasting are carried out. This is what gives the legal doctrine of Ukraine the ability to be the theoretical basis of the state policy in the field of legal regulation" (Selivanov V., 2005, p. 18–19). In our case we are talking about the decisive role of the legal foundations of the social state in the construction of legislation aimed at the implementation of its goals, objectives and essence.

This general pattern is derived from the main objective of the strategy of legal construction in the state, which is to coordinate and direct all actions of subjects of legal relations "in order to achieve the political, legal, economic and social goals and values enshrined in the Constitution of Ukraine" (Skrypniuk O., Batanov O., 2017, p. 39). Its content can be traced back to a number of strategic regulatory documents, in particular, the Resolution of the Cabinet of Ministers of Ukraine of March 3, 2021, No. 179 "On Approval of the National Economic Strategy for the Period up to 2030" (On approval, 2021). The long-term goal in the formation of an effective social policy, defined in particular by the National Strategy for Sustainable Development of Ukraine, is "to ensure a high level and quality of life of the population of Ukraine, to create favorable conditions for the activities of current and future generations and to stop the degradation of natural ecosystems by introducing a new model of economic growth based on the principles of sustainable development" (Kolomiyets L.V., 2019, p. 79). Meanwhile, the current state of ensuring the pension rights of Ukrainian citizens remains extremely unsatisfactory, "the current pension system operates under maximum financial stress and fails to fulfill its main function – to adequately meet the needs of pensioners" (Skorobagyatko A.V., 2015, p. 290), and "pension expenditures do not provide pension payments at the level of minimum guarantees provided by the International Labor Organization Convention on Minimum Social Security Standards No. 102, ratified by the Law of Ukraine of March 16, 2016 No. 1024-VIII" (On approval, 2021). These discrepancies should be eliminated by a well thought-out pension policy of the state, objectified in legal acts, first of all, laws aimed at realization of the constitutionally defined right to pensions.

Therefore, the formation of pension legislation of Ukraine, its systemic, structural and functional features should be subject to the legal principles of the welfare state as the leading guiding ideas that should permeate the legislative activity of the authorized legislative bodies of the state. Only with such an approach can we hope for purposeful, systematic development of pension legislation to establish such forms of its existence that will most adequately and fully reflect the general social and specific legal conditions of formation and modernization, its timely updating in a socially acceptable manner, harmonization of the state pension policy with the key ideas of the welfare state, which will fully ensure a high level of realization of pension rights of Ukrainian citizens within the framework of the strategic course of the state (On Amendments, 2019, p. 50). Thus, having ratified the European Social Charter (Revised) of 1996 by the Law of Ukraine "On Ratification of the European Social Charter (Revised)" of September 14, 2006 No. 137-V (On Ratification, 2006, p. 418), Ukraine has undertaken "to make efforts to gradually raise the social security system to a higher level in order to ensure the effective exercise of the right to social security" (Decision of the Constitutional Court, 1995), which is in accordance with the concept of the welfare state. In the future, the ratification by Ukraine of ILO Conventions No. 117 (On the Ratification, 2015) and No. 102 (On the Ratification, 2016), as well as the signing of the European Social Security Code (European Social Security Code, 1990), will create additional conditions for national legislation, when each further step, on the one hand, will require the state to strictly fulfill the relevant obligations to comply with minimum social standards, and, on the other hand, will create new opportunities for protecting the rights of Ukrainian citizens to pensions and will allow to ensure at least the minimum level of social and legal guarantees in this area required by law (Klymenko A.L., 2019, p. 154).

However, these steps will lead to the desired result only if the financial and economic situation in the country improves dramatically. Without this, and despite the generally high level of legal regulation, pension provision will remain "one of the most problematic social, financial and legal institutions of Ukraine" (Sokorynskyi Y.V., 2018, p. 14), which will develop outside the concept of the welfare state.

The state of research of the problem. In the national legal science, the scientific and legal research of V. Andriyiv, N. Bolotina, S. Vavzhenchuk, V. Venediktov, S. Venediktova, S. Vyshnenko, and S. Vyshnenko was devoted to the structuring and development of the system of national pension legislation in the context of implementation of the State's social policy. Venediktov, S. Vyshnovetska, T. Gerasymiv, I. Zub, I. Zhygalkin, M. Inshyn, V. Kostiuk, S. Lukash, A. Matsiuk, P. Pylypenko, S. Popov, S. Prylypka, O. Protsevskyi, S. Synchuk, Y. Sokorynskyi, B. Stashkiv, O. Tyshchenko, N. Khutorian, H. Chanysheva, M. Shumyl, V. Shcherbyna, O. Yaroshenko, and others. The researchers focused on the processes of unification and differentiation in the development of pension legislation, its systemic legal relations with social security legislation. At the same time, the approach to pension legislation as a sub-branch of social security law is also well established in the scientific literature today (Tyshchenko O.V., 2014, p. 81–82; Kostiuk V.L., 2017, p. 24; Kolotik A.S., 2011). It is from this perspective that its evolution and peculiarities of its structure are mostly considered.

However, in most of these scientific works, the processes of formation and development of pension legislation were interpreted either as a consequence of reforming pension legal relations in accordance with a particular legal doctrine, or as a chaotic process of accumulation of regulatory material without observing the requirements of systematicity. According to Y. Sokorynsky, "one of the main problems of studying this institution is the existence of a large number of legal acts regulating this range of social relations, which, in turn, encourages scholars to study the most problematic legal phenomena" (Sokorynskyy Y.V., 2019, p. 90), but their identification is not based on the unity of criteria and approaches. At the same time, scientific research that would reveal the determinants of the development of pension legislation (as well as social security legislation in general) by the implementation of the principles of the welfare state is still rare (Inshin M.I., Sirokha D.I., 2015, p. 17–21). Thus, the multisource, rapid changeability and often mutual contradiction of normative acts in the field of pension legislation, especially their leading form – laws, is a stable trend, which is well confirmed by the law enforcement practice of both courts of general jurisdiction and the Constitutional Court of Ukraine, which in recent years have significantly increased the scope of their activities in terms of judicial protection of citizens' pension rights. This problem is often seen as overcome by the adoption of the Pension Code of Ukraine (Kuchma O.L., 2016, p. 218–224; Skorobagyatko A.V., 2020, p. 7–8, 14, 20, 24, 29, 30; Fakas I.B., 2012, p. 667–669; Mitsai M., 2017, p. 98; Kostiuk V.L., Melnyk V.P., 2015, p. 252; Shumylo M.M., 2017, p. 76–87; Melnyk V., 2016; Sokorynskyi Y.V., 2018, p. 13), but the prospects for this legislative step are still rather uncertain.

Traditionally, the development of pension legislation in Ukraine is mostly considered in the national legal science outside the implementation of the legal principles of the welfare state, which does not allow to properly assess either the level of systematic changes, or their logic, or their compliance with the fundamental concept of the welfare state as the initial regulatory "basis" for the construction of the entire system of pension legislation. In practice, this theoretical and legal omission has led to an erroneous and largely distorted vision of the patterns of development and modernization of Ukraine's pension legislation, which is detached from the implementation of the welfare state concept and outside the category of ensuring pension rights of Ukrainian citizens as interrelated sections of the evolutionary potential of this branch of national legislation.

The purpose of the article is to make a theoretical and legal study of the peculiarities of implementation of the legal principles of the welfare state in the structure of pension provision legislation based on the actual example of the legal experience of modern Ukraine.

The main material is presented. It is known that the structure of any branch of legislation reflects its static condition – its external structure as a normative system, with the existing elements, their aggregates (subsystems) and legal relations between them. At the same time, it is also known that the structure of legislation at the sectoral level reflects the peculiarities of the system of this legislation, the state of its internal order, harmony of its norms and certainty of its provisions. The more developed the system of the branch, the more stable and solid is its structure.

As the Ukrainian researcher T. Podkovenko noted, "in the current conditions of significant intensification of legislative activity, the improvement of the structure of legislation is becoming increasingly important. This means strengthening the principle of the rule of law and law, increasing the share of laws characterized by increased stability and efficiency among legal acts" (Podkovenko T.O., 2005, p. 40–45). Considering the structure of pension legislation from the point of view of formation of its system, it should be noted that such a system is still in the process of formation: the pension reforms carried out in Ukraine over the past 30 years (Buryachenko O.E., 2017) can hardly be considered as evidence of the opposite conclusion. Moreover, the development of the pension legislation system in Ukraine is characterized by modernization changes driven by social reforms. At the same time, the strategy of development of society and the state for organization and implementation of such reforms should include, first of all, a complex process of creation of a new model of the system of pension legislation based on rethinking the mechanisms of implementation, guarantee and legal protection of pension rights of citizens (Kostiuk V.L., Melnyk O.Y., 2017, p. 532).

The structure of pension legislation is a natural reflection of the formation of its system, with all the complexities of this process. At the same time, it is a natural static section of its internal structure. The starting point is the concept of pension legislation, which has not yet received a clear legal definition. In this case we use the doctrinal interpretation of the term "legislation" proposed by the Constitutional Court of Ukraine already in 1998, which was reduced to "a set of laws and other legal acts regulating a certain area of social relations and being the sources of a certain branch of law" (Decision of the Constitutional Court of Ukraine, 1998). In particular, the Constitution of Ukraine uses this term without defining its content (Articles 9, 19, 118, paragraph 12 of the Transitional Provisions) (Constitution of Ukraine, 1996). Structurally, it includes laws of Ukraine, international treaties of Ukraine in force and ratified by the Verkhovna Rada of Ukraine, as well as resolutions of the Verkhovna Rada of Ukraine, decrees of the President of Ukraine, decrees and resolutions of the Cabinet of Ministers of Ukraine adopted within the limits of their competence and in accordance with the Constitution of Ukraine and laws of Ukraine. However, the key unit in the structure of pension legislation is undoubtedly regulatory legal acts (Stashkiv B.I., 2016, p. 198). This is, so to speak, the most general section of the normative "design" of the pension legislation of Ukraine.

From the substantive side, we proceed from the fact that pension legislation (or legislation on pension provision) of Ukraine, by virtue of its formalized name, is a clearly expressed social security branch of national legislation, i.e. it is focused on the adoption by authorized bodies of a set of measures to implement the subjective right to a pension of Ukrainian citizens. In general, in legal science, enforcement is understood as a set of procedural actions that guarantee the realization of the desired legal benefit (goal); the legal component of this process; an appropriate set of measures by authorized bodies aimed at achieving the relevant result; a necessary element of realization of this legal benefit, without which its achievement is not possible. In the system of legal relations, security is also understood as “a socially equivalent obligation arising on the basis of a law or contract to compensate a person for the material and non-material consequences of social risk” (Synchuk S.M., 2015, p. 416). With regard to pension rights, such provision means nothing more than “the creation of social conditions necessary for the use of these rights” (Klymenko A.L., 2019, p. 53) by a person.

Due to its focus on institutional and regulatory support for the realization of this right, pension legislation, however, cannot be constructed without taking into account both the basic social needs of citizens who have their own dynamics of development, and without taking into account the financial and economic situation of the state, which depends on the peculiarities of its economic development, which is currently marked by unevenness, growing crisis phenomena, and a number of economic pathologies (Restoration and reconstruction, 2022). Being closely dependent on the economic capabilities of the state, "the right to a pension, its amount, the amount of these payments can be linked to economic feasibility, socio-economic circumstances, financial capabilities of the state in a particular period of its development..." (Decision of the Constitutional Court of Ukraine, 2001; Krusyan A.R., 2012, p. 39). However, "changes in legislation in the social sphere, the difficult financial and economic situation, the need to ensure the balance of the State Budget of Ukraine should not lead to a violation of human dignity, which belongs to the fundamental values protected by the Constitution of Ukraine and forms the basis of the system of constitutional protection of human and civil rights and freedoms" (Decision of the Constitutional Court of Ukraine, 2018).

When analyzing the reform of pension legislation, one cannot ignore the dialectic of the theory of pension provision. Obviously, the achievements of the theory of pension provision in general, as well as the theory of pension legal relations, are of no small importance for the creation of effective and fair pension legislation (Dzhuzha O.M., Tychyna D.M., Sorokina L.V., 2022, p. 8). Thus, pension legislation in Ukraine is being formed and developed on the basis of the general social need to formalize a set of subjective rights to pension provision by a set of legal means. Pension provision is, in the subjective legal dimension, one of the key manifestations of the existence of social rights in a social state, an indicator of their content and a criterion for the scope of positive state obligations in the social sphere. After all, according to the modern legal doctrine of positive obligations of the State, "positive human rights (the right to work, rest, social protection, health care, decent standard of living and other social, economic and certain cultural rights) are guaranteed by positive obligations of the State, since their realization is impossible without appropriate supportive activities of State institutions" (Khrystova H.O., 2013, p. 110).

In its essential dimension, pension legislation is a projection of the objective ability of society to take care of maintaining a decent life for those citizens who, due to age, social or medical reasons, are unable to take proper and independent care of their material well-being or ensure it in full without losing the fundamental right to human dignity and without deteriorating the conditions of social inclusion (inclusion in social and communication processes) due to reasons that are objectively beyond their control.

Since pension provision is an objective social process, like any other social process, it is initiated, implemented and realized through the conscious and purposeful subjective activity of authorized subjects of law. The compliance of this latter activity with the objective needs and patterns of pension provision is a guarantee of stability and efficiency of such provision, which takes on a regulatory and legal form. At the same time, it is quite natural that, as noted by researchers, "pension provision as a fundamental element of social stability does not have the same concept of its content, some scholars define this term as complex organizational and legal measures aimed at meeting the needs of life by making cash payments to citizens who are entitled to receive them, as well as guaranteeing pensioners the exercise of their rights, state protection and protection of their rights" (Didkovska T.O., 2008, p. 12).

From a formal legal point of view, the pension system acquires its formal security, order, sustainability and predictability through the formation and implementation of a comprehensive system of pension legislation. The latter is a component of the system of social legislation (social security legislation) and reflects the state pension policy, which depends on the financial and economic capabilities of the state, the balance of social interests, the motivation of the government, the ideology of the ruling parties and the activity of civil society (Furdychko L.E., 2012, p. 57–61; Sinyova L., 2018,

p. 168). For example, in Ukraine, experts believe that the key factors that should be taken into account when forming the system of pension legislation are such macro factors as the economy, demography, own traditions and political decisions (On the main criteria, 2019).

Ensuring the realization of pension rights of an individual, pension legislation acts as a regulatory element of the implementation of the legal foundations of the welfare state, the concept of which provides for pension provision as a separate element of its essential subjective legal content. Thus, the system of pension legislation is a manifestation of the implementation of the principles of the welfare state in the system of pension relations, which constitute a special system. The official interpretation of the concept of the welfare state is contained in the Decision of the Constitutional Court of Ukraine No. 3-rp/2012 of January 25, 2012, according to which "the main tasks of the welfare state are to create conditions for the realization of social, cultural and economic human rights, to promote the independence and responsibility of each person for his actions, to provide social assistance to those citizens who, for reasons beyond their control, cannot ensure an adequate standard of living for themselves and their families" (Decision of the Constitutional Court of Ukraine, 2012).

In its decision dated October 11, 2005 № 8-r/2005, the Constitutional Court of Ukraine stated that "in Ukraine, as a social, legal state, the policy is aimed at creating conditions that ensure an adequate standard of living, free and full development of a person as the highest social value, his life and health, honor and dignity. The adoption and observance of social norms established by legal acts is a constitutional duty of the state. The activities of its legislative and executive bodies shall be based on the principles of justice, humanism, supremacy and direct effect of the provisions of the Constitution of Ukraine, and the powers shall be exercised within the limits established by the Constitution of Ukraine and in accordance with the laws" (Decision of the Constitutional Court of Ukraine, 2005). Developing this idea, the Constitutional Court of Ukraine pointed out that the above-mentioned constitutional principles on which the right to a pension is based "provide for legal guarantees, legal certainty and the related predictability of legislative policy in the field of pensions within the meaning of Articles 1, 3, 6 (part two), 8, 19 (part two), 22, 23, 24 (part one) of the Constitution of Ukraine, are necessary for the participants of the relevant legal relations to be able to foresee the consequences of their actions and to have confidence in their legitimate expectations that the right acquired by them on the basis of the current legislation, its content and scope will be realized by them, i.e. the acquired right cannot be canceled by the courts. That is, the acquired right cannot be revoked or limited" (Decision of the Constitutional Court of Ukraine, 2005).

The Constitution of Ukraine in the area of pensions is based on the concept of positive obligations of the state, which "consist, in particular, in the proper regulation of relations in this area", while "the amount of pensions, other types of social benefits and assistance, which are the main source of subsistence, should be determined taking into account human needs, human dignity and other constitutional values" (Decision of the Constitutional Court of Ukraine, 2022); the legislator, changing relations in the field of pension provision in order to improve the social policy of the state by redistributing public income, may not In particular, as the Constitutional Court of Ukraine insists, “changes in this area must be sufficiently justified, carried out gradually, prudently and in a pre-considered manner, based on objective criteria, be proportionate to the purpose of changing legal regulation, ensure a fair balance between the general interests of society and the duty to protect human rights, without violating the essence of the right to social protection” (Decision of the Constitutional Court of Ukraine, 2019). According to the Basic Law of Ukraine and the legal positions formulated by the Constitutional Court of Ukraine, the Verkhovna Rada of Ukraine, in order to develop, specify and detail the provisions of Articles 3, 8, part one of Article 24, Article 46 of the Basic Law of Ukraine, should regulate in laws the grounds, procedure and conditions for indexation and recalculation of all types of pensions for all groups of pensioners (Decision of the Constitutional Court of Ukraine, 2022).

According to O. Kisil, within the framework of the welfare state, its social policy is aimed by legislative means at "ensuring fair calculation of pensions, taking measures to increase pensions to the real subsistence level, introducing a funded pension insurance system and state guarantees for saving funds and receiving pensions in this system, strengthening control over the use of funds by the pension fund and liability for violations in this area" (Kisil O.Y., 2015, p. 316).

Thus, based on the above-mentioned legal positions of the Constitutional Court of Ukraine and doctrinal positions of legal scholars, it is possible to formulate the essence of the legal principles of the social state, which should be embodied in the content and structure of pension legislation. These principles are, in particular 1) creation of conditions ensuring an adequate standard of living, free and full development of a person as the highest social value, his life and health, honor and dignity; 2) justice and humanism; 3) direct effect and supremacy of the Constitution of Ukraine; 4) legal guarantees of the right to a pension, its irrevocability and legal security; 5) legal certainty and related predictability of legislative policy in the sphere of pensions; 6) fair calculation of pensions, implementation of measures for gradual increase of pensions; 7) legal certainty of the grounds, procedure and conditions for indexation and recalculation of all types of pensions for all groups of pensioners.

In our opinion, in addition to the above-mentioned legal principles of the welfare state, which must be implemented in national pension legislation, there are a number of social standards applicable to the pension sphere, which have been developed within the European Union. These are certain minimum standards and norms enshrined in international legal acts at the universal, regional or interstate level, guaranteed by international law and implemented in national legislation as legal guidelines for pension provision (Mitsai M., 2018, p. 253). As is well known, the national pension system includes an extensive network of pension payments, the level and amount of which often do not meet basic social conditions and are far from European standards of a decent life. Therefore, the implementation and practical application of international legal standards of pension provision allow to create a generally accepted, understandable and rationally justified system of priorities in this area and become a solid basis for the formation of a balanced pension policy based on the international traditions of the welfare state and taking into account economically sound positions in the field of pension provision (Klymenko A.L., 2019, p. 74). The researchers include such standards as (b) equality of rights and opportunities, prohibition of discrimination against pensioners; (c) differentiation of the conditions and level of pension provision from the level of wages and contributions to pension (state and non-state) funds; (d) scientific and economic validity of pension standards, their orientation towards ensuring the right to life and an adequate standard of living; (e) immutability of the content and scope of pension payments and services; (f) state guarantee of certain rights of a person in the area of pension (Klymenko A.L., 2019, p. 155).

From the formal legal point of view, it is the combination of national constitutional principles and international legal (primarily European) standards of pension provision that constitutes the conceptual and legal basis for the functioning of the welfare state, which should find its consistent substantive and functional disclosure in the field of pension provision through the formation and implementation of the corresponding pension legislation in Ukraine. At the same time, this combination should be consistent and organic. An example of the opposite practice is, in particular, a certain inconsistency of the Constitutional Court of Ukraine (Decision of the Constitutional Court of Ukraine, 2011; Decision of the Constitutional Court of Ukraine, 2018) and the Supreme Court (Resolution of the Supreme Court, 2018; Ruling of the Supreme Court, 2019) in formulating the possibilities of temporary restriction of pension (and social) rights of citizens in legislation with reference to financial and economic features and difficulties of their provision. For example, the Supreme Court noted the lack of uniformity of judicial practice in the application of legislation in the recalculation of pensions (Resolution of the Supreme Court, 2021), which is a dangerous symptom and a qualitative indicator of its weak effectiveness in the legal protection of pension rights of Ukrainian citizens.

Taking into account the above, including the provisions of the Constitution of Ukraine and the legal positions of the Constitutional Court of Ukraine, it can be concluded that citizens have a constitutional right to a pension, the content of which is determined both by the Constitution of Ukraine and by laws. The Verkhovna Rada of Ukraine "shall carry out legislative regulation in the sphere of pension policy of the State, observing the constitutional norms and principles" (Decision of the Constitutional Court of Ukraine, 2023) of the welfare state, which are the starting point for the formation and implementation of a balanced and promising pension policy of the State, consistent with the main directions of socio-economic development of the country and the general approach to strengthening the realization and protection of human rights.

The Verkhovna Rada of Ukraine, as the only legislative body (Article 75 of the Constitution of Ukraine) authorized to adopt laws (Article 85(3)(1) of the Constitution of Ukraine) (Constitution of Ukraine, 1996), is certainly obliged to implement these legal positions in its practical legislative activity. At the same time, both the Parliament of Ukraine and the Ukrainian state as a whole "cannot ignore social rights not only because it degrades the authority of the state, which is called the social state, but also because the inaction of the state in ensuring social rights is unconstitutional" (Kozyubra M., 2002, p. 60). Thus, "the transfer of the State's obligation to ensure that all persons who have reached retirement age have a standard of living not lower than the subsistence minimum established by law to the solidarity and savings system contradicts the principles of compulsory State pension insurance and the foundations of social protection" (Collection of legal positions, 2020, p. 26). Thus, the failure of the state to provide an adequate legislative basis for the functioning of an effective legal mechanism of pension provision will indicate the illusory nature of constitutional guarantees of the right to social protection and the violation of a number of constitutional norms and principles (Decision of the Constitutional Court of Ukraine, 2022).

Predictability and predictability of pension legislation are closely related to such qualities as stability and consistency. In particular, legal scholars have already expressed the opinion that “in order to ensure the efficiency and stability of the pension system, it is important to take into account the need for systemic pension legislation” (Drozach L.V., 2023, p. 36). After all, the proper realization of the right to pensions is objectively complicated by “the lack of systemic legislative regulation, since the basic laws on these issues are mostly contradictory and inconsistent” (Mitsai M., 2017, p. 96). We also agree with the opinion of a well-known expert in the field of pension law M. Shumyl that only “a properly chosen economic approach to the regulation of pension provision contributes to social stability” (Shumilo M.M., 2016, p. 122). And vice versa: “giving legal form to economic schemes in the field of pension provision that either do not meet market conditions or pursue populist goals can lead to the collapse of the social sphere in general, social tension and have extremely negative consequences in particular” (Shumilo M.M., 2016, p. 124). Thus, a well-known Ukrainian constitutional scholar A. Krusian rightly emphasizes the urgency of improving pension (as well as the entire body of social) legislation, in particular, improving the quality of laws and their enforceability: meanwhile, “the adoption of laws whose provisions are not implemented and their gradual increase may lead to a kind of ‘legal inflation’ – the depreciation of normative legal acts due to their non-implementation, which is unacceptable in a democratic, legal, social state” (Krusyan A.R., 2012, p. 38). It is the lack of a high-quality system of pension legislation that “always acts against citizens and makes it impossible to realize their social rights enshrined in the Constitution of Ukraine” (Skorobahayko A.V., 2020, p. 26), including the right to adequate pension provision.

One of the strategically important areas of the state's social policy in Ukraine is defined by law as raising the level of pension provision (On approval, 2021). The ways to achieve this goal are as follows: 1) raising the level of pension provision, in particular through annual indexation of pensions, additional social benefits for pensioners over 75 years of age; 2) introduction of legislative changes to increase the amount of pension payments, taking into account the recommendations of the ILO Social

Security (Minimum Standards) Convention No. 102; 3) development and adoption of legislation on the funded pension system (On approval, 2021). However, the implementation of these strategic approaches in the "substance" of pension legislation is still problematic. This is due to the lack of unified approaches to the legislative understanding of the essence, features, directions of legislative policy in the pension sphere, incompleteness of the pension system reform, imperfection of legally defined sources of pension funding, poor accessibility of the population to mechanisms of legal protection of their pension rights, complexity of legal mechanisms for the implementation, guarantee and legal protection of these rights, complexity (sometimes confusion), contradictions and imperfection of pension legislation (Mitsai M., 2017, p. 95).

At present, the structure of pension legislation lacks certainty at the regulatory level. For example, part one of Article 4 of the Law of Ukraine "On Compulsory State Pension Insurance" states that pension legislation is based on the Constitution of Ukraine and consists of the Fundamentals of Legislation of Ukraine on Compulsory State Social Insurance, this Law, the Laws of Ukraine "On Private Pension Provision", "On the Status and Social Protection of Citizens Affected by the Chernobyl Disaster", "On Pension Provision for Persons Discharged from Military Service and Some Other Laws of Ukraine" (On Compulsory State Pension Insurance, 2003). In fact, by defining the five laws directly in this Law, the legislator gave them the meaning of starting, basic laws, but this was not reflected in any way in the subsequent adjustment of their norms. The rule on the conformity of these laws with other pension laws also did not stand up to criticism, since giving certain laws higher legal force than others is not based on the provisions of the Constitution of Ukraine and is ignored in law enforcement practice.

Subsequently, these problems were formalized in the structuring of pension legislation, for example, the Laws of Ukraine "On Private Pension Provision" (On non-state pension provision, 2003), "On Compulsory State Pension Insurance" (On Compulsory State Pension Insurance, 2003), "On Measures to Legislatively Ensure Reform of the Pension System" (On measures to ensure legislative support, 2011), "On Amendments to Certain Laws of Ukraine on the Appointment and Indexation of Pensions" (On Amendments to Certain Laws of Ukraine, 2013), "On Prevention of Financial Catastrophe and Creation of Preconditions for Economic Growth in Ukraine" (On Prevention, 2014), "On Amendments to Certain Legislative Acts of Ukraine" (On Amendments, 2015), "On the Unfortunately, none of them was analyzed during its consideration and adoption by the Verkhovna Rada of Ukraine for compliance with the legal principles of the welfare state, which led to numerous legal defects in them. Meanwhile, such an analysis would be useful at least for the reason that as a result of the emergence and implementation of these laws, the pension legislation of Ukraine began to lose its ethical character, opened the way for the formation and development of non-state pension legal relations, which put on the agenda the need to guarantee the pension rights of citizens in the context of the functioning of the non-state pension provision segment.

The Law of Ukraine "On Compulsory State Pension Insurance" defined the basic principles of compulsory state pension insurance (part one of Article 7) (On Compulsory State Pension Insurance, 2003), the analysis of which shows that they only partially covered the entire body of pension legislation with their regulatory effect and partially corresponded to the principles of the welfare state. In addition, the proclaimed principles of pension legislation, even if they formally coincided with the principles of the welfare state, were often not systematically implemented in the content of this Law and other pension laws (such as the principles of equality of insured persons in receiving pension benefits and fulfilling obligations to pay insurance contributions to the obligatory state pension insurance, solidarity and subsidization in the PAYG system, publicity, transparency and accessibility of the Pension Fund).

The existence of legal defects and conflicts in the pension laws was soon confirmed by the subsequent practice of reviewing the constitutionality of these laws by the Constitutional Court of Ukraine

and the growing volume of court practice in the administrative justice system in 2005–2014. In particular, as a result of such ill-considered steps, maximum pension amounts were limited by law and taxation of pension payments was established depending on their size. Both legislative innovations were criticized as gross violations of the legal foundations of the welfare state and were subsequently declared unconstitutional (Decision of the Constitutional Court of Ukraine, 2018; Decision of the Constitutional Court of Ukraine, 2016; Decision of the Constitutional Court of Ukraine, 2022; Decision of the Constitutional Court of Ukraine, 2024).

Significant changes in the structure of pension legislation were introduced by Laws No. 1058-IV and No. 1057-IV, which established a three-tier pension insurance system, with the first tier being a solidarity pension insurance system based on the principles of solidarity and subsidization and payment of pensions and social benefits at the expense of the Pension Fund; the second tier being a funded pension insurance system based on the principles of accumulation of funds of insured persons in the Accumulation Fund or in relevant non-governmental pension funds (Sokorynskyi Y.V., 2018, p. 11). This system was based on the idea of transition from a pension provision system to a pension insurance system based on the dependence of the pension amount on income and contributions to the pension insurance system. This approach attempted to resolve long-standing political and ideological contradictions between different conceptual approaches to pension reform in Ukraine (Legal problems of pension provision in Ukraine: monograph, 2012, p. 109).

At the same time, the introduced pension insurance system was assessed as generally consistent with the principles of the welfare state and based on the best practices of developed foreign countries (Bila-Tiunova L.R., 2022, p. 58–61). Thus, it implemented one of the key principles of the welfare state – the principle of solidarity, according to which "some citizens are provided for not at the expense of their own financial savings, but at the expense of funds received in the form of social contributions from the activities of the able-bodied population. In this way, this part of the citizenry solidarizes with those citizens who, due to various circumstances, are totally or partially deprived of the possibility of self-sufficiency. Thus, each individual (generation) makes a certain (solidarity) contribution to the general welfare of the future through his or her work, so that society will always be able to provide social support to a particular individual when the conditions for his or her retirement are met (Legal problems of pension provision in Ukraine: monograph, 2012, p. 51; Yakoviuk I.V., 2000, p. 104–105).

Nevertheless, despite high expectations from the implementation of these laws, their potential has not been fully realized, as the second pillar of the pension system has not been introduced, and only the first and partially the third pillar, the non-state pension system, are actually in operation (Skorobahatko A.V., 2023, p. 48; Furdak M.M., 2021, p. 176–183). The draft law of Ukraine "On Accumulative Pension Provision" (Reg. No. 9212 dated 17.04.2023) was aimed at solving this problem, but for various reasons it was not supported by the Verkhovna Rada of Ukraine (On Accumulative Pension Provision, 2023), so the problem remains unresolved.

As it can be seen, unlike some other areas of national legislation, structuring pension legislation into regulations depending on their legal force will not have the desired cognitive effect (or rather, such an effect will have limited cognitive capabilities), given that, despite the significant share of laws, this area is still dominated both quantitatively and qualitatively by subordinate legislation issued by various public authorities within their competence. On the other hand, the Constitution of Ukraine itself formulates a vague approach to pension issues, which should be covered exclusively by a legal act of higher legal force: 1) “pensions, other types of social payments and benefits that are the main source of subsistence should ensure a standard of living not lower than the subsistence minimum established by law” (part three of Article 46 of the Constitution of Ukraine) (Constitution of Ukraine, 1996); 2) “forms and types of pension provision” are determined exclusively by laws (paragraph 6 of part one of Article 92 of the Basic Law of Ukraine) (Constitution of Ukraine, 1996). This legal

approach, in our opinion, loses the substantive certainty of the distinction between laws and bylaws in the field of pension provision.

For example, the provision of pensions for persons discharged from military service and certain other persons is carried out in accordance with the Law of Ukraine "On Provision of Pensions for Persons Discharged from Military Service and Certain Other Persons" (hereinafter – Law No. 2262), which establishes the conditions, norms and procedure for provision of pensions for military personnel (On Pension Provision, 1992). Article 63 of Law No. 2262 (as amended in 2017) stipulates that all pensions granted under this Law are subject to recalculation in connection with the increase of financial support for the relevant categories of military personnel entitled to pensions under this Law, under the conditions, in the manner and in the amount provided by the Cabinet of Ministers of Ukraine (On Pension Provision, 1992). On February 21, 2018, the Cabinet of Ministers of Ukraine adopted Resolution No. 103 "On Recalculation of Pensions for Persons Discharged from Military Service and Certain Other Categories of Persons" (hereinafter – Resolution No. 103) (On recalculation of pensions, 2018), which led to a systematic violation of the rights of the above-mentioned category of pensioners. Former police officers have been paid the recalculated pension in full since January 1, 2018 and are entitled to the payment of the recalculated pension for the period from January 1, 2016 to December 31, 2017 in accordance with the procedure established by Resolution No. 103, while former military personnel will be paid in stages from 2018 to 2019 (the period of gradual recalculation of pensions in the amount of 50 and 75 percent), and the corresponding additional payment of underpaid amounts of the recalculated pension for the period from January 1, 2018 is not provided for by Resolution No. 103 at all. In addition, Resolution No. 103 actually introduced a legislative imbalance in the amount of pensions for former military personnel and police officers (Clarification on problematic issues).

The way to resolve the conflict between laws and bylaws in the structure of pension legislation is either a doctrinal interpretation of the range of issues that should be regulated at the level of laws, or the establishment of an exclusive subject matter area for their regulation in the laws themselves. Thus, according to researchers, "only laws on pension provision determine: types of pension provision; conditions of participation in the pension system or its levels; retirement age for men and women, upon reaching which a person is entitled to pension payments; sources of funds allocated for pension provision; conditions, norms and procedure for pension provision; organization and procedure for management in the pension system" (Andriyiv V.M., Kuchma O.L., Sinyova L.M., 2018, p. 214; Humeniuk V.E., 2021, p. 43).

A slightly different approach is found in pension legislation. Thus, according to part three of Article 4 of the Law of Ukraine "On Compulsory State Pension Insurance", it is established that only laws on pension provision determine: types of pension provision; conditions of participation in the pension system or its levels; retirement age for men and women at which a person is entitled to receive pension payments; sources of funds allocated for pension provision; conditions, norms and procedure for pension provision; organization and procedure for management in the pension system (On Compulsory State Pension Insurance, 2003). However, the Law itself contradicts the above wording. Its Article 5 defines the range of issues regulated exclusively by this Law, namely: the principles and structure of the system of compulsory state pension insurance; the range of persons subject to compulsory state pension insurance; types of pension payments; conditions for acquiring the right and the procedure for determining the amount of pension payments; retirement age for men and women, upon reaching which a person is entitled to an old-age pension; the minimum amount of an old-age pension; the procedure for making pension payments under the compulsory state pension insurance (On Compulsory State Pension Insurance, 2003). Comparing the content of Articles 4 and 5 of this Law, one can see diametrically opposite approaches applied in the same law, each of which covers a different range of pension legal relations that should be regulated exclusively by laws.

We believe that both proposed approaches are not ideal and do not rely on clearly defined formalized criteria. Therefore, the issue of criterion-based differentiation of legal acts according to their legal force in the system of pension legislation is of crucial importance. Without solving this problem, it is impossible to clearly define the substantive limits of regulation of pension relations at the legislative level, which may be subject to arbitrary revision by the legislator at any time. The vagueness of the distinction between legislative and regulatory "blocks" in the pension legislation of Ukraine does not contribute to the proper realization and guarantee of protection of pension rights of an individual: it is all too common that regulatory acts de facto dominate the process of law enforcement, despite the obvious inconsistency of their provisions with legal norms of higher legal force.

It should also be noted that pension legislation is structured as an objectification of the process of realizing the right to a pension, which, unlike natural human rights, is not given at birth; a person must perform certain actions provided for by law in order to secure this right – to participate in pension insurance (Shumylo M.M., 2016, p. 242). Therefore, this legislation is more characterized by such a phenomenon as proceduralism, which indicates the presence of certain logically and legally separate stages in the course of realization of pension legal relations, or rather their system. In connection with the above, we propose to choose the stage criterion as a criterion for structuring the system of pension legislation, distinguishing pension and insurance, procedural and organizational, pension and security, procedural and protective regulations in this area, which to some extent will correspond to the types of pension legal relations structured by M. Shumyl (Shumylo M.M., 2016, p. 241–242).

The structure of the pension legislation of Ukraine has significant features, which consist, first of all, in the absence of a single codifying legal act (such as a code or a law), which would be created by systematizing the rules of pension law, would contain certain general principles on the basis of which pension relations would be comprehensively regulated, ensuring the stability of legal regulation in the field of pension provision (Part One of Article 11 of the Law of Ukraine "On Legislation") (On lawmaking activity, 2023). Thus, such a structure today is not monocentric, but rather polycentric, unlike the civil and civil procedural, budgetary and tax, criminal and criminal procedural, economic and economic procedural legislation of Ukraine, where single-sector legislative acts are centered around one code.

For a certain period of time the Law of Ukraine "On Pensions" No. 1788-XII (On Pension Provision, 1992) "claimed" to be the systemic codifying legislative act in the field of pensions, which formulated the general principles of pensions, defined the types of state pensions (labor and social pensions), the basic requirements for the calculation of the length of service, pensions, their accrual, payment and recalculation, etc. However, it did not have time to be adopted. However, it did not have time to acquire such a role due to the gradual differentiation of the legal regulation of pension relations, which was marked by the adoption of the Laws of Ukraine "On Pension Provision for Persons Discharged from Military Service and Some Other Persons" (On Pension Provision, 1992), "On the Status and Social Protection of Citizens Affected by the Chornobyl Disaster" (On the Status and Social Protection, 1991), "On Compulsory State Pension Insurance" (On Compulsory State Pension Insurance, 2003), "On Measures for Legislative Securing of the Reform of the Pension System" (On measures to ensure legislative support, 2011), etc. As the above analysis has shown, the Law of Ukraine "On obligatory state pension insurance" (On Compulsory State Pension Insurance, 2003) began to claim this role, although due to numerous amendments it soon became a conglomerate of multidirectional legal regulations, often contradicting pension relations. From a doctrinal point of view, this law cannot play the role of a systemic act in the system of pension legislation, and in view of its subject matter limitations, as reflected in its title.

In fact, gradually the unity of legal regulation of pension relations was lost. Instead, the tendency to deepen the differentiation of legislative regulation began to dominate. As T. Didkovska notes, “the unity of pension provision consists in a single content, a single essence, a single purpose, and common principles of pension provision. With the help of unity, the vector in the direction and within

which pension provision should be carried out is determined; the purpose of pension provision is achieved – to meet the vital needs of employees entitled to receive pensions, guaranteeing them the exercise of this right, state protection and protection of the rights of pensioners, fulfillment of the relevant obligation of the state to the citizen for participation in the social and production process" (Didkovska T.O., 2008, p. 319). However, we cannot agree with the researcher's conclusion that "unity gives rise to differentiation" (Didkovska T.O., 2008, p. 319). On the contrary, differentiation is not so much a "specification and individualization of general prescriptions and norms" (Didkovska T.O., 2008, p. 319), but rather – in the context of pension legislation – an attempt to create autonomous models of legislative regulation of pension provision for certain groups of persons according to certain criteria (peculiarities of social status, age, gender, nature and complexity of work, significance of their contribution to the development of the economy or socio-cultural sector, etc.)

In practice, the differentiation of pension provision soon began to take place through the inclusion of special pension provisions in certain status laws, such as the Law on the Status and Social Protection of Citizens Affected by the Chornobyl Disaster (On the Status and Social Protection, 1991), the Law on Pensions (On Pension Provision, 1991), the Law on Pensions for Persons Discharged from Military Service and Some Other Persons (On Pension Provision for Persons Discharged, 1992), the Law on the Status of a Member of Parliament of Ukraine (On the Status of the People's Deputy of Ukraine, 1993), the Law on the Status of War Veterans, Guarantees of Their Social Protection" (On the Status of War Veterans, 1993), 'On Civil Service' (On Civil Service, 1993), 'On Forensic Examination' (On Forensic Expertise, 1994), 'On the National Bank of Ukraine' (On the National Bank of Ukraine, 1999), 'On Pensions for Special Services to Ukraine' (On Pensions for Special Services to Ukraine, 2000), 'On Service in Local Self-Government Bodies' (On Service in Local Self-Government Bodies, 2001), "On Diplomatic Service" (On Diplomatic Service, 2002), 'On Compulsory State Pension Insurance' (On Compulsory State Pension Insurance, 2003), 'On Increasing the Prestige of Mining Labor' (On raising the prestige of mining labor, 2008), 'On the Cabinet of Ministers of Ukraine' (On the Cabinet of Ministers of Ukraine, 2014), 'On the Prosecutor's Office' (On the Prosecutor's Office, 2015), etc.

In the national legal science, attempts have been made to substantiate the in-depth differentiation of legislative regulation of pension provision for certain groups of persons by both objective and subjective factors (Kolesnik-Omelchenko T.V., 2012, p. 126–130; Skorobahatko A.V., 2014, p. 409–412). However, over time, a purely subjective approach began to dominate in the practice of legislative activity, which resulted in a deepened and, in our opinion, excessive differentiation of legislative regulation of pension provision for certain social groups, which were singled out by the legislator on the basis of its "discretion and expediency in the implementation of social policy" (Dissenting opinion of Judge of the Constitutional Court of Ukraine Slidenko I.D.). Obviously, such a differentiated approach was applied by the legislator taking into account the following approaches: 1) the respective social groups have a special status; 2) the application of general norms of the Constitution of Ukraine is inadmissible in relation to them; 3) their special social status is nothing more than a benefit provided by the state for certain reasons (for example, harmful working conditions) (Dissenting opinion of Judge of the Constitutional Court of Ukraine Slidenko I.D.). These reasons have led to excessive dispersion of legislative regulation of pension provision for certain groups of persons, which not only complicated the understanding of the pension system for ordinary citizens (M. Shumylo called this phenomenon "inflation of pension legislation") (Sokorynskyi Y.V., 2018, p. 12), but also led to additional conflicts in the course of law enforcement.

For a long time, it was believed that "the practice of legislative preferences is generally consistent with democratic governance and the principles of a liberal economy" (Dissenting opinion of Judge of the Constitutional Court of Ukraine Slidenko I.D.). It is worth noting that in the course of the pension reform, the Law of Ukraine "On Amendments to Certain Legislative Acts on Increasing Pensions" of October 3, 2017, No. 2148-VIII (On Amendments, 2017) was adopted, which "significantly

affected the further restriction of special pensions and further narrowing of differentiation in pensions" (Skorobahatko A.V., 2023, p. 49). In fact, it showed a reverse trend in the structuring of pension legislation – toward unification. This Law had a positive impact on further limiting special pensions and restricting differentiation in pensions, established a new formula for annual indexation (recalculation) of pensions to protect them from inflation, abolished restrictions on the amount of pensions for working pensioners, and canceled the reduction of pensions for those women who had exercised the right to early retirement before January 1, 2015 (Skorobahatko A.V., 2023, p. 48). At the same time, certain social groups still retained separate legal regimes of pension provision, i.e. pension unification did not become complete, but only more balanced and less similar to the "distribution of privileges" (Skorobahatko A.V., 2023, p. 49), which obviously does not fully correlate with the legal principles of the welfare state. Therefore, according to scholars, "the adoption of the new basic law did not resolve the issue of unification of pension legislation and did not solve the problem of unfair differentiation in pension provision" (Skorobahatko A.V., 2023, p. 48). Therefore, as before, pensions are granted according to the norms of more than 20 special laws (Skorobahatko A.V., 2023, p. 48), which does not contribute to their adequate perception and proper enforcement. For example, it is unacceptable and socially harmful that every fifth pensioner does not know on what basis their pension is calculated, whether they are entitled to a pension supplement, etc. (Legal problems of pension provision in Ukraine: monograph, 2012, p. 115). In recent decades, pension legislation in Ukraine has "turned into a complex labyrinth of legal matter, from which even employees of the Pension Fund and judges who resolve pension disputes of citizens sometimes cannot find a way out" (Legal problems of pension provision in Ukraine: monograph, 2012, p. 118).

In our opinion, when addressing the issue of differentiated legal regulation of general and special pensions at the level of laws, one should be guided exclusively by the constitutional prerequisites for the introduction of special legal regulation. In this sense, the legal position formulated by the Constitutional Court of Ukraine in its decision of July 17, 2018, No. 6-R/2018, is doctrinally important: "Taking into account the essence of Article 16 of the Constitution of Ukraine, ... the enshrinement of the State's obligation under it in Section I 'General Principles' of the Constitution of Ukraine indicates the fundamental nature of this obligation and the need to distinguish the category of Ukrainian citizens who suffered as a result of the Chornobyl disaster and, due to the extraordinary scale of its impact, require additional guarantees of social protection (Decision of the Constitutional Court of Ukraine, 2018). Constitutional peculiarities of the social and legal status of certain categories of Ukrainian citizens may serve as sufficient and necessary legal grounds for the introduction of special legislative regulation of their pensions. All other cases require a moderate legislative approach that would not violate the principles of social justice as one of the key features of the welfare state proclaimed by Ukraine.

Finally, we would like to draw attention to another important circumstance that is of paramount importance for the further structuring of pension legislation in Ukraine. Such structuring is currently taking place outside strategically defined, socially acceptable legal guidelines, such as those set forth in the 2005 Pension System Development Strategy (On Approval of the Pension System Development Strategy, 2005) and the 2009 Concept for Further Pension Reform (On Approval of the Concept of Further Pension Reform, 2009). Meanwhile, the modernization and effectiveness of the pension system and pension legislation cannot be carried out chaotically without an appropriate strategy (Legal problems of pension provision in Ukraine: monograph, 2012, p. 122), and "pension reform itself should be part of a strategy to support the population in the face of economic challenges and war" (Drozach L.V., 2023, p. 37).

On the contrary, prolonged strategic uncertainty hinders the development of unified legal approaches to complete the structuring of the modern system of pension legislation and its internal structure on the basis of the welfare state. Excessive expectations from legislative changes and a

certain "pension legal idealism" (although the legislation is incapable of filling the state budget and increasing revenues to the Pension Fund of Ukraine), unfair differentiation of general and "special" pensions (the latter are currently ten times higher than the average old-age pension), which are often perceived as unjustified social privileges of certain groups of the population, and the delay in restoring justice in determining pension payments are acutely perceived, blocking the development of a unified legal framework for the pension system.

Conclusions. In the theoretical and legal dimension, the formation and development of the system of pension legislation reflects the system-wide legal regularity of strengthening the determining (guiding) influence of key legal concepts and principles of legal regulation on the development of large systemic formations in the field of law (branches of law and legislation, institutions of law and legislation, etc.).

This pattern is fully realized in the structuring, reform and functioning of the system of pension legislation of Ukraine, which objectifies the general social needs of an individual and society for pension provision and constitutes a regulatory "cross section" of the state pension system as a whole.

This structuring takes place against the background of active reform of the national pension legislation and represents an appropriate and natural process of systematic changes with simultaneous attempts to stabilize the regulatory material that is part of the structure of this branch of Ukrainian legislation.

The main guiding principle of pension legislation in Ukraine is the constitutionally defined concept of the welfare state, the legal principles of which are embodied in the content and structure of pension legislation.

The consistent and systematic implementation of this concept in the content, orientation and structure of pension legislation is guided by the following legislative acts 1) the Constitution of Ukraine itself, which performs an important legal orientation function in relation to pension legislation in terms of the state's implementation of positive obligations in the social sphere, 2) legal positions of the Constitutional Court of Ukraine and courts of general jurisdiction (primarily the Supreme Court, which performs the function of ensuring the unity and uniformity of judicial practice in the field of pension disputes), which specify the legal significance of the concept of the welfare state in such a subject area as the system of pension legislation, as well as

The main legal principles of the social state embodied in the structure and content of the pension legislation of Ukraine are 1) creation of conditions ensuring an adequate standard of living, free and full development of a person as the highest social value, his life and health, honor and dignity; 2) justice and humanism; 3) direct effect and supremacy of the Constitution of Ukraine; 4) legal guarantees of the right to a pension, its irrevocability and legal protection; 5) legal certainty and related predictability of legislative policy in the sphere of pensions; 6) fair calculation of pensions, implementation of measures for gradual increase of pensions; 7) legal certainty of the grounds, procedure and conditions for indexation and recalculation of all types of pensions for all groups of pensioners.

Difficulties in the implementation of these principles of the above legal concept in the structure and content of pension legislation are determined by the following factors: contradictions in the interpretation of the content of this concept; a combination of trends towards unification and differentiation in the structure of pension legislation, which has not yet resulted in the establishment of the optimal state of such combination; uncertainty of strategic guidelines for the development of pension legislation at the level of adoption of programmatic normative documents by the subjects of higher state power; instability, inconsistency and lack of consistency in the implementation of pension legislation.

Taking into account the analyzed state of structuring and development of pension legislation, the further implementation of the legal foundations of the social state in the structure of this branch of national legislation is seen on the way to further constitutionalization of this process, the rational and scientifically based determination of strategic priorities for the further implementation of pension

reform in Ukraine on the paths of unification and adaptation of the best world (primarily European) practices of pension provision and relevant international legal standards, formation and implementation of socially oriented pension policy.

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ANALYSIS OF THE PROBLEMS OF THE CIVIL ASPECT OF INTERNATIONAL CHILD ABDUCTION IN PRIVATE INTERNATIONAL LAW OF UKRAINE[1]

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Abstract. Cross-border cases of wrongful removal or retention of a child violate the personal non-property rights of the child and parents to communicate. In numerous situations of international child abduction, the best interests of the child are violated. The return of children to their state of habitual residence is too lengthy and complex. This is due to the peculiarities of national legislation and the workload of national courts. Cases on the return of «abducted», wrongfully removed (retained) children are cases with a foreign element, which are resolved through the Hague Convention on the Civil Aspects of International Child Abduction. The purpose of the article is to analyze the legal issues and problems of the civil aspect of international child abduction by persons having the right to custody (guardianship). The article presents an analytical and research view of the problem of the civil aspect of child abduction from the habitual residence.

Key words: unauthorised removal of a child, wrongful removal of a child, Hague Conference on Private International Law, best interests of a child, parental responsibility.

Introduction. The increase in the number of international marriages (marriages complicated by the presence of a foreign element) and divorces increases the number of disputes over the exercise of parental rights, determination of the child's place of residence and the possibility of communication with the child. In addition, the war in Ukraine has provoked a massive displacement of children from Ukraine to foreign countries and their non-return, which gives rise to disputes over the exercise of the right to custody (guardianship).

The relocation of a child or one of the parents to a foreign country may create situations in which the child is deprived of the opportunity to communicate with the other parent. Sometimes one parent moves a child to a foreign country without the other's prior consent. Such a situation negatively affects the psychoemotional state of parents and children and their relationships. The return of children to the state of habitual residence is too lengthy and complex. This is due to the peculiarities of national legislation and the workload of national courts.

Cases on the return of abducted children cannot be resolved without the application of the rules of Private International Law.

The national legislation of Ukraine on the protection of children's rights stipulates that every child has the right to live in a family with his or her parents or in the family of one of them and to be cared for by their parents. Fathers and mothers have equal rights and responsibilities towards their children. The primary concern and primary duty of parents is to ensure the interests of their child (Article 11, Law of Ukraine «On Childhood Protection», 2001). In numerous cases of child removal to the territory of a foreign state, the best interests of the child are violated. In seeking to resolve the matter of child's return to his or her habitual residence, many inter-related issues arise, in particular: the procedure for applying the Convention on the Civil Aspects of International Child Abduction («HCCA»); the definition of the concept of «civil aspects of international child abduction»; the determination of the child's habitual residence; the determination of the jurisdiction in cases of child return, etc. Thus, the issue of civil aspects of international child abduction is extremely relevant and requires scientific substantiation.

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Analysis of recent research and publications. The study of the problems of the civil aspect of international child abduction has been the subject of scientific achievements of Ukrainian and foreign scholars. For example, I. Atamanchuk and Y. Kovalchuk (Atamanchuk, Kovalchuk, 2023), O. Dashkovska and O. Yavor (Dashkovska, Yavor, 2020), V. Yevko (Yevko, 2020), T. Fuley and O. Kuchiv (Fuley, Kuchiv, 2019), O. Khorosheniuk (Khorosheniuk, 2023), Y. Chernyak (Chernyak, 2015), O. Shyrokova-Murash and V. Zatserkovnyi (Shyrokova-Murash and Zatserkovnyi, 2023). This issue has also generated considerable interest among foreign researchers. In particular, considerable attention has been paid to the specifics of the application of the Convention on the Civil Aspects of International Child Abduction: J. Todd (Todd, 1995), A. Gavrilescu (Gavrilescu, 2013), K. Trimmings and O. Momoh (Trimmings, Momoh, 2023). M. Dzeletovic (Dzeletovic, 2023), M. Stanivuković and S. Djajić (Stanivuković, Djajić, 2022), E. Schnitzer-Reese (Schnitzer-Reese, 2004), J. Niemi and L-M. Poikela (Niemi, Poikela, 2022).

Despite the considerable interest of scholars in the topic of wrongful displacement of children from their habitual residence by persons with the right of custody (guardianship), as of this date this topic remains relevant and contains a large number of uninvestigated problems.

The purpose of the article is to analyze the legal issues and problems of the civil aspect of international child abduction by persons having the right to custody (guardianship). The article presents an analytical and research view of the problem of the civil aspect of child abduction from the habitual residence.

Materials and methods. To achieve the article's goal, this study used general and special scientific methods. The application of the comparative legal method made it possible to study the national legislation of Ukraine and the Hague Convention on the Civil Aspects of International Child Abduction. Using the method of legal analysis, the author analyzed the ECtHR cases on the civil aspects of international child abduction involving Ukraine, and as a result, identified the problems of application of the Convention on the Civil Aspects of International Child Abduction. A comprehensive literature review made it possible to determine the state of research on the issue in Ukraine and other countries. The application of the formal legal method results in the proposed definition of the concept «civil aspects of international child abduction» and the identification of the features of the civil aspect of international child abduction which characterize its specific features.

Results and discussion. The separation of parents often causes problems in determining the child's place of residence, especially when the parents live in different countries. The worst-case scenario is that one of the parents may «abduct» the child to another country from the child's habitual residence without the other parent's consent. In such a situation, in order to return the wrongfully removed child to the state of habitual residence, it becomes impossible to regulate relations solely by the norms of national law, since legal relations go beyond the borders of one state and acquire the character of relations with a foreign element.

The Constitution of Ukraine (1996) stipulates that children shall be equal in their rights regardless of their origin and whether they are born in or out of wedlock (Article 52). The principle of equality of rights and obligations with respect to children is reflected in Article 141 of the Family Code of Ukraine (2002) which states that «both the mother and father have equal rights and responsibilities towards the child, regardless of whether they are married to each other and the dissolution of the marriage between the parents, as well as separate living arrangements of the parents from the child, do not affect the extent of their rights and obligations towards the child» (Article 141(1) and (2)). The Law of Ukraine «On Private International Law» (2005) establishes the procedure for regulating private law relations, which, at least through one of their elements, are related to one or more legal orders other than Ukrainian legal order (Preamble). In accordance with the Article 66(1) of the Law of Ukraine "On Private International Law" in cross-border family relations, the rights and obligations of parents and children are determined by the child's lex personalis or by the law that has a close connection with the relevant relationship and if it is more favourable to the child (2005).

Kruger T. stated, «When a child is abducted by one of their parents, the courts dealing with a return application must consider several legal instruments. First, they must take into account private international law instruments by the Hague Conference on Private International Law. Second, they have to take into account children's rights law instruments, including mainly the UN Convention on the Rights of the Child» (Kruger, 2023). There are effective tools in Private International Law to address the issue of the return of wrongfully removed children. The Hague Conference on Private International Law originated the 1980 Hague Convention on the Civil Aspects of International Child Abduction (HCCA, 1980) and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (The Hague Convention on Parental Responsibility, 1996). Ukraine is a party to both conventions. These conventions are international treaties in matters of determining the jurisdiction of a dispute and determine the authorities of which state have jurisdiction to take measures aimed at protecting the person and property of the child. It is worth noting that Ukraine acceded to the HCCA under the Law of Ukraine «On Ukraine's Accession to the Convention on the Civil Aspects of International Child Abduction» dated January 11, 2006. The mechanism of interaction between executive authorities in the process of resolving issues in accordance with the HCCA is determined by the Procedure for the Implementation of the Convention on the Civil Aspects of International Child Abduction in Ukraine of 2006. For Ukraine, a party to this Convention is a state that has recognized Ukraine's accession to the Hague Convention or whose accession to the Convention has been recognized by Ukraine under the Article 38 of the Hague Convention.

In addition, at the EU regional level, international child abduction is regulated by Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast) (Brussels IIb, 2019). Ukraine is not a party to this convention, but Brussels IIb contains an addendum to the HCCA ((2) Preamble, Brussels IIb).

The HCCA is an international multilateral treaty plays an important role in regulating issues related to the civil aspect of the wrongful removal of children to a foreign country and contains an effective mechanism for resolving such a situation. Today, 103 states are parties to this Convention, and they cooperate using the effective mechanism of the Convention to secure the prompt return of children wrongfully removed to or retained (Status Table: Hague Convention on the Civil Aspects of International Child Abduction). Cases on the return of children to the state of their habitual residence in accordance with the Hague Convention are cases with a foreign element (Hulko, Luspenyk, 2015). The literature notes that the significant legal reform have been effected both nationally and internationally to introduce uniform rules specifying which court should have jurisdiction in such cases, to promote the recognition of the orders of the countries and to secure the return of abducted children to the country from which they were abducted (Christopher, Clarkson, Hill, Jaffey, 2002, p. 452).

An analysis of the HCCA gives rise to a series of questions. The first question that arises is what does the term «civil aspects of international child abduction» mean? The analysis of modern scientific publications, the subject of which were the civil aspects of international child abduction, gives grounds to note that at the theoretical and legal level there is no clear, understandable and complete definition of the term "civil aspects of international child abduction". In addition, the Convention itself does not reveal the content of this concept. It is worth noting that although the title of the Convention contains the word "abduction", in the context of the Convention it means the wrongful removal of a child and/or the retention of a child and is not considered to be a crime. Article 3 of the HCCA establishes an exhaustive list of circumstances in which the removal or retention of a child is considered to be wrongful. These are as follows: «a) breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the state in which the child was habitually resident immediately before the removal or retention; and b) at the time of removal or

retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention» (HCCA, 1980).

The same rule is contained in The Hague Convention on Parental Responsibility in Article (2) 7 (1996).

The removal of a child to a foreign country without the consent of one of the parents may be considered as international child abduction. However, it should be emphasized that international child abduction can have both civil and criminal law nature (if there is a crime under Article 146 of the Criminal Code of Ukraine (2001). The civil aspect of international child abduction occurs in the case of wrongful removal of a child to a foreign country from the child's habitual residence by one of the parents or another person with custody rights without the other's prior consent or the court permission. Sometimes such situations are the subject of litigation at the level of national courts and at the level of the European Court of Human Rights. In the author's opinion, in the context of the HCCA, it is more appropriate to use the term «unauthorised removal of a child», which is carried out against the will of the person who has the right of custody (guardianship), rather than «abduction». Applying the category of «abduction» to private relations leads to a substitution of concepts and an inaccurate understanding of terminology.

O. Shyrokova-Murash and V. Zatserkovnyi, analyzing the implementation of international conventions into national law to prevent international child abduction, pointed out that «the civil aspect of international child abduction occurs when one of the parents takes a child outside their country without the other's prior consent or the court permission» (Shyrokova-Murash, Zatserkovnyi, 2023: 43). This definition proposed by the authors triggers certain questions. In particular, what is meant by the words «...outside their country...»? By «their country» did the authors mean the country of citizenship or the country of residence of one of the parents or the state of habitual residence of the child? If we proceed from the provisions of the Law of Ukraine «On Private International Law» (2005), conflict of laws issues related to the legal status of an individual are resolved by means of the lex personalis. Article 16 of this law stipulates that the lex personalis of an individual shall be governed by the law of its citizenship. However, the HCCA uses the term «state of habitual residence», i.e. lex domicilii, and for person with no known citizenship – lex patriae. The provisions of the HCCA shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights (Article 4). That is, for the purposes of the Convention, the child's place of habitual residence is relevant, not citizenship.

It is also worth noting that the regulation of cross-border child removals (abductions) does not pay much attention to the reasons why the removal has taken place, but prioritizes the prompt return of the child (Niemi, Poikela, 2022).

Although the HCCA defines an exhaustive list of circumstances in which the removal or retention of a child is considered wrongful, the scenarios of international child abduction in Ukraine may differ significantly in each individual case. As noted by P. Danylenko, «the most common scenarios of international child abduction in Ukraine are the following: a father or a mother (a foreigner) crosses the border with the child, using the child's passport as a citizen of a foreign country; a mother or a father (a citizen of Ukraine) crosses the border with the child, using the child's passport as a citizen of Ukraine and the birth certificate, stating that the other parent is a foreigner (in this case, his or her consent for the child to travel abroad is not required); a mother or a father (a citizen of Ukraine) obtains a document confirming the joint residence of the child (in this case, one of the parents may solely decide, without the consent of the other parent, to travel abroad with the child for a period not exceeding 1 month per year) and crosses the border with the minor to never come back again» (Danylenko P., 2014).

In general, supporting the author's position, it is worth pointing out the following comments. It seems that it is too narrow to consider the scenarios of international «abduction» of a child exclu-

sively by parents. One of the parents is one of the possible subjects who wrongfully removes the child. Of course, the mother or father is most often a party to such situations, but not the only one who can carry out the wrongful removal of a child and/or the retention of a child. This is based on the following:

first, the definition of the concepts of «custody rights» and «right of access». These terms are defined as: a) «rights of custody» shall include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence; and b) «rights of access» shall include the right to take a child for a limited period of time to a place other than the child's habitual residence (Article 5 of the HCCA, 1980);

secondly, the content of Article 3 of the HCCA. It is noteworthy that the HCCA also applies to other persons vested with the right of custody. The rights of custody referred to in Article 3(a) may arise, in particular, on the basis of any legislative act, or by virtue of a decision of a judicial or administrative authority, or as a result of an agreement that produces legal effects under the laws of such state. The analysis of these provisions suggests that such persons, in addition to one of the parents, may include other relatives (sisters, brothers, grandparents, etc.).

Analyzing the practice of the Supreme Court, T. Fulei and O. Kuchiv found that «in most cases, wrongful removal and/or retention is carried out by the child's mother, who takes the child to the territory of Ukraine by the father's authorisation for a fixed-term trip (with certain dates of return) and subsequently refuses to return with the child to the place of habitual residence or return the child to the father. There are cases when a child arrives in Ukraine accompanied by both parents, but one of the parents, most often the father, is forced to return earlier, while the mother and child remain with the agreed return dates, but refuses to return in the future» (Fuley, Kuchiv, 2019, p. 76).

Snizhko M. B. notes that «in such cases, usually, the child is removed or not returned to the state of habitual residence by one of the parents, another relative, or even a person who has no family ties with the child (for example, godparents) without authorisation of the person with the right of custody. The applicant may be the child's mother, father, guardian, or other person who has the custody right for the child, including an authorised representative of a childcare facility, for example, where the child deprived of parental care lived» (Snizhko, 2011).

Thus, based on the analysis of the provisions of the HCCA and scientific works, we can distinguish the features of the civil aspect of international child abduction:

1. The age of the child. Removal or retention of a child under the age of 16. The Convention shall cease to apply when the child attains the age 16 (Article 4 of the HCCA).

2. The removal (retention) of the child is of a cross-border nature – the child changes the country of residence from the state of habitual residence to a foreign country.

3. The removal becomes wrongful if it is not agreed with the person who has the right of custody (guardianship), i.e., if it is carried out against his or her will. As for wrongful retention, it can occur after the agreed removal of a child from the state of habitual residence. For example, the child's father gave the parental authorisation to the child's departure with the mother abroad for a certain period of time, and after this period, the mother and child did not return.

4. The child is moved by a person who has the right of custody (guardianship).

5. The removal or retention of a child does not contain signs of a crime.

6. The return of a child must be in compliance with the principle of the best interests of a child.

7. A child may be returned under an immediate procedure before the expiration of one year.

8. The HCCA clearly establishes the cases in which an order for the return of a child may be refused: a) the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention; or b) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation. The child objects to being returned and has attained an age and degree of maturity at

which it is appropriate to take account of its views (Article 13); after the expiration of the period of one year, the return of the child may be refused if it is proved that the child is now settled in his or her new environment (Article 12).

9. A person with the right of custody (guardianship) whose rights have been violated, under the clause 3 of the Procedure for the Implementation of the Convention on the Civil Aspects of International Child Abduction in Ukraine, may apply to the Ministry of Justice or the central authority of any other state that is a Party to the HCCA (hereinafter referred to as the Foreign Central Authority) with a request to facilitate the return of the child (regardless of the direction of his or her removal (trafficking) – from abroad to the territory of Ukraine or from the territory of Ukraine abroad) and a request to ensure the exercise of the right of access to the child. However, as O. Stupak notes, «the approach to the consideration of cases applying the norms of the HCCA was changed by the decision of the Civil Court of Cassation of the Supreme Court dated August 17, 2022 in case No. 613/1185/19. The court faced an atypical situation. The applicant, a Ukrainian, applied to a court of Ukraine (and not to the court of the children's state of habitual residence) with a request to return the children to Ukraine at their habitual residence. At one time, he had given parental authorisation to temporarily travel the children to visit relatives in the Russian Federation, accompanied by his wife. After the permit expired, the mother and children did not return, but, according to the father's words, moved to Armenia» (Stupak, 2023).

The war in Ukraine has created numerous situations of children of Ukrainian citizens moving abroad accompanied by one of their parents, a relative, or a person who has no family ties to the child and was authorized by the parents to accompany the child, under a simplified procedure for crossing the customs border of Ukraine in accordance with the Rules for Crossing the State Border by Citizens of Ukraine (On Approval of the Rules for Crossing the State Border by Citizens of Ukraine: Resolution of the Cabinet of Ministers of Ukraine, 1995; Sushch, 2024). Fleeing the war, children received temporary protection in the EU countries, which made it possible to realize the right to education and social security in the host country (Sushch, 2024: 57–60). Today, as a practical matter and at the theoretical and legal level, many questions arise regarding the determination of the habitual residence of such children, as well as the possibility of considering applications regarding such children as international child abduction in circumstances of non-return of the child. It is clear that the status of temporary protection is an obstacle to a quick return if martial law is extended, and in certain cases leads to the responsibility of parents or accompanying persons who wish to return a child to the country that is in a state of war. Temporary protection is valid for a maximum of 3 years (Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; Sushch, 2024: 20). In the case of non-return of a child at the request of one or both parents who are in Ukraine and wish to return the child, the question arises whether it can be regarded as «wrongful removal (retention) of a child» even though the child's removal was with their consent?

When determining the child's habitual place of residence, Ukrainian courts proceed from the principle of the best interests of the child. The judicial practice of Ukraine indicates that the child's habitual (permanent) place of residence changes over time and this is influenced by various factors. Safe and comfortable for a child is only the environment in which he/she stays for a period sufficient for social, cultural and linguistic adaptation, and which makes sense for him/her, provides an opportunity to freely carry out any social interactions (education, medical care, social communication, etc.). Therefore, when assessing the "usualness" or "permanence" of the place of residence, the most relevant period that has elapsed, as well as the age characteristics of the child, are important (Case No. 545/2247/18, United Chamber of the Civil Cassation Court, September 18, 2023). Also, when considering this category of cases, Ukrainian courts consider the security situation in the country. A child may not

be left in a situation that is dangerous to his or her physical and mental health. Therefore, among other circumstances of significant importance, the courts should investigate the security situation and restrictions related to the conduct of hostilities and their consequences. At the same time, the very fact of the introduction of martial law on the territory of Ukraine is not a sufficient basis for determining the child's place of residence with one of the parents, in particular with the one who lives outside Ukraine. Based on the results of consideration of case No. 750/9620/20 in cassation, the Supreme Court agreed with the conclusion of the court of appeal on determining the child's place of residence with the mother. At the same time, the mother's argument that after the outbreak of hostilities in Chernihiv in 2022, she offered to take her son out of Ukraine, but the father refused to hand over the child to her, was not assessed by the court of appeal as one that testifies in favor of the child's living with the mother (Synelnykov, 2023: 7).

The courts of the European Union countries have resolved a number of disputes regarding the return of children who have found refuge in the territory of these states. Four court decisions were made on the return of children, in particular from Poland and Germany to Ukraine (Vyshneve, Uzhhorod). In 11 cases, the return of a child to Ukraine was denied, mainly with reference to security issues. Five cases ended with the approval by the court (Germany, Switzerland, Poland) of settlement agreements, which, among other things, stipulate that the child will remain living with the mother abroad until the end of martial law in Ukraine, after which the mother and child will return to Ukraine (Synelnykov, 2023: 5).

An analysis of the European Court of Human Rights (ECtHR) case law involving Ukraine in cases concerning the civil aspect of international child abduction suggests that there are still problems with the application of the Hague Convention.

1. Impossibility of applying the provisions of the Convention on the Civil Aspects of International Child Abduction. Although Ukraine is a Party to the Convention, there are cases when it was impossible to apply the provisions of the Convention to child abduction. These are cases when a child is removed to a country that is not a party to the HCCA. A vivid example of this situation is the ECtHR Judgment dated 31.08.2023 in the case of Öksüzoğlu v. Ukraine, 2023.

The applicant's son had been abducted, but investigators faced significant obstacles related to the presence of the person whom the applicant suspected of involvement in the events (according to the applicant, her son was abducted by his father) outside the jurisdiction of the Ukrainian authorities and the lack of legal instruments that would guarantee her interrogation – Ukraine did not have relevant bilateral treaties with the Republic of Djibouti and this country was not a party to the HCCA. Despite the fact that the Republic of Djibouti and Ukraine do not have relevant bilateral treaties and the latter is not a party to the Hague Convention, the ECtHR stated that «the national authorities had to make other efforts to find the applicant's child, namely within the framework of the pre-trial investigation and through diplomatic channels:

- to contact their counterparts in Djibouti in order to obtain their assistance in clarifying whether the child might have been taken to that country and whether his father was implicated in the events in issue;
- to use international law enforcement cooperation to try to locate the father or any of his relatives, friends or acquaintances living in Djibouti or elsewhere who might be able to provide information about the child's whereabouts;
- to send an international warrant to the judicial authorities of Djibouti in order, at least, to obtain statements from the child's father» (Case of Öksüzoğlu v. Ukraine, 2023).

2. The impossibility of applying the mechanism of rapid return of the child, provided for by the HCCA raises the problem of maintaining family ties and communication between the removed child and another person with custody rights. The analysed considerations are sufficient to enable the Court to find in the present case that the authorities failed to take all the measures that could reasonably

be expected of them in order to fulfil their positive obligation under Article 8 to enable the applicant and her child to maintain and develop their family ties and contact (Case of Öksüzoğlu v. Ukraine, 2023). This problem is closely related to the following problem.

3. There are problems with the promptness of the Ukrainian courts in considering this category of cases. Article 2 of the Convention stipulates that «The Contracting States shall take all appropriate measures to secure within their territories the implementation of the objects of the Convention. For this purpose they shall use the most expeditious procedures available». Thus, in clause 19 of the Information Letter «On the practice of consideration by courts of civil cases with application of the Convention on the Civil Aspects of International Child Abduction dated October 25, 1980 (Hague Convention)» (2014). The High Specialized Court of Ukraine for Civil and Criminal Cases noted that the courts should strictly observe promptness in resolving this category of disputes, as violation of the time limits for consideration of cases on the return of a child may lead to a complaint against Ukraine to the European Court of Human Rights and become the basis for accusing Ukraine of failing to fulfill its international obligations under the Hague Convention (2014).

The ECtHR's case law indicates that Ukraine has not used expeditious procedures. Excessive duration of proceedings in cases under the Convention on the Civil Aspects of International Child Abduction, which leads to a violation of Articles 6 and 8 of the European Convention on Human Rights (1990), for example, the ECtHR Judgment dated May 04, 20 23, Bakharov v. Ukraine (Application No. 28982/19). Referring to Articles 6 and 8 of the Convention, the applicant complained that in this case the proceedings at the national level, during which he could not see his minor child, were excessively lengthy. This, it was alleged, had led to the alienation of the child from the applicant (clause 3). General principles regarding the requirement for urgent consideration of cases under the HCCA, when the passage of time may have irreparable consequences for the relationship between the child and the nonresidential parent, were given, among other sources, in the Judgment in Vilenchik v. Ukraine, Application No. 21267/14, clause 53, dated October 03, 2017 (clause 7). In addition, Art. 13 on the Right to an effective remedy ECtHR judgment in the case of Lyakh v. Ukraine (Application No. 53099/19), Judgment in the Case of Omelchenko v. Ukraine (Application No. 44158/19) dated March 23, 2023 and Judgment in the Case of Öksüzoğlu v. Ukraine dated 31.08.2023.

Therefore, it follows that the ECtHR case law is based mainly on the principle of the best interests of the child when considering cases on returning an wrongfully removed child to his or her habitual residence. The fundamental principles that ensure an effective return mechanism are the principle of the best interests of the child and the principle of prompt return of the child.

Conclusions. All cases involving the return of a wrongfully removed (retained) child to the state of habitual residence must be considered in compliance with the principle of the best interests of the child.

The analysis of the sources of legal regulation of the problem of civil aspects of international child abduction leads to the conclusion that the Hague Convention on the Civil Aspects of International Child Abduction contains an effective mechanism for addressing such problems, but still has some imperfections. In particular, the HCCA does not define the concepts of «civil aspects of international child abduction» and «habitual residence of the child», which leads to different understandings of the content of these concepts. In addition, the list of persons who carry out the wrongful removal of a child in accordance with the HCCA is not defined.

It is worth emphasizing that Ukrainian legislation does not contain any special provisions that would regulate the civil aspects of international child abduction.

The analysis of scientific sources gives rise to the conclusion that most authors consider international child abduction as a wrongful removal (retention) solely through the actions of one of the parents, but in the author's opinion, this approach is too narrow. Any person with the right of custody (guardianship) may take actions regarding the wrongful removal (retention) of a child without the consent of another person with the same right.

The author of this article identifies the features of the civil aspect of international child abduction and proposes a definition of this concept.

In the author's opinion, it is more appropriate to apply such categories as «unauthorised removal (retention)», i.e. without the will, without the consent of the person with the right of custody (guardianship), rather than «wrongful removal» or «abduction» to cases of cross-border removal of a child in the context of HCCA.

The analysis of the ECtHR case law involving Ukraine in cases concerning the civil aspect of international child abduction made it possible to identify and classify the problems of applying the HCCA. In particular, these problems include: the impossibility of applying the provisions of the Convention on the Civil Aspects of International Child Abduction; the impossibility of applying the mechanism of rapid return of a child provided for by the HCCA creates a problem of maintaining family ties and communication between the removed child and another person with custody rights; problems with the promptness of Ukrainian courts in considering this category of cases.

The civil aspects of international child abduction are the relevant area for further research in the current context.

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THEORY AND INSTITUTIONS OF EDUCATION

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EMERGENCE AND FORMATION OF ORPHANAGE INSTITUTE IN AZERBAIJAN

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Abstract. The Institute of orphanages is an important institution created for the care of orphans and their education. Established in Azerbaijan, the institute aims to meet the shelter, education, health, social and psychological needs of orphans. The institute set itself the goal of ensuring the survival of children in a safe environment by creating the necessary conditions for their healthy growth and integration into society, and at the same time organized various programs and events for children to grow up as individuals useful to society.

This study highlights initiatives related to children deprived of parental care and the role of civil society and the state in this context, as well as provides information about the Institute of Orphanages, which operates to meet the needs of orphans.

Key words: orphans, Institute of Orphanages, education, charitable societies, social support programs.

Introduction. It is known that throughout the Middle Ages in Azerbaijan, there were various practices for the care and protection of orphans. During this period, assistance and care for children who lost their parents was primarily provided by endowments and charitable organizations. Endowments were organizations created to meet the various needs of society and were financed through the income of income-generating properties. These revenues were used to provide shelter and educational opportunities for orphans.

In general, in the middle ages, income from some taxes was spent on the needs of the orphans. The use of taxes as an integral part of social welfare was quite widespread in medieval society. In the 8th century, during the reign of Caliph Harun al-Rashid (786–809), "zakat" (alms) tax was collected from livestock, cultivated crops and fruits, and gold and silver crafts. "Zakat" was spent on the needs of the destitute (Nuriyeva, 2015, p. 52).

In the Middle Ages, charitable institutions called "Dar ulitam" (Orphanage) and "Beyt ul-talim" (Education House) operated for orphans in Azerbaijan (History of Azerbaijan, 2007, p. 113). Here, every 10 children were assigned a tutor-atabey. The living, food, clothing, upbringing and education of the destitute fell upon them. Atabeys brought the children to the teachers, took them to their places after school and were involved in their upbringing and studies (Piriyev, 2003, p. 278).

During the reign of Elkhani ruler Ghazan khan, on his initiative, a school called Shanbi-Ghazan was built in Tabriz for children deprived of parental care, and this school also functioned as an orphanage. The annual care, clothing, food and education expenses of the children in the orphanage were covered by the Shanbi-Ghazan endowment. The endowment created by the order of Ghazan khan covered the children's annual holiday and the expenses of the tutors. Here, children who had completed their infancy and acquired the ability to speak and listen (probably from the age of 4–5) were involved in education (A.Najaf, 2018, p. 118). At the school, orphan children were mainly taught knowledge about the Qur'an and religion. 100 volumes of Qur'an were taken to the school every year for children to learn and read the Qur'an. A certain amount of money was allocated annually for mats, rugs and other expenses that would be used at the school. In addition, an additional allowance was

also allocated for gifts to be given to children learning to read and write. At the same time, children were also taught art at school so that children could provide themselves with work after leaving here (Ozgudenli Osman, 2003, p. 166–167).

According to available information, the Shanbi Ghazan orphanage had a large financial base, and all the expenses of the orphanage were paid directly from the lands of Ghazan Khan. Even for the timely regulation and provision of these revenues, a special divan was created and the control of this divan was entrusted to Kur Teymur and Taramtaz, the great Elkhanli emirs (A.Najaf, 2018, p. 118).

A separate dormitory for destitute students also operated in a huge center of science and culture, such as "Rabi-Rashidi", which is based on Islamic culture. In the "Beytut-talim" department, which is located in the "Rovza" section of the "Rabi-Rashidi" center and is the largest in terms of area, orphaned children were taught the Qur'an. Teachers working here were given 120 Tabriz dinars and 4 loaves of bread a day. 12 dinars and a loaf of bread were given to every orphan who learned the Qur'an. The atabey who led those needy orphans received 60 Tabriz dinars and 2 loaves of bread every day. Another interesting aspect is that it was considered important that the employed atabey be married (Guliyeva, 2021, p. 62, 66).

About a hundred children were taught the Qur'an every month in the orphanage operating during this period, every year on holidays they were circumcised by giving them a holiday gift, and a hundred new orphans were accepted instead of them. Fazlullah Rashidaddin, a prominent scientist, healer and vizier, donated his personal property and land in various regions of Azerbaijan, their property income to the endowment for charity and assistance. Property income from the endowment is intended to cover the costs of establishing and maintaining an orphanage and other public institutions (Guliyeva, 2021, p. 106).

During the Safavid era, efforts were made by the state to meet the needs of orphaned children such as shelter, food, health, education, increasing their employment opportunities and so on. At that time, there were institutions dealing with the care and education of orphaned children. Orphanages were one of the institutions that carried out activities related to children in need of protection. These institutions demonstrated the importance society placed on the education and welfare of children. During the time of Shah Tahmasib, according to his order, a separate school for orphan children was opened in Tabriz and the school was provided with teachers. Maintenance costs of these types of schools were usually paid for by the treasury and endowments. Scholarships were also given to orphans studying here (A.Ahmad, 2022, p. 701–702). This practice was part of the social welfare and education policy at that time.

19th century – early 20th century

Throughout history, there have been various social structures and institutions related to the care of orphans in Azerbaijan. These institutes have a rich history dating back to the end of the 19th century. Its emergence and formation is due to efforts aimed at solving the well-being of children in need of care and protection. Governmental and non-governmental organizations have established relief funds, societies, orphanages and schools to protect the rights of the homeless and improve their current conditions.

Since the second half of the 19th century, our philanthropists such as H.Z. Taghiyev, Sh. Asadullayev, M. Mukhtarov, A.M. Naghiyev have established various support systems for orphaned children, such as social service organizations and foster family services. These institutions made efforts to ensure that children grew up healthy and integrated into society. At the same time, at the end of the 19th century and the beginning of the 20th century, our intellectuals with a democratic spirit took the initiative to create new charitable societies in order to help children who need more attention and care.

The creation of such a society in Azerbaijan, which serves humanistic ideas such as supporting the orphans, the poor, helping children without access to education to study, is associated with the name of the great enlightener Hasan bey Zardabi, who has a special place in the history of public thought of our people.

For the first time among Muslims, Hasan bey created a "Charitable society" in Baku in 1872 to attract poor and destitute children to education and support their education. Hasan bey Zardabi visited the cities and villages of Azerbaijan together with his students Najaf bey Vazirov and Asgaraga Adigozalov (Gorani) and was engaged in appointing members to the "Charitable society". He deposited 1,600 manats collected during the trip in the bank and used the funds obtained for the education of two poor students. At that time, Hasan bey organizes the boarding house of the society in his house. Later, he entrusts the upbringing and school preparation of orphaned and poor children to his wife Hanifa. Soon the number of children is increased to 10. However, since the number of donors is decreasing, the "Charitable society" closes after two years. In general, Hasan bey always wanted to involve orphaned children in education and support their education. While still working in Tbilisi, Mirza Fatali Akhundzade gave Hasan bey one of his comedy books. Under the leadership and organization of Hasan bey, in 1873, with the help of his students Najaf bey Vazirov and Asgaraga Gorani, the play "Haji Gara" was staged in the hall of the gymnasium. Funds collected from the performance are used for educational expenses of destitute students (A.Ahmad, 2022, p. 33–34).

Hasan bey Zardabi, who continued his struggle to create a charity society to provide financial assistance to destitute children, returned to this issue again at the beginning of the 20th century and this time wrote the charter of the "Baku Muslim Charitable Society" in Russian and Azerbaijani and submitted it to the Caucasus Viceroyalty. The charter was approved on October 10, 1905 in Tiflis by Count Vorontsov-Dashkov, Viceroy of the Caucasus. Thus, the "First Muslim Charitable Society" is established in Azerbaijan. The financing of the society mainly fell on H.Z.Taghiyev and other Baku millionaires. Hasanbey Zardabi and his like-minded people stood guard over the direction of the idea (Aghayev, 2011, p. 12).

Baku Muslim Charitable Society also provided special services to orphaned children during World War I. At the beginning of the war, the society made certain changes in its charter, helped children who lost their parents on the Caucasian front, and did commendable work in this field.

According to some sources, in July 1916, a member of the society, Rovshan bey Efendiyev, brought 32 orphaned Muslim children from Ispir to Tbilisi (Aghayev, 2011, p. 12) and received permission to place these orphans in school. Other documents state that 71 orphaned children, including 31 boys and 40 girls, were placed in the second Muslim orphanage in Tbilisi. The vast majority of children were between the ages of 5 and 14. According to other information, 50 children from the orphanage in Tbilisi were sent to Baku (Naghiyeva, 2012, p. 68).

From the data we have mentioned, it seems that during the war, a special regulation on orphanages was prepared for the placement of orphaned children, and this regulation was approved by the government on July 7, 1916. In 1917, 8750 rubles were allocated for the opening of new orphanages in Nukha, Kagizman, Ahalsikh and Ardahan to help the orphans on the Caucasian front. In the same year, 2,925 rubles were ordered for the maintenance of 130 Muslim orphans in May and June, and 11,700 rubles in the third quarter. Another orphanage of the Baku Muslim Charitable Society was located in Olti. The sources mention that in 1917, 10 employees worked here, and 18 children between the ages of 5 and 15 were kept. Most of these children were from Kars and Olti governorates. Later it became known that 26 girls between the ages of 6 and 14 brought from Kars, Erzurum and Olti provinces of Türkiye were placed in the orphanage in Baku (Naghiyeva, 2012, p. 69).

During the war, special branches of the Baku Muslim Charitable Society operated in dozens of cities. In fact, the society was leaving the framework of a public organization and turning into a state-important body. Members of the Baku Muslim Charitable Society used to go to the areas inhabited by the Turkic people along the entire front to help the destitute. The young poet Ahmad Javad was also closely involved in the activities of the society. He traveled to the North Caucasus, Georgia, Türkiye and other places for charity, and with his help, orphanages for orphaned children were organized (Azizov, 1997, p. 92).

A special dormitory for orphaned children was also established in the "Ismailiyya" building donated by Agha Musa Naghiyev to the Charitable Society. At the beginning of 1917, more than 200 orphaned children brought from the front were placed here. These children were fed several times a day (Javadov, 1999, p. 41).

As it can be seen, the Baku Charitable Society paid special attention and care to orphaned children even during the war.

In addition to the Baku Muslim Charitable Society, charity societies were also established in individual villages of Baku. One of them was the Balakhani Charitable Society. One of the main goals of this society was to ensure free education in vocational schools for orphans (Javadov, 1999, p. 42).

In addition to the Baku and Balakhani Charitable Societies, which care for orphaned children, other such societies were also established. One such society was the Baku Bahayi Society. This society also helped orphans to get primary education. The chairman of the society was Musa Naghiyev. However, at the meeting held on February 9, 1910, Musa Naghiyev was released from the chairmanship due to his illness, and Sheikh Alakbar Kochani was elected as the chairman of the society instead (Javadov, 1999, p. 4).

The first children's charity organization was the "Orphanage". "Children's Protection Society" also protected orphaned children. H.Z. Taghiyev, A.M. Topchubashov, representatives of Baku industrialists and intellectuals participated in the work of both societies. In general, charitable societies usually provided shelter, education, and health care for orphaned children. At the beginning of the 20th century, a group of doctors and public figures created a charitable society called "Union for the Fight against Child Death". The society was headed by Dr. Y.Y. Gindes. In 1914, the sanatorium of this society was opened, and the construction of a children's hospital building was started (History of Azerbaijan, 2008, p. 186–187). The purpose of the society was to eliminate the causes of infant mortality, to take care of the physical development of all children, regardless of gender, social origin, nationality and religion. Members of the organization provided medical assistance to children both at home and in hospitals, and placed them in orphanages and sanatoriums. The society organized milk kitchens, free children's canteens, clinics where medicines and milk were provided free of charge. In the institutions under the organization, they gave advice on the care and nutrition of children on the appointed days. From such institutions, babies with gastrointestinal diseases were kept in Balakhani hospitals, and 75 children aged 5–14 years old suffering from tuberculosis were kept in Zagulba (Ibrahimova, 2018, p. 273).

The Baku Muslim Women's Charitable Society, founded on November 21, 1914, was one of the non-governmental charitable societies established to help children and poor families who lost their parents. Its founder was Rahila Hajibababeyova. M.S. Taghiyeva was elected the chairman of the board of society, Rahila Hajibababayova the deputy chairman, Amina Aghayeva the secretary, Pari Topchubashova the treasurer. The society helped orphans and poor children and often held various events. The society continued its charitable activities during the First World War (1914–18). In October 1917, the Baku Muslim Women's Charitable Society, chaired by Mrs. Liza Mukhtarova, opened a vocational school for destitute girls. The school had 4 general education classes and 6 professional sections. Classes were held on Turkish language, arithmetic, crafts, mowing and sewing. During the bloody massacres in March 1918, the school ceased to exist. At the beginning of 1919, the society resumed school work. For the efficient operation of the school, the government of the Azerbaijan Democratic Republic allocated 30,000 manats to the school. The school played an important role in instilling national and moral values in Azerbaijani girls, in making them understand their rights in the family and society (Azerbaijan National Encyclopedia, 2007, p. 253).

"Ganja Muslim Charitable Society", "Nashri-Maarif", "Saadat", "Nijat", "Sada" and a number of other societies were also established during the mentioned periods. These charitable societies, in addition to serving the education of the population and the development of culture, helped to educate orphans, paid for their education, provided them with clothing and food.

As you can see, most of the intellectuals in the 19th and 20th centuries were activists of charitable organizations and did great work. H. Aghayev, M.A. Rasulzadeh, A.M. Topchubashov, N. Narimanov, S. Huseyn, A. Javad and others participated in various charity works and played an important role in solving the problems of orphaned children.

During the Azerbaijan Democratic Republic

The Institute of orphanages is one of the most important institutions in the social and educational sphere of Azerbaijan. It played an important role in the process of modernization and educational reforms of Azerbaijan, especially during the Republic. The Institute of Orphanages was established for children who were destitute, abandoned or in need of protection and met their basic needs such as shelter, nutrition, education, health services and social activities. At the same time, by creating opportunities for professional and personal development, contributed to their growth as a useful personality.

In the first stages of the Azerbaijan Democratic Republic, various steps were taken to help orphaned children. These steps generally involved children who lost their families or were protected due to war, conflict or other traumatic events. Various institutions and programs have been established for these children. These include institutions that provide services in various areas such as orphanages, education and health services for orphaned children, social support programs and psychological support services. In addition, social assistance organizations, non-governmental organizations and government-supported programs also worked to meet the needs of orphans.

During the period of the Azerbaijan Democratic Republic, the Ministry of Foster Care was one of the institutions that performed charity and patronage functions and helped orphaned children. Since its establishment, the Ministry provided orphaned and homeless children with permanent residences, and took important steps in the direction of their social protection and health.

One of the most important works done in this area was the organization, expansion and constant supervision of orphanages for children deprived of parental care with the financial support of charitable societies.

In 1918, the Children's Aid Bureau was established under the Central House Committee (National Encyclopedia of Azerbaijan, 2007, p. 101). The chairman of the bureau was Dr. Yevsey Gindes, and his deputy was Liza Mukhtarova, the wife of millionaire and philanthropist Murtuza Mukhtarov. The main purpose of the bureau was to help orphans. However, at first there were certain difficulties due to lack of funds. In this context, the relevant state structures called on the population to support the work of the bureau. Despite the availability of staff, it was necessary to attract volunteers from among the people. It was necessary for these children to communicate with people, to understand that they belong to the people. Volunteers could better understand the needs and psychology of orphaned children. To expand the work of the bureau, a large meeting was held on November 26, 1918 with members of local public and national organizations. Here a collegial body was established and members of all national, public and charitable organizations were elected. Y. Gindes, A. Leontovich, G. Bron from the Central House Committee, Krylova and engineer Krivoshein from the Russian Charity Society, Y. Varshavsky from the Jewish National Committee, Vasilyevskaya from the Muslim shelter, Liza Mukhtarova from the Muslim Charity Society, Radzinskaya from the “Children's House”, Koritskaya and others from “Orphanages” were elected bureau members. Dr. Allahverdiyev undertook the protection of children's health (Baghirova, 2019, p. 116–117).

The bureau had several orphanages at its disposal. In December 1918, orphanages were opened in conditions in which health and sanitary-gigeyena work was established for orphans. In mid-March 1919, the bureau started organizing special children's sections for small children (from 1 to 7 years old) under the “Orphanage”. The bureau helped a Muslim orphanage. In addition, also held charity events: organized a party for Muslim children on Novruz holiday. They invited everyone who wants to help orphaned children in any way to the event. And donated the proceeds from the event to the shelter (Huseynova, 1996, p. 22). One of the charity events of the organization was to bake cheap

white bread and use the proceeds from the sale to the shelter. Isa bey Sadigbeyov, Gasim Gasimov, Hanifa Zeynalabdin oglu Taghiyev, Taghi Nagiyev, Baba bey Gojayev, Yusif Abdullayev, Zeynab khanum Salimkhanova and others gave donations to the office. In the summer, the Bureau rented the barge "Nina" and helped to improve the health of about 130 children suffering from tuberculosis. During the typhoid epidemic in Baku in late 1918 and early 1919, the bureau opened Day Care Centers for children in the working quarters of the city. In these houses, children were provided with food from 08:00 in the morning until 18:00 in the evening, medical assistance was provided in case of illness (National Encyclopedia of Azerbaijan, 2007, p. 421).

The Children's Aid Bureau has also created conditions for the education of orphaned children. Reading classes and fun games were organized for them in shelters. At the meeting held on March 4, 1919, the bureau made a decision to establish schools in shelters (Baghirova, 2019, p. 121).

The "Children's Protection Society", which operated during the Azerbaijan Democratic Republic, also did important work in the direction of saving children. This society was created on the initiative of Y.A. Gindes. The chairman was Y.A. Gindes, the deputy chairman was Eynulhayat Yusifbeyli (the wife of Nasib bey Yusifbeyli, the head of the 4th and 5th Cabinets of the Azerbaijan People's Republic). The main goal of the society was to study the living conditions of children under the age of 17 living in Baku, to inform the public about their lifestyle and necessary needs. By creating special children's courts, the society was striving to remove orphans from the criminal world, to re-educate them so that they could be brought up as citizens useful to society, to hand them over to safe hands (National Encyclopedia of Azerbaijan, 2007, p. 421).

It should also be noted that the Ministry of Foster Care also provided assistance to orphanages created by local charitable societies for stray and orphaned children. In 1919 alone, 2,114,501 manats were allocated to the homes created by charitable societies for homeless and destitute children (Encyclopedia of the Azerbaijani People's Republic, 2004, p. 458).

Apparently, the government of the Azerbaijan Democratic Republic had set a goal to help orphaned children despite the current economic difficulties. To do this, he took the necessary measures to open the Institute of Orphanages and organize charitable societies. Established for the care and education of children, these institutions aimed to prepare them for a better future by contributing to their social and cultural development.

During the Soviet era and the years of independence

During the years of Soviet rule, various boarding schools and specialized children's institutions were established in our republic in order to take care of children who lost their parents or were deprived of their families, and to integrate them into education and society.

The approval of the "Regulation on Peasant-Youth Schools" by the decision of the Board of the Commissariat of Public Education of the Azerbaijan SSR dated January 6, 1926 played an important role in this field. Young people from 12 to 17 years of age were admitted to village-youth schools. The duration of education in these schools was 3 years. Graduates had the right to be admitted to technikums and the corresponding classes of secondary schools. Boarding-type dormitories were organized for those who were recruited from different villages and studied in those schools. The experience of this type of schools later led to the establishment of boarding schools (Mardanov, 525th newspaper. June 26, p. 11–12).

On September 15, 1956, the Central Committee of the Communist Party of the Soviet Union and the Council of Ministers of the USSR adopted a decision on the organization of boarding schools in order to provide assistance to low-income families and create conditions for working mothers. As a result of special attention to the organization of boarding schools in order to create conditions for the living and education of children who have lost their parents and are deprived of parental care, from families with limited health facilities and underprivileged families, already in 1966, 65 boarding schools covering 25.4 thousand students were operating in Azerbaijan. In 1990, more than 63 thousand

children lived and studied in 20 state children's institutions in Azerbaijan (Mardanov, 525th newspaper. June 26.11–12).

Organization of necessary conditions for children to grow up in a healthy environment, improvement of state care for children deprived of parental care, prevention of child neglect, exploitation of child labor, violence against children and other such issues constitute the main directions of state policy.

National leader Heydar Aliyev paid special attention to children deprived of parental care during his leadership in our country, created institutes of orphanages to ensure their healthy growth by taking them under state protection. Orphanages were intended to provide shelter, education and care services to orphans or children who could not be cared for by their families. Heydar Aliyev attached great importance to managing orphanages in a way that would ensure the future of children and meet all their needs. In these homes, children were not only educated, but also encouraged to participate in social and cultural activities. In this way, children were tried to be brought up as individuals better prepared for society.

For the healthy development of children who have lost their parents and deprived of family care and their integration into society, and for the purpose of transferring children from state educational institutions to families, the President of the Republic of Azerbaijan, Ilham Aliyev, signed the order "Transfer of children from state children's institutions to families (De-institutionalization) and Alternative Care State Program" during 2006–2015. The main goal of this program is to form mechanisms for placing children in families in accordance with the UN Convention on the Rights of the Child and to ensure their effective operation, to provide alternative care for children to grow up as full-fledged individuals in a happy, affectionate and loving family environment (Garayeva, 2013, p. 14–15).

Caring for orphans helps them grow and develop in a healthy way. Therefore, it is important to make an effort to satisfy their emotional, mental and social needs. Children's institutions can also provide services in areas such as education, psychological support and social activities, in addition to meeting the basic needs of children.

In 2011, there were 4 baby homes, 6 orphanages with 513 members, two boarding schools for 398 orphans and children deprived of parental care, 11 special boarding schools for 2,537 children with disabilities, 267 children for mentally retarded children, 22 general-type boarding houses for 6,395 people. These men were fully equipped. Their health and healthcare services were also regulated by the state of Azerbaijan (Guliyeva, 2021, p. 147).

In 2014, the number of children who lost their parents and were deprived of parental care in boarding institutions was 685. 30 of them were in orphanages, 163 were in special boarding schools for children with disabilities, 40 were in boarding schools for children with disabilities, 452 were in general education boarding schools, and 389 of them were children who lost their parents and were deprived of parental care. In 2014, the number of children's homes in Azerbaijan was 4, the number of places in them was 215, and the number of children was 163. In 2014, there were 6 orphanages, 12 special boarding schools for children with disabilities, and the number of children in them was 2,653. The state of Azerbaijan takes full care of children abandoned by their parents (Guliyeva, 2021, p. 144, 146).

As it can be seen, during the years of independence, more systematic approaches were developed for the care and protection of children deprived of parental care.

Conclusions. Thus, we conclude that the Institution of the Orphanage has its roots in ancient times. However, the main stage of the development of the Institute of the Orphanages can be considered the end of the 19th century, when a large-scale campaign was carried out to combat neglect and poverty of children within the framework of state policy. During this period, new orphanages were created, in which children not only found shelter, but also received education, medical care and other social services.

As you can see, orphans have always been taken care of in Azerbaijan. Today there are institutions that carry out important work in the field of their protection. These institutions strive not only to provide orphans with education, but also to guarantee their well-being and social adaptation.

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THE IMPACT OF USING GAMES IN THE INCLUSIVE CLASSROOM ON THE QUALITY OF INSTRUCTION

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Abstract. The inclusion of children with special educational needs into mainstream schools alongside their typically developing peers is a societal imperative within the framework of the modern education system. Numerous studies demonstrate that employing traditional (segregate) instructional methods in an inclusive classroom is ineffective. Consequently, identifying pedagogical approaches that endorse inclusive education stands out as a pressing concern in contemporary pedagogy. The Republic of Azerbaijan starts to develop an inclusive educational system following the UN-Convention on the Rights of Persons with Disabilities, this requires new ways of teaching. In this study, the impact of games on the quality of instruction in the inclusive classroom in Azerbaijani schools was measured. To achieve this objective, the international scientific literature was scrutinized, and the factors defining the quality of education in inclusive classrooms were identified. Subsequently, the levels of these factors were assessed in experimental inclusive classrooms, where education was facilitated through games, and control inclusive classrooms, where education followed traditional methods.

Key words: quality of instruction in inclusive classroom, instructional game, game-based learning, organization of instruction in an inclusive classroom, innovative instruction for heterogenous group of children.

Introduction. Since 2020, the educational legislation of the Republic of Azerbaijan has acknowledged the right of children with special educational needs (SEN) to participate in inclusive education. Every year, the number of schools offering inclusive education is on the rise in Baku city and its surrounding regions. This trend enables dozens of children with SEN to participate in education alongside their typically developing peers. Despite significant legislative changes promoting inclusive education, traditional (segregate) educational methodologies persist in classrooms across the country.

To ensure the participation of children in instructional activities alongside their classmates within an inclusive class and the implementation of pedagogical methodologies to promote inclusive education and a culture of inclusivity in mainstream schools, national legislation specifies that children with SEN participating in an inclusive class must dedicate a minimum of 50% of their instructional hours to the inclusive setting (Regulation on Organization of Inclusive Education, 2023). However, as a consequence, we observe that children with SEN, despite being physically present in an inclusive class, often find themselves isolated from the collaborative instructional processes with their peers. It becomes evident that while modern education has succeeded in integrating children with SEN into general education classrooms, it has yet to effectively orchestrate inclusive education for children with diverse developmental levels within the instructional framework (pedagogical level) (Martin, 2013).

According to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the primary objectives of including children with SEN in inclusive schools are to ensure their right to participate in the social environment and access public services on equal terms with others (UNCRPD, 2006). When children with SEN are not engaged in the collaborative instructional process within an inclusive class, their interactions with peers are limited to moments before and after instructional sessions, as well as during breaks between classes. In such instances, their presence in a general inclusive environment only accounts for 13% of their total time spent at school. Considering that the instructional process encompasses, on average, 87% of the time students spend at school, it is arguable that the brief interactions during recess are insufficient for the development of their social skills

and overall integration into the classroom. Given these considerations, the participation of children with SEN in joint instructional processes within inclusive classes serves as an indicator of their active involvement in the social environment, thereby facilitating their access to quality education.

In inclusive classes, the isolation of children with SEN from their peers stemmed from teachers' preferences for segregate teaching methods and a lack of differentiation of instruction (Martin, 2013). Therefore, international law and scientific literature recommend the application of various pedagogical methods and strategies in the classroom that support internal differentiation of instruction and enable teachers to implement individual support for students. Among them, the most emphasized approaches include internal differentiation of instruction, universal design in instruction, the application of individual educational plan, student-centered learning, cooperative training, peer education, and game-based learning (The Salamanca Statement, 1994), (The United Nations Convention on the Rights of Persons with Disabilities, 2006) (Hoppey, McLeskey, 2014).

Researchers advocating for the integration of games into the instructional process contend that the incorporation of games creates fertile conditions for implementing differentiated instruction, cooperative education, and peer education (Udosen and Ekpo, 2016). Many teachers share their experiences regarding the positive impact of using games in the inclusive classroom on the quality of education in inclusive classes. Researchers assert that games foster more positive interactions between students. In a gaming environment, students can make their own decisions and assess their own results. The use of games in training allows the teacher to transition from the position of "teacher" to the role of "facilitator" (Udosen and Ekpo, 2016).

Despite numerous teachers and researchers discussing the positive effects of games in inclusive classrooms on the quality of instruction, there are very few studies measuring the impact of games on the education process (Hays, 2005). Overall, there is a lack of substantial research in the international scientific literature regarding the impact of games on the quality of instruction in inclusive classes.

To assess the effectiveness of incorporating games into the educational process, games were employed to teach relevant topics in mathematics to first-grade students in three inclusive classes across three mainstream schools in Baku. The results of these students were subsequently compared with the outcomes of other inclusive classes that were taught using traditional pedagogical methods. This comparative analysis helped elucidate the impact of games on the quality of education in inclusive classes.

Method. Within the confines of this study, an experiment was undertaken in three inclusive first-grade classrooms to assess the influence of games on the quality of instruction in inclusive settings catering to children with mild intellectual disabilities. The experiment, aligned with the first-grade curriculum, focused on four mathematics topics – "geometric figures", addition until 20 (for children with SEN until 10), subtraction until 20 (for children with SEN until 10), and counting up to 100 (for children with SEN up to 20) – taught through game-based methods over a span of six weeks. To gauge the impact of these games on instructional quality, measurements were taken before and after the intervention, comparing the effects on both typically developing children and those with SEN within the inclusive classroom. For comparative analysis, the results were juxtaposed with the impact of traditional pedagogical methods on children's performance in the same four mathematics subjects, assessed in three control classes without any intervention.

A manual was developed by the researcher for conducting games and adapting them to the needs of children with special educational needs. To ensure the participation of all students in the experimental classes in instructional games, didactic materials were prepared in quantities equal to the number of children. These materials were adapted, considering the specific needs of children with special educational needs.

The "Perception of Inclusion Questionnaire (PIQ)" (Venetz, Zurbriggen, & Eckhart, 2019), developed by Swiss researchers, serves as a tool to measure the impact of games on the quality of instruc-

tion in inclusive classrooms. It stands as the only global instrument enabling the measurement of students' emotional, social inclusion, and academic self-concept in inclusive classrooms (Venetz et al., 2014).

Questionnaire forms (for students, parents, and teachers) have been adapted to the Azerbaijani language, drawing from the English and Russian versions. The "Perception of Inclusion Questionnaire" was validated through the involvement of 10 first-grade students from secondary school in Baku, along with their parents, and 5 teachers. Necessary adjustments were implemented and incorporated into the study.

This assessment was conducted at the study's commencement and conclusion (after 7 weeks). In cases where students could not participate independently, assistance was provided by school psychologists and special education specialist. The initial assessment involved 164 students out of a total of 170, selected from six classes for evaluation in the aforementioned three areas, with 12 students having special educational needs. Among the participants, 48.2 percent were female, and 51.8 percent were male. Simultaneously, 159 parents (including 12 parents of children with special educational needs) and 6 primary school teachers responded to the questionnaire assessing the psycho-social status of 167 students at school. Due to prolonged absences from education, the remaining three students were not evaluated by their teachers.

To facilitate parental participation in the survey, detailed information was prepared and shared via digital tools. The researcher addressed questions about survey participation in both the experimental and control classes. To ensure the engagement of parents in the survey, the researcher recorded discussions in the digital tool groups and included them in the research documents.

The time span between the first and last survey was 36 days for students, 38 days for parents, and 47 days for teachers.

A written consent was received from the teachers participating in the study, as well as from the parents of the children studying in the classes involved in the research. The parents of the children in the control classes provided consent for both their children and themselves to participate in the survey, while in the experimental classes, consent was obtained from the parents for their children's instruction through games, in addition to the surveys. The research was conducted in accordance with the requirements of the Declaration of Helsinki.

The teachers in the experimental classes utilized seven-frame games for teaching geometrical figures, seventeen-frame games for addition, seventeen-frame games for subtraction, and three-frame games for counting up to 100. They introduced the games in a well-structured way and showed examples how to learn with the materials. Then the children had a time period of about 20 minutes to play the games. At the end they earned positive feedback on their learning result.

Results. The data collected through the administration of the examination instrument PIQ (from children, teachers, and parents) were analyzed for statistical reliability using the SPSS statistical program. The analysis, performed using the "Cronbach's Alpha" method, resulted in a reliability score exceeding 70 points. This score, obtained through the "Cronbach's Alpha" method, indicated statistical reliability, as illustrated in Table 1 (Keith S. Taber 2017, p. 1277).

Table 1

Reliability Statistics

Respondent	Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
Children	.796	.802	12
Parents	.837	.849	12
Teachers	.870	.875	12

The average results of the respondents' evaluations from the three groups on the three factors for each student in the SPSS program were categorized into two groups: children with typical development and those with SEN. Additionally, the classes were classified into experimental and control groups based on their roles in the study.

Analysis of the preliminary PİQ survey results

To assess the quality of instruction in inclusive classes before the intervention in the study framework, the PİQ survey results (means) were compared between the experimental and control groups using the SPSS program.

Quality of instruction for typically developing students in experimental and control classes (a preliminary PIQ survey analysis)

From the mean results (see Table 2), it is evident that there is no significant difference in the outcomes of typically developing students, parents, and teachers in both experimental and control inclusive classes. Additionally, in both groups, students, teachers, and parents consistently rated the social inclusion of students in school the highest. Furthermore, respondents from all three groups in both experimental and control groups provided the lowest scores for students' academic self-concept levels. Based on the factors mentioned, we can assert that the active participation of students in the learning process, which serves as an indicator of the quality of training for typically developing children in inclusive classes, is more effectively organized than the adaptation of instruction to their needs. Additionally, teachers in control classes rated typically developing students higher than students in experimental classes regarding academic self-concept (average for teachers in control classes = 11.35 (SD = 3.54), average for teachers in experimental classes = 10.23 (SD = 3.61)). Consequently, the instruction in control classes was found to be better suited to the needs of typically developing students compared to students in experimental classes.

Table 2

Results of the initial PİQ survey (means)

Type of classes	Type of children	Respondents/factors								
		SEMİ	**SSOI**	**SASC**	**PEMI**	**PSOI**	**PASC**	**TEMI**	**TSOI**	**TASC**
eksperimental	typically developing children	13.49	13.77	11.47	14.09	14.68	11.97	14.01	13.99	10.23
	children with SEN	12.33	11.67	6.33	13.00	12.50	7.50	11.50	11.67	5.00
control	typically developing children	14.07	14.27	12.08	14.41	14.96	12.07	13.07	14.19	11.35
	children with SEN	12.17	11.33	7.33	13.33	11.67	7.67	10.00	9.83	7.00

Note. Respondents/Factor section describes students' self-assessment (SEMI – emotional inclusion, SSOI – social inclusion, SASC – academic self-concept), parents' report (PEMI – emotional inclusion, PSOI – social inclusion, PASC – academic self-concept), and teachers' report (TEMI – emotional inclusion, TSOI – social inclusion, TASC – academic self-concept).

The results of typically developing students studying in experimental and control classes, as well as those of their parents and teachers, were analyzed using an independent-samples t-test in the SPSS program. Based on the obtained results, it was determined that, from a statistical perspective, the quality of education for typically developing students in experimental and control classes does not differ significantly, except for the results of teachers regarding the academic self-concept factor of students (Sig. = 0.055).

Quality of instruction for children with SEN in experimental and control classes (a preliminary PIQ survey analysis)

Based on the preliminary results of the PIQ survey involving children with SEN, their parents, and teachers, it was observed that, with the exception of teachers in the experimental classes, the emo-

tional inclusion of children with SEN at school is superior to the other two factors (refer to Table 2). Social inclusion ranked in the second place, and the academic self-concept level of students was evaluated even lower than the other two factors. The results (see Table 2) indicate that all three groups of respondents rated the academic self-concept of children with SEN significantly lower than the other two factors. While emotional and social inclusion partially suggests higher levels of participation in the instructional process for SEN children, the low academic self-concept results indicate significant challenges in adapting instruction to their needs.

Teachers rated the quality of education for children with SEN lower on three factors than students themselves and parents. When asked about the reasons for this, teachers explained that, despite the students with SEN, their expectations regarding psycho-social outcomes are the same as those for other students. Simultaneously, it was found that the self-evaluation results of students with SEN in experimental classes on the academic self-concept factor, as well as their teachers' assessments of the students on that factor, were lower than the results of the control group. It can be argued that the students' low self-esteem on this factor is directly linked to teachers' lower assessments of their educational success. Studies conducted in this direction suggest that adapting instruction to students has a positive effect on the level of academic self-concept of students (Alnahdi, Lindner, and Schwab, 2022).

The results of students with SEN studying in experimental and control classes, as well as those of their parents and teachers, were analyzed using an independent-samples t-test in the SPSS program. Based on the obtained results, it was determined that, except for the results of teachers on the academic self-concept factor of students (Sig. = 0.042), there is no statistically significant difference in the results of students, parents, and teachers on other factors regarding the quality of instruction for SEN students in experimental and control classes.

Quality of instruction for children with SEN alongside typically developing classmates (a preliminary PIQ survey analysis)

Within the framework of the study, before intervening in the training process in the experimental classes, a comparative analysis of the level of ensuring active participation and adapting instruction to the needs of students in both groups was conducted by comparing the results of typically developing students with the results of classmates with SEN (see Table 2).

As evident from the results, both in the experimental and control groups, the quality of education for children with SEN is perceived to be lower compared to typically developing students, according to all respondents. Among the three factors serving as indicators of instructional quality, the emotional inclusion of children with SEN is observed to be on par with typically developing students in inclusive classes. However, the lowest result is determined to be in the academic self-concept factor of children with SEN. The low level of academic self-concept among children with SEN indicates the presence of significant challenges in adapting instruction to their needs within the classes.

The results of students with typical development and SEN, along with their parents and teachers in the classes included in the study, were analyzed using an independent-samples t-test in the SPSS program. Based on the obtained results, it was determined that there is no statistically significant difference in the results of the students themselves and their parents regarding the emotional inclusion of SEN children and typical students in the experimental classes (students' results Sig = 0.242; parents' Sig = 0.250). However, according to the results of respondents on other factors, the quality of education for typical children is statistically significantly different compared to SEN children. In the control classes, except for the results of the parents on emotional inclusion (Sig = 0.203), respondents on other factors indicated that the quality of education for typical children was statistically significantly different from that of SEN children.

Discussion on the results of the preliminary PIQ survey

Based on the preliminary results of the PIQ survey, it can be concluded that the quality of instruction in both experimental and control classes is at the same level for both groups. The emotional

and social inclusion of typically developing students in both experimental and control classes is satisfactory, but the academic self-concept level of students is lower compared to the other two factors. This suggests difficulties in adapting instruction according to the individual needs of the students.

The scores of SEN children on the three factors, below those of their typically developing classmates, indicate discrimination and a lack of full inclusion in the classes. Despite relatively high indicators of emotional inclusion in SEN children, it implies that, in inclusive classes, children from this category receive more support for integration into the social environment, but they are not provided with quality instruction–a fundamental requirement of inclusive education. This is evident as the results of respondents on academic self-concept are statistically significantly lower compared to typical children. In this case, the education carried out in the classes where the research is conducted can be termed as more integrated education rather than inclusive education. In inclusive education, the crucial aspect is to provide quality instruction tailored to the potential of each student (Convention on the Rights of Persons with Disabilities and Optional Protocol, 2006).

Final PİQ survey

The final survey was administered once again, seven weeks later, after the four math topics were delivered through games. A total of 155 students in the 6 selected inclusive classes (including 12 children with disabilities) participated in the final PIQ survey. Among these participants, 47.1% were girls, and 52.9% were boys. In the survey, 157 parents (including 12 parents of children with special educational needs) and 6 teachers answered questions about the quality of their children's education at school. Due to the prolonged absence of six students, teachers were unable to assess them.

The results of the final assessment of the PIQ survey were analyzed using the SPSS program. To analyze the data, the results (means) on the three factors related to the quality of instruction in the inclusive classroom (students' emotional and social inclusiveness, and their academic self-concept) were analyzed. For further analysis, the data of typically developing students in the inclusive classroom were examined separately from the data of children with SEN (Table 3).

Table 3

Results of the final PİQ survey (means)

Type of classes	Type of children	Respondents/factors								
		SEMİ	**SSOI**	**SASC**	**PEMI**	**PSOI**	**PASC**	**TEMI**	**TSOI**	**TASC**
eksperimental	typically developing children	15.34	14.87	13.09	15.37	15.51	12.71	15.06	14.84	11.10
	children with SEN	14.50	14.00	8.00	14.50	13.83	8.33	12.83	12.83	5.67
control	typically developing children	13.26	13.80	11.82	13.45	14.42	11.33	12.59	13.69	10.74
	children with SEN	11.33	10.67	7.00	11.67	10.67	6.50	9.33	8.83	6.17

Note. Respondents/Factor section describes students' self-assessment (SEMI – emotional inclusion, SSOI – social inclusion, SASC – academic self-concept), parents' report (PEMI – emotional inclusion, PSOI – social inclusion, PASC – academic self-concept), and teachers' report (TEMI – emotional inclusion, TSOI – social inclusion, TASC – academic self-concept).

Quality of instruction for typically developing students in experimental and control classes (final PIQ survey analysis)

From the mean results (refer to Table 3), it is evident that there is no significant difference within the groups of typically developing students, parents, and teachers studying in experimental and control inclusive classes. However, notable differences emerge in the results between the groups (experimental and control). The results of typically developing children studying in all experimental classes, where mathematics was taught through games, exhibit substantial disparities from the results of the control classes taught using the traditional method.

Upon analyzing the group results through an independent-samples t-test, it was determined that, before the intervention, there was no statistically significant difference in the results of students studying in experimental and control classes, as well as their parents and teachers, on the three factors. However, post-intervention, according to the results of all three groups of respondents, there is a statistically significant difference between the experimental and control classes on all factors, with the experimental classes demonstrating superiority.

Quality of instruction for children with SEN in experimental and control classes (final PIQ survey analysis)

Analyzing the final results of the PIQ survey, it was determined that the difference in the results of the respondents in the three categories within the group is not noticeable. The results of SEN children studying in the experimental class on three factors (excluding the results of teachers on the academic self-concept factor) are higher than those of SEN children studying in control classes (see Table 3).

By analyzing the results of SEN children studying in both groups of classes with an independent-samples t-test in the SPSS program, it was determined that in the results of the preliminary survey, except for the academic self-concept factor of the students of SEN children studying in control classes, according to the results of the teachers (Sig = 0.042), the three categories of respondents based on the results of the three factors, it was determined that there is no statistically significant difference in the quality of instruction ($P<0.05$).

According to the results of the final PIQ survey, with the advantage of experimental classes, students' emotional (Sig = 0.030) and social (Sig = 0.027) inclusion on self-assessment, students' emotional inclusion on parents' report (Sig = 0.016), and their academic self-concept level (Sig = 0.012), according to teachers' reports, emotional (Sig = 0.024) and social (Sig = 0.049) inclusion of students statistically significantly differ from the results of SEN children studying in control groups.

The fact that both groups of children (experimental and control), which collected the same level of results on all three factors in the initial PIQ survey, achieved sharp changes on all three factors after 7 weeks can act as an indicator of the high impact of games on the quality of instruction.

Quality of instruction for children with SEN alongside typically developing classmates (a preliminary PIQ survey analysis)

As a result, a greater sense of equality is experienced between typically developing students and children with SEN in the experimental classes compared to the control classes. In the control classes, on the contrary, a visible contrast between the two categories of students is evident (see Table 3). The results of the PIQ survey for typically developing students were compared with the results of their classmates with SEN using an independent-samples t-test. The results of the analysis showed that, in the initial survey results in the experimental classes, only the emotional inclusion factor in students' self-evaluation (Sig = 0.242) and in the parents' report (Sig = 0.250) did not indicate a statistically significant difference between typically developing students and their classmates with special educational needs. In the final results, the self-evaluation results of children with SEN on emotional inclusion (Sig = 0.110) and parents' report on emotional inclusion (Sig = 0.130), along with the additional social inclusion factor on SEN children's self-evaluation (Sig = 0.193), became equal to the results of typically developing students.

In the initial results of the an independent-samples t-test for the PIQ survey in the control classes, it was determined that, according to parents' reports, there is no statistically significant difference in emotional inclusion between typically developing students and their classmates with SEN (Sig = 0.203). However, the results from other respondents show a significant difference in the quality of instruction between the two categories of students in the control groups ($P<0.05$). Based on the results of the final PIQ survey, a statistically significant difference was found between the results of all respondents on three factors between typically developing students and children with SEN in control classes ($P<0.05$).

We can argue that this, in turn, is the result of the negative impact of the quality of instruction for children with SEN when training is conducted in an inclusive classroom with traditional methods. This approach does not support the increase of their active participation in the training process and the adaptation of instruction to their needs.

Difference between initial and final PIQ survey results in experimental and control classes

Since there is no significant difference between the intra-group results (experimental and control) of both categories of students, their parents, and teachers in the classes where the PIQ survey was conducted, the next stage will focus on analyzing only the results of the students in terms of the difference between the initial and final surveys. This limitation is imposed by the constraints on analysis and the allocated limit for the article.

Analysis of the results of the initial and final surveys in experimental and control classes using the paired-samples t-test in the SPSS program indicated that the final survey results in experimental classes surpassed those of the initial survey. Conversely, in the control classes, the average scores of students decreased during the final survey compared to the initial survey (see Table 4).

Table 4

Paired-samples t-test results (typically developing children)

Factors	Pairs	Type of classes	Phase	Mean	N	Std. Deviation	Std. Error Mean
SEMİ	Pair 1	experimental	Pre-test	13.84	74	2.041	.237
			Post-test	15.43	74	1.086	.126
	Pair 2	control	Pre-test	13.74	66	2.186	.269
			Post-test	13.26	66	2.562	.315
SSOI	Pair 3	experimental	Pre-test	13.92	74	1.964	.228
			Post-test	14.93	74	1.502	.175
	Pair 4	control	Pre-test	14.17	66	1.828	.225
			Post-test	13.80	66	1.963	.242
SASC	Pair 5	experimental	Pre-test	11.81	74	2.304	.268
			Post-test	13.24	74	2.092	.243
	Pair 6	control	Pre-test	12.121	66	2.6920	.3314
			Post-test	11.818	66	2.6999	.3323

Note. Factor section describes students' self-assessment (SEMI – emotional inclusion, SSOI – social inclusion, SASC – academic self-concept)

Based on the paired-samples t-test, a positive trend was observed between the baseline and end results of the PIQ survey in the experimental classes, whereas a negative trend was evident in the control classes for children with SEN compared to their typical developing classmates (see Table 5).

It was not possible to establish the statistical significance of the effect using the paired-samples t-test in SPSS program, given the presence of negative dynamics (non-normal distribution of data) in the results of the PIQ survey in the control classes. To assess the effect of the experiment using the PIQ survey results, the SPSS program, designed for the analysis of non-normally distributed data, employed the statistical method known as the "non-parametric test", specifically the "Wilcoxon Signed Rank Test".

To analyze the positive and negative differences between the responses to the initial and final questionnaires across the three factors of the PIQ survey, a nonparametric test–the Wilcoxon signed-rank test–was employed. Its purpose is to assess whether the observed change in the experimental classes is statistically significant. Simultaneously, the test aims to ascertain whether any negative dynamics observed in the control classes are merely random or represent a statistically significant effect.

Table 5

Paired Samples Statistics (children with SEN)

Factors	Pairs	Type of classes	Phase	Mean	N	Std. Deviation	Std. Error Mean
SEMİ	Pair 1	experimental	Pre-test	12.33	6	1.366	.558
			Post-test	14.17	6	1.472	.601
	Pair 2	control	Pre-test	12.17	6	2.401	.980
			Post-test	11.33	6	2.733	1.116
SSOI	Pair 3	experimental	Pre-test	11.67	6	.816	.333
			Post-test	13.50	6	1.049	.428
	Pair 4	control	Pre-test	11.33	6	3.141	1.282
			Post-test	10.67	6	2.944	1.202
SASC	Pair 5	experimental	Pre-test	7.17	6	1.941	.792
			Post-test	8.17	6	1.472	.601
	Pair 6	control	Pre-test	7.333	6	2.5033	1.0220
			Post-test	7.000	6	2.1909	.8944

Note. Factor section describes students' self-assessment (SEMI – emotional inclusion, SSOI – social inclusion, SASC – academic self-concept)

Analysis of the impact of using games in the inclusive classroom on the quality of instruction

To assess the quality of instruction in the evaluated inclusive classrooms, the Wilcoxon Signed Rank Test method was applied to examine the positive and negative dynamics of students before and after exposure on the three factors (emotional inclusion, social inclusion, and academic self-concept) measured by the PIQ survey.

According to the initial and final results of the PIQ survey analyzed with the Wilcoxon Signed Rank Test, 49 typically developing students in the experimental classes exhibited positive dynamics in emotional inclusion, while 2 showed negative dynamics. In contrast, during the 7-week training period in the control classes, an increase in negative dynamics on the emotional inclusion factor of typically developing students was observed. In the control classes, 29 students demonstrated negative dynamics between the initial and final surveys, while only 13 students showed positive dynamics in emotional inclusion.

Regarding social inclusion, positive dynamics were recorded in 41 students with typical development and negative dynamics in 4 students in the experimental classes. However, in the control classes, negative dynamics in the results of typically developing students on social inclusion still prevailed. In these classes, 24 typically developing students showed negative dynamics, while 17 demonstrated positive dynamics.

For the academic self-concept factor, positive dynamics again prevailed among students in experimental classes (48 vs. 13 students), while negative dynamics were more common in control classes (29 vs. 19 students).

The results of the PIQ survey for children with SEN are comparable to those of their typically developing peers. Regarding emotional inclusion, positive dynamics were observed in 5 pupils with SEN in the experimental classes between the initial and final questionnaires in the PIQ survey. None of them exhibited negative dynamics on this factor. In contrast, among children with SEN in the control classes, only 1 showed positive dynamics, while 4 displayed negative dynamics.

In the experimental classes, positive dynamics were observed in the social inclusion of 5 students at various ranks, with no recorded instances of negative dynamics. Conversely, in the control classes, social inclusion for students exhibited negative dynamics in 3 instances, and the absence of positive dynamics was noted.

In the experimental classes, 3 students with SEN demonstrated positive dynamics on the academic self-concept factor, with no instances of negative dynamics noted. In the control classes, there were 2 instances of negative dynamics observed on this factor, and no positive dynamics were recorded.

Following the analysis of the PIQ survey results using the Wilcoxon Signed Rank Test, a statistically significant and non-random positive change was identified in the emotional and social inclusion scores, as well as in their academic self-concept, among students in the experimental classes.

Table 6

Test Statisticsa (typically developing students)

	Emotional inclusion		Social inclusion		Academic self-concept	
	Experimental classes	Control classes	Experimental classes	Control classes	Experimental classes	Control classes
Z	-5.978 b	-2.194 c	-4.811 b	-1.599 c	-4.533 b	-1.216 c
Asymp. Sig. (2-tailed)	.000	.028	.000	.110	.000	.224

a. Wilcoxon Signed Ranks Test
b. Based on negative ranks
c. Based on positive ranks

Furthermore, it was observed that negative trends in the quality of instruction persisted for 7 weeks among typically developing students studying in control classes. The positive and negative results of the PIQ questionnaire on factors of social inclusion and academic self-concept in control classes were found to be random and statistically insignificant (Table 6). Simultaneously, based on the indicator of emotional inclusion among typical children in control classes, negative dynamics were observed in 29 out of 66 students, while positive dynamics were noted in 13 students. After 7 weeks, the negative trends in the level of emotional inclusion among students in the control group were confirmed as non-random and statistically significant (Sig = 0.28) (Table 6).

The results of teaching children with SEN in the experimental classes showed statistically significant positive changes in the factors of emotional and social inclusion according to the PIQ survey. However, it was observed that positive changes in the factor of students' academic self-concept (positive dynamics in 3 students) were not statistically significant (Table 7).

Despite the prevalence of negative dynamics in three factors of the PIQ survey among children with SEN studying in control classes, their statistical significance was not confirmed. Consequently, the absence of statistically significant changes in the quality of education for students with SEN in control classes over the course of 7 weeks was confirmed (Table 7).

Table 7

Test Statisticsa (children with SEN)

	Emotional inclusion		Social inclusion		Academic self-concept	
	Experimental classes	Control classes	Experimental classes	Control classes	Experimental classes	Control classes
Z	-2.070b	-1.414c	-2.041b	-1.633c	-1.633b	-1.414c
Asymp. Sig. (2-tailed)	.038	.157	.041	.102	.102	.157

a. Wilcoxon Signed Ranks Test
b. Based on negative ranks
c. Based on positive ranks

Conclusions. Through this research, the collected empirical data has affirmed that conducting the teaching of subjects in inclusive classes with the involvement of children with mild intellectual disabilities through games enhances the quality of instruction. The research has established the following factors that substantiate the impact of games on improving the quality of instruction in the inclusive classroom.

As a result of the "PIQ survey" conducted in both experimental and control classes as part of the study, it was determined that the emotional and social inclusion of typically developing students, as well as children with special educational needs, studying in experimental classes, changed significantly for the better compared to those in control classes, from a statistical standpoint.

When investigating the cause of the negative dynamics in the quality of education for children with typical development and SEN in control classes, it was discovered that students repeated subjects studied at the preparatory school level during the first half of the academic year. The commencement of intensive teaching of new subjects in the second half of the academic year had a detrimental impact on the students' workload and overall instructional quality. Simultaneously, the rise in seasonal illnesses during February and March resulted in issues related to students' attendance, leading to frequent class absences. The problem of poor attendance adversely impacted the quality of their education.

As in the control classes, students of experimental classes had a problem in planning the educational program, as well as in the attendance of classes. While students in the experimental classes encountered the same level of difficulty as those in the control classes, a statistically significant positive improvement in the quality of their learning was observed.

Simultaneously, the emotional and social inclusion of children with SEN studying in experimental classes indicates that they achieve results not only significantly higher than they pre-test results. According to the post-test results of the PIQ survey for children with SEN in the experimental classes, it is evident that they are keeping pace with typically developing students in terms of emotional and social inclusion (participation in joint instruction). In the control classes, there is a significant difference in these factors within typically developed children and children with SEN. It has been determined that equalizing the opportunities for children from these two categories (typically developed and SEN children) in one class plays a crucial role in conducting instruction through games. This is because games create conditions for joint activity among students in the instructional process.

The positive advancement in the emotional and social inclusion of students in the experimental classes is attributed to their favorable relationships with both peers and teachers, their full engagement in the instructional process, and their acceptance as integral members of the class. Considering these factors, empirical research has confirmed that the use of games serves as an indicator of the quality of instruction in the inclusive classroom, supporting active participation for students in both categories within the experimental classes.

Factor III of the "PIQ survey", specifically "Students' academic self-concept," was employed as the primary criterion for evaluating the level of adaptation of instruction to students' needs. The rationale behind prioritizing this factor lies in the belief that when the instructional process is tailored to the student, they are more likely to succeed in their academic endeavors, subsequently enhancing their self-esteem and fostering a sense of accomplishment in their studies (Alnahdi, Lindner, and Schwab, 2022). Simultaneously, drawing on the principles of "Programmed learning" grounded in behaviorism theory, adapting the instructional process to the student allows them to effectively engage in tasks, leading to increased motivation, which, in turn, stimulates the acquisition of new knowledge and skills (Chen, 2011). Consequently, aligning instruction with the needs of the learner is anticipated to yield improved learning outcomes.

The final results of the "PIQ survey" were analyzed, revealing a statistically significant positive change in the level of academic self-concept among typically developing students during the research period. Utilizing Wilcoxon's "Signed Difference Test", it was observed that there were both posi-

tive and negative dynamics in the levels of academically successful students in the control classes. However, the observed change was not statistically significant and appeared to be random.

In the "PIQ preliminary survey" conducted in both experimental and control classes as part of the study, it was found that the level of academic self-concept among children with SEN is lower than that of typical children. In the intergroup comparison (experimental and control), there was a slight difference in this factor.

When the academic self-concept levels of children with SEN were examined based on the final PIQ survey, despite observing positive dynamics in the experimental classes and negative dynamics in the control classes, the change in this category of children from both groups was not deemed statistically significant and was determined to be random.

Considering the above, the educational outcomes of both categories of children in the experimental classes are statistically significantly different from the results of students studying in the control classes. Furthermore, given the high level of academically self-concept observed in students when subjects are taught through games, it can be asserted that research has demonstrated the appropriateness of adapting instruction through games to meet the needs of students compared to traditional pedagogical methods.

At the same time, based on the results of the PIQ survey, we can assert that instruction conducted through games may be more effectively adapted to typical developed children than to children with SEN. Thus, while the results of academic self-concept for typical children studying in experimental classes were confirmed to be statistically significant, the statistical significance of this difference was not confirmed in the results of children with SEN in experimental classes.

Taking into account the preliminary results of the PIQ survey, which indicated little difference in the quality of student instruction across the three factors between the classes, and considering that the only change in the learning process in these groups was the introduction of learning through games, it can be argued that the use of games in learning has a more positive impact on the quality of instruction compared to traditional pedagogical methods. In fact, games in the experimental classrooms were found to positively impact the instruction of all children in the classroom, not just those who are typically developing or have special educational needs. Additionally, the utilization of games in teaching is assessed as an effective pedagogical method to alleviate the workload during students' study programs and mitigate potential emotional stress in classes.

While teachers acknowledge the positive impact of games on students' education, the research revealed certain reasons for them continuing to employ traditional pedagogical methods.

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LANGUAGE-SENSITIVE LSP TEACHING: CONCEPTS, MODELS AND PLANNING AIDS

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Abstract. The article deals with language-sensitive LSP teaching from the perspective of academic theory and, using insights from research, proposes methods for acquiring subject-specific language skills in German as an introduction to professional language. Language-sensitive subject teaching is a didactic concept of integrated subject and language learning. Subject-specific content, working methods and ways of thinking are introduced to learners through a language-conscious approach, which pays conscious attention to language in order to facilitate subject-specific learning.

The article describes the peculiarities of the German professional language relevant for a better understanding of the professional language, compares the competences for mastering a foreign language and a professional language, presents two approaches to it – affective and defensive, and suggests a methodology for teaching professional knowledge in German.

Key words: languages for specialised purposes, language-sensitive LSP teaching, basis interpersonal communicative skills, cognitive academic language proficiency, scaffolding, grids.

Introduction. Languages for specialised purposes (LSP) began to receive more attention in the 1960s. They were treated as a linguistic variety of the general language. W. Schmidt was one of the first to address the character and social significance of specialised languages and defined them as a «means of optimal communication about a specialised field among experts» (Schmidt, 1969: 17). This definition was significantly expanded almost 15 years later by L. Hoffmann: he defined LSP as «the totality of all linguistic means used in a field of communication that can be limited to a specific subject in order to ensure communication between people working in this field» (Hoffmann 1984: 53). With this definition, the author subordinates LSP as a part of the common language. According to L. Hoffmann, LSP includes not only terms and terminology, but also phonetic and morphological means, lexical elements, syntactic and stylistic constructions. In this context, the author emphasises that a LSP is not homogeneous but has a different language stock within its various text types. At the same time, the monograph on LSP in German by D. Möhn and R. Pelka was published (Möhn, Pelka, 1984). The authors believe that every LSP serves «the recognition and conceptual definition of subject-specific objects as well as the understanding of them» and thus considers «the specific communicative needs of the subject» (Möhn, Pelka, 1984: 26). The authors draw up numerous classifications of LSP at the level of morphology and syntax.

W. von Hahn was the first to break away from the common language and distinguish between purposeful, active behaviour in the subject and various working contexts. According to his definition,

LSP is a «linguistic actions» as well as «linguistic utterances that are constitutively or commutatively connected with such actions» (von Hahn, 1983: 65).

U. Steinmüller is the first to refer to LSP teaching and writes that LSP is characterised by several essential features, namely a specific vocabulary and special norms for the selection, use and frequency of common language and grammatical means (Steinmüller, 1990: 19). It does not exist as an independent manifestation of language, but is actualised in professional texts, which always contain common language elements in addition to the layer. The author argues in favour of conveying the technical content of the respective discipline and doing so in a form that is appropriate to the scientific level of the subject matter. He is thus one of the first to develop the methodology of LSP teaching.

Students with German as a foreign language are expected to understand texts and be able to express themselves correctly when reproducing what they have learnt. However, many teachers experience the difficulties students have with this daily: almost all textbooks and teaching materials are geared towards learners with German as their mother tongue. Comprehension problems are usually explained by the fact that many students with German as a foreign language have difficulties understanding the German language correctly. However, the problem does not only arise in linguistically heterogeneous seminar groups: in practice, it is noticeable that even students who can speak and write German very well often show serious linguistic weaknesses in professional lessons. The reason for this lies in the switch between the two language registers – from everyday language to LSP.

Main part. The purpose of our study is to develop a methodology of a language-sensitive LSP teaching for students from a scientific-theoretical perspective. In contrast to common foreign language teaching, which is intended to enable students to communicate in everyday life and is designed in a dialogue-based, creative-associative and error-tolerant manner, LSP teaching is geared towards tasks and problems that it seeks to solve in a system-compliant manner with reference to a certain methodology inherent to the subject. Language and subject are inextricably linked. Whether the students are listening to the teacher, reading a text or reproducing what they have learnt – the language conveys the subject content. All too often, however, learning fails not so much because of a lack of professional knowledge, but because students do not understand a task in purely terms. Language-sensitive LSP teaching therefore makes deliberate use of language as a medium to remove language barriers.

The aim of the study is to solve a number of problems: 1) to describe the features of the German professional language that are relevant for a better understanding of the professional language; 2) to compare the competences for foreign language and professional language proficiency; 3) to present two approaches to language-sensitive LSP teaching – one offensive and one defensive; 4) to propose the methodology of acquiring subject-specific language skills in German as an introduction to subject-specific language and culture.

The research methodology includes the method of linguistic description to establish multilevel characteristics of professional communication, as well as to analyse professional vocabulary, morphology and syntax in the learning process. To determine the degree of compliance of speech works spontaneously created by students in professional communication with linguistic norms, cultural and speech analysis of natural written speech was used. Consequently, we define a professional linguistic personality as a representative of a certain sociocultural sphere, whose cognitive potential of language is revealed in the created professional discourse and characterised by a certain degree of individuality. This means that professional language personality is formed in an educational system that provides sociocultural and professional relations, access to the outside world and self-awareness of capabilities in a broad social and professional context and can integrate various LSP. Note that in the framework of professional training of a modern specialist of any profile, special attention is paid to professional communicative competence, i.e. to communicative skills in a professional situation. Language-sensitive LSP teaching also consciously and systematically teaches the subject-specific language skills required to understand, reflect on and actively apply the subject matter of a subject.

In language-sensitive LSP teaching, it is not assumed that these language skills will develop on their own. The acquisition of an educational language register through language education in the subjects is essential for the academic success of foreign students and it is the task of teachers to actively counteract educational disadvantage.

Results and their discussion. Language-sensitive LSP teaching is a didactic requirement whose implementation depends on knowledge of the lexicological, morphological and syntactical features of LSP. In terms of morphology, LSP differ from everyday language in a number of key ways, namely through:

– substantivised infinitives: *das Problemlösen, das Beweisen*;

– nouns on *-er*: nomina agentis (*Fahrer, Dreher, Schweißer*), nomina instrumenti (*Zeiger, Zähler, Schwimmer, Rechner*);

– adjectives on *-bar, -los, -reich, -arm, -frei, -fest* etc.: *brennbar, nahtlos, vitaminreich, sauerstoffarm, rostfrei, säurefest*;

– adjectives with prefix *nicht-*: *nichtleitend, nichtrostend*;

– multi-member composites: *Zylinderkopfmutter, Scheibenwaschanlage*;

– compositions with numbers, letters, special characters: *T-Träger, 60-Watt-Lampe, U-Rohr*;

– multi-word complexes: *elektronische Datenverarbeitung, Flachkopfschraube mit Schlitz*;

– formations from and with proper names: *galvanisieren, röntgen, Bunsenbrenner, Ottomotor*;

– discipline-specific abbreviations: *Abb*. – Abbildung, *Abh*. – Abhandlung, *FS* – Festschrift, *GmbH* – Gesellschaft mit beschränkter Haftung etc.

At the level of syntax, the following syntactic structures occur in LSP:

– functional verb structure: *Anwendung finden, in Betrieb nehmen*;

– nominalisation groups: *die Instandsetzung der Maschine, der Über-führungsvorgang*;

– extended noun phrases, clauses instead of subordinate clauses: *nach der theoretischen Vorklärung, beim Abkühlen des Werkstücks*;

– complex attributes instead of attribute sets: *das auf der Achse festsitzende Stirnrad; die grünen, spitzzulaufenden Drähte; der vorfristig beendete Vorgang*;

– impersonal language: *man nimmt dazu; Strahlungen lassen sich schwer nachweisen*;

– ellipses with infinitive: *die Schraube fest anziehen; den Deckel öffnen* etc.

Causal, conditional, final and relative clauses are favoured. The finite verb is usually in the 3rd person singular / plural in the present indicative; passive forms (procedural and conditional passive) and imperatives are often used.

It is precisely in these points that the common language and LSP differ. In practice, teachers note the following problems with the LSP (see Chart 1, according to Leisen 2015: 47):

Chart 1

Problems in LSP teaching

Language Problems in LSP Teaching	Problem category
Learners • wrestle with (technical) terms • have a limited vocabulary • mix common and professional language	Problems related to vocabulary
• give one-word answers and avoid complete sentences • speak and write in an unstructured manner • read and speak haltingly, choppily and fall silent • speak and write in the simplest sentence structures • speak and listen in a teacher-centred way	Problems with verbalisation and communication
• massively violate the rules of the German language • do not understand professional texts and forms of presentation (reading) • have difficulties in writing and describing	Problems related to language, reading and writing skills

The Canadian LSP didactician J. Cummins was the first to distinguish between everyday language and LSP in the classroom (Cummins, 1979: 197–203). Language learning at school starts with everyday language, the so-called *BICS skills* (an acronym for *basic interpersonal communicative skills*). Through language-sensitive LSP teaching, children at school must gradually learn the language of education (*CALP* as *cognitive academic language proficiency*) and later the LSP (s. Chart 2).

Chart 2

BICS and CALP skills

Basic Interpersonal Communicative Skills (BICS)	Cognitive Academic Language Proficiency (CALP skills)
• basic communication skills • language skills for everyday interpersonal communication • oral language register	• cognitive school-related language skills • language skills of LSP in the cognitive academic field • written language register

The two language registers are not directly linked. Unlike everyday language, LSP is not acquired automatically, but is learnt through instruction and deepened through practice. Pupils should be able to use the knowledge gained for their further thinking, speaking and acting, e.g. to derive statements and understand them outside of their context. LSP skills are particularly important for success at school.

Furthermore, the question of the right time for LSP teaching plays a decisive role. As a rule, language skills at a good intermediate level are assumed, and most textbooks also start here with their progression, although there are now also attempts to equate the start of LSP teaching with the start of foreign language learning.

Language-sensitive LSP teaching is a didactic concept of integrated subject and language learning. Subject-specific content, working methods and ways of thinking are introduced to learners through a language-conscious approach. In other words, language-sensitive LSP teaching pays conscious attention to language to facilitate subject-related learning. In addition to the term *language-sensitive LSP teaching*, the term *language-aware LSP teaching* is also used slightly differently in the specialist literature. In practice, both approaches aim to make it easier for learners to achieve subject-related learning objectives by providing linguistic support.

U. Steinmüller (Steinmüller 1990: 21–22) makes the following eight components in a proposal for the organisation of language-sensitive LSP lessons: a clear structure of learning material, simple, clear but not imprecise linguistic design, the use of visual aids, pre-relief and structuring of subject texts, ensuring and checking their comprehension, the teaching of working techniques and the creation of a subject reference via suitable teaching material, whereby he ends by explicitly advocating team teaching of German as a Foreign Language and subject teachers.

There are two approaches to language-sensitive LSP teaching: an offensive and a defensive approach. In the offensive approach, the language requirements remain unchanged, but students are supported linguistically. In the defensive approach, the language requirements are raised to a language level that is slightly above that of the students. In each approach, however, many learning situations require special language resources, for example for describing, explaining or justifying.

Language-sensitive LSP teaching relies on techniques that support and help to master communicative situations. For students to gain linguistic confidence, they are offered a framework of aids, so-called scaffolds, see worksheet A without scaffolds and worksheet B with scaffolds in Fig. 1 (according to Leisen 2019: 12):

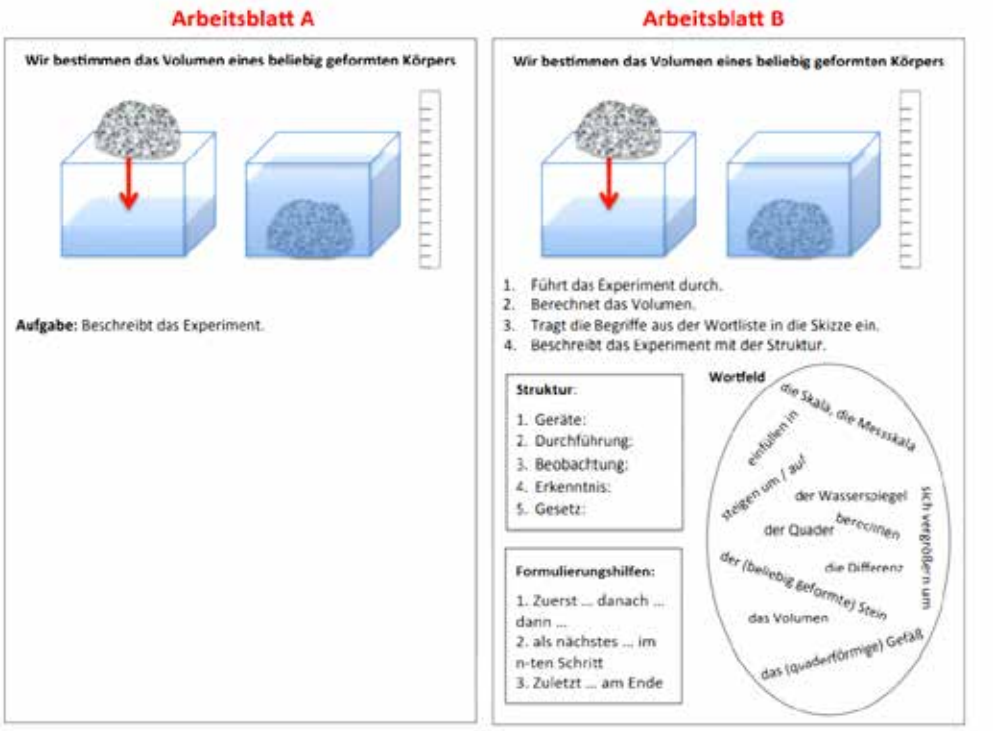

Fig. 1. Worksheets with and without scaffolds

Scaffolding is about providing students with concrete aids so that they can carry out the next higher learning step independently. The following scaffolds, for example, are suitable for language-sensitive LSP teaching:

– word list with important terms,
– graduated learning aids, e.g. speech bubbles with formulation aids,
– word railings in the form of predefined words,
– learning posters to visualise learning content,
– concept networks, clusters or mind maps,
– sample solutions etc., e.g. in maths lessons (see Fig. 2):

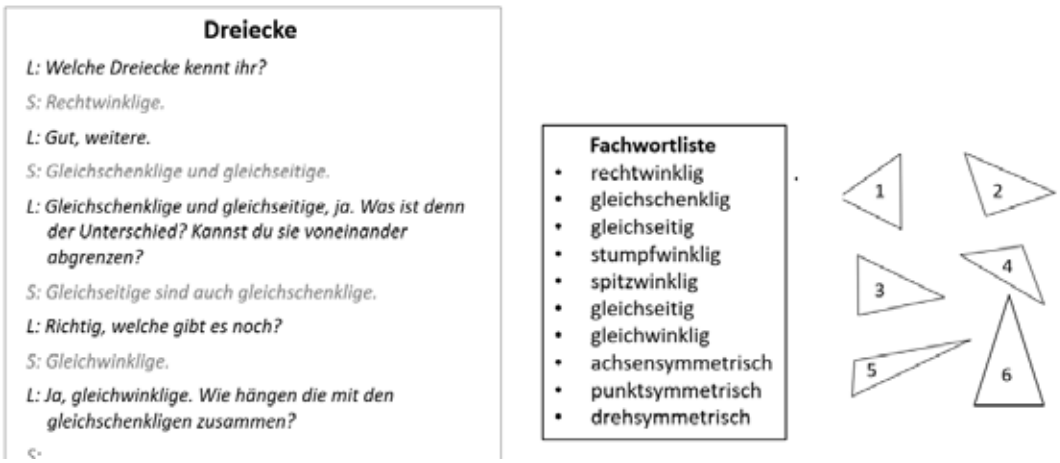

Fig. 2. Sample solutions in maths lessons

Scaffolds are not only suitable for science subjects, but also for humanities subjects, e.g. history, by explaining the topic «The walk to Canossa» (the supplication and penance of the Roman-German King Henry IV from December 1076 to January 1077 to Pope Gregory VII), see Fig. 3 and video at https://studyflix.de/geschichte/gang-nach-canossa-3730:

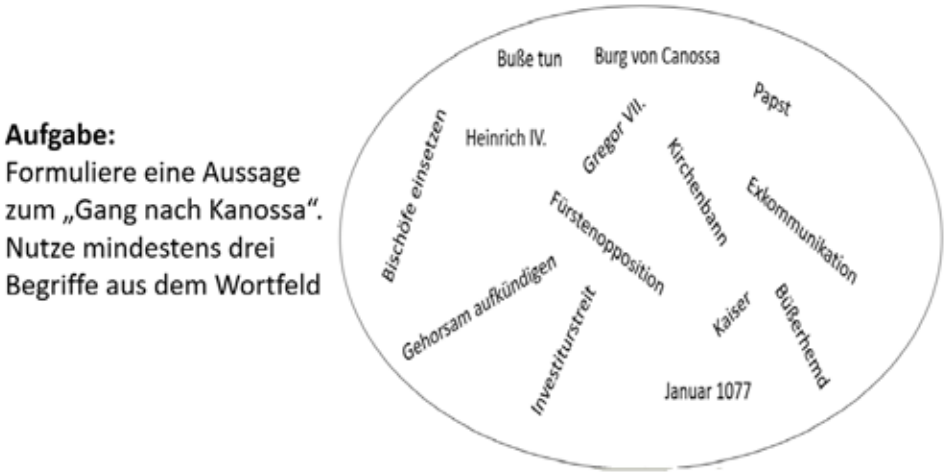

Fig. 3. Scaffolds for a historical material

Graduated learning aids make tasks solvable for students with different levels of LSP skills. They use the learning aids independently and can therefore adapt the level of difficulty of a task to their own performance level. Tiered learning aids are particularly suitable for complex tasks, tasks for reorganising or transferring knowledge and tasks for applying what has been learned. The aids are stimuli that can relate to understanding the task, understanding texts, charts and graphics or to content-related aids for solving tasks. The aids are not presented in one go, but rather guide the students step by step through the process of working on and solving tasks. They should be designed in such a way that they build on each other in terms of content and can be referred to by the students in stages. A step-by-step aid can, for example, comprise five levels. The first level comprises the least amount of help, with each subsequent level providing smaller steps and suggestions that are closer to the solution. The last level of help often corresponds to the model solution developed by the teacher, cf. the task for explaining the processes in the diagram sections (see Fig. 4).

Graduated learning aids are not suitable for developing different solutions to problems are not suitable for developing different solutions to problems, as the aids usually prescribe a specific solution.

Help is often provided in the form of «help cards». The cards can include information (e.g. references to textbooks, teaching materials, explanatory videos, etc., speech bubbles in diagrams, graphics and texts), more detailed explanations of the task (possibly reformulated task), instructions on the solution steps, linguistic aids (vocabulary and/or sentence construction aids). Before the start of the work phase, the teacher should present the graded aids to the students so that they are aware of the areas in which they can make use of help.

Scaffolds support the students' cooperative work. Intensive communication between students gives the teacher more freedom to observe and provide targeted support to individual students. This enables language-sensitive subject teaching. However, only as much help as necessary is offered. As soon as the students can work on tasks independently, the scaffolding is gradually removed again. Working with graded learning aids in individual or partner work is favourable. In principle, however, graded aids can be used in all social and teaching forms.

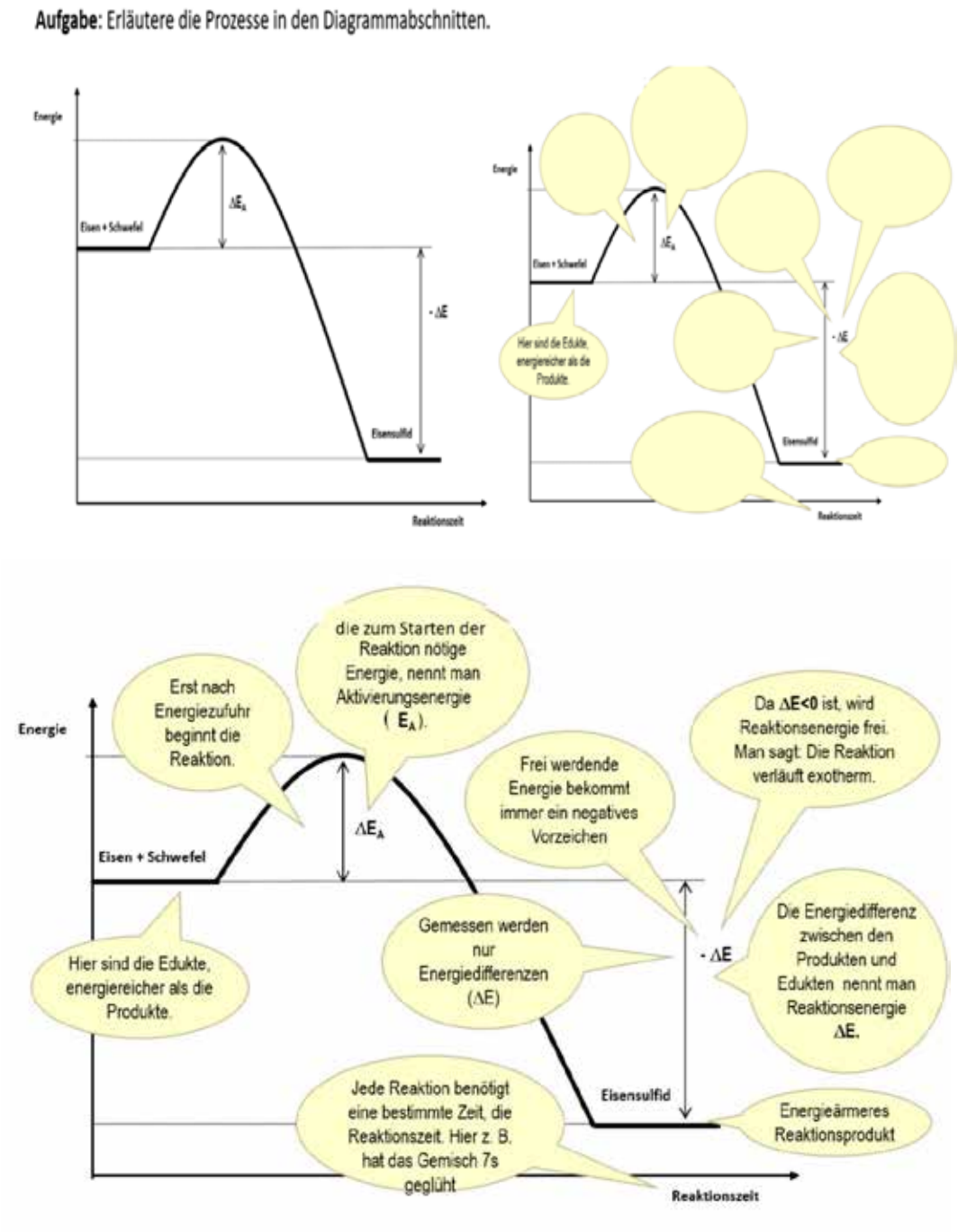

Fig. 4. Graduated learning aids

For everyday planning, sensitive LSP teaching requires a clear and practicable presentation of the planning on approximately one page, a so-called planning grid. The teacher should take language aspects into account as early as the lesson preparation stage. The simplest planning grid is based on the concept for language support in LSP lessons (Tajmel, Hägi-Mead 2017: 75), see Chart 3.

Working with the grid follows a specific procedure. The aim of analysing tasks with the planning grid is to identify and specifically name nouns, verbs, adjectives, prepositions and morphological / syntactical structures (e.g. active-passive, causal sentences, conditional sentences, comparisons) that

Chart 3

Planning Grid

Date: Class: Subject: Topic of the lesson: Competence expectations according to the curriculum:				
	Language actions	Language structures	Vocabulary	
			Operators	Keywords
General				
Listening				
Speaking				
Reading				
Writing				

are necessary for completing the task. The methodological approach includes an analysis along four key questions:

(1) What is the task?

(2) What activities and linguistic actions should the pupils carry out, e.g. in plenary, in individual work phases, in group work?

(3) What linguistic means and structures are required for this, e.g. to describe chronological processes, conditions, causalities, results?

(4) What vocabulary is required for the subject area?

Another planning grid with modified questions to create looks like this:

– What specialised vocabulary will be used in the lesson? (create a list)

– Which stumbling blocks are included?

– How can these stumbling blocks be pre-relieved?

– Which operators should primarily be practised?

– What material can I use for this? (List with links, worksheets, ...), see Chart 4 (nach http://www.josefleise.de/download-sprachbildung)

Chart 4

A completed planning grid

Lesson unit: Addition and subtraction of natural numbers				
Vocabulary used, phrases used	**Stumbling blocks**		**Operators used**	**Material ideas, links**
	Which stumbling blocks are included?	**How can they be pre-relieved?**		
addieren, dazu nehmen / zählen, zusammenzählen, summieren, vermehren, hinzufügen, plus rechnen, subtrahieren, abziehen, wegnehmen, Unterschied bilden, vermindern, minus rechnen, Differenz bilden, Summand, Summe, Minuend, Subtrahend, Differenz, Klammerregel, Kommutativgesetz (Vertauschungsgesetz), Assoziativgesetz (Verknüpfungsgesetz)	• *separable verbs (abziehen, wegnehmen, zusammenzählen, hinzufügen)* • *foreign words, many synonyms*	• *create a glossary (with plural formation)* • *vocabulary cloud in the classroom* • *have specialised vocabulary for the difference circled in blue if necessary* • *circle technical vocabulary for sum in red if necessary* • *initially use a small stem of synonyms (e.g. addieren & plus rechnen)*	*Berechne, nenne, wende an, addiere, subtrahiere*	*https://mathewortschatz.schule.at/mathewortschatz.htm Wortschatz Bingo, Domino*

If a textbook is to be used in LSP lessons, it would be a good idea for the teacher to examine the text at word, sentence and text level beforehand. The extent of the vocabulary that the students have mastered plays a decisive role in reading comprehension. Criteria for text selection are simplicity, brevity, structure and the clarity of the pictures or graphics. A suitable text:

– is not too extensive,
– uses terms consistently.
– is characterised by a clear structure,
– explains facts using examples,
– does not contain any superfluous information.

If a text seems too difficult, teachers can simplify it by reducing LSP features so that the content is more accessible. However, LSP texts cannot be changed at will. A text should also not be too simple in terms of language development, but should present a calculated challenge.

When preparing LSP texts for teaching, texts should be pre-relieved and structured. It makes sense to provide preliminary and additional information about the text. The text could be opened by asking key questions, underlining or highlighting the key words or main information in the text, writing out key words and labelling their context in the margin of a text. For difficult texts, teachers could create a simpler parallel text, which must, however, contain all the essential content of the main text. Additional graphic representations of the facts are very helpful because of coupling between object, word and image, classification of previously learnt and new terms in graphically designed systems, vocabulary presentation of collective terms and word fields. Activities that accompany and support reading comprehension are divided into three phases:

I. Before reading (activation of prior knowledge)

(1) Activate prior knowledge associatively, e.g. via visual material, associations with individual terms through diagrams, mind-mapping or action-orientated through a preceding experiment.

(2) Pre-explain difficult words (terminology, compound words, foreign words) with word explanations or definitions. Simple self-produced or existing explanatory videos can be used here. These can provide preliminary relief in terms of content and language during preparation at home. They are also a modern tool that corresponds to the media habits of the learners.

II. During reading (reading comprehension, reading strategies)

(1) Cooperative method ‘House of Questions’ (Brüning, Saum, 2015: 18f), which consists of the following steps:

(a) Individual work: Students are given a text to read. Everyone then writes down at least 3 questions from the ground floor about the text and also writes down the answers.

(b) Group work: Students take it in turns to ask one of the questions. The others must try to answer it correctly. Each student has four speech cards; for each answer, they must place a card in the centre. When they have put down all their cards, they must wait until everyone else has put down their cards. The student asking the question calls out, the others must answer. Questions may not be asked twice.

(c) Individual work: Everyone then writes down at least two questions from the 1st floor on the text and writes down the answers.

(d) Group work: Students take it in turns to ask one of the questions. The others must try to answer them correctly. Each participant has four speech cards; for each answer they must place a card in the centre. Questions may not be asked twice.

(e) Individual work: Everyone then writes down at least one question from the attic about the text and writes down the answers.

(f) Group work: Participants take it in turns to ask one of the questions. The others must try to answer it correctly. Each participant has four speech cards; for each answer they must place a card in the centre. Questions may not be asked twice.

(g) Plenary: The groups now ask their most difficult questions on the 3 levels in plenary.

(2) Support materials such as dictionaries, translation software, etc. Texts should first be broken down into smaller sections of meaning, paraphrased and written down in keywords, e.g. cooperatively in reading tandems or through reciprocal reading, which offers the opportunity to ask fellow students directly if there are difficulties in understanding or to formulate questions about the text yourself.

III. After reading (text reconstruction and text transformation)

(1) Summarise, compare and reflect on what has been read using visualisation techniques.

(2) Summarise what they have read in just one sentence in order to train their eye for the essentials.

(3) Creative forms of text reproduction, for example in a still image or as a role play, productive writing occasions, e.g. rewriting the text from a new perspective, also trains text planning skills,

(4) Use prepared concept cards to help pupils verbalise what they have understood.

(5) Deciphering highly condensed and abstract texts (e.g. through nominal style, passive constructions, complex hypotaxis, long nominal phrases and extensive references). Exercises such as tracing and assigning reference words or simplifying transformations in which sentences are shortened, nominal phrases are converted into subordinate clauses, etc. can provide support here.

Matching exercises are suitable for checking the comprehension of specialised texts when two sets of terms or partial statements are extracted from the text and the learner must link them together. Correct/false exercises and multiple-choice exercises can also be used. In order to understand the specialised texts, central keywords or statements of the text should also be named, an unstructured text should be divided into smaller sections, terms or statements from the text should be entered in drawings, speech bubbles should be filled in, texts should be reproduced in key words orally or in writing, technical contexts, definitions of terms, rules, formulae, abbreviations etc. should be asked for or looked up. At an advanced stage, work assignments could be carried out according to written or oral instructions or work assignments could be formulated for others in writing or orally

These texts are orientated towards the respective subject. The linguistically precise, conceptually written form or non-linear presentation of diagrams makes it more difficult for learners inexperienced in educational language to extract information and must therefore be prepared, supported and practised. The aim is to achieve confidence in using the technical language level, not to simplify it, even if simplification can be an intermediate step.

Conclusions. In conclusion, it can be generalized that the sensitive use of language in subject lessons plays a crucial role in helping students with German as a foreign language to overcome linguistic hurdles, thereby facilitating the achievement of subject-related learning goals. By adapting language use to be more accessible and clear, educators can create an inclusive learning environment that supports the comprehension and engagement of all students, regardless of their proficiency in German. This approach not only aids in understanding the subject matter but also contributes significantly to the students' overall language development. As a result, students increasingly acquire German subject-specific language skills, which enhances their academic performance and confidence in using the language across different contexts. Moreover, this method promotes a more positive attitude towards learning German, encouraging continuous improvement and greater academic success. Through careful consideration of language use, educators can ensure that all students have the opportunity to succeed and thrive in their educational journey.

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ESP AS AN APPROACH FOR IMPLEMENTING UNIVERSITY ENGINEERING STUDENTS' LANGUAGE SKILLS THROUGH THE PRISM OF THEIR NEEDS AND MOTIVATION

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Abstract. The article examines the specifics of ESP for engineering students from the standpoint of meeting their relevant language needs as for future professionals. The aspects of ESP are analyzed in the context of scholarly perspectives and formulations. The essence of ESP related terms such as «need» and «goal» is clarified. The role of motivation in ESP learning is substantiated. Based on the empirical study, specifically the survey conducted among the students – future engineers and the analysis of its results, the conclusions are drawn regarding the real communicative needs of the respondents to enhance the effectiveness and motivation in mastering ESP during university education stages.

Key words: ESP, need, purpose, motivation, engineer, foreign language, education, university.

Introduction. The modern paradigm of future specialists' education nearly in any professional field reflects changes occurring in the system of education under the influence of economic globalization, the development of innovative technologies, and consequently the arising demands of the job market. This entails students to acquire truly valuable and useful knowledge, and furthermore, to develop skills that will contribute to their successful adaptation and realization both in professional environment and in various spheres of multifaceted life.

Today, the foreign language proficiency represents a significant advantage practically in any professional's portfolio. First and foremost, this applies to proficiency in English, which is widely used in international cooperation and communication, business, politics, science, education, and other significant spheres of human activity.

Within the framework of European integration the institutions of the European Union utilize 24 official languages; in parallel, as L. Derbenyova points out, this raises a question of an «international auxiliary language» (IAL), primarily in the administrative domain, as such a «common» language helps regulate political, economic, and cultural relations more effectively between the EU countries, with English serving as the functional language in these areas (Derbenyova, 2010: 174).

Along with this, the modern globalized world is culturally diverse, which necessitates the prevalence of multilingualism in the context of diversified communities based on national and cultural characteristics. The socially important value of multilingual competence is declared in the «Recommendation on Key Competences for Lifelong Learning», as such which «defines the ability to use different languages appropriately and effectively for communication», and namely «involves the appreciation of cultural diversity, an interest and curiosity about different languages and intercultural communication» (Recommendation, 2018). Therefore, multilingual trends extend to the professional environment, which social aspect lies in interaction and cooperation not only within the internal organization of work relations but also in establishing external professional communication with foreign partners, with intercultural aspect being an essential component.

The aforementioned indicates that the essentiality of effective foreign language learning in universities is a priority in modern higher education. Consequently, the multifaceted study of effective, motivational approaches to foreign language training of future professionals currently represents the relevant topic in vast pedagogical discourse.

The purpose of the research is to present and analyze the results of the survey of technical university bachelors regarding the motivational basis of their English language learning and examine their correlation with current language needs of future engineers.

Research methods. The issues of our research were studied through the prism of theoretical investigation of relevant scientific sources, the use of the empirical survey method, as well as the analysis of the obtained results.

Theoretical basis. Investing in higher education involves significant resources from both students, universities and governments, yet, along with that a skilled workforce supports economic development and brings about societal well-being. One can't deny that «employability of university graduates becomes a number one priority» (Marjanovikj-Apostolovski, 2019: 51).

Our scientific interest centers on the foreign language education of engineering students, who will be future contributors to the technological advancement in our society. Broadly, the engineering field involves development, design, production, implementation, and maintenance of varied technological solutions and products.

The diverse tasks and obligations of engineers underscore the multifaceted character of their profession and the profound impact they exert on society. Through their involvement in creating innovative systems, optimizing existing ones, analyzing data, conducting experiments, and ensuring product quality, engineers play a pivotal role in driving and implementation of technological approaches that have the potential to bring about significant progressive changes in lives of individuals and communities. Effective innovative engineering solutions improve the quality of life, strengthen the economy, and contribute to solving humanity's challenges.

In the present-day interconnected and globally integrated society the need for engineers to master foreign language skills and, in particular, English for non-native speakers, has become more significant over time. English has emerged as the lingua franca of science, technology, and business, facilitating collaboration and communication among professionals. Fluency in English opens doors to international employment opportunities and professional growth, allowing engineers to work on international projects and tackle global challenges. In this context, we agree with the assertion that «a manifestation of competence, learning and using a foreign language should expand the possibilities of mastering a future profession» (Zelenin, 2021: 217). Thus, the demand for foreign language competence has turned integral to the modern engineering profession. As stated by Boivan & Kovtun, «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» (Boivan & Kovtun, 2023: 71). Therefore, the issue of quality foreign language teaching for future engineers remains the topic of discussion and scientific inquiry among researchers, methodologists and teachers. To a large extent, the effectiveness of such training at the university is determined by the interconnected set of students' language needs and motivation, which reflect the conditions of professional realization in the modern world. The primary approach to applying such a format of teaching English is ESP (English for Specific Purposes). In this regard T. Fitria notes that ESP combines subject matter and English language teaching which is highly motivating because the learners can apply what they have learned in their English classes to their field of studies (Fitria, 2020).

Since in most cases students already have some knowledge of English language acquired at school, their foreign language training at the university, as a rule, involves improving the existing level of the foreign (English) language with the aim of applying the communication potential in the professional

environment related to their chosen specialization. Regarding the necessity of having prior knowledge of English within the context of acquiring ESP, there exists a perspective that most ESP courses assume basic knowledge of the language system, but it can be used with beginners (Dudley-Evans & John, 1998: 5). T. Fitria, in turn, emphasizes that ESP approach improves the relevance of what the students/learners are learning, then enables them to use English that they have known before (Fitria, 2020). It is worth noting, however, that the effectiveness of ESP courses in bridging the gap between language learning and practical language use in professional or academic contexts can also depend on the quality of instruction, the authenticity of materials used, and the level of learner engagement.

The dynamic nature of language itself and the ever-changing demands of global communication contribute to the continuous evolution of ESP, leading to a multitude of definitions that aim to remain relevant and practical in the real-world language use. The certain lack of a standardized formulation of the essence of ESP can be attributed to the fact that it is intensively advancing field, and as language teaching methodologies and educational needs progress, new perspectives and approaches emerge, contributing to the ongoing clarification of ESP's definition. As for the context of our analysis, the essential reference points in understanding the core of ESP, encompassing its defining components, are the formulations of ESP derived from the comprehensive scrutiny in scientific exploration within this domain. As noted by T. Dudley-Evans and M. John (1998), «ESP is part of a more general movement of teaching Language for Specific Purpose (LSP), which has focused on the teaching of languages such as French and German for specific purposes, as well as English». Additionally, M. Chalikandy (2013) makes it clear that «the present trend is spreading ESP into non-native English speaking countries where English is taught as either as a second language or as a foreign language».

The essence of ESP remains the subject of discussion and clarification, and the very concept, due to its to some extent comprehensive character, lacks complete certainty, as evidenced by the findings of numerous researchers in this domain.

Thus, based on its functional role, ESP has been proposed to be defined by absolute characteristics as being tailored to meet specific purposes of the learners and make use of the underlying methodology and activities of the discipline it serves; additionally, one of the variable characteristics of ESP may be related to or designed for specific disciplines (Dudley-Evans & John, 1998: 4–5).

Along with that, T. Hutchinson and A. Waters point out that ESP is not a particular kind of language or methodology, and it is not different in kind from any other form of language teaching; ESP should be seen as an approach to language teaching which is directed by specific and apparent reasons for learning (Hutchinson & Waters, 1987). L. Anthony (2018) states that ESP is one of the most established approaches in ELT. M. Chalikandy (2013) stresses that «ESP is a branch of English Language Teaching (ELT) with its own approaches, materials, and methods which have been developed by adapting from other disciplines and integrating with other disciplines». Based on these formulations, it can be determined that ESP is an integrated system within the broader field of ELT, which focuses on providing language instruction to learners of English in light of various contexts, encompassing general language skills for communication and fluency. ESP, though, targets specific language needs of learners based on their particular professional or academic purposes, as observed by numerous researchers in this field of language instruction. That is, ESP courses are narrower in focus than general ELT courses because they centre on analysis of learners' needs (Basturkmen, 2010: 3). Concurrently, as N. Stojković (2019) notes, «ESP is the most responsive form of English language teaching (ELT) in the sense of adhering to the notion of job situation precise, effective, fast, linguistic preparation». This confirms the position of T. Fitria (2020) who indicates that «the most important learner's purpose for learning English is to communicate a set of professional skills and to perform specific job-related functions». A consonant perspective is found in B. Ho's research (2011), who suggests that ESP courses are offered to develop university students' English communication skills needed in the workplace and/or in an academic setting.

From the researchers' views on the specificity of ESP's objectives, it becomes clear that the terms «purpose» and «need» are commonly employed due to their integral role in defining the intended outcomes of ESP. In fact, this is what L. Anthony (2018) means when he posits that the starting point of ESP is an understanding of the current and/or future occupational needs of learners. Emphasizing purposes and needs in ESP research underlines the importance of aligning language teaching with the practical goals of learners, rendering ESP a crucial and effective strategy for academic professional language training.

According to the definition, purpose is «something set up as an object or end to be attained» (Marriam-Webster dictionary). Additionally to that purpose is defined as «determination or a feeling of having a reason for what you do»; «an intention or aim»; «a reason for doing something or for allowing something to happen; «an intended result or use» (The Cambridge Dictionary). The explicit meaning of «need» is found as «a situation in which someone or something must do or have something»; «something that a person must have; something that is needed in order to live or succeed or be happy»; «a strong feeling that you must have or do something» (The Britannica Dictionary). So, the concepts of «purpose» and «need» are correlated through the idea of intention and necessity. *Purpose* refers to the reason or goal for which ESP is taught/learnt, while *need* highlights the particular requirements or necessities that ESP aims to fulfill. In this manner they are synchronized, with the purpose driving the actions and the need determining the necessary steps to achieve the intended outcome. Therefore, it is right to assert that purpose pertains to the underlying reason or goal for an action, providing an answer to the question of why something is undertaken or performed. Given above analytical reasoning we concur that ESP is «an approach to language learning, which is based on learner need» within such an essential context that «the foundation of all ESP is the simple question: why does this learner need to learn a foreign language?» and «the whole analysis derives from an initial identified need on the part of the learner to learn a language» (Hutchinson & Waters, 1987: 19). In alignment with this attitude, H. Basturkmen (2010) extends the discussion about ESP's reference points, stating that «ESP focuses on when, where and why learners need the language either in study or workplace contexts». It is worth noting that understanding the nuances of the contexts is essential for designing language instruction that is relevant with learners' real-world communication needs. In the realm of ESP teaching/learning context refers to the specific situation, environment, or domain in which language is used or taught. In this regard context is thought of as having two main sets of components: pragmatic and mental, externally observable pragmatic features of a given situation (e. g. availability of reaching-learning resources, multimedia facilities, teachers' level of training) and the attitudes, beliefs, and behavioral expectations participants bring with them to the classroom (Tudor, 2001: 18–19). It implies that tailoring language instruction to the contextual factors contributes to its effectiveness by ensuring more targeted and relevant language learning experience.

The link between needs and purposes becomes apparent within the context of need analysis as integral part of ESP and an ongoing process because students are culturally, ethnically, and linguistically diverse, their objectives and the levels of academic literacy are different (Chalikandy, 2013: 319). Furthermore, their objectives for learning English may vary widely, from improving their communication skills for professional purposes to professional and academic pursuits.

Hence, it is crucial to recognize that by carefully evaluating and addressing learners' needs, ESP practitioners can offer a tailored and effective language learning experience, equipping students with the linguistic skills needed to reach their specific objectives in a more interconnected professional environment.

As stated by M. Marjanovikj-Apostolovski, «it is more than obvious that simply mastering field-specific vocabulary is no longer the primary objective of ESP courses» and «ESP courses in higher education should give students a solid foundation and basis for future learning and development» (Marjanovikj-Apostolovski, 2019: 51). We believe it is vital for English teachers to respond in

this manner, especially when working with future engineers, as professionals in this field are currently the catalysts and enablers of rapid scientific and technological advancement globally.

Research results and their discussion. In a broad sense, engineers are professionals who are involved in design, development, manufacturing, and improvement of products, systems, infrastructure, and technologies in various fields such as mechanical engineering, civil engineering, computer engineering, software engineering, cybersecurity, telecommunications engineering, chemical engineering, industrial engineering, aerospace engineering and many others.

In the context of global economy, the boundaries of business and professional communication expand in each of these realms due to the necessity of exchanging innovative experiences, participating in international projects, engaging in internship and professional development programs, deepening partnership relations, and more. Therefore, knowledge and use of English language in all of these aspects are undeniable imperatives of communication. On a side note, it is also worth mentioning that «teaching technical English involves developing intercultural competence for students to be engaged in international learning and job opportunities» (Chugai, 2015: 170).

From a wide standpoint, the mentioned factors serve as a significant motivational basis for future engineers to study English language comprehensively in all aspects of its application in the professional field. In teaching English as a foreign language to engineering students, the notions of «need» and «purpose» are closely related and both play an essential role in shaping motivation.

We support the opinion that motivation in ESP has a profound effect on the question of how specific the course is and, particularly, high motivation on the part of learners generally enables more subject specific work to be undertaken; low motivation, however, is likely to lead to a concentration on less specific work (Dudley-Evans & John, 1998: 10). As per S. Selimovic, motivation is the mix of endeavor and want which gives the purposes behind individuals' activities, wants, and needs to get the goal of learning towards a target (Selimovic, 2022: 26). Thus, when students recognize and perceive their needs, it can significantly enhance their motivation to learn. If future professionals understand that mastering English is essential for their academic and professional success, they are more likely to be motivated to engage with the language learning process.

Having a clear purpose gives students a tangible goal to strive towards. When students have a clear understanding of why they learn English and how it will benefit them, their motivation tends to be stronger and more sustained. The need creates a foundation for learning, highlighting what students must achieve, while the purpose provides direction and meaning, showing why they learn. Combined, these factors create a strong source of motivation – students learn English not just out of obligation, but because it aligns with their professional aspirations and goals. Along with this, it should be taken into account that, as N. Hromova notes, «the effectiveness of foreign languages learning has always been considered dependent on students' motivation and aptitude, on the one hand, and teachers' professional and personal qualities, on the other» (Hromova, 2019: 76). This perspective emphasizes the dual responsibility in the educational process, highlighting that both student engagement and teacher competence are crucial for successful language acquisition.

With regard to the above views and analyzed theoretical discourse and within the scope of our research interest, we conducted the survey in which 49 bachelor students of Institute of Physics and Technology of National Technical University of Ukraine «Igor Sikorsky Kyiv Polytechnic Institute» participated. The main idea of the questionnaire can be outlined by stating that since learners' motivation to learn English may affect their learning outcomes, it is worthwhile to explore how learners become successful or discouraged in English learning, as this may affect their motivation and familiarity with the language (Selimovic, 2022: 25). The survey is expected to provide insights into the priorities and influencing factors that contribute to the effectiveness of learning a foreign language, specifically English, among engineering students. The results will help in understanding future specialists' perspectives and needs related to language learning, informing language education strategies and curriculum development.

The tables below provide the study's results. In this research a 4-point Likert scale is the method used which permits capturing students' attitudes towards motivational context of learning English as for future engineers.

The data are displayed in numbers and percentages which allows for a quick understanding and analysis of responses' variation according to the questions in the Google forms sent to students.

Table 1

Do you feel motivated to learn English as foreign language when studying at the technical university?	**Amount**	**Percent (%)**
I am undoubtedly motivated	26	53,1%
I am rather motivated	18	36,7%
I am somewhat lacking in being motivated	5	10,2%
I am not motivated	0	0%

The results obtained display that the majority of the respondents definitely feel higly motivated to master English. The positive attitude towards language learning is shown by more than half (53.1%) of the surveyed bachelors. The notable percentage of the respondents (36.7%) have relatively moderate motivation to learn English, although this still reflects a positive tendency towards language learning. The small segment of those surveyed (10.2%) have a lesser motivation which might suggest some challenges or barriers affecting their willingness or interest in acquiring language. Importantly, all survey participants demonstrated a degree of motivation to become proficient in English.

Table 2

The main motivating factor for you in learning English is:	**Amount**	**Percent (%)**
Academic performance	2	4,1%
Advancing own level of English language expertise	17	34,7%
Realizing the necessity of further career development through English for professional communication	19	38,8%
Exploring opportunities to use English in any communication situation, particularly in the intercultural context	11	22,4%

Drawing from the noted results in regard to motivating factors, academic performance isn't that crucial (4,1%). Along with that 34.7% of the respondents are driven by aspiration to enhance their proficiency in English. This demonstrates a personal commitment to acquiring and mastering language skills. The significant segment of the survey participants (38.8%) recognize the need of further professional advancement through English, viewing it as a valuable resource for professional communication. This suggests a practical and career-oriented motivation for language learning. It is noteworthy that 22.4% of the students are motivated by the exploration of opportunities to use English language in the intercultural communication settings, which reflects their recognition of potential benefits of multifaceted language interaction. In general, the results demonstrate the relevant students' language learning needs, encompassing personal growth, career advancement, and intercultural communication exploration.

Regarding English language skills the majority of the students (53.1%) prioritize the development of speaking skills along with fulfillment of communicative potential during classes. This underscores the need in communication practice for further effective interaction in real-life and professional situations. 22.4% of the respondents emphasize expanding vocabulary and improving grammar which implies a recognition of vocabulary and grammar accuracy to communicate fluently and confidently

Table 3

When studying English for engineering students, your priority emphasis is on:	Amount	Percent (%)
Enlarging lexical repertoire and improving grammar	11	22,4%
Developing speaking skills and fulfillment of communicative potential during classes	26	53,1%
Acquiring correct pronunciation and overcoming phonetic barriers	2	4,1%
I have no clearly defined priorities	10	20,4%

with diverse audiences. The lower priority (4.1%) compared to other aspects acquires correct phonetics and pronunciation which might be explained that engineering communication often focuses more on technical terminology and clear, concise information exchange rather than perfect pronunciation. Quite a few respondents (20.4%) for such an aspect as having no clearly defined priorities might signal about the need for further self-reflection on learning goals though it can also prove that all the aspects are nearly of equal importance.

Table 4

What factors mostly influence your effectiveness in learning English for engineering students?	Amount	Percent (%)
Selection of appropriate instructional and thematic content	29	59,2%
Duration and number of classes	3	6,1%
Level of teacher's expertise	14	28,6%
Scope and complexity of task fulfillment	3	6,1%

The most significant factor, as indicated by 59.2% of the students, is the selection of appropriate instructional and thematic content. This suggests that the relevance and applicability of the materials used in teaching are crucial for the students. Engineering students likely benefit more from the content that is directly related to their field, making it easier for them to connect their language learning with their professional interests and needs.

The second influential factor according to 28.6% of surveyed is the level of the teacher's expertise. This highlights the importance of having knowledgeable and skilled instructors who can effectively convey the material and provide valuable insights and guidance. The teachers with deep understanding of both English language instruction and the specific requirements of engineering communication can significantly enhance learning outcomes.

The duration and number of classes influence their effectiveness in learning English for a smaller part of respondents (6.1%). This suggests that while the quantity of instruction is important, it is not as critical as the quality and relevance of the content and the expertise of the teacher.

Another 6.1% of the students pointed to the scope and complexity of task fulfillment as a factor. This assumes that appropriately challenging tasks that match the students' proficiency levels and learning objectives can play a role in their language acquisition, though it is less significant compared to other factors.

Thus, the results indicate that the primary focus for enhancing English language learning effectiveness for engineering students should be on selecting the relevant instructional content and ensuring high teacher expertise. Although the duration of classes and the complexity of tasks are also factors, they are comparatively less critical.

As to the participants' beliefs about the definite need to use English in a professional communication environment it is seen that 77.6% are firmly convinced that they will need to use English during professional interactions. A smaller percentage of the respondents (18.4%) express a moderate stance

Table 5

Are you convinced that you will need to use English in a professional communication environment?	Amount	Percent (%)
I am firmly convinced	38	77,6%
I am rather convinced	9	18,4%
I am not convinced	2	4,1%
I won't need to use English	0	0

regarding the need to use a foreign language in a professional context although this still reflects a degree of certainty about the relevance of language skills in professional settings. A very small portion of the students (4.1%) indicate uncertainty about whether they will need to use English in a professional communication environment. This suggests a need for further consideration or clarification regarding the role of language proficiency in their future careers. Notably, none of the respondents outright deny the need to use English in a professional communication environment. This underlines the widespread acknowledgment of the importance of language skills in the professional contexts. Therefore, the mentioned part reveals general awareness among the participants due to the necessity of using English language in professional communication, with varying degrees of conviction and confidence among the respondents.

Conclusion. The results obtained from the questionnaire and shown in the tables lead to several key conclusions. Firstly, a sizeable segment of the students exhibit the firm motivation to master English, underscoring a positive attitude towards language acquisition even among those moderately motivated. Then, all participants demonstrate varying degrees of awareness regarding the necessity of English proficiency in a globalized society. According to the responses received, it is also obvious that the students are driven not only by personal growth but by professional advancement, recognizing English as a tool for effective communication in their future careers. The priority is consistently placed on developing speaking skills, emphasizing the practical application of language in real-life and professional contexts. Vocabulary and grammar remain important, however, pronunciation receives comparatively less consideration, possibly due to the technical nature of engineering communication. Some respondents indicate the need for clearer learning goals, suggesting opportunities for self-reflection and goal-setting. Effective language learning, as identified by students, hinges substantially on the relevance of instructional content and the expertise of teachers, particularly in tailoring materials to engineering contexts. Although class duration and task complexity contribute to learning effectiveness, they are outweighed by the importance of content quality and instructor competence. There is widespread agreement among students on the professional necessity of English, though a small part seeks further clarification on its specific role in their future careers.

Ultimately, the connection between motivation and needs analysis in ESP highlights the importance of understanding learners' motivations and priorities in regard to our research. By discerning students' motivations to learn a foreign language at the university and their prioritized aspects of language acquisition, we can effectively tailor educational strategies to meet their distinct requirements, optimizing their learning experiences within the context of ESP's guiding principles.

Looking ahead, the continued research and adaptation of teaching methodologies can further enhance the integration of English language skills into engineering education, ensuring graduates are well-prepared for the demands of global workplaces.

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THEORY AND HISTORY OF CULTURE

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INTEGRATING HISTORICAL, METHODOLOGICAL, AND STYLISTIC ELEMENTS IN PIANO PERFORMANCE INTERPRETATION

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Abstract. This article delves into the complex process of piano performance interpretation, emphasizing the interplay of historical context, performance methodology, and stylistic authenticity. By analyzing the alignment of a piece with its compositional era, adherence to contemporary performance standards, and the incorporation of the pianist's personal expression, the study reveals the multifaceted nature of musical interpretation. The methodology includes an in-depth examination of the stylistic and technical aspects of piano performance, drawing from the works of leading theorists and practitioners. The results underscore the necessity of combining historical accuracy, technical proficiency, and individual artistry to achieve a coherent and compelling performance. The article concludes that a comprehensive approach, integrating these elements, is crucial for effective interpretation. Future research should aim to further refine this framework to improve interpretative practices and educational approaches in piano performance.

Key words: musical interpretation, pianistic expression, technical proficiency, compositional era.

Introduction. One of the most notable phenomena in the artistic creativity of the European realm over the last two hundred years is musical performance. Emerging during the era of musical Romanticism as an independent form of artistic creation, musical performance, including piano performance, continues to hold enormous significance in culture and consistently attracts interest. Today, as in previous years, its most sought-after «branch» is piano performance.

This is evidenced by the multitude of active music festivals, including piano festivals, around the world, international piano competitions, a large number of piano ensembles in the repertoire plans of philharmonic societies, and numerous piano departments in conservatories. Over the course of the existence of musical performance, including piano art, a considerable number of musical treatises, piano teaching methods, works dedicated to issues of musical aesthetics have been published. These reflect not only the cultural and historical era with its ideas, philosophy, aesthetics, and unique worldview, but also the features of both compositional techniques and performance styles. Piano performance has been accompanied over the centuries by reviews and various concert critiques in the press, aesthetic essays, scientific articles, monographs, and dissertation research.

Main part. The primary goal of this research is to explore the intricate process of piano performance interpretation, focusing on how performers transition from a broad understanding of a musical piece to its detailed execution. This involves analyzing the movement from a general conceptual grasp of a composition to the specific elements and details that contribute to a nuanced and expressive performance. The study aims to clarify how different analytical approaches and methods inform the interpretative process and enhance the artistic quality of the performance. To address these objectives, the research employs a multi-faceted approach. A comprehensive review of existing literature on piano performance interpretation, including theoretical works by scholars such as Hans von Bülow and others, provides a theoretical framework for understanding the various components of musical

interpretation. The analytical framework applied includes the general-specific-whole triad, which helps in analyzing the interpretative process by examining how performers move from a broad understanding of a piece to detailed analysis and execution. Case studies of specific performances by renowned pianists are used to observe practical applications of interpretative methods, providing insights into how different performers approach the same piece. Additionally, interviews and surveys with professional pianists and music educators offer qualitative data on their interpretative strategies and experiences.

The research findings reveal several key aspects of the piano performance interpretation process. Performers typically start with a broad conceptual understanding of a composition, which guides their detailed analysis. This process involves breaking down the musical text into its components, such as thematic material, textural layers, and dramatic structure. Various analytical methods employed by performers, including the examination of large-scale sections, textural and background relationships, and the overall dramaturgy of the piece, help develop a comprehensive understanding of the music, informing interpretative decisions. The significance of performance techniques in shaping the interpretative approach is highlighted, with techniques such as dynamic variation, tonal color, and rhythmic flexibility playing crucial roles in conveying the artistic vision of the piece. Furthermore, the degree of interpretative freedom available to performers significantly influences the artistic quality of their performance, allowing musicians to infuse their personal expression into the music and transforming technical execution into a rich artistic experience.

In summary, the research demonstrates that the process of piano performance interpretation involves a complex interplay of analytical methods, performance techniques, and artistic expression. By understanding how these elements interact, musicians can enhance their interpretative skills and deliver performances that are both technically proficient and artistically profound.

Understanding the essence of stylistic processes and the phenomenon of style as an expression of personal creative intentions is fundamental for performers, as it directly impacts the process of musical interpretation. This is because, through a specific composition, with its textual precision, separation, and structuring, performers can express their own artistic perspectives and shape their personal style of thinking. According to O. Pototska, a musical work serves as a foundational element in performance interpretation, functioning both as a historical artifact and an artistic value. It represents the composer's intent and acts as a personalized subject of artistic dialogue. Pototska highlights that the process of conceptualizing a musical work involves understanding it as an aesthetic object of intrinsic value, «which is a unique embodiment of artistic concept and exists both in acoustic processes of real sound and independently from these processes, thus receiving a virtual form of existence» (Pototska, 2012: 31).

In the field of musicology, a systematic approach often overlooks performance parameters and the phenomenon of musical sound, which directly represents musical meaning. This omission leads to a limitation in the theory of musical works, which should be seen as a cultural product that «accumulates the aesthetic and artistic experience of humanity. It is one of the most sophisticated forms of societal auditory memory, preserving the results of spiritual and practical activities, and serving as a reliable means of transmitting artistic values from generation to generation» (Hans von Bülow, 2001: 52). Antonyuk provides a broader cultural perspective on the concept of a musical work. He asserts that a work exists on both a personal level and within a cultural community. For the individual, it represents a form of materialization and objectification of unique individuality. For the cultural community, it is viewed as a completed artifact that represents the experience of an entire cultural era, valued for its address and potential for meaningful extensions. Here, the author's role becomes more abstract, with the emphasis shifting to the possibilities of interpretation – understanding the semantic potential hidden behind its formal aspects (Antonyuk, 1999: 98–101). This idea suggests that musical performance does not merely represent but actualizes the content of the work and creates new conditions for its understanding and further dissemination beyond the immediate composition. V. Moskalenko's

(1994) research further deepens this understanding by emphasizing the intricate relationship between the performer's interpretation and the stylistic and structural aspects of the musical work. Moskalenko argues that the performer plays a crucial role in bridging the gap between the composer's intentions and the audience's perception. He explores how performers engage with the work not only through technical proficiency but also by interpreting the stylistic nuances and contextual meanings embedded in the music. Moskalenko's studies highlight that the performer's engagement with a musical work involves a dynamic interplay between technical execution, historical context, and personal artistic expression. This interaction is essential for uncovering the work's full meaning and for the effective communication of its artistic value to the audience.

Most musicologists agree on the importance of dynamic relationships between the phenomena of the work and text in music. N. Gerasimova-Persidskaya, for example, notes that not every musical text should be perceived as a complete musical work, especially in ancient historical contexts when creators did not assert originality or authorship (Gerasimova-Persidskaya, 1988). The development of musical notation was a significant milestone, transitioning from oral traditions to methods that affirm the uniqueness of musical works. This advancement elevated performance practice to a new level of creative activity and responsibility, making it a crucial domain for the creation of music through sound and the articulation of meaning.

Overall, the literature underscores that the process of musical interpretation involves a complex interaction of stylistic, technical, and personal elements. This interaction is not only about understanding and reproducing the work but also about actively engaging with its meaning and context. The performer's role is thus central in actualizing the work's content and in contributing to its ongoing interpretation and relevance within cultural and artistic contexts.

Interest in piano performance art remains robust and dynamic in the contemporary musical landscape. Composers continue to write new works for the solo piano, as well as for the piano in chamber ensembles and as a soloist with orchestras. The piano's wide pitch range, relative timbral neutrality, and the potential for extensive dynamic and coloristic gradations continue to captivate composers. These aspects of the piano offer a versatile canvas for musical expression and innovation.

Nevertheless, the modern situation in professional musical art presents significant complexities and challenges. Many contemporary composers are engaged in an ongoing quest for novel sounds and innovative timbral relationships. This pursuit involves integrating elements from a diverse array of instrumental and electronic compositions, expanding the auditory palette beyond traditional boundaries. The exploration of new sonic landscapes often entails extensive experimentation with sound, pushing the limits of what is conventionally considered the piano's timbral range. In this context, composers might manipulate the piano's sound through various modifications, seeking to produce fresh and unique auditory experiences that resonate with their artistic visions. Consequently, the conventional piano sound, with its established acoustic characteristics, may not always align with the contemporary means of expression being explored. This divergence underscores a broader trend in modern composition, where the search for originality and innovation takes precedence, leading to the creation of works that challenge and expand the traditional expectations of piano music. This trend highlights the dynamic and evolving nature of musical art in the 21st century, reflecting a continuous dialogue between tradition and innovation.The quest for new sound possibilities has led to significant experimentation with piano sound. This includes subjecting the piano to various modifications to achieve new sonorities or creating works that reflect the styles and forms of retro piano genres from previous centuries. Despite these innovations, contemporary music for the piano often faces challenges in gaining acceptance within the repertoire policies of many concert organizations. This is partly due to the difficulty that a broad audience may have in comprehending such complex works. Contemporary compositions frequently exceed the perceptual capacities of general listeners, necessitating special educational efforts, training, and audience preparation to facilitate understanding and appreciation.

This challenge is partially mitigated through various contemporary music festivals, which serve as platforms for new works and experimental approaches. While traditional philharmonic repertoire remains steeped in its historical and aesthetic values, it sometimes intersects with contemporary compositional practices. Performers often include contemporary works in their programs, creating a dialogue between traditional and modern musical expressions. At the same time, traditional piano repertoire continues to thrive, both in public concerts and in the programs of international competitions and festivals dedicated to piano art.

Today's musical culture offers a dual perspective: it not only embraces innovation but also preserves and celebrates traditional compositional and performance creativity. The enduring appeal of the traditional piano repertoire ensures its ongoing demand, maintaining its relevance and prominence in both concert halls and competitive arenas. This balance between embracing the new and honoring the established reflects the rich and evolving nature of piano performance art in the contemporary era.

The range of questions discussed in the theory and aesthetics of piano performance is extraordinarily broad, with a vast empirical body of knowledge that requires new levels of generalization, interpretation of musical meanings, and definition of the essential foundations of performance art. «With the beginning of the 20th century, the concept of their practical realization starts to crystallize out of the chaos of ideas, and the aspirations developed in the 19th century gradually take shape as achievable goals», writes S. Grinstein in his work Great Piano (Grinstein, 2015: 81). As a result, numerous methodological works on the theory of pianism, scientific literature related to the issues of piano performance aesthetics, and educational materials for both beginners and advanced performers have emerged over the last century and continue to be published today. However, a general theory of performance art, as well as a unified theory of piano performance, has not yet been established (Grinstein, 2015: 115).

Interpreting piano music, regardless of the style or era of the piece, follows universal principles for interpreting musical text, articulating it, and performing it publicly. The art of piano playing and its interpretation can be viewed from various angles. For the performer, these perspectives can be distilled into three main elements: the artistic image, the artistic method, and the artistic style.

The artistic image represents the core artistic essence of the musical interpretation, referring to the «inner» nature of the piece as it is perceived through sound. The artistic method, on the other hand, is the «tool» used to bring the artistic image to life in actual sound. This method encompasses both technical and artistic aspects. Technically, it involves understanding the nuances of the musical text and its context, mastering various techniques of intonation and sound articulation, and organizing sound perspective and rhythmic structure. Artistically, it emerges from an understanding of the artistic subject and aligns with the characteristics of the musical style.

Finally, the artistic style encompasses the character and distinct features of the artistic subject, reflecting the «outer» expressiveness of the performance. Examining piano interpretation from the performer's perspective helps reveal the common principles and functional features of this triad – image, method, and style – and highlights their essential role in performance.

The style of the interpreted piece, as well as the authenticity and coherence of the performance, consists of many elements. These include the necessary alignment of the piece with the «sound» of the era in which it was composed; adherence to contemporary demands of performance art, including «standards» and conventions of concert performance; and integration into the tradition of interpreting the piece, which has developed over the history of its performance. Additionally, it involves the manifestation of the pianist's personal qualities in the performance, reflecting their artistic and value orientations, which inevitably influences the individual sound of the instrument.

A comprehensive understanding of these elements is essential for any pianist aiming to deliver a convincing interpretation. The alignment with the era's sound entails a deep knowledge of historical performance practices and stylistic nuances characteristic of the time when the piece was written.

This includes understanding the composer's intentions, the performance conventions of the period, and the socio-cultural context that influenced the work's creation.

Adhering to contemporary performance demands involves not only technical proficiency but also an awareness of modern interpretations and the evolving nature of musical aesthetics. Performers must navigate between historical authenticity and contemporary artistic expression, balancing respect for tradition with personal creativity. The integration into the interpretation tradition requires familiarity with notable past performances and interpretations, allowing the performer to position their rendition within an ongoing dialogue of musical interpretations.

Moreover, the pianist's personal qualities play a critical role in shaping their performance. This encompasses their emotional connection to the piece, their intellectual engagement with its structure and meaning, and their individual artistic voice. These personal attributes contribute to the unique timbre and expressive qualities of their playing, making each performance a distinctive interpretation.

In this context, the theoretical framework of interpretation extends beyond mere technical execution. It involves a holistic approach that synthesizes historical knowledge, technical skill, and personal artistry. This approach ensures that the performance is not only technically sound but also rich in emotional and intellectual depth, providing a meaningful and engaging experience for the audience.

The interplay between these elements underscores the complexity of musical interpretation. It highlights the necessity for a well-rounded, informed, and reflective approach to performance. As pianists strive to achieve this balance, they contribute to the ongoing evolution of performance art, blending tradition with innovation and personal insight with historical fidelity. This dynamic process not only preserves the richness of the musical heritage but also keeps it vibrant and relevant in contemporary culture.The complex nature of performance interpretation is evident to every pianist. Technological, historical-stylistic, and artistic-image aspects are present in every performance of academic classical music. Some musicians, contemplating the nature of performance, develop their own triads that form the foundation of musical interpretation. Typically, they converge on the main idea that musical performance interpretation is the unity of artistic image, playing technique, and stylistic authenticity of the music being performed. In his book The Art of Piano Performance *(German:* Die Kunst des Klavier Spiels*),* renowned German pianist and theorist Hans von Bülow proposes his own triad for the foundation of musical interpretation: «subtext-text-context» (Hans von Bülow, 2001).

Hans von Bülow defines the «text» as a «thorough and meticulous mastery of the notational material».The «subtext» is seen as the «category of content, the imaginative world, and the character of the piece» (Hans von Bülow, 2001: 32). The «context» is described as the «position of the piece within the panorama of the compositions of a particular composer, and the affiliation of the played opus to a specific stylistic direction.Bülow's proposed triad of subtext-text-context can be related to the well-known triad of F. Busoni: «technique-culture-character» (Hans von Bülow, 2001: 37–38).

V. Moskalenko writes about genuine, talented, and stylistically valuable interpretation: «A truly valuable interpretation bears the mark of individuality; it is characterized by the unity of conception and technical perfection of its realization, harmonizes with the aesthetic ideals and intonational vocabulary of the era, while also being distinguished by its novelty» (Moskalenko, 1994: 15). In this definition of interpretation, familiar components are present as well: performance technique, artistic stylistics, and musical imagery.

Based on the triad of image-method-style, which forms the foundation of musical performance interpretation, one can also formulate the approach to its realization in the preliminary analytical work of the performer with the musical text. Analytical operations with the author's text follow certain universal patterns. The formation of an overall image of the work in the performer's mind precedes detailed analysis. The understanding of the whole, or the «bird's-eye view» of the musical composition, both initiates and completes the performer's work on the piece. This holistic view is linked to the detailed examination of the musical text and its components. The process of interpreting

the work involves an initial, broad understanding that guides the detailed, specific analysis required for a cohesive and nuanced performance.

Every musician follows their unique path from the first acquaintance with a piece to its stage performance. However, a common principle applies to all interpretations, describing how a musical composition unfolds and becomes relevant in its real sound. This principle can be defined as a sequence or formula: general-specific-whole. From a practical, craft-oriented perspective, this formula can be expressed as: «generalized – fragmented into pieces – detailed in specifics».

Here, the general refers to the thematic content, which delves into the mysterious depths of musical meanings, expressible only through its real sound. The specific focuses on the «instrumentation», addressing the arsenal of performance techniques and craft resources. The whole represents the composition itself, understood in its specific details, in the collective characteristics of contrasting episodes, and in the unity It is evident that the triad of general-specific-whole corresponds to the triad of image-method-style, serving as a kind of reflection. While the latter has a more general sense, the former has an instrumental character. One addresses the question «what?» while the other answers the question «how?» A musician's analytical thought moves from general formal aspects, through the identification of various connections starting from the textural level and then dramaturgical connections, to exploring the image characteristics – primarily in sound, and often in poetic metaphors that arise through various parallels, analogies, allusions, and intertextual links. This analytical journey allows the musician to comprehend the compositional structure, historical style, and artistic dramaturgy of the work, thereby achieving a deeper and more nuanced interpretation. By systematically dissecting the music into its fundamental components and understanding their interplay, the musician can effectively reassemble these elements into a coherent and expressive whole, thus bridging the gap between theoretical analysis and practical performance.

The performer identifies major structural sections, relates sound plans vertically, clarifies figurative and background relationships, aligns parts of the musical dramaturgy in their mind, and ultimately arrives at an understanding, and sometimes a direct definition, of the imagery and meanings of the musical composition. This understanding is not always easily expressed in verbal formulas; in fact, it is often impossible to fully capture music in words under any circumstances. However, in the search for artistic truth and performance coherence, musicians frequently turn to poetic metaphors, seek analogies and comparisons, and refer to related art forms. Sometimes they even draw on specific life circumstances, images of elemental movements, natural phenomena, landscapes, and scenery.

In general terms, the progression from the general to the whole, with the whole being understood in specific details, follows a systematic path:

Analysis of the Musical Composition: This begins with examining the large sections of the piece and then progresses to the motivic structure, clarifying their formal relationships. This step involves understanding how the broader sections of the work relate to each other and contribute to the overall structure.

Analysis of Figurative and Background Relationships: This involves identifying the prominence or subordination of various layers of texture, creating a sound perspective similar to the relationships in painting between graphic elements and color. Here, the focus is on how different textural layers interact and how they contribute to the overall sound landscape.

Analysis of Dramaturgy: This step involves uncovering the meaningful relationships between different parts of the composition, from tectonic foundations to the interplay of «upper layers» of musical expression – such as motivic development. It explores how the parts of the piece interact to create a cohesive dramatic structure.

Understanding the Artistic Image: This final stage involves grasping the artistic image in its entirety, as well as understanding the significance and meaning of all its details. It requires a holistic view of how each element contributes to the overall artistic conception. The process of musical perform-

ance analysis is not merely about breaking down the music into its constituent parts; it also involves understanding how these parts are interconnected and how they combine to form a continuously unfolding musical fabric. This involves a detailed examination of the structural, harmonic, rhythmic, and melodic components of the piece, as well as their dynamic and expressive qualities. Analytical work in music goes beyond disassembling the composition into elements; it also includes determining how these elements are assembled and how they function together in the ongoing development of the musical piece. It encompasses the identification of thematic material, its development and transformation, and the ways in which these processes contribute to the overall narrative and emotional trajectory of the work. Additionally, this stage involves an exploration of interpretative choices, where the performer decides how to bring out certain aspects of the music to enhance its expressive impact. Understanding the artistic image requires an awareness of the historical and stylistic context of the piece, the composer's intentions, and the performance traditions associated with the work. It also involves a personal engagement with the music, where the performer's own artistic sensibilities and emotional responses play a crucial role. By integrating these various perspectives, the performer can create a compelling and authentic interpretation that resonates with both the historical context and contemporary audience expectations. Ultimately, the goal is to achieve a performance that is both technically proficient and deeply expressive, reflecting a profound understanding of the music's inner workings and its broader artistic significance. This comprehensive approach to musical analysis and interpretation ensures that each performance is a unique and meaningful realization of the composer's vision, enriched by the performer's individual insight and creativity.

Additionally, the entire arsenal of performance techniques is subjected to analysis. This includes exploring various ways of interpreting and presenting the music, which provides the performer with a range of choices at every level and in every direction of their analytical work. This freedom of choice is a crucial aspect of interpretation, as it elevates the craft of performance to the level of art and creativity. It leads to a qualitatively new result in the artistic activity of the performer. The performer's analytical insight thus sees not only the material broken down into elements but also the method of their integration, or «assembly», into a coherent musical expression. This analytical approach is essential for achieving a deep understanding of the piece and for delivering a performance that reflects both the structural and emotional aspects of the music. In essence, the degree of interpretative freedom available to the musician is what transforms the act of performance from a mere technical exercise into an artistic endeavor. This freedom allows performers to bring their own artistic vision to the music, resulting in a performance that is both technically proficient and artistically rich.

In conclusion, it is essential to reiterate the critical importance of the triad of image-method-style in the process of interpreting a musical work and the interconnection of all its aspects. When discussing style, we inevitably touch upon issues of dramaturgy and the figurative domain of music, as well as technical techniques and tools capable of addressing interpretive and stylistic tasks. Considering the image, we always keep in mind the stylistic features of the piece and the possible playing techniques available in each pianist's technical arsenal. Reflecting on the technological method of performing a particular piece, we align it with its image and historical style.

Thus, the analytical triad of image-method-style becomes a universal tool for performance interpretation. It reveals common "mechanisms" of performance analysis, supports the creation of an artistic image, and ensures it is equipped with adequate technical means, which in turn conform to the historical style of the musical work being interpreted.

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CLAVIER URTEXT AS AN ENSEMBLE SCORE IN THE ARTISTIC CULTURE OF BAROQUE

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Abstract. This study explores the adaptation of Domenico Scarlatti's keyboard sonatas into Baroque ensemble music, emphasizing their transformation into quasi-partitures. Utilizing a detailed chronological framework, historical context, and stylistic analysis, the research draws upon key scholarly sources to examine how Scarlatti's keyboard works can be reinterpreted for various instrumental combinations. The study highlights that Scarlatti's sonatas, when analyzed through the lens of Baroque ensemble practices, reveal significant opportunities for adaptation into ensemble settings, offering new insights into their structural versatility. The findings suggest that Scarlatti's music not only reflects Baroque compositional techniques but also serves as a rich resource for understanding ensemble arrangements and performance practices. Future research could further investigate specific case studies of Scarlatti's sonatas in ensemble settings to refine these findings and explore their practical applications.

Key words: Domenico Scarlatti, Baroque keyboard sonatas, quasi-partitures, ensemble music, musical adaptation, historical analysis, performance practice, instrumental arrangement.

Introduction. Clavier urtexts from the 17th and 18th centuries are an integral part of the repertoire for musicians who play keyboard instruments. However, both performers on historical instruments such as the organ and harpsichord, as well as those on the modern piano, often approach Baroque clavier urtexts from the same perspective as they do works for keyboard instruments from the 18th, 19th, and 20th centuries. Baroque clavier works are frequently studied exclusively as compositions for the harpsichord, perceived as texts created «once and for all»,not subject to transformation or performance on other instruments.The Baroque clavier urtext has fundamental differences from the two-staff compositions of Viennese Classicism, Romanticism, and the 20th century. It possesses a distinct structure and unique properties, as it was created within the traditions of 17th- and 18th-century music-making. This music was intended for active use specifically within the Baroque practice, where music served as a vibrant means of communication.

The urtexts of Baroque clavier works are not just fixed compositions but are part of a dynamic musical tradition that encouraged improvisation, adaptation, and interaction among musicians. This fluid approach allowed for a more expressive and collaborative performance practice, contrasting with the later, more rigid interpretations of musical texts. Understanding these differences is crucial for performers today, as it informs a more authentic and stylistically appropriate interpretation of Baroque music.

In this context, the Baroque clavier urtext can be seen as an ensemble score rather than merely a solo instrument piece. This perspective opens up new avenues for performance and study, emphasizing the collaborative and communicative aspects of Baroque music-making. By recognizing the historical and cultural significance of these urtexts, musicians and scholars can deepen their appreciation of the artistic culture of the Baroque and enhance their interpretative

The examination of Domenico Scarlatti's keyboard sonatas and their adaptation into Baroque ensemble music is supported by a rich body of scholarly literature. These studies offer crucial insights into various aspects of Scarlatti's works, including their historical context, stylistic elements, and potential for transformation into ensemble compositions. Michael Flannery's (2004) research

provides a chronological framework for Scarlatti's keyboard sonatas, which helps trace the evolution of his musical style over time. This chronological perspective is instrumental for understanding how Scarlatti's works might have been adapted or expanded into ensemble settings, revealing their versatility and the potential for their use as quasi-partitures. Robert Kirkpatrick's (1970) comprehensive study of Scarlatti remains foundational in the field. It offers a detailed examination of the composer's life and works, providing essential context for understanding the stylistic and structural features of his keyboard sonatas. This background is crucial for exploring how these sonatas could be transformed into ensemble pieces. Adelaide de Place's (2003) work further contextualizes Scarlatti's contributions within the broader scope of 18th-century music. Her study emphasizes Scarlatti's role and influence in the Baroque period, highlighting the significance of his keyboard sonatas and their potential adaptation into various ensemble formats. William Dean Sutcliffe's (2003) analysis focuses on the keyboard sonatas' alignment with 18th-century musical styles. This perspective aids in understanding how Scarlatti's compositions reflect and contribute to Baroque practices, providing valuable insights into their adaptation for ensemble performance. Carole F. Vidali's (1993) bibliographic guide serves as a comprehensive resource for research on both Alessandro and Domenico Scarlatti. It offers an extensive compilation of studies and analyses, facilitating a deeper exploration of the Scarlatti family's musical legacy and its implications for ensemble music. Collectively, these scholarly works provide a thorough understanding of Domenico Scarlatti's keyboard sonatas, their historical and stylistic context, and their potential for adaptation into ensemble compositions. They underscore the significance of Scarlatti's music within the Baroque tradition and its continued relevance for modern performers and researchers.

Main part. The primary aim of this research is to explore the process of transforming Baroque keyboard urtexts, particularly Domenico Scarlatti's sonatas, into ensemble and orchestral music. This involves understanding how these keyboard works can be adapted for performance in larger ensembles and how such adaptations can enhance both the interpretative and educational value of Baroque music. The goal is to provide insights into how Baroque keyboard music can be effectively reimagined and utilized in contemporary musical contexts.

Research Tasks: To achieve this aim, the research involves a comprehensive analysis of the historical and musicological background of Baroque keyboard urtexts. It includes studying the use of such texts as foundational material for ensemble music during the Baroque era and understanding their role in musical practice. The research also focuses on the structural and stylistic characteristics of Scarlatti's sonatas, identifying key elements that can be transformed into ensemble scores. By examining these features, the study seeks to uncover how Scarlatti's keyboard works can be adapted into practical arrangements for various ensemble settings. The research also involves developing and applying a methodology for this transformation process, testing the effectiveness of these arrangements in performance, and evaluating their educational potential for musicians of varying skill levels. This comprehensive approach aims to provide a deeper understanding of Baroque music and its application in modern performance and teaching.

Materials and Methods: The research draws on a variety of materials, including Domenico Scarlatti's keyboard sonatas and other relevant Baroque urtexts, as well as historical and musicological sources that provide context for their use. Methods include historical-musicological analysis to understand the historical context and use of keyboard urtexts, structural analysis to dissect the musical features of Scarlatti's works, and practical application through transforming these works into ensemble scores. Empirical methods are used to test these arrangements in performance, and pedagogical analysis assesses their value for educational purposes, contributing to the development of effective teaching strategies in music education.

Baroque musicians, both professionals and amateurs, engaged in musical «communication» through the performance of various instruments such as lutes, harps, flutes, viols (predecessors of violins and cellos), and a wide range of keyboard instruments (from the miniature spinet to the grand

harpsichord with multiple manuals). By the 17th century, these musical instruments had developed a specific «vocabulary» – instrumental clichés that included a comprehensive set of recognizable intonations and sound production techniques. This rich intonational lexicon, characteristic of the diverse instrumental resources of the Baroque era, was meticulously captured in the clavier urtext. The Baroque clavier urtexts were not merely solo pieces; they were performed by a variety of ensembles and chamber orchestras, highlighting their original intent for expansion into ensemble or orchestral scores. This practice of treating clavier urtexts as potential ensemble scores underscores the dynamic and interactive nature of Baroque music-making.

Furthermore, the resurgence of authentic performance practices in recent times has provided increasing evidence that clavier compositions from the late 17th to early 18th centuries should be understood as condensed quasi-scores in two-staff notation. These works, rather than being static compositions, were designed for flexibility and adaptability, allowing for improvisation and interaction among musicians. This approach aligns with the historical context of Baroque performance practices, where music served as a vital medium for communication and artistic expression.

The Baroque era represents a distinctive period in the history of music, characterized by the predominance of ensemble performance across all domains of musical life. This phenomenon was evident in both professional and amateur contexts, as well as in the musical activities of the nobility, for whom ensemble music-making was a cherished leisure activity. The ubiquitous nature of ensemble music-making during this period established it as a central practice, influencing composers significantly. These composers were tasked with providing the music-making society with material that facilitated communication and interaction through ensemble performance. As a result, the clavier urtext in the Baroque era evolved into a universal medium. Within this framework, composers – referred to as «masters of composition» – could efficiently disseminate their ensemble and orchestral works, which were «condensed» into clavier two-staff notation, throughout the music-making communities of Europe (Sutcliffe, 2003). This practice not only expedited the spread of new compositions but also ensured that the intricate details and stylistic nuances of ensemble pieces were preserved and conveyed through the clavier format.

This transformation of the clavier urtext into a quasi-score for ensemble and orchestral music underscores the multifaceted nature of Baroque music-making. It highlights the intricate interplay between compositional practice and performance tradition, where the urtext served as both a practical tool for musicians and a vehicle for the widespread transmission of musical ideas (Flannery, 2004: 56–58). By understanding the role of the clavier urtext in this context, modern scholars and performers can gain deeper insights into the complexities of Baroque ensemble music and its pervasive influence on the musical culture of the period.

Patterns of text organization are also evident in the keyboard sonatas of Domenico Scarlatti. The composer's legacy, which includes over five hundred works documented in two-staff notation, is generally not analyzed from the perspective of quasi-score potential. In studies and monographs dedicated to Scarlatti's work, his keyboard sonatas are primarily examined in the context of the development of keyboard music, focusing on aspects such as virtuosic texture and the formal analysis of the old binary sonata form (Sutcliffe, 2003).

However, if we consider this substantial number of keyboard compositions within the context of Baroque music-making practices and Scarlatti's overall life, these five hundred two-staff works may be seen in a different, «non-keyboard» light. Domenico Scarlatti is known to have composed 14 operas (nearly all of which are completely or partially lost), secular oratorios, serenades, cantatas, and sacred music. There are no surviving autographs of his concertos for solo instruments with orchestra, duets, or trios (Place, 2003). This absence is particularly remarkable, given the widespread popularity of these genres in the 17th and 18th centuries.

The lack of these works is even more striking considering that Scarlatti spent much of his career in environments where composing orchestral works, duets, and trios was an integral part of his compositional practice. His roles included being a composer and organist for the Neapolitan Chapel, serving at the court of the exiled Polish Queen Maria Casimira and composing for her private theater, Kapellmeister at St. Peter's Cathedral, and later as a music teacher and court composer for Maria Barbara at the Portuguese royal court in Lisbon and subsequently in Spain. In actuality, the instrumental duets, trios, and concertos for solo instruments with orchestra composed by Domenico Scarlatti have not been lost. Rather, numerous variations of works in these genres are embedded within Scarlatti's extensive corpus of over five hundred sonatas, which are preserved in a condensed form of two-staff clavier notation (Place, 2003: 66–68). By acquiring the requisite skills for interpreting, deciphering, and expanding Baroque clavier scores, these sonatas can be adapted into a wide array of duets, trios, and chamber orchestra compositions.

Contemporary performance practices exhibit a broad spectrum of interpretations of Scarlatti's clavier sonatas through various instruments, including both keyboard and non-keyboard instruments. Examples include flute quartets, harp ensembles, cello quartets, guitar duets, violin and organ duets, and numerous other ensemble configurations. This variety of performance options underscores the versatility of Scarlatti's music and its adaptability beyond the original clavier context.

Musicians who are passionate about the revival of historically informed performance practices are increasingly turning to Scarlatti's clavier sonatas. The structure of these sonatas often reveals acoustic representations of Baroque instruments and orchestral groups, such as the solo and continuo sections. This acoustic imagery within the sonatas facilitates their transformation into diverse performance settings, making them accessible to both professional musicians and dedicated amateur performers.

Thus, the reinterpretation of Scarlatti's clavier sonatas in various instrumental configurations not only enriches the performance repertoire but also enhances our understanding of Baroque musical practices. This approach allows for a more nuanced appreciation of the historical context and the innovative nature of Scarlatti's compositions, contributing to the broader discourse on Baroque musicology and performance.

Evidence that clavier urtexts from the 17th and 18th centuries served as quasi-scores for ensemble and orchestral compositions is reflected not only in the characteristics of the notational sources themselves but also in contemporary visual arts. Paintings from that era frequently depict the use of clavier notation as the primary material for ensemble performance, both explicitly and symbolically.

For instance, several paintings from the 17th and 18th centuries illustrate scenes of musical performance and still lifes featuring multiple musical instruments. In each depicted scene, the musical manuscripts are either clavier two-staff scores or the notation for a single instrumental part. In still lifes composed of musical instruments, as well as in scenes of musicians performing on lutes, flutes, violins, cellos, and harpsichords, there is a notable common feature: all performing figures are depicted either playing from a clavier two-staff score or unfolding their parts from a single-stave manuscript.

In the still lifes featuring musical instruments, there is often a single musical manuscript prominently displayed. For example, the musical still lifes by Evaristo Baschenis provide not only a visual representation of various musical instruments, such as lutes, harps, bass viols, miniature portable spinets, Baroque violins, guitars, and flutes, with near-photographic accuracy but also depict one or two musical manuscripts. These manuscripts indicate the potential for performing the compositions as indicated in the depicted scores.

One of the 17th-century musical still lifes presents a scene with a lifted opulent curtain, symbolizing an invitation to music-making and the commencement of a gathering, akin to the opening of a theatrical performance. On the table, five instruments are displayed from left to right: two lutes, a miniature portable clavier, a Baroque violin, and a Baroque guitar. On the music stand of the clavier and beneath its keyboard, musical manuscripts are visible, clearly showing a single part.

Thus, this painting serves as a valuable document from the era: it provides insight into the traditions of ensemble music performance based on condensed texts. According to the painter, the five musicians had only two musical manuscripts with a single part each. Each performer played their respective instrument – lute, violin, or clavier – interpreting the text according to the specific sound production capabilities of their instrument.

The text that could be performed on instruments of varying nature originally needed to include not only different instrumental clichés but also possess the property of invariance – a basis for transformation and adaptation into various scores depending on the specific context. This characteristic of Baroque urtext is vividly illustrated in Evaristo Baschenis's painting «The Artist Baschenis and the Lutenist Ottavio Olgiati».

In the painting, two performers are depicted: a harpsichordist (the artist himself) playing a portable spinet and a lutenist performing on a theorbo. It is evident that the musicians, positioned so closely together, are performing from the same text placed on the clavier's music stand. Next to them on the table are two additional instruments – a Baroque guitar and a double bass – indicating the possibility of performing the composition in different instrumental arrangements.

A much larger ensemble is depicted in the painting «Musical Gathering» by Carlo Amalfi. The artwork features nine figures (ladies and gentlemen in rich attire), six of whom are holding various musical instruments, arranged from left to right as follows: a lute, a theorbo, a recorder, another lute, a violin, and a Baroque guitar. The instruments belonging to two of the musicians – a harpsichord and a violin – are placed on the table around which the performers are gathered.

A woman holding the sheet music on the music stand may possibly be the composer of the piece being performed by the ensemble. Thus, only one of the participants in the performance is depicted without a musical instrument. It is plausible that she is a vocalist, with her own voice serving as the instrument in this context.

Among the numerous performers depicted, only two musical manuscripts are visible. This notable detail suggests that the nine ensemble members are unfolding their parts from a text that functions as a quasi-score. In the painting «Musicians on the Terrace» by Joseph van Aken, the ensemble consists of eight figures, six of whom are musicians. Most of them are dressed in casual home attire, emphasizing the traditional nature of music-making as a favored pastime not only at social gatherings but also in the home setting. Alongside the performers playing the double bass, violin, wind instruments, and lute, there are only two musical manuscripts. One of these manuscripts is clearly visible – sheet music lying on the floor near the lutenist. The double bassist, bassoonist, and lutenist appear to be familiar with the composition, as they do not refer to the sheet music. The remaining three ensemble members, depicted in the background, are attentively studying the manuscript held by the singer. The violinist next to the singer points with his bow to something in the same sheet music. To the right of the violinist, a gentleman in a wig, playing a wind instrument, is also closely examining the text.

The scene captured in the painting is notable for reflecting the characteristic features of secular ensemble music-making during the Baroque era. In this ensemble, it is likely that the double bassist, lutenist, and bassoonist are performing the part of the basso continuo – a continuous bass part. This part, when presented in its reduced (or «folded») form, was relatively easy to memorize and did not require the musicians to possess exceptional technical skill, except for the necessity of clear meter and rhythmic support.

It can also be inferred that the bassoonist and double bassist are playing a simple sequence of long note values, which constituted the reduced part of the basso continuo. The role of the lute often involved embellishing this part through arpeggiated chords.

The group of musicians intently reading the sheet music (the violinist, the singer, and the musician playing a wind instrument) in this scene constitutes the soloists. Their parts were characterized by intonational and metric-rhythmic variety. One of the functions of the soloists was the exchange

of musical phrases, the boundaries of which were agreed upon before the performance. It is possible that the violinist is pointing to these very boundaries.

The illustration on the title page of the «Harpsichord Works» by Jean-Henri d'Anglebert, a French composer and harpsichordist of the 17th century, symbolically reflects the concept of quasi-score as a result of the unfolding of the Baroque keyboard urtext. The engraving, featured on the cover of his collection of harpsichord pieces, depicts the personification of Music, seated atop a sphere and playing a lyre, with an endless scroll of music unfurling from her knee.

At the base of the sphere are winged putti (cherubs), who are singing and playing the organ, flute, and violin. Surrounding them are various musical instruments – a harpsichord, violin, viola da gamba, clavichord, lute, and recorder, as well as an open music book. In the upper left corner, there is a «trophy» of instruments that includes a horn, Pan flute, oboe, and trumpet.

This illustration emphasizes the importance of the keyboard text as the foundation for ensemble and orchestral music-making. It illustrates the idea that the musical text serves as a starting point for interpretation and performance on a variety of instruments, ensuring the coherence of musical material across different instrumental configurations.

The inclusion of representatives from all instrumental groups of Baroque music on the title page of a collection of keyboard texts is particularly noteworthy. This symbolic representation of the entire timbral spectrum of 17th- and 18th-century musical instruments suggests that these compositions were not exclusively intended for performance on the harpsichord, regardless of the specific model. The inherent timbral limitations of harpsichords, no matter the number of manuals, challenge this notion. The harpsichord, even with its register switches for expanding the treble range, octave doubling, and altering the timbral color (such as the «lute» register), cannot effectively mimic the legato of viols or the leggiero of flutes.

The scene illustrated in this engraving is significant for it highlights the unique structural characteristics of Baroque keyboard compositions. Specifically, it points to the properties of the quasi-score. The Baroque keyboard urtext serves as a compressed record of ensemble and orchestral works. This interpretation is supported by the inclusion of a diverse array of instruments on the title page – such as the organ, flute, violin, viola da gamba, harpsichord, lute, and recorder – alongside an open book of musical notation. Additionally, the «trophy» of instruments depicted in the upper left corner, featuring a horn, Pan flute, oboe, and trumpet, further reinforces this idea.

The intricate nature of these compositions, when viewed through the lens of the quasi-score concept, reveals their true function as adaptable frameworks for a variety of instrumental arrangements. This adaptability is essential, as it allows for the transformation and expansion of the keyboard text into ensemble and orchestral formats, depending on the specific performance context. Thus, the Baroque keyboard urtext is not merely a collection of solo harpsichord pieces but a versatile and foundational component of the broader Baroque musical practice, capable of being realized in multiple instrumental settings.

A similar illustration could appropriately adorn the edition of "30 Essercizi" by Domenico Scarlatti. His two-stave keyboard compositions, encapsulating the rich variety of instrumental clichés from 17th- and 18th-century ensemble and orchestral music, transform into a veritable encyclopedia for the study of musical practice in the Baroque era through a notational perspective. Analyzing Scarlatti's keyboard urtexts within the context of the artistic culture of his time offers considerable opportunities to familiarize oneself with the typical configurations of duets, trios, and chamber orchestra groups from the Baroque period, even when considering just a few compositions. Practically every keyboard opus by the composer, in its reduced form, contains acoustic images of the lute, harp, viol family, organ, flute, horns, and other historical instruments.

This comprehensive approach underscores the intricate nature of Scarlatti’s compositions, which act as condensed versions of more extensive ensemble and orchestral works. Each piece encapsulates a

plethora of instrumental timbres and techniques, making them invaluable resources for understanding the performance practices of the Baroque era. Through the examination of Scarlatti's keyboard works, scholars and performers alike can gain insight into the interpretive and improvisational skills that were essential for musicians of that time. The quasi-score nature of these urtexts allows them to be expanded and adapted for various instrumental combinations, reflecting the flexible and dynamic nature of Baroque music.

Moreover, a detailed study of Scarlatti's compositions reveals the dual function of the keyboard urtext: while they were composed as solo pieces, they also served as blueprints for ensemble performances. The presence of diverse instrumental imagery within these pieces highlights their significance within the broader musical landscape of the Baroque period. Therefore, the exploration of Scarlatti's keyboard urtexts provides a window into the rich tapestry of Baroque musical practice, offering a deeper understanding of the interplay between notation, performance, and instrumental color during this vibrant period of music history.

The placement of various instrumental representatives on the title page of a collection of keyboard texts is quite significant. The symbolic depiction of the full spectrum of timbral diversity of 17th- and 18th-century musical instruments cannot pertain to works intended solely for harpsichord performance (regardless of the specific model). This is contradicted by the very timbral capabilities of harpsichords, on which the imitation of the legato of viols or the leggiero of flutes is impossible, despite the presence of register switches for extending the treble, octave doubling, and altering the timbral color ("lute" register). Consequently, the scene depicted in this engraving attests to the unique structural features of Baroque keyboard works, specifically their quasi-score characteristics, and the structure of the Baroque keyboard urtext indeed represents a condensed record of ensemble and orchestral compositions.

This symbolic imagery, potentially associated with an edition of Scarlatti's "30 Essercizi," elevates the status of these keyboard works to an authoritative source for the study of Baroque musical practice. The extensive instrumental imagery suggests that these works were not confined to solo performance but were integral to a broader, more collaborative musical context. Thus, the keyboard compositions of Scarlatti stand as a testament to the versatile and multifaceted nature of Baroque music, where the keyboard urtext serves as a pivotal element in the realization and interpretation of ensemble and orchestral music.

The technology of reading and unfolding the keyboard sonatas of Domenico Scarlatti (and Baroque keyboard music in general) with the ultimate goal of transforming them into ensemble scores offers vast opportunities for developing musicians' thinking and performance skills. Whether one is a professional performer, a music enthusiast, or a teacher of theoretical or practical disciplines in music education, the Baroque keyboard urtext can serve as a genuine school of creative musicianship from the 17th and 18th centuries. It also provides a medium for musical communication in any ensemble and environment, regardless of the level of performance skill or the availability of specific instruments.

By delving into the urtexts of Scarlatti's keyboard sonatas, musicians are afforded a comprehensive education in the stylistic and interpretative practices of the Baroque period. These compositions, in their condensed form, challenge performers to engage in a deep understanding of the music's structural and expressive elements. The act of unfolding these works into ensemble arrangements requires a high degree of analytical thinking and interpretive creativity, fostering a profound connection to the musical language of the time.

Furthermore, the study and performance of these urtexts promote a collaborative spirit among musicians. The process of transforming solo keyboard music into ensemble pieces necessitates communication, cooperation, and mutual understanding among performers, thereby enhancing their ensemble skills and broadening their musical horizons. This collaborative approach not only enriches the musicians' individual artistry but also contributes to a more dynamic and engaging performance experience.

In addition, the versatility of Baroque keyboard urtexts makes them accessible to musicians of varying skill levels. Whether in an educational setting or a professional context, these compositions can be adapted to suit the technical capabilities and artistic inclinations of the performers. This adaptability ensures that the rich heritage of Baroque music remains relevant and inspiring for contemporary musicians, providing a bridge between historical practice and modern performance.

Conclusions. In summary, the methodology of interpreting and expanding Baroque keyboard urtexts, particularly as exemplified by the sonatas of Domenico Scarlatti, serves as an invaluable tool for the cultivation of musicianship, creativity, and collaborative skills. This approach acts as a comprehensive educational resource, offering musicians a deep dive into the stylistic nuances and interpretative techniques of the Baroque era. By engaging with these works, performers are not only challenged to understand and internalize complex musical structures but also to apply their knowledge in a practical, performance-oriented context.

Moreover, this practice platform fosters artistic exploration, allowing musicians to experiment with different interpretations and arrangements. The transformation of solo keyboard pieces into ensemble scores requires a high level of creative thinking and adaptability, encouraging performers to explore new musical possibilities and expand their artistic horizons. This process of reinterpretation and adaptation ensures that the music remains dynamic and relevant, providing a continuous source of inspiration for performers.

Furthermore, the technology of unfolding Baroque keyboard urtexts serves as a means of bridging the gap between musicians of varying levels of expertise and different instrumental backgrounds. It creates opportunities for musicians to collaborate, regardless of their technical proficiency or the specific instruments they play. This inclusivity is crucial for fostering a sense of community and shared musical experience, promoting the idea that Baroque music is accessible and enjoyable for all.

Through the process of reading and expanding these urtexts, musicians can appreciate the timeless beauty and intricate complexity of Baroque music. This engagement not only deepens their understanding of the historical and cultural context of the music but also enhances their overall musicianship. The skills developed through this practice, such as analytical thinking, interpretative creativity, and ensemble coordination, are transferable to other musical genres and performance settings, making it a holistic and enriching educational experience.

Ultimately, the continued study and performance of Baroque keyboard urtexts ensure that the rich heritage of this music endures, resonating with and inspiring new generations of musicians. By maintaining a connection to the past through these works, performers can draw on a wealth of musical tradition while contributing to the ongoing evolution of the art form. This synthesis of historical knowledge and contemporary practice underscores the enduring relevance and vitality of Baroque music in today's musical landscape.

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THEORY AND INNOVATIONS OF SOCIOLOGY

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SPECIFICITY OF THE PRINT MEDIAMARKET OF UKRAINE IN THE CONTEXT OF THE GENERAL STATE OF THE MEDIA ECONOMY (2000 – JULY 2022)

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Abstract. In scientific research, an analysis of the state of the media market in Ukraine, in particular the print media market of the last twenty years, was carried out. Crisis periods of media development are singled out, in particular, special attention is paid to the COVID-19 pandemic and the period of modernity that the state is experiencing since February 24, 2022 – the full-scale invasion of Russia into Ukraine. The war caused a new configuration of the mass media market of Ukraine. In addition to the catalysts of sharp changes in the print media market of Ukraine, the specifics of the general state of the media market, factors that significantly affect the development trends of the general media market have been identified: digitization, destruction of logistics, periodicals, the outflow of advertisers from traditional media, rising prices for raw materials, lack of consumer culture subscription information because there is a free alternative.

The format of work of the Ukrainian media in the first three months of the war is characterized by certain features: 24/7 working mode, psychological pressure, change of media product, change of business model of newsrooms, change of content, change of message to audience, change of funding sources.

Key words: media market, printed publications, digitalization, social networks, advertisers, business models.

Introduction. The mass media economy of Ukraine is really difficult now. On the one hand, its development is influenced by the general world trends of the media market. On the other hand, it is necessary to understand that the Ukrainian consumer of information is somewhat different, for example, from the American or Russian one, and the media market has its own peculiarities and accents. In general, the media market is a litmus test of the general state and development of the economy of our Ukraine. It is also necessary to take into account the legal regulation of the Ukrainian media market and the political component, which are significantly different from countries where freedom of speech is subject to political and legislative persecution. Unconditional confirmation of the last thesis is the state of social communications in Belarus and Russia.

It is also necessary to pay attention to the fact that the general mass media market of Ukraine has changed segmentally and quantitatively as a result of the full-scale invasion of Russia into Ukraine in February 2022. Complex and significant structural changes can also be seen in the markets of print media, advertising, and television. There have also been changes in the sources of information consumption, which we will be able to learn from our research.

In October 2021, the Thomson Reuters Foundation, as part of the project "Supporting independent media in the Eastern Partnership countries" of the Ministry of Foreign Affairs, Commonwealth Affairs and Development of Great Britain, presented the results of a study of media consumption and an analysis of the mass media audience in Ukraine, Moldova and Georgia. According to the research, Ukrainians mainly use two sources of information: search engines and social media. And newspapers are read the least – only 23% of respondents (Skliarevska 2021). So, this indicates, on the one hand,

changes in consumers' sources of information, and on the other hand, that today traditional media are exhausting themselves as the main source of information consumption among the population.

The print media market is an important component in the general information field, and is also a part of Ukraine's information security. Ignoring its condition, not understanding its trends, considering the total consumption of information through Internet media or social networks, can be a factor in the disappearance of a society that thinks and analyzes.

The Ukrainian media market is a variegated and complex phenomenon, which is characterized by the ability to be flexible and survive in difficult economic, legal, and historical and political conditions. It plays an extremely important role today – during the military occupation of the territory of Ukraine by the Russian Federation and the terror and genocide of the civilian population of our country.

Main part. The purpose of the research is to outline the features of the print media market development in modern conditions and challenges.

The specified goal determines the setting of several tasks:

1) to single out the crisis periods of the development of print mass media over the past two decades;
2) to trace the development trends of the print media market;
3) to find out the factors affecting the print media market in modern conditions and challenges;
4) to trace changes in its development under the conditions of the Russian-Ukrainian war.

Materials and methods. Social communication and axiological approaches, methods of content analysis, synthesis and generalization are the main methods that were used in the process of scientific research.

The analysis of the print media advertising market was carried out in the study "Current state and prospects for the development of the print advertising market in Ukraine" (Komarova 2018). In particular, the structure of the advertising market of Ukraine in 2014–2015 was determined, the reasons for the decline of the print advertising market were substantiated, and the disadvantages of print advertising were formulated.

The issue of language in the print media is raised in the article "Why Ukrainian media cannot stop printing in Russian: arguments and proposals" (Kundirenko 2011).

According to V. Kovalevskyi, the print media market is "characterized by accessibility for the majority of the population, but has significant time limitations related to the frequency of publication" (Kovinko … 2016).

The activity of foreign scientific developments, in which the print media market has been studied, is related to the Covid-19 pandemic. For example, in the article "The Print Media Convergence: Overall Trends and the COVID-19 Pandemic Impact", the authors claim that in Russia there is no clear understanding of how national print media respond to new unprecedented challenges and try to cope with them. At the same time, it was the pandemic that mainly contributed to the actualization of such a concept as media convergence (Print Media Global Market Report 2021? 2021).

Lowrey W. and Gade J. P. detail the forces that shape and challenge journalism and journalistic culture, and explain why and how journalists and their organizations respond to problems, challenges, and uncertainty (Lowrey W., Gade J. P. 2011). These views are valuable, because they make it possible to understand exactly how market relations, the economic component and the state can determine the strategy of media market development.

The research by Sjøvaag H. and Ouren T. is quite interesting, analyzing the Scandinavian media market, they single out three factors that affect its functioning: controversial state regulation, trends in corporate journalism itself, and social/public trust in the media. These categories determine the style of mass media management at the administration level (Sjøvaag, Owren 2021). For our research, this source is also valuable, because the Ukrainian system of media market functioning in peacetime, and even during the covid pandemic, was also influenced by these three factors. During the war, it was possible to observe the dominant role of the state regulation of the information space of Ukraine.

Results and discussion. According to data released by the State Television and Radio Broadcasting Committee of Ukraine in the first quarter of 2021, at the end of 2020, 1,514 newspapers were published in Ukraine, of which 467 were nationwide (Ishchenko, 2018).

Following the dynamics of the publication of newspapers and supplements to newspapers in Ukraine since the beginning of the second world crisis in 2013, we will see that their number steadily decreased every year and by the beginning of 2021 had decreased by 741 units or by 32% (Dankova 2020) (Table 1):

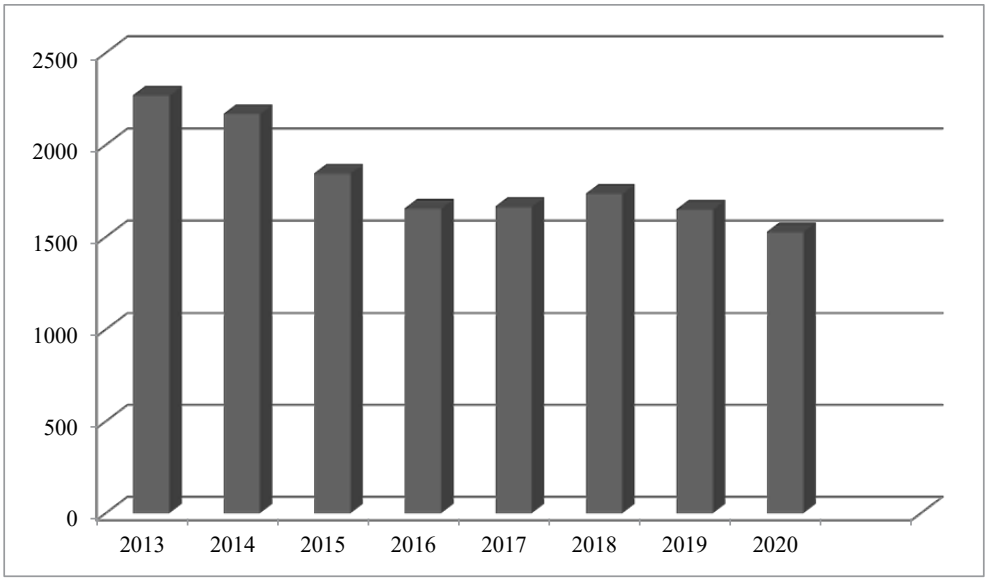

Table 1. Dynamics of publishing newspapers and supplements during 2013–2020

Actually, such dynamics of the newspaper market clearly characterizes the state of development of the general print media market, which in 2013 featured 5,529 periodicals, and seven years later only 3,773. That is, in fact, the overall print media market has shrunk by 31% (Dankova 2020).

At the same time, it should be emphasized that the number of publications continued to decrease. Thus, in 2021, according to the data of the Book Chamber of Ukraine, the number of published newspapers amounted to 1,387 titles (Book Chamber of Ukraine 2021), which is 142 editions less than in the previous year. As for the next year, as of June 2022, the Book Chamber of Ukraine counted only 728 magazines and 837 newspapers (Book Chamber of Ukraine 2022), which, due to objective circumstances, testifies to a disappointing tendency to reduce the output of periodical printed products.

Peculiarities of the development of the print media market in Ukraine are related to many voluminous, objective and interdependent factors, which in the time frame of 2000 – the first half of 2022 have certain and specific characteristics.

The crisis of the printed press in Ukraine coincides with four general and all-encompassing crisis periods.

The first period. 2008 – economic crisis. During this period, publications reduced their budgets, and some did not stay on the market at all.

The second period. 2013–2014 – the second economic crisis. Due to the decrease in the number of subscribers, printed publications again reduced their budgets, and some ceased to exist (for example, "Halytski Kontrakty", "Investhazeta", the glossies "Esquire Ukraine", "National Geographic", "Domashnyi Ochah", Ukrainian "Men's Health " were closed). In the same year, the largest subscription agency "Samit" went bankrupt, and the publishing house "Komersant" also left the market. Some of these publications – "Halytski Kontrakty " have switched to the online format.

The consequences of this second economic crisis for print media were ruthless in perspective, both from the standpoints listed above, and from the standpoint of the problem of functioning of quality print media in Ukraine. Already in 2018, in the publication of the newspaper "Den" "How to save Ukrainian media", we read: "Popularity, trust and advertising are the three pillars on which the media market stands. But in Ukraine, all three pillars of the media industry are going through a significant crisis... Now the most serious crisis in the country's media market is ongoing, related to purely material issues." (Kovalevskyi 2009). And this crisis can be overcome by the following methods: 1) digitalization. The development of the digital component in accordance with the requirements of the time, the needs of the audience and the request of advertisers is a necessary condition for the preservation of such traditional media; 2) to overcome the crisis of trust, because the audience trusts journalists and mass media less and less (Kovalevskyi 2009).

The third period. 2019 – February 2022 – the COVID-19 pandemic – the beginning of a full-scale Russian war in Ukraine. According to DetectorMedia's calculations, as of 2020, the publication of 110 newspapers and 63 magazines has been suspended asa result of the quarantine. This especially affected national publications ("Den", "Ukrayinskyy Tyzhden", "NV", "Fokus" and others). Almost immediately after the announcement of the quarantine, the publishing house "Ukrayinskyi Media Dim", which is part of the "Ukrayinskyy Media Kholdynh" (UMH Group) and publishes the newspapers "KP v Ukrayini", "Arhumenty i fakty", magazines "Telenedelya", "Korespondent", "Denhy", "Futbol" and others stopped publishing its publications (State Committee for Television and Radio Broadcasting of Ukraine 2021).

Thus, it can be argued that the market of print media, as well as the market of traditional media in general, experienced and is still experiencing a shortage of money. Such a financial situation generates the following consequences: 1) a drop in income from subscriptions and advertising; 2) downsizing in the media; 3) reducing the financial remuneration of journalists (this applies not only to wages or fees, but also to the introduction of the practice of payment of labor in accordance with work under the agreement).

The fourth period. From the end of February 2022, during the full-scale aggression of the Russian Federation on the territory of Ukraine, the next stage of the development of printed publications begins. As N. Dankova rightly observes, newspapers and magazines "are losing weight, buying paper in Belgium and Finland, hoping for grants, moving online and social networks – in short, despite everything, they are trying to stay on the market" (Dankova 2022). Violation of the logistics of delivering the necessary material and equipment for the production of a high-quality printed publication, its distribution (impossibility to do this in the war zone and occupied territories), the outflow of advertisers, or more precisely, the disappearance of the advertising market in general, the reduction of labor resources – these are the challenges that had to be faced and still have to fight the print media market at the time of writing. As a result, many newspapers went on hiatus already in the first days or weeks of the great war.

It is worth noting that the third month of the war was a turning point for many editorial offices. Some publications closed down (in particular, the all-Ukrainian newspaper "Den"), some others – on the contrary – were able to resume printing at the end of May or in early June (in particular, the Kharkiv newspaper "Slobidskyi Kray", the Chernivtsi "Sim dniv", etc.). Newspapers are looking for new sources of income and business models in order to survive: in Chernihiv region, three editorial offices united to publish a joint newspaper, in Khmelnytskyi five newspapers of one media company were united, Odesa newspapers "Odesskaya zhyzn" and "Na pensii" are published now not in Kyiv, but in Ternopil. Meanwhile, "Ukrposhta" has started a subscription campaign for the second half of the year in all regions except Luhansk, Donetsk and Kherson.

In the relatively calmer regions of Western Ukraine, printed publications also felt the impact of the war. Thus, the most widely circulated newspaper in Lviv, "Ekspres", did not stop publishing

after February 24, only "lost weight" from 24 pages to 16. They saved on the TV program, because now most channels show the same thing – a joint marathon. According to the editor-in-chief of the newspaper, Ulyana Vityuk, after the beginning of the full-scale invasion, the editorial office started working on the portal for Ukrainians in Poland, Ukrayina.pl (Dankova 2022).

As a whole, the editions were able to be printed again, when one of the most painful issues of print media was solved – the lack of paper. Previously, 90% of paper was imported to Ukraine from Russia and Belarus; after the cessation of trade with the aggressors, the price of paper, which began to be delivered from Poland, Germany, Belgium and Finland, doubled, which accordingly affected the final price of the publication for the buyer.

President of the Ukrainian Association of Media Business, Oleksiy Pohoryelov noted that after the first three weeks of the war, more than 80% of newspapers and magazines were working. Some of them, having lost the opportunity to print and deliver newspapers, focused on distributing content on websites and social networks (Ostapa 2022). The association managed to get help from international media organizations to save Ukrainian print publications. In particular, the foundation of the Polish edition "Gazeta Wyborcza" donated 70 tons of newsprint to Ukrainian publishers, the World Association of Newspapers and News WAN-IFRA and one of the largest Scandinavian media conglomerates Schibsted saved 57 printed and 40 digital media.

Despite all the problems with printing and logistics, "Ukrposhta" started at the end of April the first subscription of newspapers and magazines during the martial law for the second half of 2022. Subscriptions for electronic catalogs began on April 25, and for printed catalogs from April 28 for all regions of Ukraine, except for the territories of Luhansk, Donetsk and Kherson regions. The resumption of delivery of newspapers and magazines in liberated settlements takes place under the conditions of safety for customers and employees of Ukrposhta. It should be noted that "Ukrposhta" itself has already lost more than 500 branches by the beginning of April 2022 (Ukrinform 28 April 2022).

Since the beginning of the war, Pylyp Orlyk Institute of Democracy has been monitoring the press. It was the monitoring that showed that the stabilization of the market of printed editions in calmer regions such as Lviv took place only in the 6th month of the war. Most of the newspapers were able to return to their pre-war volumes and even in some places resumed printing of television programs (Institute of Democracy named after Pylypa Orlyka 22 August 2022). We have a different situation with printed publications in the regions that were subjected to occupation, such as Sumyshchyna. A monitoring report for August 2022 noted that the press was somewhat war-weary. By and large, their regular output and informing the audience is primarily due to enthusiasm, which helps to work despite real physical danger, because some mass media operate in a war zone; despite the lack of an advertising market and support from the authorities; despite the shortage of workers, because some were forced to leave for safer territory. This fatigue is felt in the reduction of the genre and thematic palette (Institute of Democracy named after Pylypa Orlyka 23 August 2022).

In addition to the above-mentioned temporary and historically significant catalysts for sharp changes in the media market of Ukraine, it is necessary to single out the factors that significantly influenced the functioning of the print media market today.

Factor 1. ***Digitalization,*** which has absorbed all spheres of human life, including the way of information consumption. For print media, this phenomenon has two global meanings: first, the possibility of a printed periodical brand to function on the media market, which in the long run may lead to the following – a decrease in circulation, and possibly the disappearance of its traditionally paper version. Actually, that is why it is not surprising that scientists today are trying to answer the question: "Will the Internet replace the printed press?" (News of Zhytomyr 2019). Already today, on the Ukrainian media market, previously printed publications such as "Dzerkalo Tyzhnya", "Den", "Vysokyi Zamok", "Tyzhden", etc. have switched to online format.

However, despite the global trend of such a transition, one can agree with the words of the American political commentator Jack Schaefer that the printed press remains the best format (Shafer 2016).

Factor 2. ***Logistics.*** The destruction of logistics and distribution networks is frequent, as a result of which the cost of delivery channels has increased significantly. We are talking not only about the closing of newsstands (for example, the Lviv "Vysokyy Zamok" and "Ekspres" newsstands), but also about the reduction of postal branches of the state enterprise "Ukrposhta". The latter actually became a significant factor, because through the Ukrposhta branch, people from the most remote corners had the opportunity to receive a magazine or newspaper by subscription or purchase.

It is especially important to emphasize the state of logistics during the Russian-Ukrainian war, which began in February 2022. This fateful event led to the impossibility of working in the absence of normal conditions for entire editorial offices of print media in hot spots, as well as the general destruction of printing logistics and distribution of print media on an all-Ukrainian scale.

Factor 3. ***Advertising***. Outflow of advertisers from the newspaper and magazine market. Continuing the theme of the war, there was a large-scale outflow of advertisers from the entire media market. It also affected the sphere of online media.

Factor 4. ***Raw materials***, or rather their increase in price. It is clear that the price of the issue number includes the cost of raw components (paper, paints, plates), which are imported and purchased only for currency on limited foreign markets. At the same time, publishers are forced to keep the selling price, taking into account the limited purchasing power of the population, and the cost price increases and directly depends on the dollar exchange rate (Book Chamber of Ukraine 2021). During the war, it is not so much about rising prices as about the shortage or absence of these raw materials, which we actually wrote about above.

Factor 5. ***Psychological factor***: "information should be free" (Verstyuk 2019), so they will look for it on the Internet, social networks or television.

Factor 6. ***Content and its promotion***. In addition to the mentioned catalysts, it is also necessary to talk about two more interrelated important things: the quality of the content and the ability to promote it (which means print media) in social networks. I. Verstyuk, a journalist of "Novoe Vremya", rightly notes that the law of supply and demand in the media market is primarily a matter of content quality (Verstyuk 2019).

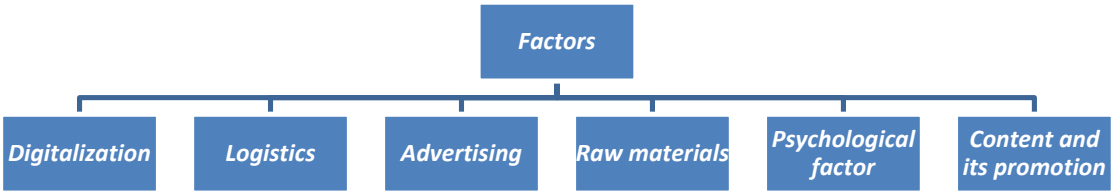

Table 2. Factors that have significantly influenced the functioning of the print media market today

In the context of the general state of the media economy of Ukraine, special attention should be paid to the fact that today there is a dynamic growth in the role of social networks as the main source of information. And it is not only about the fact that social networks have the palm of the hand for the average Ukrainian. Recently, such social networks as ***Facebook***, ***Twitter*** or ***Instagram*** have become part of the traditional toolkit of journalists for obtaining information about current events, public assessments and opinions, government activities, etc (Harmatiy, Onufriv 2021). This trend is noticeable both in Western countries (for example, in the USA it is about 53% of citizens), and in Ukraine, where the share of users who consume news on social networks has increased from 45% to 63% (Walker, Matsa 2021). And although researchers and public activists constantly warn that

viewing news on social networks is not always safe due to misinformation or manipulative messages, the convenience and speed of such consumption outweighs all the mentioned risks.

At the beginning of this scientific research, a study by the Thomson Reuters Foundation in 2021 was mentioned. It showed that the main source of information for Ukrainians is search engines and social networks. And the same situation continues to persist even during the war in Ukraine, despite the fact that the joint telethon "Yedyni Novyny" was created on the basis of the leading TV channels with the largest pool of viewers. In particular, at the beginning of the summer of 2022, the Kyiv International Institute of Sociology published a survey report "Media consumption of Ukrainians in conditions of full-scale war". According to its results, more than three quarters of Ukrainians (76.6%) receive information about the war through social networks, from television – 66.7% of respondents, another 61.2% read news on the Internet (not including social networks), and 28.4%of Ukrainians listen to the radio (Media consumption of Ukrainians in conditions of full-scale war 2022). As for print media, only 15.7% of respondents receive information from them. As we can see, if in 2021 23% of Ukrainians read the newspaper, then already in wartime, this number has significantly decreased.

In July 2022, we conducted our own survey, "Where do you get information in time of war?", using a random sample. In response to the question: "Indicate from which sources you regularly receive information?" 61% of respondents answered that it is social networks, and only 5.6% get information from TV channels that are alternative to the joint telethon "Yedyni Novyny", and another 1.4% listen to the radio. At the same time, none of the respondents claimed that they regularly receive information from print media, but only 16.7% received it at least once from print publications (newspapers, magazines, bulletins, etc.) since the full-scale invasion of Russia into Ukraine.

What is important in a situation where social networks are the main source of information during the war, the total majority of respondents – 91.7% – check the received information.

Verification of information is extremely important for a state that is at war, and its individual regions are under occupation. This begs the question: what caused the fact that the majority of information consumers check it? In our opinion, this can be explained by four main factors:

1) an active centralized information campaign of the state, which called on citizens of Ukraine to check the information due to its correspondence with official notifications of state authorities, to distrust unknown accounts in social networks and media, in particular, Russian media;

2) positioning of the joint telethon "Yedyni Novyny" TV as the megaphone of official messages and the only source of true news;

3) information and educational campaigns were conducted on all official state resources, Ukrainian public educational platforms, and in "Yedyni noviny", the main purpose of which is to teach citizens to detect fakes and false reports. That is, a kind of media literacy training was held. If until February 24, 2022, people talked about fakes, deepfakes, manipulation, and bots mainly in certain educational and research circles, then after this tragic date, these concepts became known to every average Ukrainian. It was the warning about the possibility of a deepfake with V. Zelenskyi that was first heard from the telethon "Yedyni Novyny". After all, the Russians did spread such a deepfake, where the President of Ukraine allegedly called on the people and the army to lay down their arms;

4) for the first time in the history of independence, the Center for Combating Disinformation was created under wartime conditions – a working body of the National Security and Defense Council of Ukraine, which collects and refutes false text and audio-video content. At the same time, the specified center conducts its activities on all possible platforms of social networks, calls on citizens to collect and send unreliable and suspicious information and its sources.

Of course, we can also speak here about the role of specialized media organizations (such as "Detektor Media", "Stop Fake!", "VoxUkraine", etc.), which on a volunteer basis, especially in the first four months of the war, intensively monitored and refuted fake information.

Considering the above factors, we can conclude that the war showed that Ukrainians were able to pass the test of "collective media literacy", which can be the subject of another thorough scientific investigation.

Despite the war, as we noted above, today we are observing a certain stabilization of the Ukrainian print media market. This is particularly evidenced by the data of the Book Chamber of Ukraine for the last three months (Table 3) (Book Chamber of Ukraine 2022).

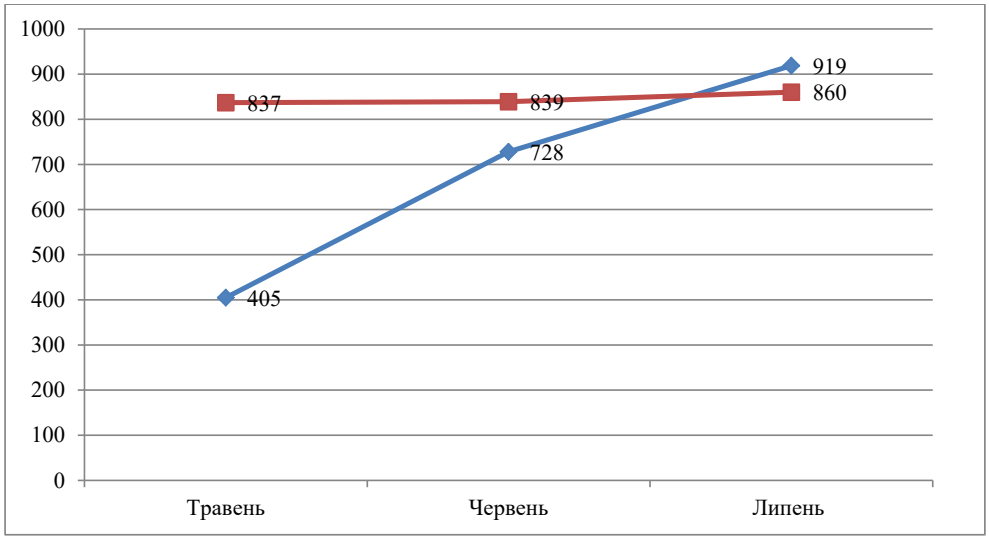

Table 3. Number of printed newspapers and magazines for the last 3 months in 2022

Discussion. So, the question arises: ***what helped the print market of Ukraine to adapt to the economy of the state, which is in a state of war?***

First of all, let's emphasize that no media, even online, knew what to do, how to work from the morning of February 24, 2022. The first days of Russia's full-scale military invasion of Ukraine showed that practicing Ukrainian journalism was not at all ready to work in wartime conditions. Despite the fact that the local war in Ukraine has been going on since 2014, neither the journalists of the leading Ukrainian media, nor even regional media, were able to immediately adapt to functioning in the conditions that arose. In just a day or three, each of the media chose a certain work format for itself. In general, this format in the first three months of the war is characterized by certain features:

Operating mode 24/7. Journalists worked 24/7 to support their audience and society at large, providing news from the front lines, informing them of possible bombings and missile strikes. An important place in the media space is occupied by information from journalists who specialize in military topics and have considerable professional experience in war zones both in Ukraine and abroad. Yurii Butusov, Roman Bochkala, Andriy Tsaplienko, Nataliya Nahorna and others not only report on frontline events, but also try to explain the specifics of each military weapon, how to protect oneself during shelling, while in captivity, etc.

Psychological pressure. Members of the newsrooms and journalists were under extremely strong psychological pressure, which was intensified by concerns for their own safety and the safety of their relatives and friends.

Changing the media product. Each mass media radically changes the format of its own product: the main ones are the news feed, the news digest and the infomarathon, which were distributed mainly through YouTube and Telegram. The main emphasis of print media is not on print, but on the activation of their own Internet versions and pages in social networks.

Changing the business model of editorial offices. Editorial offices that did not have thoughtful and long-term planning did not have plans for how to work in wartime. It is clear that there was no stability, and in order to avoid chaos in the publishing and economic process, the editors drastically shortened the planning period to one week, at best a month. Another factor that contributed to the change in the business model is human capital: very often, employees performed their work at a distance, without being directly at the place of operation of the editorial office. Even worse, when the editorial staff was being optimized (employees resigned themselves or were fired), the volume of work was performed by a limited number of people.

Change of content. Not only television and radio, but also newspapers and magazines radically change their content. The main topics of journalistic materials can be briefly formulated as "human and technical losses of the occupiers", "interactive map of hostilities", "human fates in bomb shelters", "human fates due to evacuation". Materials about the activities of volunteers, soldiers of the Armed Forces of Ukraine, the activities of local territorial defense, as well as reports on the reaction of the international community to Russia's military aggression in Ukraine, also featured prominently. In general, it was possible to observe the total predominance of informative genres of journalism over analytical and artistic-journalistic genres. But despite this, journalistic materials were imbued with the spirit of patriotism.

Changing the message to the audience. If before these terrible events, for many newsrooms, Ukrainian society was measured only by the concept of "consumer of information", on which it is necessary to raise one's own ratings, increase circulation, then since the end of February, the emphasis and permanent understanding of one's audience has changed completely. During the first three months, the understanding of one's own audience as a single people, where the life of every Ukrainian is of paramount value, is crystallized.

Change in funding sources. The sudden disappearance of advertising in the media, which was the main financial foundation of their operation, became a great test for editorial offices. And the situation was saved by measures such as international donor support, crowdfunding, grants and charitable funds of various levels. In particular, financial aid programs from such institutions as the Institute of Literary Studies of the Polish Academy of Sciences, the Association of European University Presses, the Gene Roberts CPJ Emergency Fund, and the French National Foundation for Open Science deserve attention. SUES – Supporting Ukrainian Editorial Staff is an initiative of several European organizations in the field of scientific communication: IBL-PAN (PL), OPERAS (BE), DOAJ (UK), DOAB (NL), EIFL (NL), AEUP (FR), according supported by a group of 30 French editors and publishers, aimed at supporting those working on the dissemination and communication of knowledge in the scholarly publishing sector. Thanks to this initiative, each scientific periodical that applied received financial support in the amount of 1,500 euros.

The leading media groups and media holdings of Ukraine were unable to develop financially according to a previously developed business strategy. And a vivid example of this is "Media Hrupa Ukrayina" (a media concern of the most rated TV channels in Ukraine). In order to implement the unified information policy, which we talked about above, during the war, the President of Ukraine issued a Decree obliging all national TV channels to unite and broadcast the telethon "Yedyni Novyny #UArazom" and the largest TV channels (Decree of the President of Ukpaina No. 152/2022), which until February 24 have competed, united and broadcast news non-stop. But in July, the management of "Media Hrupy Ukrayina" decided not only to withdraw from this telethon, but also to withdraw from the media business, since in economic terms, the operation of this media group on the Ukrainian information market became too expensive for the owner-businessman Rinat Akhmetov, who during the war lost 9.5 billion dollars (Forbes, 2022).

Conclusions. The specifics of the print media market in Ukraine during 2000-July 2022, in comparison with the general situation of the state of the media economy, includes a number of trends, fac-

tors and features. The clarity of the processes at each stage of its functioning is determined by certain defining events of a historical, economic and international nature. The peak of drastic changes was caused not at all by the Covid-19 pandemic, but rather by the large-scale military invasion of Russia on the territory of Ukraine at the end of February 2022. If the pandemic gave some time to adapt the work of newsrooms in new conditions, then the unthinkable war in the country located in the center of Europe proved the complete unpreparedness of the Ukrainian journalistic community to act and work in the first days of the war. Only time, international support of the media front, flexible editorial management in financial and creative terms helped mass media to survive and continue to function.

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DEVELOPMENT PROSPECTS FOR E-COMMERCE PLATFORMS

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Abstract. The article focuses on the development prospects for e-commerce platforms within the context of globalization and digitalization. The aim of the study is to analyze how these platforms adapt to rapid technological changes and evolving consumer behaviors, as well as their significant role in fostering social inclusion and driving economic growth. The research employed general scientific methods of cognition, including analysis, synthesis, comparison. The research results indicate that the e-commerce sector is experiencing significant growth, doubling its global revenue from $2.24 trillion in 2017 to an expected $5.42 trillion by 2025. Special attention is given to Amazon, which consistently demonstrates robust growth and expanding influence. By 2023, Amazon's global sales volume reached approximately $231 billion, underscoring its dominance in the industry. This success is reflected in its strong market presence across various regions, including the United States, Europe, and Japan. Amazon's strategic focus on product categories such as electronics, fashion, and home goods has positioned it as a leader in diverse markets. Moreover, Amazon's commitment to inclusivity is evident through its initiatives supporting employees with disabilities, such as the "Work Wellness Coaching" program and AI-driven solutions aimed at enhancing accessibility. These efforts not only highlight Amazon's role in economic growth but also its contribution to social development by fostering a more inclusive workplace. Future directions for e-commerce platforms, including Amazon, are poised to capitalize on emerging trends to maintain and expand their market positions. Platforms are expected to enhance their logistical capabilities to meet the increasing consumer demand for faster deliveries, such as same-day or even hour-specific options. The integration of augmented reality (AR) into shopping experiences will continue to blur the lines between physical and digital retail spaces, allowing consumers to visualize products in their environments. Additionally, blockchain technology is likely to play a more significant role in ensuring supply chain transparency, building greater trust between consumers and brands. Personalization will remain central to e-commerce strategies, with AI-driven tools providing more customized shopping experiences. As platforms evolve, they will also increasingly adopt sustainable practices to address environmental concerns and attract eco-conscious consumers. The practical significance of the research lies in providing recommendations for businesses to adapt to dynamic and competitive market conditions.

Key words: e-commerce, globalization, digitalization, technology, inclusion.

Introduction. In the modern era, globalization and digitalization have become intertwined, driving profound changes across various sectors, including commerce. The rapid advancement of digital technologies and the widespread adoption of the internet have enabled e-commerce to emerge as a powerful engine of global economic growth. As businesses leverage the internet to transcend geographical boundaries, e-commerce platforms have become pivotal in connecting sellers with consumers worldwide. This digital transformation has not only facilitated seamless trade across borders but also empowered consumers with access to a vast array of products and services at their fingertips. The rise of e-commerce exemplifies the synergistic effects of globalization and digitalization, underscoring their role in shaping the future of global commerce.

Marketplaces such as Amazon, Pinduoduo, and Taobao are not merely transactional platforms; they have evolved into crucial elements of the digital economy, offering accessibility and inclusivity on a global scale. These platforms have democratized the retail landscape by providing businesses of all sizes the opportunity to reach a broad audience without the need for significant physical infrastructure. For consumers, they offer unprecedented convenience and variety, transforming how

people shop and interact with brands. Additionally, the social significance of these marketplaces cannot be understated. Through inclusive policies and innovative solutions, they contribute to social development by supporting employees with disabilities and creating accessible environments. This dual role of e-commerce platforms – both as economic drivers and agents of social change – highlights their integral place in modern society.

As society evolves, so do e-commerce platforms, reflecting and responding to changing consumer needs and technological advancements. The continuous development of these platforms is crucial for the e-commerce sector to stay relevant and competitive. Studying the dynamics of platform evolution provides valuable insights for businesses looking to thrive in the digital marketplace. By understanding how platforms adapt to trends such as faster delivery expectations, augmented reality shopping experiences, and sustainable practices, e-commerce enterprises can better position themselves to capitalize on emerging opportunities. Thus, examining the development prospects of e-commerce platforms is essential for businesses aiming to navigate and succeed in this rapidly changing digital landscape.

The future of e-commerce is inherently tied to its ability to innovate and adapt to new challenges and opportunities. As platforms continue to integrate advanced technologies like artificial intelligence and blockchain, they will further enhance their capabilities and services. This evolution is not only about meeting current consumer demands but also about anticipating and shaping future market trends. Businesses that are attuned to these developments will be better equipped to engage with customers and maintain their competitive edge. The ongoing transformation of e-commerce platforms, driven by both technological advancements and societal changes, underscores the need for continuous analysis and adaptation in the digital economy.

The aim of the article is to explore the development prospects of e-commerce platforms within the context of ongoing globalization and digitalization trends.

The article aims to analyze how these platforms adapt to rapid technological advancements and shifting consumer behaviors, and to examine their significant role in fostering social inclusion and driving economic growth. Special focus is given to major market players, such as Amazon, and their integration of new technologies and innovative solutions to enhance operational efficiency. Additionally, the article underscores the importance of understanding current development trends to ensure successful business adaptation in a dynamic and competitive environment.

Research results

General Trends in E-commerce Development

Over the past decade, the e-commerce sector has undergone significant transformations, catalyzing its integration into the global economy. E-commerce, encompassing digital transactions of goods and services over the internet, has become not just a convenient sales channel for entrepreneurs but also an integral part of consumers' daily lives. Thanks to technological innovations and the rise in digital literacy, e-commerce offers unlimited opportunities for business scaling and reaching a global market without the need for physical presence.

The global development of e-commerce between 2017 and 2025 is characterized by a significant increase in revenues, reflecting the growth in online trade volumes and the widespread adoption of digital technologies in commercial activities. During this period, the total revenue from e-commerce grew from $2.24 trln in 2017 to an estimated $5.42 trln in 2025 (Vuleta, 2022). This doubling of revenues over eight years indicates rapid growth, which is not typical for many other economic sectors (Fig. 1).

This increase can be attributed to several factors, among which are market globalization, the proliferation of mobile technologies, and changes in consumer habits that increasingly lean towards online shopping. One of the key factors contributing to the growth of e-commerce is the incredible user activity on social networks. Social platforms such as Facebook, Instagram, Twitter, and others have

become not only means of communication and information exchange but also effective marketing and sales tools for goods and services.

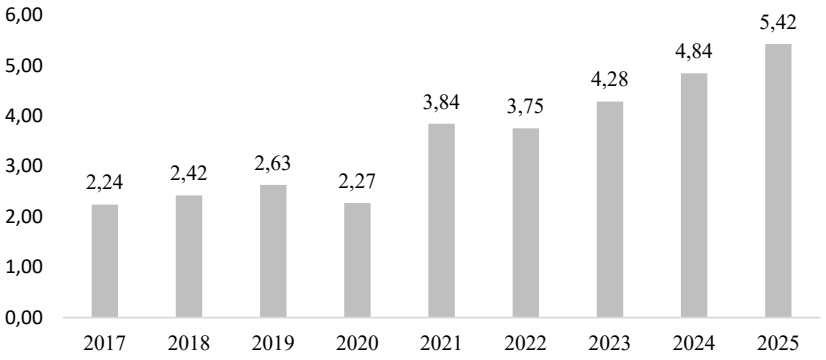

Fig. 1. Projected global e-commerce revenue, in trillion USD

Note: Organized by the author (Statista, 2024).

It should be noted that these statistics reflect the sales levels through online stores. When considering the overall sales trends on platforms like Amazon, the data shows that they account for approximately 5% of the total e-commerce sales volumes (Fig. 2).

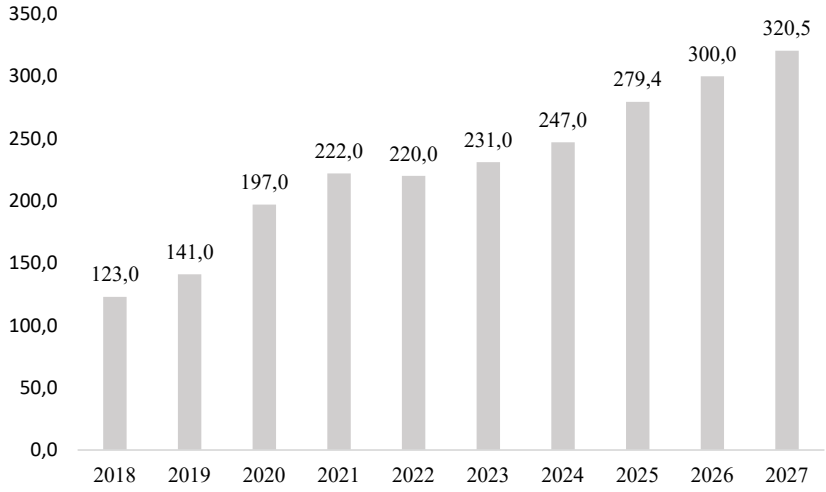

Fig. 2. Global sales volumes of goods through Amazon, in billion USD

Note: Author's projections (Ghavami, 2024)

As seen from Fig. 2, the Amazon platform alone generates $231 billion USD in global revenue. In addition to Amazon, other platforms also host a significant number of goods. Amazon's primary competitors are the Chinese platforms Pinduoduo and Taobao. It is important to highlight that the rapid growth of e-commerce is primarily driven by the popularization of social networks and the expansion of commerce through them. These networks serve as advertising tools for the sale of goods and services.

The number of social media users is on the rise, with 4.74 billion users in 2024, approaching the total number of internet users, which stands at 5.07 billion (Fig. 3).

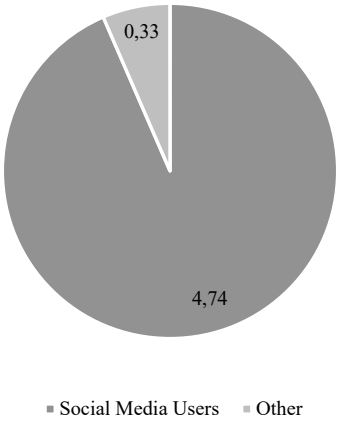

Fig. 3. Number of social media users and other e-users worldwide (2024), in Billions
Note: Organized by the author (Coaxsoft (2024)

Social significance of marketplaces

Many e-commerce platforms and marketplaces are implementing inclusive practices for people with physical disabilities, showcasing how large corporations can contribute to social development. AWS is actively working on creating conditions that enable individuals with disabilities not only to integrate into the work environment but also to develop their professional talents, which is of great importance to society as a whole.

According to AWS's policy, the company supports employees with disabilities through accommodation systems and various resources that help them successfully perform their professional duties. AWS actively promotes a culture of inclusion where every employee, regardless of their physical abilities, can feel valued and supported. The company has established numerous tools, resources, and support structures for individuals with disabilities, helping them achieve success in their roles (AWS, 2023).

Amazon is developing innovative solutions to support people with disabilities. For instance, the "Work Wellness Coaching" program provides coaching for employees with conditions such as Attention Deficit Hyperactivity Disorder (ADHD), autism, traumatic brain injuries, and other mental health challenges. This program has assisted many employees in adapting to the work environment and growing professionally (AWS, 2023).

AWS is also working on AI-driven solutions to improve accessibility. At the AWS Summit in Paris in 2024, they introduced "AI for Accessibility." This technology aims to remove daily barriers and enhance the independence of individuals with disabilities.

AWS's experience in supporting individuals with disabilities demonstrates how large companies can foster social development by ensuring accessibility and support for people with physical limitations. By implementing inclusive practices, AWS not only enhances the lives of its employees but also creates innovative solutions that make the world more accessible for everyone.

Overview of the current state of the Amazon platform

Over the past decade, Amazon has maintained a leading position in the global e-commerce market, demonstrating consistent growth and wide-reaching influence. In 2023, Amazon achieved its highest Gross Merchandise Volume (GMV), reaching approximately $729 billion USD, solidifying its status as the largest player in the e-commerce market.

Amazon remains a dominant player in many regions, including the United States, Europe, and Japan. In each of these areas, the company holds leading positions across various product categories such as hobbies and leisure, electronics, fashion, and home goods. Within the United States, Amazon’s primary competitors are Walmart and eBay. Although Walmart trails Amazon, it stands as the largest

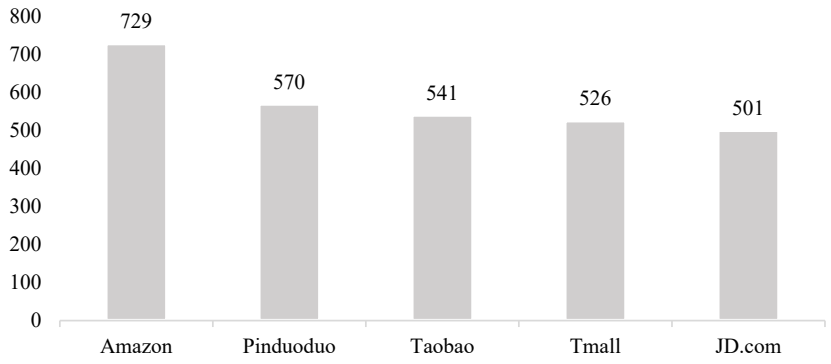

Fig. 4. Gross merchandise volume on major marketplaces in 2023

Source: Ghavami (2024)

competitor in the US with a GMV of approximately $136 billion in 2023. eBay continues to be a significant player in the market, but it faces challenges due to shifting consumer preferences and increasing competition.

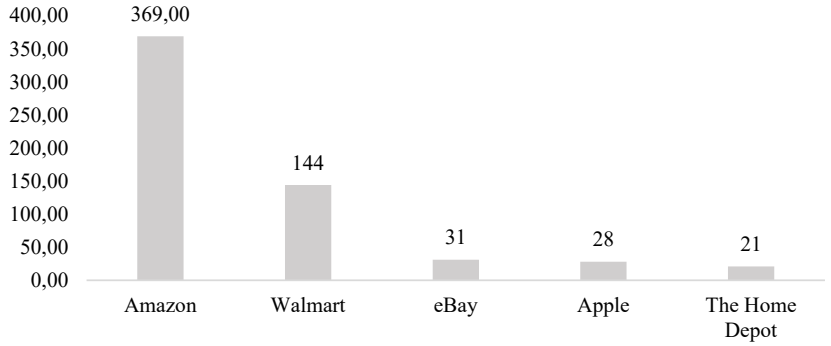

Fig. 5. Gross merchandise volume on major US marketplaces in 2023

Source: Ghavami (2024)

Amazon continues to innovate to reinforce its market position. The development of artificial intelligence and the optimization of logistics processes play crucial roles in this effort. The company is actively investing in new technologies and expanding its range of services, including Amazon Prime and cloud services through AWS (Nowal, 2024).

Prospects for the Development of Major E-commerce Platforms

Recent research by Esei (2024) and Sinelnikov (2024) demonstrates that the world of e-commerce is continually evolving, with the near future promising particularly interesting changes. In response to the evolution of trends in the e-commerce sector, platforms and marketplaces will likely adapt by introducing new features to remain competitive and meet the changing needs of their users. Let's explore how these platforms might evolve in response to five key trends.

Increased order processing speed: as consumer expectations for delivery speed grow, e-commerce platforms are incorporating advanced logistical and execution solutions to offer same-day and even hour delivery options. This involves real-time inventory management, optimization of delivery routes, and integration with third-party logistics providers to ensure quick and efficient product delivery to customers.

Shoppable advertising videos: to capitalize on the trend towards interactive video content, e-commerce platforms might introduce features supporting the creation and distribution of shoppable advertising videos. This could include tools for adding clickable product tags to video content, integrating videos onto product pages, and tracking engagement and conversions from video campaigns. By using shoppable advertising videos, e-commerce platforms can offer businesses a more dynamic and engaging way to showcase their products and directly increase sales from video content (FinancesOnline, 2024).

Augmented reality: augmented reality transforms shopping from a mere transaction to a comprehensive experience. Consumers no longer need to leave their homes to see how a new sofa would look in their living room or how a lamp would illuminate their desk. Innovations like the AR app from Ikea blur the lines between the physical and virtual worlds, opening new horizons not only in furniture but also in fashion, cosmetics, decor, and many other areas (Sinelnikov, 2024).

Blockchain in supply chains: the visual experience isn't the only aspect undergoing a revolution. Blockchain offers a dive into a reliable world of supply chain transparency, where every consumer can track the product's history from the manufacturer to their hands. This innovation strengthens trust between buyers and brands, making each purchase more informed.

Personalization and shift to online D2C: in a world where everyone wants to feel a special connection with their chosen brands, personalization becomes key. From individual product recommendations to custom-designed loyalty programs, modern technologies, including artificial intelligence, allow every consumer to feel unique and unparalleled. Subscription services are becoming increasingly personalized, reflecting the unique preferences of each subscriber, not only enhancing customer satisfaction but also ensuring steady revenue for businesses. These are just the tip of the iceberg of changes we can observe in the future of e-commerce.

As brands increasingly adopt direct-to-consumer strategies, e-commerce platforms are likely to enhance their offerings to support seamless D2C operations. This might include advanced customer relationship management (CRM) tools, personalized marketing capabilities, and integrated analytics for better understanding and direct engagement by brands with their customers. The goal will be to provide businesses with the tools needed to offer personalized shopping experiences, increase customer loyalty, and boost sales without intermediaries.

Sustainability principles and accessibility features: environmental sustainability is also in focus. In a rapidly changing world, many of us are increasingly concerned about how our choices impact the planet. E-commerce responds to this challenge by offering more environmentally friendly options, reducing packaging, and implementing sustainable practices. Such changes not only lessen the environmental impact but also attract consumers for whom brand values are significant (Sinelnikov, 2024).

With a growing emphasis on inclusivity, e-commerce platforms are expected to prioritize website accessibility, making sites more navigable for users with disabilities. This could involve developing embedded tools that ensure online stores comply with accessibility standards such as ADA, including features for screen readers, keyboard navigation, and alternative text for images. This not only helps businesses reach a wider audience but also reduces legal risks associated with non-compliance.

AI-based commerce: artificial intelligence becomes an integral part of e-commerce platforms, automating various aspects of the online retail process from inventory management and customer service to personalized shopping experiences. AI technologies such as chatbots, virtual assistants, and recommendation algorithms are becoming standard features, allowing businesses to improve operational efficiency and customer engagement.

Security: at the heart of this future world lies security. The increasing digital interaction necessitates data protection, and consumers are increasingly favoring platforms that prioritize privacy and security. This compels businesses not only to implement advanced protection technologies but also to be as transparent as possible in their practices (Esei, 2024).

These trends highlight the dynamic nature of e-commerce, with platforms continually innovating to meet the evolving needs of businesses and consumers. By embracing these developments, e-commerce platforms can offer more robust, efficient, and personalized shopping experiences, fostering growth and customer satisfaction in the online retail sector (Coaxsoft, 2024).

Conclusions. The e-commerce sector has witnessed remarkable growth, doubling its global revenue from $2.24 trillion in 2017 to an anticipated $5.42 trillion by 2025. This significant increase is driven by advancements in digital technologies and changing consumer behaviors towards online shopping. The integration of mobile technologies and the rise of digital literacy have played critical roles in this expansion. Social networks such as Facebook, Instagram, and Twitter have become pivotal not only as communication tools but also as powerful marketing and sales channels. These platforms have facilitated the globalization of markets, allowing businesses to reach wider audiences without geographical constraints, contributing to the overall surge in e-commerce activity.

Amazon has been a key player in this e-commerce revolution, consistently demonstrating robust growth and broadening its influence. By 2023, Amazon's global sales volume reached approximately $231 billion, underscoring its dominance in the industry. This success is mirrored in its strong market presence across various regions, including the United States, Europe, and Japan. Amazon's strategic focus on categories like electronics, fashion, and home goods has positioned it as a leader in diverse product markets. Moreover, Amazon's commitment to inclusivity is evident through its initiatives to support employees with disabilities, such as the "Work Wellness Coaching" program and AI-driven solutions aimed at enhancing accessibility. These efforts not only highlight Amazon's role in economic growth but also its contribution to social development by fostering a more inclusive workplace.

Future directions for e-commerce platforms, including Amazon, are poised to capitalize on emerging trends to maintain and expand their market positions. Platforms are expected to enhance their logistical capabilities to meet the increasing consumer demand for faster deliveries, such as same-day or even hour-specific options. The integration of augmented reality (AR) into shopping experiences will continue to blur the lines between physical and digital retail spaces, allowing consumers to visualize products in their environments. Additionally, blockchain technology will likely play a more significant role in ensuring supply chain transparency, building greater trust between consumers and brands. Personalization will remain central to e-commerce strategies, with AI-driven tools providing more customized shopping experiences. As platforms evolve, they will also increasingly adopt sustainable practices to address environmental concerns and attract eco-conscious consumers.

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INSTRUMENTS FOR PREVENTING MEDIA DEPENDENCY AND FAKE NEWS USING AI

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Abstract. The article examines the concept of media dependency and the actualization of media surfing problems in all its variations and possibilities of preventing its impact on human activity. The work also outlines the influence of media dependency on the skills of recognizing fake news and prevent its impact on psychological and mental health, the loss of which leads to negative consequences for the functioning of society as a whole. The classification of fakes, particularly based on geographic, temporal, and audiovisual facts that may be turned into disinformation using manipulative techniques, enables understanding the necessity of continuous updating media literacy programs that promote critical thinking, analysis, and evaluation of media content to prevent manipulating information. In turn, AI-based algorithms can monitor the spread pace of fake news on social media platforms and influence correction processes by limiting the reach of such content. Programs like Google Digital Wellbeing and Apple Screen Time provide insights into media usage patterns and help set limits on gadget usage time by sending notifications about the need for breaks and switching to offline activities. The article also discusses preventive measures of avoiding media dependency and the concept media hygiene, adherence to which may strengthen media immunity to the influence of fake news.

Key words: media consumption, media hygiene, media surfing, content, media immunity, manipulation, media literacy.

Introduction. Media dependency has become an abundant phenomenon driven by the crises of recent years and the excessive use of gadgets and network services, indispensable for obtaining information in today's world. This information may either help individuals develop within the modern knowledge society or contribute to their degradation due to the influence of misinformation, fake news, and manipulation. Consequently, media dependency in the form of the excessive and compulsive use of digital media, including social networks, online games, streaming services, and other digital platforms may have negative consequences such as decreased productivity, deterioration of social relationships, and mental health issues like anxiety and depression. All this necessitates regulation, including time limits, content management, conscious consumption, digital literacy, media literacy, and the use of AI algorithms for maintaining the principles of media hygiene and preventing media dependency.

Main part. The aim of this study is to investigate the process of developing media dependency and its impact on recognizing fake information, disinformation, and manipulative content.

The task set during this research involves examining the factors influencing media consumption and establishing control norms of preventing media dependency. Additionally, the study aims at advancing suggestions for recognizing fake information based on the classification principles of fake fabrication and through the use of AI algorithms.

To outline in detail the research topic related to media dependency and fake news through the lens of media hygiene and AI we applied a sociocultural methodological approach, complemented by several scientific methods, ensuring the comprehensiveness and depth of the research. Focusing on understanding how social and cultural contexts influence human behavior and interaction with media, we have acknowledged the complex relationship between media practices, societal impact, and tech-

nological solutions paving the way to developing effective strategies of improving media hygiene and utilizing AI to foster a healthier media environment. Moreover, by examining the conflicting forces of media dependency (e.g., user engagement vs. negative mental health impacts) and fake news (e.g., spread pace vs. accuracy), we were able to classify types of fakes for further recognition. We concluded that modern tools such as AI when used relevantly and responsibly may serve for building a conscious, media-literate society

Materials and methods of research. The research primarily used the studies by world scientists, including founders of media dependency theory M. L. De Fleur and S. Ball-Rokeach, and their followers K. Miller, T. Morton, P. Ratwaddana, G. Wilkin, who insist that media dependency is connected to "information systems involved in the process of forming stability, changes, and conflicts at the societal and individual level" (Ball-Rokeach, 1985: 498). Given the emphasis on stability, which, in turn, is disrupted by the dissemination and perception of fakes, it should be noted that the issue of fake news is relatively new in scientific discourse. However, comprehensive studies on this subject may be found in the high-value pilot studies of O. Arkhipova, V. Vovk, V. Grebenyuk, M. Kitsa, L. Makarenko, I. Mudra, O. Nevelskaya-Gordeeva, E. Parshakov, O. Saprykin, V. Tsymbalyuk, R. Chernysh. Their research reflect the essence of fake as the specific content which emotionally pertains to vital issues and affects societal integrity causing both internal (personal) and external (public) destabilization (Vovk, 2022: 82).

Results and discussion. For better understanding the specified problem, in our opinion, it is necessary we should recognize media hygiene as one of the critical tools for preventing media dependency which understanding requires studying the internal dynamics and behavior of individuals who uncontrollably consume media. Media dependency, like other forms of addiction, may be a complex and multifaceted phenomenon enhanced by various factors: in particular, continuous and excessive consumption of media content (watching television, social networks, video games, or engaging in other forms of media). This may lead to psychological dependency as an outcome of the emotional and psychological satisfaction derived from media experiences, for turning to mass media may sometimes serve as a mechanism of escapism – the way of coping with stress, anxiety, or boredom. Thus, consuming appealing media content, such as social media notifications, video games, or watching series, may provoke the release of dopamine in the brain, fostering addiction-like patterns, as dopamine is a neurotransmitter associated with the brain's reward system (Barchi, 2022: 88). Engaging in activities sending the brain pleasure or reward signals that it is enjoyable or beneficial, reinforces the behavior and motivation to seek similar experiences in the future. Over time, repeated exposure to these rewarding stimuli may lead to the development of habituation patterns, compelling participation in such behavior despite negative consequences.

Modern media, aiming at ensuring their well-being and user engagement, often design their products to seem very appealing and beneficial to users. Features such as likes, shares, comments, notifications, leveling up, and cliffhangers in series may trigger dopamine release and encourage users to return for more. Thus, engaging media content fosters addiction-like behaviors, such as excessive screen time, neglect of other responsibilities, disrupted sleep patterns, and withdrawal symptoms when access to content is unavailable. Such behavior may negatively impact mental health, productivity, and overall well-being. Therefore, while engaging with media content can be enjoyable and entertaining, it is important to practice moderation and mindfulness to avoid addiction. Setting limits on screen time, taking regular breaks, engaging in alternative activities, and seeking support if having difficulty controlling media consumption can help maintain a healthy balance.

It is also worth noting that constant use of the internet, social networks, and television provokes fears of missing out on important information, news, and social interactions. This fear urges even greater use of gadgets, leading to "compulsive media surfing" as a manifestation of dependency – overloading due to an obsessive, irresistible need to seek information. The emergence of this need

is partly explained by the media dependency theory of American researchers S. Ball-Rokeach and M. De Fleur, who emphasize that "media are information systems involved in the process of forming stability, change, and conflict both at the societal and individual levels. Individuals become dependent on the knowledge and evaluations shared in the media space, and this dependency increases if society is in a state of transformation or conflict" (De Fleur M., Ball-Rokeach S. 1982: 97).

The phenomenon of "media surfing" ("swimming" or "wandering") is very noticeable today in the context of media consumption, especially among the young. It raises certain concerns that the amount of information does not always correspond to its quality nor necessarily impact its assimilation for aimless use of media often leads to a superficial understanding of issues and events. Moving from one source to another without in-depth exploration may hinder the development of critical thinking and deep understanding, as well repeated switches from one platform to another may fragment attention, making it difficult to focus on one topic or task for a prolonged period.

Overcoming excessive media surfing is a gradual process that requires patience, self-awareness, and consistent efforts, including managing one's media environment and prioritizing meaningful, informative, and enriching content, as well as maintaining the balance between online and offline activities. All of this lays the foundation of media hygiene, the necessity of which is also dictated by such realia as control of fake information, which is similar to barrier methods of protection used in life as well in the information environment, it is necessary to protect oneself from harmful information, particularly fakes.

Let us touch up that a fake is a message with reduced value for society that attempts presented as valuable. As the researcher from Lviv I. Mudra notes, "a fake is often referred to as unreliable, false information, or unchecked facts, but these concepts do not reflect the essence of a fake. A fake is a forgery, a falsification, specifically disseminated to misinform the audience" (Mudra, 2016: 186). There are various classifications and markers of fakes, understanding which can help avoid the influence of unreliable information:

- Absolute lies – often used to report of alleged danger or someone's death;
- Partial lies – used in a generally truthful message but with distorted interpretation of real events. The facts remain unchanged, but added much subjective and evaluative judgments making it impossible to crystallize the actual fact;
- Information concealment – created not by the presence of false information, but by the absence of the authentic fact.

Understanding the nature of fake information, its reliability and authenticity is possible by identifying different types of fakes, particularly by the degree of spatial-temporal reliability:

- Geofakes – manipulations with location data may be used to launch bogus narratives or establish fake events;
- Manipulating timestamps – changing the timestamps of digital content to make it appear current or convey a sense of urgency; historical distortion of events or timelines, often spotted in historical revisionism and conspiracy theories;
- Deepfakes – manipulating video and audio to make highly convincing fake content, hardly distinguished from real recordings;
- Bots and automated accounts on social networks, used for disseminating fake information often at a fast pace;
- Crisis and emergency disinformation often associated with natural disasters, crises, or emergencies, may be spread to provoke panic or confusion;
- Time-traveling narratives may claim that information or predictions were made in the past, but ignored, implying an element of conspiracy or cover-up.

Along with spatial-temporal characteristics, fakes can also be distinguished by the information source. Among them are: unreliable source, using a fake face of organization that is an unreliable

source having a clear interest in a particular interpretation of information; secondary source not being the main actor, but which is not specified; unverified source, who can be an eyewitness to events (consumers of information tend to think that if a person was present at the event, they will provide the truthful information, however this is far from that from police observations: no one deceives as much as an eyewitness) whose information needs to be verified by another source; panicked witness – a witness who is emotionally involved in the event, so their words should be interpreted only as their individual opinion.

Besides, one can talk about the classification of fakes by their goals including: attracting attention, spreading false information to gain any advantage, manipulating the audience to provoke specific actions from making a purchase to a strike or rally, and fraud to seize funds.

There are certain markers of fakes that may be flagged in headlines, main text, images, videos, etc. If several markers are detected in one message, it is worth considering its reliability. However, it is important to remember that the term "fake" is applied only to news or messages that are presented as news. If we are dealing with an opinion, we cannot interpret it as fake.

Detecting all types of fake information often requires involving a combination of technological tools, digital forensics, and critical thinking skills. Analyzing spatial-temporal, source, and target characteristics, along with other contextual features, can help identify discrepancies or inconsistencies that may indicate unreliable information (Semchyshyn, 2016).

Given the trends of digitalization, virtualization, and network dependency, when social networks, in addition to entertaining content, may become a breeding ground for fakes and conspiracy theories, inciting people against each other, scientists from all over the world are working on developing effective instruments against the emergence and release of fake news. One of such initiative is the Reconnaissance of Influence Operations (RIO) program, aimed at combating the spread of false information and identifying the individuals or organizations behind it. Developed by scientists from the Lincoln Laboratory at the Massachusetts Institute of Technology (MIT), RIO uses AI for detecting independently fake messages spread on social networks. The main goal of this software is gathering information about the tactics and strategies of malicious actors disseminating fake news and disinformation. By analyzing patterns, trends, and characteristics of false information, RIO strives to develop advanced algorithms capable of effectively identifying and countering such content (MIT Lincoln Laboratory, 2023). The development of RIO highlights the growing importance of using technology and AI to address disinformation issues for better understanding the dynamics of influence and developing more targeted strategies of mitigating this impact on society.

The RIO developers acknowledge that while the program is not perfect, it has achieved significant success in revealing accounts posting fake news, with a detection rate of 96%. This achievement highlights the uniqueness of the software and its effectiveness in combining multiple analytical methods of gaining a comprehensive understanding of false information dissemination. S. Smith and E. Kao, members of the research team, emphasize that accounts with high activity levels often have a significant impact on social networks. However, traditional metrics, such as the number of retweets, may not provide an accurate picture of the influence of these accounts. To address this limitation, the program applies a statistical method that evaluates not only the spread of disinformation by accounts but also how such false information affects other groups, communities, or individual accounts on social networks (Smith S., Kao E., Mackin E., Rubin D., 2021: 3).

In addition to the aforementioned software, which we also consider one of the preventive methods of media hygiene, it is also worth remembering the benefits of AI as a whole for recognizing false information. AI-based algorithms are trained on extensive datasets containing both authentic and manipulated media to study patterns and characteristics indicating digital manipulations, as well as analyze visual content pixel by pixel for flagging discrepancies, artifacts, and inconsistencies.

Discussion. Detecting changes, such as deepfakes (based on generative adversarial networks (GAN)) in realistic synthetic media that mix elements from different sources, is enabled by various techniques and methods including:

• Digital content analysis helps identify inconsistencies or violations in patterns indicating manipulation or forgery;

• Feature extraction to determine specific characteristics or attributes of digital content can distinguish characteristics such as color distribution, textures, edges, and shapes to specify changes or edits;

• Convolutional neural networks (CNNs), which analyze images, and recurrent neural networks (RNNs), which analyze text, can detect complex patterns and features;

• Identification of changes and modifications in digital images and videos allows detecting instances of plagiarism, copyright violations, and content manipulation;

• Evaluation of contextual information, such as timestamps, geolocation data, and historical trends, helps flag anomalies and discrepancies that may indicate data fabrication.

Aggregating various methods allows AI to achieve greater resilience against aggressive attacks and complex manipulation techniques, which is valuable for maintaining media hygiene. Equally important, AI algorithms can analyze metadata, timestamps, and contextual cues to assess the authenticity and integrity of videos and images. By assessing sentiments, emotional tone, and subjective biases in content, AI can distinguish factual messages from opinionated or biased narratives. Furthermore, AI-based fact-checking tools cross-refer claims and statements with authoritative sources and databases, flagging inaccuracies and providing users with context and verification. Thus, through continuous analysis and optimization, AI algorithms adapt to new challenges and enhance their effectiveness in maintaining media hygiene.

Conclusions. One of the current challenges Ukrainian society faces today is the abundance of fake news and its negative impact on the public. Addressing to this issue is crucial for ensuring the effective functioning of a conscious and responsible society and requires an awareness of the need to develop preventive norms able to avert media dependency. These preventive measures comprise the concept of media hygiene, which safeguards against the influence of fake information and its destructive power. Therefore, to avoid media dependency and the impact of fake news on mental and psychological health, we propose the following: implement comprehensive media literacy programs of teaching critical thinking and fact-checking skills; encourage cooperation between strands of media (both traditional and multimedia) to share verified information and debunk false claims; enhance the responsibility of media professionals in adhering to codes of conduct to ensure responsible reporting; deploy AI systems, able quickly identify and flag false information on social media platforms and news websites; invest in technologies that can detect and counter deepfakes and other complex forms of digital manipulation. Overall, combating fake news and its harmful effects, as well as preventing media dependency, are vital for the safety and stability of Ukrainian society. Accordingly, the integration of media hygiene measures, the use of AI algorithms, and the conscious and responsible work ethics of media professionals will enable a robust media immunity for national consciousness and identity.

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THEORY AND DEVELOPMENT OF POLITOLOGY

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AZERBAIJAN'S NATIONAL SECURITY POLICY IN THE SYSTEM OF MODERN INTERNATIONAL RELATIONS

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Abstract. With the end of the Cold War, the political situation in the world has changed dramatically. The emergence on the world stage of new independent states, non-governmental organizations, transnational companies and threatening the world at the regional and global levels, such as ethnic conflicts, the spread of political and economic instability, imbalance, weapons of mass destruction, terrorism, the struggle for natural resources, etc. contributed to the transformation of international relations. As a result of the process, also accelerated by globalization, the state's perception of security has changed in parallel with the increase in the types and scale of risks and threats.

Key words: international relations, national security, foreign policy, Azerbaijan.

Transformation of international relations. "At the end of the 20th century, with the collapse of the USSR and the socialist system, a number of changes took place in the world. With the end of the Cold War, the main power centers of international relations decided to adapt their activities to the current conditions based on the new geopolitical realities. Along with the collapse of the old system of international relations, the foundations of a new world order began to be laid" (Ahmadov, 2013, p. 5).

The new world order promised that everything would be fixed by eliminating the damage caused by the two polarities caused by the Cold War in the international world. However, the most important obstacle to this idea was the system of international relations established as a result of the Westphalian peace treaties and the concept of the national state. Henry Kissenger said that "it takes a little more time to adapt the world to our philosophy". The words "national interests will be aligned with international interests" were enough to reveal the main lines of the new world order. However, such ideas were associated with the idea of globalization, especially economic globalization, of the new world order. For this reason, different ideas related to the new world order were put forth. According to these ideas, the new world order means: globalization in every sense, absence of unipolar, national states and management from a single center, economic globalization, globalization of information, communication and technology, etc.

However, the above-mentioned ideas should not mean that the new world order consists only of economic relations. Since the United Nations (UN) was founded, the only actors that have shaped international relations have been states. However, as a result of the fall of the Berlin Wall, international relations were affected not only by states, but also by various new actors such as transnational companies, non-governmental organizations, media corporations, and think tanks that appeared together with the new world order. Thus, the emergence of new actors resulted in the transformation of international relations.

The increase in the number of states in the world can actually be expressed as political division and centralization of power. Because the increase in the number of states led to the increase of factors such as different peoples, policies and national interests in the international arena. At this point, Samuel P. Huntington's theory attracts attention. How to build a new world order is reflected in the

theory put forward by Huntington in his work “The Clash of Civilizations” (1993). According to Huntington, the struggle for power in the international system, which began with Westphalia, evolves between princes, states and ideologies. In the new world order, the struggle will not be ideological and economic, but will take on a cultural character, and thus the struggle between civilizations will be the last stage in the evolution of the struggle in the modern world. Claiming that the struggle will take place between these civilizations by dividing the world into different geographical regions, Huntington also notes that this will weaken national states. (Huntington, 1993, p. 22–26).

One of the factors that will accelerate the struggle between civilizations is economic power. Transnational economic companies are the leading actors influencing and directing today's international system. The fact that globalization is seen as an economic process, in which the economy is a great force, proves this. According to the latest UN data, the total resources of the world's 200 largest multinational companies are greater than the combined economic size of 180 of the UN member states. This confirms that together with globalization, the international system is connected to economic criteria.

The interrelationship between politics and economy together with the process of globalization caused the transformation of international relations. "The lines between the political sphere and the economic sphere disappeared and the spheres were united. Foreign political activities of states must take into account not only international relations, but also the functioning of the international political economy system. Because various developments in the world forced it. The economy of some countries weakened, while that of others began to strengthen, affecting the global markets. In addition, electronics, computer and communication technologies and the service sector also caused the transformation of the international economic and political system. At the same time, the integration of national and regional economies began to follow a more competitive and protective policy against the countries that did not join the integration process, as opposed to giving some advantages to the countries that joined the integration process” (Ataman, 2006, p. 504–505).

The fact that the economy makes its weight felt in the system of international relations should not mean that it manages the international system alone. Because there are other factors that cause the transformation of international relations. One of them is the non-governmental organizations whose reputations are increasing over time and which have an impact on international relations. Thus, the budget of some non-governmental organizations, which are important participants of the international system, is larger than the budgets of many developing countries. This situation has a serious impact on the decision-making mechanisms of leading non-governmental organizations in a number of countries and directs their policies. “The main "weapon" in the hands of non-governmental organizations in the field of international politics is the mobility of international public opinion, and the instrument for achieving the goal is to influence international organizations and different countries directly. For example, non-governmental organizations such as Greenpeace, the International Federation of Human Rights, and the *International Amnesty Organization* are engaged in such activities.

Michael Nicholson has advanced the idea that in modern international relations, the characteristic feature of the “cold war” has passed from the state of risk to the state of doubt. Thus, the increase in the openness of the international system and the increase in the number and diversity of the participants in the system creates disorder in international relations and increases the chaotic situation between them.

At this point, Huntington's thesis is justified. Regional and ethnic conflicts, political and economic instability in different countries, economic imbalance between countries and regions, spread of weapons of mass destruction, radical religious trends, drugs, weapons, organ various problems such as organized crime, new threats in the form of international terrorism, “are the logical result of the uneven development of world civilization” (Babaoglu, 2009, p. 122). These problems, which cover all parts of the world, resulted in a change in the concept of security. The concept of national

state security, which prevailed before globalization, has been replaced by the concept of regional and global security.

Security problem in modern international relations. The modern international security system and a new field of geopolitical research of the same name were formed only after the Second World War and entered the world arena. The establishment of the UN and the adoption of a single charter regulating the relations of member states with each other led to the emergence of the field of international security as an independent research object in geopolitical literature. During the past period, the creation of the Council of Europe, the Western European Union, the European Union, the adoption of a number of international documents on "disarmament" and "collective security", etc. gradually enabled the formation of a regional security and cooperation system in Europe. As a result, the idea of an international security system has developed further thanks to new models, and the European continent has become, in the opinion of some experts, "the security laboratory of the world" (Hasanov, 2015, p. 738).

When we say security in international relations, we understand several different levels of security (Dedeoğlu, 2003, p. 5):

– Security of the international system as a whole or close to it;
– Security of geographic or functional sub-systems, regions;
– State security;
– Society's safety;
– Safety of social subgroups;
– Safety of persons.

As can be seen, the scope of security has expanded and diversified in modern times. In addition to traditional war, armed confrontation, and the use of force, when we talk about security, we mean regional and global threats, as well as threats in the fields of social, cultural, economic, environmental, education, energy resources, etc have become fundamental problems faced by.

In geopolitics, international security means, first of all, protection of the system of international relations and international law from war and armed conflicts, interstate conflict and instability, and the system of ensuring the mutually balanced national interest and national security of the main subjects of the world system – states. Since the cornerstone of international security consists in ensuring the security of people, societies and states, this system also includes norms of collective action in the direction of elimination of existing dangers and threats, potential risks that may affect human life, etc. (Hasanov, 2016, p. 231–232).

Today, there is a transition from security concepts in which the state is a priority to security concepts in which the person is considered a priority. In this framework, the concepts of the safety of human existence and the planet came to the fore. Interventions against domestic violence against the citizens of states and attempts to endanger the security of the planet are no longer considered as interference in the internal affairs of states (Sandıklı, 2011). However, although actors in the international system have different concepts of security, there are mainly two approaches to ensure their security: either they cooperate with each other, enter into an alliance, or seek refuge in those who are able to eliminate the threat. (Dedeoglu, 2003, p. 13–14).

According to idealism, if there is no war, then there is security. Therefore, wars should be avoided. The security of the state mainly depends on the security of the international system. Idealists who focus on preserving the status quo look for ways to preserve the status quo. According to the theory of idealism, there is a need for peace mechanisms to prevent war. According to Hegel, one of the representatives of the system, the system consists of contradictions, and development occurs as the lack of these contradictions increases (Dedeoglu, 2003, p. 32). Neo-realists became influential when the bipolar system began to soften and argue that the state's sole purpose is not to acquire power. When ensuring the security of the state, not only other states, but also other international participants should

be taken into account. Neo-realism is based on hegemonic stability. Therefore, order is ensured when there is a hegemonic power that can control the system. When this power weakens, differences of opinion occur again between equal and close-to-equal actors in the system, that is, a conflict occurs. The pluralist approach claims that not only states, but also actors such as international organizations or terrorist organizations should be considered in the international system. This means more diversification of security. Instead of a specific security system for each state, it proposes the existence of a global security concept (Dedeoglu, 2003, p. 46–47).

Looking at the world today, it can be seen that there are various forms of integration. Some of the forms of regional and global integration were established for economic purposes, while others were created for the purpose of fighting against the threats faced by the countries. Ethnic conflicts, as well as some threats, have become a situation where one country cannot solve it alone or involves several countries. Therefore, the states are obliged to cooperate on many issues based on the principle of mutual dependence and commitment. This situation forces countries to formulate their national security policies according to the requirements of the time and take appropriate steps to protect their existence.

National security policy of Azerbaijan. Azerbaijan was forced to fight against the difficulties of the transition period after declaring its independence at a time when it was subjected to military aggression by Armenia. In addition to the war situation in the country, instability, economic crisis and other various problems have been solved with the coming to power of national leader Heydar Aliyev. However, on the one hand, the ongoing Nagorno-Karabakh issue, on the other hand, Azerbaijan's geostrategic location and possession of rich oil fields turned attention to the security issue.

For this purpose, the Law on National Security was issued in order to create the legal basis of the national security policy for the development of Azerbaijan as an independent, sovereign, democratic state. According to this law, the national security of the Republic of Azerbaijan is the protection of the state's independence, sovereignty, territorial integrity, constitutional structure, national interests of the people and the country, the rights and interests of people, society and the state from internal and external threats. The objects of the national security of the Republic of Azerbaijan and the goals of ensuring its security are as follows (Law of the Republic of Azerbaijan on national security, 2004):

– *Human:* existence of favorable conditions for its comprehensive development, implementation of nationwide measures in the field of protection of human rights and freedoms;

– *Society:* protection of the vital interests and needs of the Azerbaijani people, as well as the system of social values from threats and threats;

– *State:* Protection of the independence, sovereignty, territorial integrity, constitutional structure and other vital interests of the Republic of Azerbaijan from threats.

There are two sources of threats to Azerbaijan's national security (Law of the Republic of Azerbaijan on national security, 2004):

– *External security:* Implementation of a complex of political-diplomatic or military, or both diplomatic and military measures to protect the vital interests of the Republic of Azerbaijan from possible external risks, danger and threats;

– *Internal security:* Creation of appropriate conditions for the protection of political, economic and social stability and civil solidarity in society in the Republic of Azerbaijan.

The "national security concept of the Republic of Azerbaijan" was prepared for the purpose of determining the goals, principles and approaches of the policy aimed at protecting the independence, territorial integrity, constitutional structure, national interests of the people and the country from internal and external threats of Azerbaijan. According to this Concept, it is planned to formulate a national security policy aimed at controlling and eliminating threats in the current security environment, as well as ensuring the national interests of the country, using the means of internal and foreign policy of Azerbaijan. (Decree of the President of the Republic of Azerbaijan on approval of the national security concept of the Republic of Azerbaijan. 2007).

Azerbaijan's national security made it necessary to implement a balanced strategic line with world and regional states, as well as international organizations. Speaking about the foreign policy priorities of the Republic of Azerbaijan, the national leader Heydar Aliyev noted that "... In our changing world, the political mission of Azerbaijan is focused on the search for friends and partners, and the multivariation of blocs and alliances. This will strengthen Azerbaijan's status and sovereignty in the family of world states, and will also help it to get closer to different countries" (Ahmadov, 2013, p. 9).

Today, the occupation of Nagorno-Karabakh, as mentioned earlier, is at the top of the problems that threaten Azerbaijan's national security. This issue, which Azerbaijan had to face before gaining its independence, was aimed at ensuring its national security with both internal and foreign policy means. Because "the Nagorno-Karabakh conflict is also the main factor hindering the economic and political partnership environment of the region as a whole, and the provision of peace and security. This conflict also threatens the security of transnational energy, transport and corridor infrastructures in the region" (Hasanov, 2015, p. 153).

For this purpose, due to the achievement of a ceasefire with Armenia since May 1994, the release of illegal military units, and the steps taken to create stability within the country, favorable peaceful conditions were created for the consistent implementation of the new foreign policy line. After the second half of 1993, practical changes were made in the course of Azerbaijan's foreign policy, taking into account the current realities and aimed at protecting the country's national interests (Ahmadov, 2013, p. 7).

First, serious steps were taken to stop the conflict and bring it to the world public. Therefore, after becoming a member of the International Security Organizations, the UN, the North Atlantic Treaty Organization (NATO) and the Organization for Security and Cooperation in Europe (OSCE), Azerbaijan began to strengthen its relations in order to achieve its security at the international level. Because the internationalization of security necessitates the practice of collective security. In this context, the UN, NATO, OSCE and other regional security organizations are of great importance today.

In this direction, at the 46th session of the UN General Assembly held on March 2, 1992, after Azerbaijan was admitted to the UN membership, the Nagorno-Karabakh conflict was discussed at the UN. After that, the UN Security Council adopted four resolutions No. 822, 853, 874 and 884 for the liberation of Nagorno-Karabakh from occupation. The necessity of the territorial integrity, sovereignty and inviolability of Azerbaijan's borders is stated, the immediate withdrawal of the occupying country's forces from the occupied territories of Azerbaijan, the achievement of a ceasefire and the resolution of the conflict through negotiations have not been implemented in practice, but these resolutions show that the issue is being dealt with at the international level.

Also, the Minsk Group was established under the OSCE to resolve the conflict. Until today, countless discussions and actions have been taken in the direction of resolving the conflict within the framework of the Mink group. Although the issue has not yet been resolved, efforts are being made for the security of not only Azerbaijan as a whole, but the region as a whole.

One of the main factors that have a positive effect on the geopolitical value of Azerbaijan and the establishment of relations with foreign countries is its location in an important geopolitical and geographical space. Azerbaijan is located in the middle of Eurasia, which is considered one of the most important regions of the world, and is at the center of the main processes and transnational interests in the Caspian-Black Sea basin and the South Caucasus. Thus, the security of Azerbaijan and the region as a whole is of great importance as "the most convenient, promising and reliable alternative partner" in the field of meeting the growing energy demand of Europe and ensuring energy security in the world. One of the main risks associated with oil and gas production in the Caspian region, which is considered an alternative source of energy in the world, is related to the safe and free routes of the produced product to the world markets (Hasanov, 2015, p. 124, 127). Therefore, the security and stability of the region is not only in the interest of Azerbaijan, but also of the great powers.

In this framework, Azerbaijan has been cooperating with NATO since March 1992 in order to ensure its security. The main directions of Azerbaijan's partnership with NATO consist of political dialogue, peace support operations, emerging security threats and practical cooperation on a wide range of issues, with the main emphasis on defense issues. The issue of Azerbaijan's cooperation with NATO on the basis of mutual interests in eliminating instability, conflicts and threats is reflected in the National Security Concept and Military Doctrine of Azerbaijan.

According to Azerbaijan's military doctrine, one of the constituent parts of Azerbaijan's national security policy is the defense policy aimed at ensuring national interests in the military and other fields. Military doctrine on issues related to timely detection, analysis, assessment, prevention, adequate resistance to threats to military security, preparation of the state, population and territory for defense, creation of an effective military security system, prevention of war and armed conflicts, repelling armed aggression It reflects the position of Azerbaijan (Military doctrine, 2010). Therefore, Azerbaijan has joined the Partnership for Peace (PfP) initiative within the framework of NATO, which ensures stability and security in the Euro-Atlantic area. The SNT mechanism has created fertile conditions for defense cooperation and harmonization of military systems between NATO and Azerbaijan. This is a very important mechanism in terms of preparing the relevant units of the Azerbaijani army in accordance with the requirements of modern warfare and the standards set by developed countries, as well as achieving the necessary operational capabilities of NATO.

At the same time, NATO, which devotes a lot of space to international and regional security in its multifaceted activities, does not ignore the issues of resolving territorial-ethnic conflicts. NATO, which is expanding towards the East, acts as a supporter of the solution of the conflicts in the South Caucasus, including the "Nagorno Karabakh problem". Positions on the approach that "NATO's expansion to the East is a condition for ensuring the territorial integrity of Azerbaijan" prevail. For this purpose, "preliminary Karabakh consultation-discussions" were held with NATO in February 1992. The current "NATO activation" in the context of Europe's security will undoubtedly have a positive effect on ensuring stability, etc. in the South Caucasus. Such a process will probably not be ineffective in ending the Armenian-Azerbaijani war with a just peace (Musa, 2011, p. 250–251).

Conclusions. With the beginning of the globalization process, problems such as economic instability, illegal international migration movements, ethnic conflicts, terrorism, ecology, etc., which threaten the world, have arisen in the countries in accordance with the requirements of the century, improving their security concepts and making their domestic and foreign policies compatible with this concept. Solving the problems they face in this direction on the basis of the principle of interdependence and dependence, which dominates the modern international system, is of great importance for the states to preserve and continue their existence. Since the spread of danger will affect the entire system, international security organizations appear as the main participants in ensuring the security of countries on a regional and global scale. In such circumstances, Azerbaijan continues to closely cooperate with these organizations within the framework of the national security policy for its national interests and the solution of the issues it faces.

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THE RUSSIAN-UKRAINIAN WAR AS A NEW TYPE OF POSTMODERN WAR AND A FACTOR IN GLOBAL TRANSFORMATIONS OF THE GEOPOLITICAL LANDSCAPE

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Abstract. The article is devoted to the issue of the Russian-Ukrainian war as a new type of postmodern warfare that has become a factor in global transformations of the geopolitical landscape. For an objective understanding of this statement, the author aims to thoroughly investigate this issue. The author also aims to analyse the Russian-Ukrainian war in the context of its impact on the international security system.

The study allows the author to conclude that the problem and danger of postmodern warfare is that it is difficult to predict due to its complexity, as it covers and targets the political, military, economic, social, information space, etc. But, the irony of postmodern warfare is that measures aimed at managing and reducing risks can lead to the opposite: more destruction and longer conflicts. The author also notes that in the era of postmodern warfare, which has undergone a major transformation in the twenty-first century, there is an understanding that due to the expansion of the «grey zones» of postmodern warfare, we cannot predict the outbreak of war, which affects the adoption of preventive measures. The uncertainty of the outbreak of war also blurs the responsibility of the aggressor.

The article analyses the components of the Russian-Ukrainian war, including military and political (methods of «hybrid warfare», technological, network, etc.; full use of traditional methods of warfare of the twentieth century (shifting front lines, tanks and troops, urban attacks, struggle for air dominance and supply lines, mobilisation of troops, production of weapons, etc;) confrontation of regimes (democratic – autocratic); the factor of the aggressor as a nuclear power and a permanent member of the UN Security Council), all this set of factors allows the author to confirm his hypothesis that the Russian-Ukrainian war is a new type of war of the postmodern era. The analysis of the reports, strategic positions of countries, military doctrines, military strategies, national security strategies, etc. allows us to note that the Russian-Ukrainian war has become a factor in global transformations of the geopolitical landscape and destabilisation of the international security system.

In the author's opinion, the world community needs to come to the realisation that the current international security system cannot provide answers to the conflicts that arise in the world. It cannot protect the world from war, as this requires new goals and new meanings that would correspond to rapid geopolitical processes. The geopolitical structure of the world is becoming more complex and new centres of power are emerging on the political map. The world needs a new architecture of the global security system that would truly protect the world from the global war that world leaders, international institutions and opinion leaders are talking about.

Key words: postmodernity, postmodern war, Russian-Ukrainian war, geopolitical landscape, international security, architecture of the world security system.

Introduction. «Out of these troubled times can emerge our fifth goal, a new world order: a new era free from the threat of terror, stronger in the pursuit of justice, and safer in the search for peace. An era in which the nations of the world, East and West, North and South, can prosper and live in harmony. Hundreds of generations have searched for this invisible path to peace, while thousands of wars have raged throughout human history. Today, this new world is struggling to be born, a world very different from the one we have known. A world in which the rule of law will supplant the rule of the jungle. A world in which nations recognise a shared responsibility for freedom and justice.

A world in which the strong respect the rights of the weak. This is the vision I shared with President Gorbachev (President of the USSR, 1990–1991) in Helsinki. He and other leaders in Europe, the Gulf and around the world understand that how we deal with this crisis today can shape the future for generations to come», is part of a speech by George Bush (US President, 1989–1993) before a joint session of Congress on 11 September 1990, where he describes his vision of a new world order in the wake of the Gulf crisis (Address Before a Joint Session of the Congress on the Persian Gulf Crisis and the Federal Budget Deficit, 1990). We agree that this is an ideal concept of world order. But the vision of building a new world order proclaimed by George W. Bush was not destined to come true, as in the early 1990s, events occurred that resulted from tectonic shifts and fundamental changes in the geopolitical processes of postmodernity. Namely, the collapse of the USSR, which had far-reaching consequences in international relations, and the information technology revolution, also called the «computer age» or «information age», in which humanity was fully immersed in the 1990s. These two processes have negatively influenced global geopolitical transformations, in particular in the field of international security, which has led to changes in military doctrines and military strategies of leading countries. It should be noted that it was in the 1990s that postmodernism came to the field of world politics and international relations, trying to describe the global geopolitical transformations that began to take place in world political processes through its own principles and conceptual apparatus.

The «information age», which brought technical innovations, has created communication systems of enormous breadth and complexity. And rules, norms, customs, language, even the meaning of language itself – all of this has become possible to transform in accordance with any reality that groups or individuals decide to define. The 1990s saw the clear outlines of a new era, one that functions very differently, with new ways of interacting and shifting identities. Identities can multiply depending on the number of perceived realities, and information can be endlessly reproduced, re-shaped and reproduced again. As noted by E. Cohen, E. Sloan, J. Adams, J. Archilla, D. Ronfelt, E. Cohen, L. Friedman, R. Laird, H. May, M. O'Hanlon, B. Schneider, L. Grinter, K. Thomas, etc.), postmodern emphasis on information, language, the use of symbols, traditions, myths, techniques, effects and metaphors to construct truths, as well as geopolitical transformations (transition from a bipolar to a unipolar world) – led to the «revolution in military affairs» (RMA), which in 2001 was renamed «military transformation» (Cohen, 2009 etc.).

The transformation of global political processes in the 1990s and the resulting information technology revolution have led to dramatic changes in the geopolitical landscape that existed before 2014 and shaped the international agenda. However, «Russia's invasion of Ukraine in 2014 and subsequent full-scale invasion in February 2022 has created a global environment that is fundamentally different from anything in the past, even in the most difficult days of the Cold War,» as the Final Report of the Congressional Commission on the Strategic Posture of the United States states, «and has fundamentally altered the geopolitical landscape» (Report of the Commission on the National Defense Strategy, 2024). Olaf Scholz (Federal Chancellor of Germany, 2021-present) noted that «the world is at a turning point caused by Russia's aggressive war against Ukraine» (Scholz, 2023).

Yes, every era has its own wars and its own forms of warfare, but not every war becomes a «turning point» in the change of epochs. The war that forced states, alliances, military and political blocs to reconsider: strategic positions, military doctrines, military strategies, national security strategies.

Taking into account a number of studies that have been devoted to postmodern wars (new military technologies, forecasts for the future of war, the role of the influence of the information space, network approaches, the use of indirect and covert actions of new technologies, etc.) and the assessment of postmodern world politics and international relations, the author notes that the Russian-Ukrainian war is a new type of war of the postmodern era, which has become a factor in global transformations of the geopolitical landscape. For an objective understanding of this statement, the **author aims to** thoroughly investigate this issue **in** this article. The author also aims to analyse the Russian-

Ukrainian war in the context of its impact on the international security system. For an exhaustive study, the **author sets himself the following tasks**: to study and analyse the elements and methods of postmodern warfare; to analyse the postmodern type of the Russian-Ukrainian war; to study and analyse the impact of the Russian-Ukrainian war on the change of the geopolitical landscape and the impact on the architecture of the global security system.

Basic theoretical and practical provision. Studies of postmodern warfare in the 21st century describe it as a combination of traditional and modern, indirect and direct, regular and irregular, symmetrical and asymmetrical, military and civilian components, following the postmodern motto «everything is allowed», and that postmodern warfare poses a serious challenge to the way we conceptualise and actually wage war in the era of high technology and geopolitical transformations (Coker, 2008 etc.). G. Lucas, points out that «the phenomenon of postmodern warfare raises many questions that include political, theoretical, conceptual, legal, ethical and practical aspects» (Lucas, 2010).

It is worth noting, however, that «postmodern» is a very complex and controversial term, and is applied to different areas. There are enough systemic similarities between different descriptions of postmodern phenomena in such diverse fields as art, literature, economics, philosophy and war. As C. Gray, «especially for postmodernity, this is true of information. As a weapon, as a myth, as a metaphor, as a force multiplier, as an advantage, as a factor, and as an asset, information (and its servants – computers to process it, multimedia to distribute it, systems to present it) has become the central sign of postmodernity. In warfare, information (often called intelligence) has always been important. Now it is the most important military factor, but still not the only one» (Gray, 1997). The conclusions of C. Gray are logical, given that information is indeed not the only component of postmodern warfare.

In our opinion, an interesting justification of the elements of postmodern warfare is provided by H. Ehrhart, based on scientific research, military doctrines and warfare practices. Although the elements identified by H. Ehrhart do not claim to be complete, they differ from other positions in that they describe the "grey zone" (the boundaries between peace and war) of postmodern warfare. He identifies four interrelated elements:

The first element H. Ehrhart identifies is information, which he considers the main raw material of the global information society. About which D. Romfeldt notes that it is not just a force multiplier, but also a «force modifier» (Romfeldt, 1998: 131); K. Dickson points out that «the postmodern understanding of power is determined by how much information is controlled to determine and shape what is known» (Dickson, 2004). The second important element of postmodern warfare, according to H. Ehrhart, is the tendency towards flexible networks and a combination of tools, means and methods. The third element of postmodern warfare is the use of indirect and/or covert approaches, or, in postmodern terms, the interaction of appearance and reality. Reaching out to local partners, proxies, is an important aspect of this element, Ehrhart notes. He cites the example of potential proxies such as private security and military companies, local security forces, and non-governmental organisations. Another aspect of indirect action, he notes, is subversion, such as attempts to undermine the legitimacy of a government. So, Ehrhart concludes, on the one hand, modern information and communication technologies provide a high level of transparency. On the other hand, there is a growing range of possibilities for indirect and covert operations that are changing the quality of warfare. The fourth main element he highlights is a mixture or combination of traditional and new technologies. For example, the C4ISTAR complex combines command, control, communications and computing systems with intelligence, surveillance, reconnaissance and target acquisition systems. Ehrhart also draws attention to defensive and offensive cyber activities, which are another means of warfare and an important aspect of postmodern warfare. Since the initiator of a cyber attack cannot be accurately identified, this area of warfare is an ideal field for covert operations from a distance. The perpetrators of cyber attacks are almost impossible to identify. They do not use kinetic energy, but they can cause great damage and are therefore perceived as a «non-physical form of warfare» (Ehrhart, 2017).

It should be noted that different combinations of these elements contribute to changing the conduct of warfare at all levels of influence and open up new forms of intervention. In his research, H. Ehrhart rightly asks whether the concept of war is even suitable for certain types of actions in the «grey zone». According to Clausewitz, war «is an act of violence aimed at forcing our enemy to do our will» (Clausewitz, 1982: 101). But when does this act of violence actually begin? Not every act of violence by the state is a war. So, when does a postmodern war begin and what are the general characteristics of its various forms? The information level of conflict still hardly knows any real boundaries. The fact that the hitherto unregulated cybersphere has become a new field of conflict, as P. Singer notes, confirms the assumption that the forms of postmodern warfare are evolving (Singer, 2014). Geographical and normative boundaries are increasingly blurred, and new weapons technologies open up new horizons. The expansion of the «grey zone», as H. Ehrhart rightly points out, can lead to even greater instability, provoking preventive or pre-emptive actions in response, thereby triggering a spiral of escalation. A wider «grey zone» provides more room for political manoeuvre and the ability to blur ownership. The reason for the trend towards postmodern warfare, as noted by H. Ehrhart points out, and the current reality of military conflicts, which are multiplying exponentially, is the fact that authoritarian regimes and non-state actors have also turned to postmodern warfare, using its elements in different ways. Therefore, this trend, he emphasises, «is a global and structural phenomenon ...» (Ehrhart, 2017: 272).

Let's pay attention to another interesting tool of postmodern warfare mentioned by S. Carvin. Carvin proposes to use the prism of culture to ask questions about the way war is waged. He proposes to understand culture as a «set of tools». The advantage of this approach, as Carvin notes, which was conceptualised by A. Swindler, is that culture consists of «symbols, stories, rituals and worldviews» from which actors choose familiar ways that are applied in new ways to solve new problems. Based on this set of tools, «strategies of action» are formed – a stable sequence of actions over time. Thus, culture does not define the purpose of action, but rather provides the components used to construct action strategies. And it helps to explain why these strategies can continue to exist long after the values that once shaped them have faded or evolved (Carvin, 2022). T. Farrell notes that military activity is shaped by a culture that operates at many levels – organisational, national, regional and international (Farrell, 2005: 4). This tool of postmodern warfare draws our attention because, in our opinion, it was used by Russia in the formation of the mythology of the Soviet Union.

Thus, we can draw the following conclusions – the problem and danger of postmodern warfare is that it is difficult to predict because of its complexity, as it covers and targets the political, military, economic, social, information space, etc. But the irony of postmodern warfare is that measures aimed at managing and reducing risks can lead to the opposite: more destruction and longer conflicts. And if Clausewitz noted that «every age has its own kind of war, its own limiting conditions and its own special prejudices,» then as G. Lucas: «Ours is an era of 'irregular' or unconventional warfare, along with the so-called Revolution in Military Affairs (RMA) and the new military technologies that accompany it» (Lucas, 2010). A capacious understanding and, in our opinion, although extraordinary, reflecting the philosophy and essence of postmodern warfare was presented by S. Gray in his book «Postmodern Warfare: The New Politics of Conflict» where he noted that «Postmodern warfare has brought us to the edge of an abyss. Either we will witness the death of humanity, or we will rise above war and create a world without violence» (Gray, 1997).

Taking into account the analysis of elements and methods of postmodern warfare, as well as S. Gray's statement, we can assume that the Russian-Ukrainian war has become a factor in the transformation of the security sphere at the international, regional and national levels.

For an objective analysis of the Russian-Ukrainian war as a new type of postmodern war, let us turn to the retrospective of the period of the collapse of the Warsaw Pact and the Soviet Union, when the entire Western community was confident that peace was about to come. A vivid depiction of the

spirit of European politics of that period is the description by O. Scholz in his article «The Global Zeitenwende. How to Avoid a New Cold War in a Multipolar Era» where he notes that «for most of the world, the three decades after the fall of the Iron Curtain were a period of relative peace and prosperity. In the 1990s, it seemed that a more stable world order had finally been established. The former members of the Warsaw Pact decided to become allies within the North Atlantic Treaty Organisation (NATO) and join the EU. Europe (...) no longer seemed like an unfounded hope. In this new era, it was seen as possible that Russia could become a partner of the West, rather than an adversary like the Soviet Union. As a result, most European countries downsized their armies and cut defence budgets. For Germany, the logic seemed simple: why maintain a large military force of about 500,000 soldiers if all our neighbours are our friends or partners?» (Scholz, 2023). It should be noted that such euphoria over the end of the era of Soviet dominance on the European continent did indeed influence the strategy of the European Union and NATO. The focus of European security and defence policy was shifted to other areas, mainly economic. NATO has shifted its focus to the war in the Balkans and the consequences of the terrorist attacks of 11 September 2001. But at the same time, it should be noted, as C. Gray in his book «Postmodern War: The New Politics of Conflict», the United States saw the collapse of the Soviet Union and a weak Russia as a green light for new military adventures or even new official declarations of the Axis of Americana. In February 1992, leaked Pentagon Papers revealed that the Department of Defence was planning a strategy aimed at preventing any other state from even playing a regional role in world affairs. As noted in the documents, a unipolar world justifies spending $6 trillion on the US armed forces, which will leave them with 1.6 million soldiers and unprecedented global military dominance (Gray, 1997).

It should also be noted that a number of objective and subjective positions of the Western bloc countries after the collapse of the Warsaw Pact and the Soviet Union influenced the decision-making regarding Russia, which eventually became fateful. For example, due to their tacit consent, Russia was admitted to the permanent membership of the UN Security Council to replace the Soviet Union (Buriachenko, 2023: 75). Due to the uncompromising position of the United States, the nuclear arsenals of post-Soviet countries (Ukraine, Belarus, Kazakhstan) were transferred to Russia. It should be noted that today Russia has the largest nuclear arsenal (5,977 nuclear warheads). Russia became a strategic partner of NATO, which resulted in the establishment of the NATO-Russia Council in 2002 to work on security issues and joint projects. Russia became a strategic partner of the United States on disarmament and security issues. It was invited to join the G7 club. That is, at the time of the beginning of the military phase of the Russian-Ukrainian war (2014), Russia was a member of the "club of actors" that influenced global political processes. It considered itself a major geopolitical player, not without the US position as the leader of the post-bipolar era.

Let us return to the issue of the Russian-Ukrainian war as a postmodern war. It was not without reason that we noted that the beginning of the military phase of the Russian-Ukrainian war took place in 2014, since the Russian-Ukrainian war is a postmodern war, its «grey zone» as mentioned by H. Ehrhart, does not allow us to determine the beginning of this war. Given the fact that Russia has used the concept of «hybrid» warfare against Ukraine, which is largely unique from a structural and functional point of view (i.e., it is «hybrid» in form and «asymmetric» in content). Here is an interpretation of the concept of «hybrid» warfare. This is a special type of armed conflict in which combat operations play a secondary role. The goal of a «hybrid» war is to impose the will of the enemy through the use of various types of force. At the same time, combat operations play a supporting role in weakening the enemy, being only a catalyst for destabilisation processes previously launched through economic, political, informational and other methods» (Tsentr Razumkova, 2016). Thus, each specific element used by Russia in its «hybrid» war against Ukraine is not new in essence and has been used in almost all postmodern wars, but what is unique is the coherence and interconnection of these elements, the dynamism and flexibility of their use, and the growing importance

of the information factor. Moreover, in some cases, the information factor becomes an independent component and is no less important than the military one. The elements of hybrid warfare used by Russia in Ukraine are not Russian know-how, but it is on the Ukrainian direction that the Russian regime uses almost the entire arsenal of hybrid elements, from direct armed aggression to a set of economic, energy, information and other means of undermining the country from within. For example, information sabotage, espionage, export of corruption, discrediting state structures, and support for destructive forces.

Let us also look at the Russian-Ukrainian war through the prism of culture (S. Carvin's theory, cited above), as we have noted earlier. The Russian leadership chose to create and cultivate the mythology of the Soviet Union and used it as a tool for building a strategy of action to create fertile ground for undermining Ukraine from within and implementing its narratives through its agents of influence.

Russia's use of hybrid methods in the war against Ukraine (information, technological, cyber attacks, a network of agents of influence, etc.) and the full use of traditional methods of warfare of the twentieth century (shifting the front lines of tanks and troops, urban attacks, the struggle for dominance in the air and for supply lines, mobilisation of troops, production of weapons, etc.) allows us to assert that the Russian-Ukrainian war, even from this point of view, is a new type of postmodern war. «Most clearly, as V. Horbulin notes, the nature of the new type of war was demonstrated first by Russia's annexation of the territory of the Autonomous Republic of Crimea in the spring of 2014, and then by the support of local radical elements and the invasion of Russian units in the eastern regions of Ukraine, and then by the full-scale invasion of Ukraine by the Russian army in February 2022, when the war escalated into a phase of open armed aggression by Russia» (Horbulin, 2015). We should also note the political aspect of this war. This is a war between different regimes, namely Ukraine, which professes democratic values, and Russia, which has turned into not just an autocratic state, but one with elements of totalitarianism. Additionally, it should be noted that since the Second World War, this is the first time that a party to the conflict (aggressor) is a nuclear weapon state, a permanent member of the UN Security Council and also a guarantor of the security of the country against which the aggression was committed (Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (Budapest Memorandum), which affects the resolution of this conflict. So, taking into account a number of the above factors, we can say that this war is unique and literally unprecedented.

The postmodern era has seen many wars (the Gulf War, the Chechen War, the Kosovo War, the Iraq War, the Afghanistan War, the Syrian War, the Russian-Georgian War, the war in the Middle East, etc.), but it was the Russian-Ukrainian war that triggered global transformations. And as noted in the Final Report of the Congressional Commission on the Strategic Posture of the United States, it has become a factor in «a fundamental change in the geopolitical landscape» (Report of the Commission on the National Defense Strategy, 2024). «Russia's brutal attack on Ukraine in February 2022» as O. Scholz notes, «marked the beginning of a fundamentally new reality: the return of imperialism to Europe. He also emphasises that «the consequences of Russia's war affect not only Ukraine. When Putin gave the order to attack, he destroyed the European and international peace architecture that had been built up over decades. (...) Russia ignored the most important principles of international law enshrined in the UN Charter... . (...) Like an imperial power, Russia is now trying to forcefully move borders and divide the world into blocs and spheres of influence again» (Scholz, 2023).

The starting point of Russia's stated ambitions can be seen in Putin's speech at the Munich Security Conference in February 2007, where he criticised the unipolarity of the world and the US and NATO policies towards Russia. Here are some of the narratives of his speech: «For today's world, the unipolar model is not only unacceptable, but impossible. (...) Certain norms, almost the entire system of law of one state, first of all, of course, the United States, has crossed its national borders in all spheres: in the economy, in politics, in the humanitarian sphere, and is being imposed on other states. (...) Russia is a country with more than a thousand years of history, and it has almost always enjoyed the

privilege of pursuing an independent foreign policy. We are not going to change this tradition today» (Putin's speech at the 43rd Munich Security Conference, 2007). Putin's Munich speech was called the declaration of a second Cold War. Soon after, the Russian leadership moved from words to deeds – in 2008 in Georgia, in 2014 Russia occupied and annexed Crimea, and deployed its troops in eastern Ukraine, which was a blatant violation of international law. In 2022, it launched a full-scale invasion of Ukraine. It seized Ukrainian nuclear power plants (Chornobyl NPP, Zaporizhzhia NPP, which is the largest nuclear power plant in Europe), violating three international conventions at once: On the Suppression of Acts of Nuclear Terrorism, on the Physical Protection of Nuclear Materials, and on the Prevention of the Taking of Hostages. It has withdrawn from arms control treaties. In 2020, Russia amended the Constitution to enshrine the priority of the Constitution over decisions of international organisations and courts – «decisions of interstate bodies adopted on the basis of the provisions of international treaties of the Russian Federation in their interpretation that contradicts the Constitution of the Russian Federation are not enforceable in the Russian Federation». Amendments were also made to the Civil Code of the Russian Federation, the Arbitration Procedure Code of the Russian Federation, the Civil Procedure Code of the Russian Federation, the Code of Administrative Procedure of the Russian Federation, the Criminal Procedure Code of the Russian Federation, as well as more than a hundred sectoral laws. In general, the amendments put the current legislation of the Russian Federation above international law and introduce the concept of the inadmissibility of applying the rules of international treaties in their interpretation, which contradicts the Basic Law. Thus, by its actions, Russia has violated all possible norms of international law that underpin the architecture of the global security system.

A logical question arises: when a state pursues such an aggressive policy, there should be an appropriate response from the world community and especially international institutions (UN, UN Security Council, etc.), which were entrusted with the responsibility of ensuring peace and security after the worst catastrophe of the twentieth century – the Second World War. So, what was Russia's response to prevent this war, since its inevitability was predicted by J. Mearsheimer back in 1993 against the background of Ukraine's nuclear disarmament, who pointed out that «a war between Russia and Ukraine would be a disaster. Wars between great powers are very expensive and dangerous, they lead to massive loss of life and chaos around the world, and they spread to other countries. The likely outcome of this war – Russia's conquest of Ukraine – will damage the prospects for peace in the whole of Europe» (Mearsheimer, 1993). Unfortunately, it must be stated that no substantive conclusions were drawn regarding Russia after Putin's resonant speech at the Munich Security Conference. Even after 2014, following the beginning of the military phase of Russia's war against Ukraine, although certain sanctions were imposed on Russia, they did not lead to the end of Russia's aggressive actions against Ukraine. Following the full-scale invasion of Ukraine in 2022, a number of resolutions were adopted by the UN General Assembly, the EU, NATO, other international organisations and Western bloc countries. A large number of sanctions of various kinds have been imposed on Russia, but this does not prevent it from continuing its aggression against Ukraine, adding nuclear blackmail to its rhetoric.

The international security system, which was developed and implemented by the world community in the aftermath of the Second World War, failed to respond to Russia's aggressive actions, even though it was aware that this would lead to the most acute security crisis in Europe since the Second World War. As a result, the conceptual approaches to the prospects of ensuring the security and defence of the European continent, as well as the development of new priorities and approaches to the implementation of foreign policy, have been seriously rethought. Geopolitics has undergone a regrouping – a change of alliances. As noted in a study by the National Institute for Strategic Studies: «The Great War, which began after eight years of smouldering conflict, led to the emergence of three groups of states: those that supported Ukraine; those that sided with Russia; those that did not join any of the first two groups, seeking to minimise risks» (Natsionalnyi instytut stratehichnykh doslidzhen, 2023).

The further the Russian-Ukrainian war continues, the more we see the polarisation of the geopolitical landscape. And it is not for nothing that the leaders of the European Union are asking themselves how they, as Europeans, and as the European Union, can exist as an independent player in an increasingly multipolar world. The answer to this question is complicated, as the geopolitical landscape is in the process of ongoing transformation. In addition, the US National Defence Strategy Commission Report (published on 29 July 2024), which addresses the threat of a global conflict against the alliance of China, Russia, North Korea and Iran, was a very worrying signal. In the report, the Commission notes that «the United States faces the most challenging global environment with the most serious consequences since the end of the Cold War. Trends are worsening, not improving». The Commission points out that the United States has been late to recognise the threat posed by Russia and the growing power of China. And according to the Commission, now is the time for urgent and serious changes (Report of the Commission on the National Defense Strategy, 2024). The world community was also concerned about the Final Report of the Commission to the US Congress (published in October 2023), which completely changes the political rhetoric and international context of the strategy of deterrence and limitation of nuclear weapons. The Commission's recommendations in this report, in our opinion, may have negative consequences, as they ignore the possibility of a US arms race with Russia and China, which could lead to a cyclical arms race (Buriachenko, 2023: 126). Such warnings are confirmed by the report of the Stockholm International Peace Research Institute (SIPRI). It provides the following data: nine countries – the United States, Russia, the United Kingdom, France, China, India, Pakistan, the DPRK and Israel – continue to modernise their nuclear arsenal, while the number of nuclear warheads in the operational state is growing. Out of the 12,121 nuclear warheads in the world as of January 2024, about 9,585 were operational. About 3,904 of them were deployed on missiles or aircraft at that time (60 more than in January 2023). About 2,100 of the deployed warheads were on high alert on ballistic missiles. SIPRI also claims that China has probably put its warheads on high alert for the first time, while India, Pakistan and the DPRK are working on equipping ballistic missiles with multiple warheads, which is likely to lead to an increase in the number of operationally deployed nuclear warheads (SIPRI yearbook, 2024).

So, taking into account the analysis of the current international security system, we can make a thorough remark. The «geopolitical storm» that is currently taking place in world political processes, as we can already state, as a result of Russia's war against Ukraine, has a remote cause in time. Namely, when, following the collapse of the Soviet Union, as we noted in more detail earlier, it was Russia that the Western world chose as a partner in the post-Soviet territory of influence. Western think tanks did not calculate Russia's imperial ambitions, which caused turbulence in the geopolitical landscape and gave rise to the emergence or re-emergence of new countries, including an economically strong, politically confident player like China, the restoration of Iran's position, the emergence of the DPRK and other actors in international relations who are dissatisfied with the policies of the United States and the Western bloc after years of isolation. Also, the weakening of the United States as a leader of the post-bipolar era, which, unfortunately, is now unable to broadcast goals and meanings (both political and economic) to the whole world, to construct them as a large «geopolitical narrative», for example, as a «rac Americana», and the European Union has become a hostage to its own structural weakness, which significantly restrains its traditional weapon – «soft power», further confirms that the world is moving into a new stage – a multipolar world. Where different countries and models of governance compete for power and influence, or rather for spheres of influence, where the world can be divided into blocs of great powers and vassal states.

It should also be noted that the current international security system cannot ensure peace. The United Nations is inherently a reflection of the world order, and there is no world order today. The organisation can only be effective if its members are willing to act together. But in the case of the Russian-Ukrainian war, we see no efforts to act together, neither on the part of member states nor on the part of

the UN Security Council. We can say that the international security system is going through a major crisis. In the paradigm in which it exists, it has exhausted itself. We thoroughly and objectively note, based on our research, that the international security system needs fundamental changes. In its current state, it is unable to resolve conflicts that arise on the geopolitical map, as its goals, meanings and actions remain at the level of resolving conflicts of the twentieth century. The international security system could not withstand the speed of technological changes and transformations, which are exponential in themselves. And most importantly, it was not ready for the advent of postmodernity in international relations, especially in its main practical area – diplomacy, which was marked, for example, by «situational alliances», «changing geometry» of relations, interests, goals, etc.

Conclusions. Based on the results of this study, we can draw the following conclusions. In the era of postmodern warfare, which has undergone a major transformation in the twenty-first century, we have come to understand that due to the expansion of the «grey zones» of postmodern warfare, we cannot predict the outbreak of war, which affects the adoption of preventive measures. The uncertainty of the outbreak of war also blurs the responsibility of the aggressor. The Russian-Ukrainian war is an example of this, as, firstly, we cannot give a clear answer when Russia actually started the war against Ukraine. We can only see the beginning of the military phase, as it is present; secondly, Russia began to bear tangible responsibility for its aggression against Ukraine only after the full-scale invasion.

Also, having analysed the components of the Russian-Ukrainian war, including military and political ones (methods of «hybrid warfare», technological, network, etc.; full use of traditional methods of warfare of the twentieth century (shifting front lines, tanks and troops, urban attacks, struggle for air dominance and supply lines, mobilisation of troops, production of weapons, etc;) confrontation of regimes (democratic – autocratic); the factor of the aggressor as a nuclear power and a permanent member of the UN Security Council), so this whole set of factors allows us to confirm our hypothesis that the Russian-Ukrainian war is a new type of war of the postmodern era. Also, taking into account the statements of global actors, reports of the US National Defence Strategy Commission, the US Congressional Commission on the US Strategic Posture, and the updated strategic positions, military doctrines, military strategies, national security strategies of countries, alliances, and blocs following the Russian-Ukrainian war, we can state that this war has become a factor in global transformations of the geopolitical landscape and destabilisation of the international security system that has been built over decades.

It should be noted that awareness of geopolitical changes in the world requires not only political courage, but also a certain emotional readiness. The world community needs to come to the realisation that the current international security system cannot provide answers to the conflicts that arise in the world. It cannot protect the world from war, as this requires new goals and new meanings that would correspond to rapid geopolitical processes. The geopolitical structure of the world is becoming more complex and new centres of power are emerging on the political map. The world needs a new architecture of the global security system that would truly protect the world from the global war that world leaders, international institutions and opinion leaders have recently been talking about. Therefore, it is very important for the world community to finally draw conclusions from this war and consolidate to develop a new architecture of the global security system. Given that all conceptual developments are scientific achievements, it is important for the scientific community to conduct research and develop new conceptual models that could answer such an important question as the formation of a new global effective security system and the approach of countries to its implementation.

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UKRAINE AND TAIWAN: STRUCTURAL SIMILARITIES AND DIFFERENCES IN OPPOSING BIGGER NEIGHBOURS

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Abstract. The Russo-Ukrainian war destroyed the existing security system and led to concerns about a similar potential hot spot – Taiwan. The research paper is an analysis of how Ukraine and Taiwan oppose their bigger neighbours, who claim them as their own territory. The article explores the similarities and differences between these two asymmetric conflicts. Attention was also paid to the policy of «strategic ambiguity» employed by each side. The potential reactions of the parties involved in the Russo-Ukrainian war to a possible war in the Taiwan Strait are researched. Findings indicate that successfully maintaining Ukraine's sovereignty and imposing a high cost on the Russian Federation for launching a full-scale invasion serve as a deterrent for the People's Republic of China against taking similar actions regarding Taiwan. The study utilizes theoretical and empirical methods, in particular, generalization, analyses, system approach, comparative and observation.

Key words: Taiwan, China, Russo-Ukrainian war, asymmetric war, strategic ambiguity, one-China policy.

Introduction. Despite the regular military training of the People's Liberation Army in the Taiwan Strait and violations of the air defence identification zone of Taiwan, there was little talk about official Beijing being ready to take over the island by force. The full-scale Russian invasion of Ukraine on 24 February 2022 drew attention to the possible similar action of the People's Republic of China against Taiwan. While Ukraine is already in a fight against Russian forces, Taiwan is working on preventing a full-scale war and trying to maintain the status quo. Beijing and Taipei are learning the lessons from the asymmetric Russo-Ukrainian war.

Purpose of the article. To analyze the structural similarities and differences between the Russo-Ukrainian war and the Taiwan-China conflict. The aim of the research paper is achieved through the following tasks:

1) determining the historical context of the issues;

2) characterizing the relations between Ukraine and Taiwan;

3) defining the similarities and differences in terms of political status, economic factors, and geographical location;

4) revealing how the strategy of «political ambiguity» is employed by the parties enrolled in the issues.

Materials and methods. The study uses the comparative method, allowing for the identification of similarities and differences in the political and economic situations in both Ukraine and Taiwan. The method of analysis is employed to examine the historical context of the issues addressed. Generalization helped aggregate data from different sources to identify common trends and patterns. The systems approach is used to organize the obtained data and form a holistic view of the political and economic aspects of the conflicts.

The «Taiwan issue» also known as the «Taiwan problem» has been widely researched in the scientific literature. It became more popular after the full-scale Russian invasion of Ukraine in February 2022. This serves as an important factor that has an impact on cross-strait relations. Given that the Russo-Ukrainian war continues and more parties are becoming involved in it, the analysis of these two asymmetric conflicts is of high relevance.

The paper uses the study of P. Gries and T. Wang in which they research the policy of «dual deterrence» often referred to as «strategic ambiguity» (Gries and Wang, 2020). Luke P. Bellocchi in his research also analyzes the «strategic ambiguity» in contrast to the «strategic clarity». He aligns them both with the gray zone (Bellocchi, 2023: 27). D. Lin researches cross-strait relations from the position of the «one China» framework and defines the conflict as a «one China» dispute (Lin, 2022: 1095). P. K Davis points out the consequences of the Russo-Ukrainian war for Northeast Asia, in particular the economic but mainly nuclear (Davis, 2023: 114). D. von Hippel also evaluates the possibility of using a nuclear weapon by Russia in the war against Ukraine (Von Hippel, 2023). A. Hrubinko and I. Fedoriv analyze the Russia-Ukraine and China-Taiwan conflicts as asymmetric by nature (Hrubinko and Fedoriv, 2023: 24). J. Feryna and L. Kutěj compare the Ukrainian and Taiwanese cases and define the lessons Beijing could learn from the war in Ukraine (Feryna and Kutěj, 2023). T. Fravel also pays attention to the potential lessons China could learn from Ukraine (Fravel, 2023). W. Norris researches the similarities and differences between the Russian invasion of Ukraine and the possible Taiwan scenario (Norris, 2023). I. Habro and O. Shevchuk analyze the positions and actions of the PRC regarding the Russo-Ukrainian war (Habro and Shevchuk, 2023).

Results and discussion.

Historical context. During most of the Chinese Civil War (1927–1949) between the Chinese Communist Party and the Nationalist Party (Kuomintang) Taiwan was under Japanese control (1895–1945). It was returned to China after the Second World War. The Kuomintang leader Chiang Kai-shek and his forces having been defeated in the war against the Chinese Communists led by Mao Zedong, moved to the island of Taiwan in 1949. As a result, the same year the Communists established the People's Republic of China (PRC) with the capital in Beijing and the Nationalists continued to exercise power as the government of the Republic of China (ROC) but on a limited part of the country they controlled with the de-facto capital in Taipei. Since that time the Communists have been claiming Taiwan (and some small islands) to be part of one China and aiming to reunite, by force if needed.

Ukraine became an independent state in 1991 after the collapse of the Soviet Union which marked the end of the bipolar system in international relations. Russian Federation annexed the Crimean Peninsula and occupied parts of eastern Luhansk and Donetsk regions in 2014. It launched a full-scale invasion of Ukraine in 2022.

Chinese and Russian leaders question the independence of Taiwan and Ukraine accordingly. Xi and Putin signed a «no limits» partnership – days before the Kremlin started the so-called «special military operation». As noted by I. Habro and O. Shevchuk, «the diplomatic rhetoric of the PRC can be defined as «neutral» to a certain extent» (Habro and Shevchuk, 2023: 10). The People's Republic of China officially does not support and at the same time does not condemn Russia's war against Ukraine. However, in June 2024, the U.S. Ambassador to the People's Republic of China Nicholas Burns said, that China «is not neutral, but has effectively sided with Russia in this war» (The Diplomat, 2024).

Relations between Ukraine and Taiwan. Ukraine does not have diplomatic ties with the Republic of China and does not recognize its independence. There is neither a representative office of Taipei in Kyiv nor a Ukrainian representative office on the island. Ukraine has diplomatic relations with the PRC and adheres to the «One China» policy.

Ukraine is unlikely to switch diplomatic ties from the People's Republic of China to Taiwan. Kyiv sees Beijing as a global player in the international arena and one who has an impact on the Russian Federation. Ukraine is seeking to involve the PRC in finding a peaceful solution to the Russo-Ukrainian war. The visit by the Minister of Foreign Affairs of Ukraine, Dmytro Kuleba, at the end of July 2024 – the first in eight years of such a level – signals Beijing's interest in playing the role of peacemaker. In its press release, the Ministry of Foreign Affairs of the People's Republic of China stated that «Ukraine supports China's position on the Taiwan issue and will continue to adhere to the one-China principle» (Forbes, 2024).

Both Taiwan and Ukraine have **similarities and differences.** The biggest similarity is the geopolitical situation – each opposing a neighbour who is much bigger in the territory and military power and is also a permanent member of the United Nations Security Council. This serves as an example of the «asymmetric conflict relations» (Hrubinko and Fedoriv, 2023: 24).

Another thing that Taiwan and Ukraine have in common is that the PRC and Russia, respectively, claim the territory of their neighbour as their own, either in full or in part. W. Norris notes that «Russia and China both view their respective target states as renegade satellites» (Norris, 2023: 141). According to its constitution, Beijing considers Taiwan part of the People's Republic of China, viewing it as the 23rd province that is separated from the mainland. The Russian Federation «incorporated» the occupied territories of Donetsk, Luhansk, Kherson, and Zaporizhia into its constitution on October 5, 2022. Similar actions were taken concerning the Crimean Peninsula on March 18, 2014. The difference is that Moscow included the regions in its constitution after occupying and establishing control of them. Initially, it didn't have the Ukrainian territories in its fundamental law when becoming a separate state in 1991. While the PRC despite including Taiwan and its islands in the constitution since its establishment in 1949 has never controlled these territories. This is the argument used by supporters of Taiwan's independence.

Kyiv and Taipei receive military and financial aid from Washington which plays an important role in the capabilities to defend themselves. Since the Russian invasion in 2022, the US Congress has passed five bills for the general amount of $175 billion in aid to support Ukraine. This is the biggest US spending for a European country since the European Recovery Program (also referred to as the Marshall Plan) after World War II (Masters and Merrow, 2024). The $8.1 billion aid for the Indo-Pacific region including Taiwan as a part of a general $96 billion bill (in particular for Ukraine) passed in April 2024 is an important signal to the PRC and Russia (Scott, 2024).

The important **difference** between Ukraine and Taiwan is their **political status**. The first is a recognized state, in particular by the Russian Federation. The same cannot be applied to Taiwan, which has diplomatic ties only with 11 states and with the Holy See (as of July 2024). For reference, this number was 23 in 2016. Beijing puts pressure on countries that recognize Taiwan.

2 days after presidential and parliamentary elections were held in the Republic of China on January 15, 2024, the Republic of Nauru switched diplomatic ties from Taipei to Beijing. Therefore, the list of countries with which the ROC has diplomatic relations includes Belize, the Republic of Guatemala, the Republic of Haiti, the Republic of the Marshall Islands, the Republic of Palau, the Republic of Paraguay, Saint Vincent and the Grenadines, the Federation of Saint Kitts and Nevis, Saint Lucia, Tuvalu, the Kingdom of Eswatini, and the Holy See (Ukrinform, 2024). T. Fravel regarding the advanced industrialized democracies notes, that the PRC will try «to reduce potential support they might provide as part of a coalition which might form during an invasion of Taiwan» (Fravel, 2023: 20).

Taiwan is a self-governing island with attributes typical of a state. It has a permanent population, defined territory, government, and the ability to engage in relations with other states. Thus, it meets the criteria for a state as outlined in the Montevideo Convention on the Rights and Duties of States.

Although most countries have diplomatic ties with mainland China and de jure do not recognize Taiwan's sovereignty, adhering to the «One China» principle or policy, Beijing does not govern the island de facto. Both the PRC and the ROC claimed territories from one another. This is known as the Two-China Dilemma. The situation is different for Ukraine and Russia, as there is no concept of «two Ukraines» or «two Russias». Kyiv does not claim any territory of its neighbouring country, unlike Moscow.

The other difference is that the Republic of China (Taiwan) and the People's Republic of China have never recognized each other as independent states, unlike Ukraine and Russia. Taiwan is not a member of the United Nations. It lost its seat in the organization in 1971 when the General Assembly decided «to restore all its rights to the People's Republic of China» (UN, 1971).

The spokesperson of the Ministry of Foreign Affairs of the People's Republic of China Wang Wenbin stated that «Taiwan is an inalienable part of the Chinese territory. This makes it fundamentally different from a sovereign country like Ukraine» (FMPRC, 2022).

There are differences in terms of **economics** as well. Taiwan is ranked among the top 20 global economies by gross domestic product (U.S. Department of State, 2023). A crucial factor driving global concern for the defence of Taiwan is the world's dependence on semiconductors. More than 60 percent of all semiconductors and over 90 percent of the most advanced chips are manufactured in Taiwan (Sacks and Huang, 2024). In 2021, the nominal gross domestic product (GDP) of Taiwan was $773.04 billion compared to Ukraine's $199.8 billion, which was the highest in its history. In 2023, the values were $756.59 billion and $177.2 billion, respectively (IMF).

Geographical location. Taiwan is an island with several other smaller islands. The distance from mainland China to Taiwan is at least 128 km which makes it more difficult to invade (Gatopoulos, 2022). Ukraine, in contrast, is a mainland state with a Crimean Peninsula. The country shares a common border with the Russian Federation and Belarus, the territory of which was used to attack Ukraine in February 2022.

Strategic ambiguity. The USA in its relations with Taiwan and the PRC follows a policy of «strategic ambiguity». The concept of it is to leave the parties in a state of ambiguity about the measures that the US will take in response to the PRC's attempts to reunify with Taiwan by force. Beijing was warned against initiating an unprovoked attack on Taiwan but was assured that the U.S. would not support Taiwan's move toward formal independence. Similarly, Taiwan was reassured that the U.S. would come to its defence as long as it did not provoke Beijing by declaring official independence. While neither side in the Taiwan Strait fully achieved their goals, they received assurances that the worst-case scenarios would be avoided (Gries and Wang, 2020: 51).

This approach of dual deterrence was adopted by the United States when both the PRC and ROC were trying to control the opposite side and restore «one China» under their own rule. Its roots date back to 1954 when the USA and ROC concluded the mutual defence agreement, which was a part of the American policy of communism deterrence. The document did not clearly define the territories to which it extended and in general, had ambiguous formulation which reserved Washington opportunities for maneuvering in case of escalation of the conflict by Beijing.

Although such uncertainty and the absence of a «red lines» declaration have contributed to maintaining the peace in the Strait for decades, it might be risky. The PRC may consider the lack of clarity on the «Taiwan issue» as a sign of weakness. This increases the chances of a military scenario.

The policy of «strategic ambiguity» has some elements of clarity. For reference, through 2022–2024 US President Joseph Biden says that «we have a commitment» to defend Taiwan if China attacks (White House; Chen, 2024). But at the same time, he doesn't specify the form of the defence and the ambiguity persists. Besides that, the President uses «we have a commitment», which «might imply there is an allied capacity (rather than just a US capacity) to resist force against Taiwan» (Bellocchi, 2023: 16). This indicates the move to the policy of «collective strategic ambiguity».

Mainland China also maintains uncertainty regarding «Taiwan's independence». Neither Beijing nor Taipei clearly defines this terminology, allowing for different interpretations depending on the political context. The PRC has its own interpretation of Resolution 2758, which led to the transfer of United Nations membership from the Republic of China to the People's Republic of China in 1971. Beijing views the document as a legal basis for the «one China» principle but both sides cannot agree within this frame. D. Lin states that a rapprochement between the PRC and ROC «merely suspends their confrontation to buy time and prospects for reconciliation» (Lin, 2022: 9).

The goals of the two sides of the Taiwan Strait in resuming negotiations are different. Taipei aims to maintain the status quo, while Beijing is likely to use these talks to increase Taiwan's dependence, particularly through economic integration.

Such an attempt was made during the presidency of Ma Ying-jeou (Kuomintang party) in 2014 with the Cross-Strait Agreement on Trade in Services, signed by the proxy organizations Straits Exchange Foundation (ROC) and the Association for Relations Across the Taiwan Straits (PRC) (Yan-chih, 2013). This resulted in protests and the «Sunflower» (March – April 2014) student movement in Taiwan, which led to the non-ratification of the agreement by the ROC government. Support for the Kuomintang's policies among voters decreased, and the party lost the presidential elections three times in a row in 2016, 2020, and 2024.

The protests in Taiwan coincided with the annexation of Crimea by the Russian Federation (February – March 2014), and later the beginning of the Russian occupation of the Donetsk and Luhansk regions of Ukraine (March 2014 – ongoing).

The West's policy towards Ukraine also has some elements of ambiguity. But it is rather uncertainty than dual deterrence. There is a lack of political consensus among the 32 members of the North Atlantic Treaty Organization about inviting Ukraine to join the alliance. There are no specific timeframes, and officials say that the country will only be able to join the military organization after the Russo-Ukrainian war is over. However, the definition of «war is over» may vary. It could mean the restoration of control over the entire territory of Ukraine within its 1991 borders, or it could simply refer to the end of military actions. The challenge lies in defining when the war is over. It is unlikely that any agreement will be reached to officially declare the end of the war, primarily because the Kremlin refers to it as a «special military operation».

The other example of strategic ambiguity regarding Ukraine is the statement French President Emmanuel Macron made in May 2024 about not ruling out sending troops to Ukraine. He said that because of «facing someone who is ruling nothing out» (The Economist, 2024). In this context, the French President was referring to Russia, which also employs a policy of «strategic ambiguity». Vladimir Putin has not ruled out the use of nuclear weapons but has not specified the circumstances under which they might be used or the type of weapon that could be involved. As noted by D. von Hippel, «Russia's nuclear signaling during the Ukraine conflict has been effective in large part because of Russia's vast nuclear arsenal» (Von Hippel, 2023: 90).

Parties involved. The Russo-Ukrainian war cannot be considered a solely European problem, as it also involves, albeit indirectly, players from other parts of the world. The Democratic People's Republic of Korea (North Korea) and the Islamic Republic of Iran (Iran) supply Russia with direct military aid. The PRC exports to Russia dual-use items that are utilized in the military industry. The war also involves the United States, which is the largest donor of financial and military aid to Ukraine, as well as Canada, Japan, Turkey, and other non-European countries that provide support. The consequences of the war are also tangible for poorer countries, as grain prices have risen due to the decrease in exports from Ukraine.

The Visiting Research Fellow at the Institute for National Defense and Security Research in Taiwan Yurii Poita believes that one of the biggest deterrents for the PRC will be Ukraine's achievement of serious military victories on the battlefield. PRC will then understand that the West is strong and that it is impossible to seize a piece of territory and claim it as its own (Zahidfront, 2023). According to A. Hrubinko and I. Fedoriv, «the victory of Ukraine and the active participation and policy of the United States will be factors that can reduce the likelihood of a China-Taiwan conflict» (Hrubinko and Fedoriv, 2023: 28).

It is important to recognize that the «Taiwan issue» extends beyond being just an Asian problem, as it affects not just military but also economic interests globally. Taiwan produces chips that are used worldwide; any disruption in the supply chain could significantly impact global GDP. The war in the region will have a negative impact not only on the PRC's economy but the whole world due to the effect on the global shipping routes in the South China Sea. The consequences might be worse than those experienced during the COVID-19 pandemic. China's deep integration into the global economy

means that the cost of launching a full-scale invasion would be very high for it. The economic sanctions implied by the world could be «devastating to China» (Davis, 2023: 114). Given the economic interdependence of the EU and PRC, «any sanctions would be a double-edged sword for Europe's economy» (Bellocchi 2023: 41). J. Feryna and L. Kutěj state that China «will try to harm other economies dependent on China that could try to sanction China» (Feryna and Kutěj, 2023: 33).

Countries that support Russia in its war against Ukraine may also support the PRC if it intervenes in Taiwan. Similarly, countries that support Ukraine are likely to support Taiwan.

If the USA gets directly involved in the Taiwan Strait war, they will count on the support of the Republic of Korea (ROK or South Korea). The direct participation of the ROK military forces in the war is unlikely to be expected in Washington. The US has approximately 28,5 troops based in the Republic of Korea. It may want Seoul to provide at least the logistics and technical support to this army personnel and to use their forces to deter North Korea, with the help of the US if needed. In this case, the US should be able to use its Korean-based forces to defend Taiwan (Cancian, Cancian and Heginbotham, 2023: 61).

Okinawa (Japan) serves as the nearest US Air Force base and will likely be used as a part of the supply chain. Thus, it may be considered as a military target by the PRC. The important point is that Beijing claims the Senkaku Islands controlled by Tokyo as its own territory and a part of Taiwan province. It may try to capture them during the Taiwan Strait crisis (CFR, 2023: 66).

The Philippines will be also affected by the instability in the region. The country is interested in the security cooperation with the US as relations with China deteriorate. Beijing wants to control the entire South China Sea including the exclusive economic zone (EEZ) of the Philippines. This led to the conflict around the Second Thomas Shoal in the Spratly Islands. Since 2023 Beijing has been preventing Manila from accessing this submerged reef, located in the Philippine EEZ. In 2012, the Philippine authorities officially named a part of the South China Sea, which is considered part of their Exclusive Economic Zone (EEZ), as the West Philippine Sea (Official Gazette, 2012).

The Philippines' proximity to Taiwan complicates Manila's policy of neutrality. The security situation in the region partly depends on the ability of these neighbours to build relationships with one another and with the United States, which, according to agreements reached in February 2023, has restored its military presence in the Philippines.

Conclusions. Taiwan and Ukraine face challenges to their sovereignty and security in complex geopolitical conditions. Although their international statuses are different, they both seek to strengthen their independence and democratic development. Taiwan is focused on maintaining the status quo and developing defence capabilities to prevent a full-scale invasion, while Ukraine is focused on defending its territorial integrity in a war launched by the Russian Federation. The experience of opposing the bigger neighbour can be valuable for studying and analyzing the processes of democratic development.

In this paper, the author determined the historical context of the Russo-Ukrainian war and the Taiwan-China conflict. It can be seen from the retrospective analyses that although the roots are different, the approach Russia and China adopt and the rhetoric they use are similar. The article defined the structural similarities and differences between Ukraine and Taiwan.

The study also characterized the relations between Ukraine and Taiwan and concluded that Ukraine is unlikely to switch diplomatic ties from the People's Republic of China to the Republic of China (Taiwan).

The author notes that the strategy of «political ambiguity» is employed not only by the United States regarding the «Taiwan issue» but also by the PRC and Russia. Such a lack of clarity leaves the opportunity to act differently depending on the situation.

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THEORY AND IMPROVEMENT OF PSYCHOLOGY

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PSYCHOLOGICAL STATE OF WAR VICTIMS IN UKRAINE: ASSESSMENT OF STRESS REACTIONS AND PSYCHOPATHOLOGICAL SYMPTOMS

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Abstract. The psychological analysis of the victims' condition is an important tool for understanding and determining the peculiarities of the impact of traumatic events on the human psyche (Bondarchuk, 2016: 11–14). This study examined the psychological aspect of the state of survivors of traumatic events, focusing in particular on reactions, adaptation mechanisms and possible ways to restore the mental health of military personnel, people from the temporarily occupied territories and internally displaced persons (IDPs). The study involved 250 (45.5%) servicemen and 300 civilians (110 people from the temporarily occupied territories and 190 people from IDPs) with various psychological symptoms. The psychological states were assessed using the Posttraumatic Stress Disorder (PTSD) Self-Assessment Scale and the Mississippi Posttraumatic Stress Disorder Scale (Hryshchenko, 2022: 166–180). Levels of anxiety were measured using the Beck Anxiety Scale, the Hamilton Anxiety Scale (HAM-A) and the PHQ-9 Patient Health Questionnaire were used to assess levels of anxiety and depression, revealing significant levels across all study groups. Further research is needed to improve the methods of medical and psychological rehabilitation aimed at improving the psychological state of war victims.

Key words: psychological state, depression, stress, anxiety, PTSD, stress reactions, psychopathological symptoms.

Introduction. The war in Ukraine has a significant impact on the psychological state of the population, causing the development of stress reactions and psychopathological symptoms in victims. The study of this problem is an important aspect of modern psychology, as the consequences of war include a wide range of psychological problems, such as post-traumatic stress disorder (PTSD), depression, anxiety disorders and other psychopathological conditions (Blinov, 2019: 22; Xue, 2015: 1–21). An analysis of the global scientific literature shows the importance of a comprehensive approach to the study and treatment of these conditions.

The purpose of the study is to assess the psychological state of victims of the war in Ukraine, in particular, to evaluate stress reactions and psychopathological symptoms. An important aspect is to identify effective methods of overcoming psychological trauma that can be used in crisis situations during the war, in particular, using the cognitive behavioural approach.

Research studies conducted in different countries that have experienced military conflicts show the effectiveness of medical and psychological rehabilitation in the treatment of post-traumatic experiences, which can reduce the intensity of PTSD symptoms, anxiety and depression, and improve the quality of life of victims. For example, studies conducted in the United States, Israel and the United Kingdom demonstrate positive results of implementing medical and psychological rehabilitation for veterans and civilians who have experienced military conflicts (Born, 2019: 145–156; Crocq, 2000: 47–55).

Research by scientists in Jerusalem shows that during war, the human psyche can react with moderate and temporary stress to severe mental trauma, which has serious negative health consequences, including depression, substance abuse and PTSD. Research by American scientists also confirms that the traumatic events of war can have a lasting impact on people's health and well-being. A project by researchers from Ohio (USA) shows that most war survivors gradually adapt to the new reality and recover (Forbes, 2019: 95–110). Some of them even feel elated in response to stressful circumstances, as if discovering a "second wind". This phenomenon is explained by Hobfall's theory, according to which trauma can lead to both the loss and acquisition of important resources. Thus, it can be expected that exposure to war can contribute to a deeper understanding of the value of life, which in turn can increase achievement and life satisfaction.

In Ukraine, according to the Order of the Ministry of Health No. 2118 of 13.12.2023 "On the Organisation of Psychological Assistance to the Population", various measures are provided for the provision of psychological assistance to servicemen and women. These measures include individual counselling, group psychological therapy, emergency (crisis) psychological assistance, crisis psychological counselling and an integrative approach. The purpose of these measures is to effectively overcome psychological trauma, reduce distress and improve the psychological state of servicemen and women, which will allow them to better perform their duties (Order "On the organisation of providing psychosocial assistance to the population", 2023).

The main part

The aim of the study is to assess the psychological state of victims of the war in Ukraine, in particular, to evaluate stress reactions and psychopathological symptoms.

Objectives of the study:

1. To study the prevalence and severity of PTSD disorders among victims.
2. Identify levels of anxiety and depression in different categories of victims.
3. To analyse the difference in psychopathological symptoms between military personnel, prisoners of war, and internally displaced persons.
4. To assess the effectiveness of existing methods of psychological assistance for victims.

Materials and methods of the study. When selecting a set of methods, the principles of ease of use, complementarity, accessibility, speed of implementation and reliability of results were followed (Krushelnytska, 2006: 206). *The* questionnaires were finalised based on the analysis of the literature, taking into account the requirements of healthcare during martial law (Horachuk, 2012: 23).

At this stage, to analyse the psychological aspects of the state of victims of the war in Ukraine, the following research methods were developed and defined: psychodiagnostic methods: "Scale for self-assessment of post-traumatic stress disorder (PTSD). PCL-M and PCL-C" (Weathers, 2013), the Mississippi Scale for Posttraumatic Stress Disorder (Mississippi Scale) (Keane, 1988: 85–90), the Beck Anxiety Scale (Hryshchenko, 2022: 166–180), the Hamilton Anxiety Scale (HAM-A) (Kessler, 2005: 617–627), and the PHQ-2 (two-item depression self-assessment scale).

Research results and discussion. The study involved 550 people, including 200 military personnel (36.3%), 50 prisoners of war (9.2%), 80 adults (14.5%) and 30 children (5.5%) who had spent some time in the temporarily occupied territories and 120 adults (21.8%) and 70 children (12.7%) internally displaced persons or refugees.

All cases of psychological conditions were characterised by various stress reactions and psychopathological symptoms.

The findings confirm the need for systematic psychological support for war victims. The introduction of psychological and medical therapy at the state level can significantly improve the psychological state of victims, reduce stress and improve their quality of life. At the same time, the study showed the need to develop new approaches and improve existing methods of psychological assistance, taking into account the specifics of the Ukrainian context.

The developed recommendations include the integration of psychotherapeutic methods with social support and medical treatment, the introduction of a system of regular monitoring of the psychological state of victims and the expansion of access to psychological assistance for all categories of victims, including children and internally displaced persons.

Replication of this study is possible provided that the methods and principles of the study are followed. Let's consider and compare the symptoms of PTSD among military personnel and civilians affected by the war (see Fig. 1).

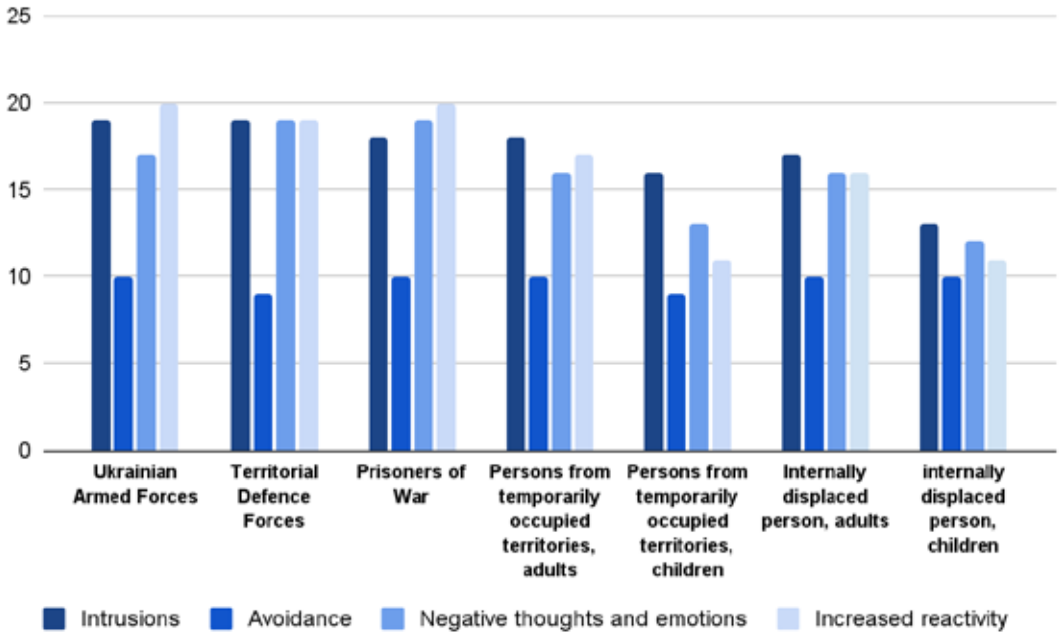

Fig. 1. Comparison of PTSD symptoms among military personnel and civilians

The correlations of PTSD between military personnel and civilians showed no significant differences. When comparing military personnel and civilians, it is possible to determine that average scores and severity of PTSD symptoms tend to differ. Servicemen and women who survived captivity have a higher mean score, indicating more severe PTSD symptoms than other groups. In the civilian population (people from the temporarily occupied territories and IDPs), although the average scores are also high, they show some differences in the level of symptoms. Such a comparison allows us to identify the specifics of the mental state of different population groups and can serve as a basis for developing effective psychological support programmes.

The clinical manifestations of PTSD were also studied using the Mississippi Scale for Posttraumatic Stress Disorder (Mississippi Scale) (Keane T. M., 1988, pp. 85–90). The results of the peculiarities of adaptation of the AFU and TDF servicemen, prisoners of war and civilians (persons from the temporarily occupied territories and IDPs) are presented in Table 1.

72.2% of the AFU servicemen had a sufficient level of adaptation, 14.2% have problems with adaptation and need medical and psychological support in medical institutions that do not specialise in psychiatry, and 13.6% need to consult a psychiatrist to confirm the diagnosis of PTSD and appropriate treatment. Servicemen and women in the TDF have 67.7% of a sufficient level of adaptation, and 17.9% have severe adaptation disorders. And 14.5 per cent of the servicemen of the TDF have significant adaptation disorders and PTSD. Among prisoners of war, the highest rates of adaptation

Table 1

Peculiarities of adaptation of the AFU and TDF servicemen, prisoners of war, persons from the temporarily occupied territories and IDPs

Those affected		Sufficient level of adaptation	Severe adaptation disorder	Adaptation significantly impaired, PTSD
Servicemen of the Armed Forces of Ukraine		72,2%	14,2%	13,6%
Military personnel of the TDF		67,6%	17,9%	14,5%
Prisoners of war		59,9%	22,4%	17,7%
Persons from the temporarily occupied territories	Adults	73,4%	14,7%	11,9%
	Children	90%	5,9%	3,1%
IDPS	Adults	74,3%	16,5%	9,2%
	Children	98,3%	1,7%	-

disorders and PTSD were found – 17.7%, with 22.4% having severe disorders. A sufficient level was found in 59.9% of prisoners of war. Among the civilian population, the rates of adaptation disorders and PTSD are lower. A sufficient level of adaptation among adults from the temporarily occupied territories and IDPs was 73.4% and 74.3%, respectively. Severe adaptation disorders were detected in 14.7% of adults from the temporarily occupied territories and 16.5% of IDPs. Signs of significant adaptation disorders and PTSD among adults from the temporarily occupied territories and IDPs were observed in 11.9% and 9.2% of the victims. Indicators of adaptation disorders and PTSD were found only in children from the temporarily occupied territories – 3.1%. A sufficient level of adaptation was found in children from the temporarily occupied territories (90%) and IDPs (98.3%), while children from the temporarily occupied territories (5.9%) and IDPs (1.7%) had severe adaptation disorders. Statistical analysis of differences in adaptation using the Mann-Whitney U-test showed no significant differences in the level of adaptation of military personnel and civilians ($p>0.05$).

An analysis of the study results using the Beck Anxiety Inventory (see Appendix B), which effectively measures anxiety as a symptom of an anxiety disorder, showed significant differences in BAI scores between military personnel and civilians. These differences were particularly pronounced in those suffering from anxiety-phobic or anxiety-depressive syndrome (see Table 2). It was found that with increasing duration of stress, the level of anxiety in patients with anxiety disorders increases. As a result, anxiety becomes "chronic", which can have a negative impact on both satisfaction with medical care and health-related quality of life.

Low levels of anxiety according to the Beck Anxiety Scale were observed in 23 (4.1%) of the TDFal number of patients, including AFU, TDF and POWs (2 (0.4%) each). Among the civilian population, 15 (2.7%) IDP children and 9 (1.6%) people from the temporarily occupied territories had low levels of anxiety. In adults from the temporarily occupied territories and IDPs, low levels of anxiety were observed in 12 (2.1%) and 14 (2.5%) people, respectively. Mild anxiety was detected in 127 victims. The highest number of patients with this level of anxiety among the military was among the TDF servicemen – 13 (2.4%), and among the civilian population – among IDPs, where 29 (5.3%) adults and 23 (4.2%) children had mild anxiety. The largest number of victims had a medium level of anxiety – 299 (54.4%) people. In particular, AFU servicemen – 78 (14.2%), TDF servicemen – 47 (8.5%) and prisoners of war – 38 (6.9%). Among adults from the temporarily occupied territories, the average level of anxiety was 29 (5.3%), and among children – 5 (1%). In IDPs, the average level of anxiety was observed in 65 (11.8%) adults and 28 (5%) children. High levels of anxiety were detected in 101 (18.4%) victims. The highest number of victims was among AFU servicemen – 20 (3.6%) and adults from the temporarily occupied territories – 22 (4%).

Table 2

Assessment of anxiety levels by the Beck Anxiety Inventory (BAI) of military personnel and civilians

Anxiety level	All patients (n=550), number, (%)	Military personnel, number, (%)		Prisoners of war, number, (%)	Persons from the temporarily occupied territories, number, (%)		IDPs, number, (%)	
		ARMED FORCES OF UKRAINE	TDF		Adults	Children	Adults	Children
Low level	23 (4,1)	2 (0,4)	2 (0,4)	2 (0,4)	12 (2,1)	9 (1,6)	14 (2,5)	15 (2,7)
Mild level of anxiety	127 (23,1)	12 (2,1)	13 (2,4)	1 (0,2)	17 (3,1)	15 (2,7)	29 (5,3)	23 (4,2)
Average level of anxiety	299 (54,4)	78 (14,2)	47 (8,5)	38 (6,9)	29 (5,3)	5 (1)	65 (11,8)	28 (5)
High level of anxiety	101 (18,4)	20 (3,6)	16 (2,9)	11 (2)	22 (4)	1 (0,2)	12 (2,1)	4 (0,8)

The results of the study indicate different levels of anxiety among different groups of people affected by the war in Ukraine. Taking into account these different levels of anxiety, it is possible to identify specific needs and areas of mental health care for each group. This will allow for more effective and targeted psychological support, which will contribute to improved quality of life and reduced psychopathological symptoms among those affected.

The next step is to assess stress reactions and psychopathological symptoms was the Hamilton Anxiety Scale (HAM-A) (Kessler, 2005: 617–627). The anxiety measure, along with the depression measure, is one of the key aspects of the study, as war victims are constantly in a state of anxiety. They carefully analyse any changes in their bodies, reacting to the slightest unpleasant sensations, as their main goal in life is to maintain their health. Let's analyse the main signs of anxiety and their level in the AFU and TDF servicemen, prisoners of war and civilians (adults and children from the temporarily occupied territories and IDPs), the analysis data are described in Table 3.

Table 3

Assessment of anxiety by the Hamilton Anxiety Scale in AFU servicemen, TDF, prisoners of war, persons from the temporarily occupied territories, IDPs

Those affected		Average value	Low level, %	Light level, %	Average level, %	High level, %
ARMED FORCES OF UKRAINE		17,5	5	23	32	40
TDF		16	2	40	29	29
Prisoners of war		19,1	-	12	44	44
Persons from the temporarily occupied territories	Adults	14,3	-	45	50	5
	Children	11,8	19	55	21	5
IDPS	Adults	15,13	8	35	32	25
	Children	10	27	42	31	-

The table shows the average anxiety score and the percentage distribution into different levels: low, mild, moderate and high for each group.

Among the AFU servicemen, the average value of anxiety is 17.5 points, which indicates a moderate depressive disorder. Servicemen of the TDF have an average score of 16 points, also characterised by moderate depressive disorder. Prisoners of war show a mean score of 19, which indicates a severe depressive disorder.

Among the civilian population, adults who have lived for some time in the temporarily occupied territories have a mean score of 14.3, indicating mild to moderate depressive disorder. Internally displaced persons (IDPs) on average have moderate depressive disorder with a mean score of 15.13. Among children from the temporarily occupied territories, the average score is 11.8, indicating mild depressive disorder, and among IDP children the average score is 10, also indicating mild depressive disorder.

Analysis of the table shows that anxiety levels differ between different groups. The comparison between military personnel and civilians highlights the need to pay attention to the mental health of different categories of the population, especially those who have experienced military events.

The Kruskal-Wallis test was used to analyse the differences among all groups of subjects. The results show that h = 46.65138, p = –16670531422.3. Based on these results, it can be concluded that there are statistically significant differences between the groups under consideration at a significance level of $p \leq 0.01$. This indicates that the groups differ in some parameter that was the object of the study, and this opens up additional opportunities for analysing and interpreting these differences.

The analysis of the level of depression in victims of the war in Ukraine using the PHQ-9 scale (Table 4) shows an increase in depression when experiencing stress as a result of the war, both in military personnel and civilians (adults and children).

Table 4

Dynamics of depression according to the PHQ-9 scale in military personnel and civilians

Depression	Servicemen of the Armed Forces of Ukraine	Military personnel of the TDF	Prisoners of war	Persons from the temporarily occupied territories		IDPS	
				Adults	Children	Adults	Children
None	10 (9%)	12 (13%)	-	11 (14%)	5 (15%)	27 (22%)	22 (31%)
Mild (subclinical)	20 (18%)	4 (5%)	9 (18%)	7 (9%)	10 (35%)	16 (14%)	19 (27%)
Moderate severity	40 (36%)	36 (42%)	5 (10%)	40 (40%)	10 (35%)	33 (28%)	25 (36%)
Medium severity	30 (27%)	24 (27%)	22 (44%)	11 (14%)	5 (15%)	22 (18%)	4 (6%)
Heavy	12 (10%)	12 (13%)	14 (28%)	21 (23%)	-	22 (18%)	-

The table shows the distribution of depression levels among different groups of military personnel and civilians: 9% of AFU servicemen were not diagnosed with depression, 18% had mild depression, 36% had moderate depression, 27% had moderate depression, and 10% had severe depression. Among the servicemen of the TDF, 12% did not have depression, 5% had mild depression, 42% had moderate depression, 27 had moderate depression and 13% had severe depression. There were no persons without depression among POWs; 18% had mild depression, 10% had moderate depression, 44% had moderate depression, and 28% had severe depression.

Among civilians, 14 per cent of adults from the temporarily occupied territories did not have depression, and among children, 15 per cent did. Mild depression was reported in 9% of adults and 35% of children. Adults from the temporarily occupied territories had 40% of moderate depression, and 35% of children. Medium severity depression was observed in 14% of adults and 15% of children. Among adults, 23 per cent had severe depression, while this stage was not observed in children.

Among adult IDPs, 22 per cent did not have depression, and 31 per cent of children did not. Mild depression was observed in 14 per cent of adults and 27 per cent of children, and moderate depression in 28 per cent of adults and 36 per cent of children. Medium severity depression was observed in 18% of adults and 6% of children. Severe depression was observed in only 18 per cent of IDP adults.

Thus, the results of the study indicate a high prevalence of PTSD, depression, anxiety and stress among the AFU and TDF servicemen, including those who were held in captivity for a certain period of time and civilians who were in the temporarily occupied territories or IDPs. The findings underscore the need for systemic measures to support the mental health of different population groups to enable them to overcome emotional difficulties and restore psychological resilience.

Scientific analysis confirms that maintaining mental health requires not only body hygiene, but also psychohygiene, self-education, a clear life position and purity of thought. The path to mental health is the path to an integral personality that is not torn apart by conflicts of motives, doubts and self-doubt (Doniy, 1998: 354).

Taking into account the above and the results of our research, we conclude that a serviceman or a person who has been in the temporarily occupied territories or an IDP should study themselves, identify their strengths and weaknesses, and adequately assess their physical and mental capabilities. Thus, acting as a subject and an object of preserving their own health, victims of the war in Ukraine must skilfully manage it, which involves training their psyche, revealing its reserves and developing mental processes such as memory, attention and imagination.

In order to prevent the occurrence of mental disorders, borderline conditions and diseases in military personnel or civilians affected by the war in Ukraine, it is important to develop the qualities of a self-sufficient, holistic and internally harmonious personality. Such a personality should actively learn and improve themselves and the world, as well as optimally and harmoniously organise their activities, life, leisure and interaction in the family and team.

The key role in maintaining the mental health of a serviceman of the Armed Forces of Ukraine, the TRU, prisoners of war, IDPs or persons from the temporarily occupied territories is played by their ability to self-educate, during which they form the qualities of a subject that positively affects their mental health. Self-education includes personal actions aimed at self-development in accordance with ideals, life goals and internal standards. This process allows military personnel and civilians to actively work on themselves, improve their character, will and other positive qualities.

Through effective self-education, victims of war can successfully engage in self-preservation. By changing themselves, victims influence the conditions and circumstances of their lives, becoming the subject of preserving their health, including mental health. Let's determine the situational anxiety of victims of the war in Ukraine (Table 5).

Almost all victims have the highest average level of anxiety, with only children having the lowest level. As a result, it was determined that for the successful preservation of the mental health of military personnel, IDPs and persons from the temporarily occupied territories, it is important to meet the following requirements:

Table 5

Analysis of anxiety among military personnel, people from the temporarily occupied territories and IDPs

Anxiety	Servicemen of the Armed Forces of Ukraine	Military personnel of the TDF	Prisoners of war	Persons from the temporarily occupied territories		IDPS	
				Adults	Children	Adults	Children
Low level	17 (15%)	19 (22%)	8 (16%)	21 (26%)	16 (53%)	16 (22%)	51 (42%)
Intermediate level	56 (50%)	48 (54%)	23 (46%)	27 (34%)	9 (30%)	36 (52%)	49 (41%)
High level	39 (35%)	21 (24%)	19 (38%)	32 (40%)	5 (17%)	18 (26%)	20 (17%)

1. Understand your mental health, realise the role of this health in your own life; the main factors that can affect mental health, both positively and negatively; types of psychohygiene and specific methods of influencing your own psyche.

2. Have control over your own feelings and mental state; use effective methods of self-regulation.

3. Adopt a healthy lifestyle and consciously implement a self-preservation programme that includes:

– avoiding negative living conditions;

– doing sports;

– organisation of leisure activities;

– avoiding destructive relationships in the family and military team;

– giving up bad habits (alcohol, drugs, tobacco smoking);

– avoiding physical, moral and mental overload.

Therefore, identifying the factors that influence the mental health of survivors is an important task for understanding and effectively managing the psychosocial aspects of their lives. Some of the main factors that can influence the mental health of survivors include: traumatic events, social support, economic hardship, access to health care, adaptation to change and individual resources.

For effective management and support of those affected by the war in Ukraine, it is important to analyse these factors and develop programmes and initiatives aimed at reducing the negative impact of factors and improving mental well-being.

Discussion. The results of the study show significant levels of anxiety and depression among military personnel and civilians affected by the war in Ukraine. Particularly pronounced symptoms of depression and anxiety are observed among prisoners of war, indicating serious psychological consequences of captivity.

Among the AFU and TDF members, medium levels of depression and anxiety were found, which also confirms the high psychological stress they face. Comparisons with the civilian population, including people from the temporarily occupied territories and IDPs, showed that this group of victims also had high levels of anxiety and depression, although slightly lower than POWs.

The high levels of anxiety and depression among children from the temporarily occupied territories and IDPs indicate the need for special attention to this vulnerable group. Children who have survived hostilities need special psychological support programmes, which may include both individual and group therapies aimed at reducing anxiety and improving their psycho-emotional state.

The analysis of the results of the study of anxiety on the Beck scale and depression on the PHQ-9 scale confirmed that the levels of anxiety and depression increase with the duration of stress. This indicates the need for timely intervention to prevent an increase in anxiety and depression, which negatively affects satisfaction with psychological care and health-related quality of life.

Comparing the results of the study with other researchers' data shows similar trends. For example, studies of PTSD among military personnel from other countries also show high levels of depression and anxiety among combat and captivity survivors. This confirms the universality of the problem and the need to develop international standards for the provision of psychological assistance to military and civilian victims of war.

Prospects for applying the findings in future research include studying the long-term effects of war on mental health, as well as developing and testing new approaches to treatment and support for victims. This may include both innovative therapeutic methods and new forms of social support adapted to the specifics of the Ukrainian context.

Conclusions. The study of the psychological state of those affected by the war in Ukraine allowed us to assess stress reactions and psychopathological symptoms in different population groups, including military personnel of the Armed Forces of Ukraine, the TDF, prisoners of war, as well as adults and children from the temporarily occupied territories and IDPs.

Prisoners of war showed the highest number of psychological disorders and are considered the most vulnerable group, demonstrating high levels of anxiety and depression. Significant psychopathological symptoms in the civilian population were observed among adults, and children from the temporarily occupied territories and IDPs also showed high levels of anxiety and depression. The group of children was particularly vulnerable, requiring special psychological support programmes.

The results also confirm that as the duration of stress increases, levels of anxiety and depression increase, which can lead to chronicity of these conditions and a deterioration in quality of life. This highlights the importance of timely intervention to prevent long-term negative consequences.

Integration of psychotherapeutic methods with social support and psychological treatment, introduction of a system of regular monitoring of the psychological state of victims, and expanding access to psychological assistance for all categories of victims are necessary measures to improve the psychological health of the population. Future research should focus on the long-term effects of war on mental health, as well as on the development and testing of new approaches to treatment and support for victims adapted to the specifics of the Ukrainian context.

Thus, the findings of our study point to a serious problem of psychological health among victims of the war in Ukraine and emphasise the need to develop and implement effective methods of overcoming psychological trauma that can be used in crisis situations during war.

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THEORY AND PERSPECTIVES OF PHILOLOGY

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BODIES OF SPEECH: UNRAVELING THE LINGUISTIC DNA OF SOMATIC PHRASEOLOGISMS IN UKRAINIAN AND ENGLISH

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Abstract. The study of somatic phraseologisms in language plays a crucial role in understanding the intricacies and nuances of linguistic expression. In both English and Ukrainian languages, these idiomatic expressions rooted in human anatomy not only reflect cultural beliefs but also shed light on how language shapes our perception of the world. Recent linguistic researches have delved into the significance of somatic phraseologisms, emphasizing their impact on language comprehension and cultural identity. By exploring the functioning of somatic phraseologisms in English and Ukrainian, this study aims to unravel the complexities of these expressions, analyze their cultural implications, and contribute to a deeper understanding of linguistic phenomena in a cross-cultural context. This paper focuses on the functioning of somatic phraseologisms in English and Ukrainian, two languages from different language families, to explore cross-linguistic similarities and differences in their usage and conceptual underpinnings. Thus, the research under review contributes to cross-linguistic and cross-cultural studies, highlighting both universal and language-specific features in phraseological units.

Key words: phraseology, contrastive linguistics, cross-linguistic analysis, somatic phraseologisms, linguistic universals.

Introduction. The study of phraseology remains a vital area of linguistic research, offering insights into the cognitive, cultural, and linguistic aspects of language use. Phraseologisms are key to understanding the depth and nuances of a language, making them crucial for both linguistic theory and practical applications such as language teaching and translation. Within this field, somatic phraseologisms – idiomatic expressions containing body part terms – have garnered significant attention due to their ubiquity across languages and their role in reflecting human conceptualization of the world.

Recent linguistic research has made significant strides in the analysis of phraseologisms, including somatic expressions (Lakoff, 1980; Colson, 2008; Granger, 2008; Hamanz, 2017; Kovács, 2007; Pamies, 2011). Kovács explored the cognitive linguistic aspects of English body part idioms, highlighting their metaphorical nature and cultural significance (Kovács, 2007: 122). In the Ukrainian context, V. Uzhchenko, L. Savchenko, N. Skorobagatko, O. Selivanova, M.Vakuryk, L. Koval conducted a comprehensive analysis of somatic phraseologisms, focusing on their semantic and structural features. Cross-linguistic studies, such as that by Peeters, have emphasized the importance of comparative approaches in uncovering both universal and language-specific patterns in phraseology (Peeters, 2020: 17–21).

Despite these advancements, there remains a gap in the literature regarding a systematic comparison of somatic phraseologisms in English and Ukrainian, particularly in terms of their functional aspects in contemporary language use. This study aims to address this gap by examining the semantic, pragmatic, and discourse functions of somatic phraseologisms in both languages. The overarching goal is to provide a comprehensive analysis of how somatic phraseologisms function in English and Ukrainian, contributing to our understanding of phraseology, cognitive linguistics, and cross-cultural

communication. By examining these linguistic phenomena, we seek to shed light on the intricate relationship between language, body, and culture in human cognition and expression.

The relevance of this research lies in its potential to contribute to our understanding of universal and culture-specific aspects of language, cognition, and communication. By comparing somatic phraseologisms in English and Ukrainian, we can gain valuable insights into how speakers of these languages conceptualize and express abstract concepts through bodily references. Furthermore, this study has practical implications for translation, language teaching, and intercultural communication.

British National Corpus for English, Corpus of Ukrainian Language for Ukrainian that have been used in the research, enabled us to search for somatic phraseologisms and analyze their frequency, context, and usage patterns. Etymological Research has been used to investigate the origins and historical development of selected somatic phraseologisms in both languages. That could provide insights into cultural influences and semantic changes over time. Applying conceptual metaphor theory was meant to understand how body parts are metaphorically used in both languages, and investigate how the physical experience of the body influences the formation and understanding of somatic phraseologisms. When investigating somatic phraseologisms in Ukrainian and English, several statistical methods have been employed to analyze the data effectively, namely, descriptive and inferential (hypothesis testing, t-tests) that involved formulating and testing hypotheses about the differences or similarities between somatic phraseologisms in Ukrainian and English, and comparing the means of two groups (e.g., usage in Ukrainian vs. English) to see if there are significant differences.

Recent Research Review. Phraseological units containing components referring to the names of human body parts and organs are called somatic phraseological units (SPU). The term 'somatic' comes from the Greek word 'σωματικός' and means 'bodily'.

SPUs are anthropocentric in nature, since they use human body organs as images and symbols to convey various ideas and concepts. Thus, they reflect the central position of the human being in the linguistic culture and express its worldview and social values. After all, it is the human being who is the centre of our attention and perception of the world. According to Firuza N., "… the individual, being a thinking and creative being, reflects the world in a special way in his/her mind and determines his/her place in it, becoming at the same time the starting point from which everything existing is perceived" (Firuza, 2020: 95).

F. Vakk was the first to propose this term in his studies of Estonian phraseological units with names of human body parts, emphasising that somatisms are one of the oldest and most widespread types of phraseological units (Vakk, 1964: 12).

Recent linguistic research has increasingly focused on the cognitive and cultural underpinnings of phraseology (Melcus, 1995; Kovács, 2007; Chaienkova, 2020; Savchenko, 2011, 2018; Selivanova, 2006; Skorobahatko, 2008; Uzhchenko, 2012). Scholars such as Dobrovol'skij and Piirainen have emphasized the role of cultural and cognitive models in the formation and use of idiomatic expressions (Dobrovol'skiy & Piirainen, 2005: 34). Other studies, like those by Kövecses on metaphor and culture, have provided insights into how body-related expressions reflect underlying metaphors that are common across languages but manifest differently depending on cultural contexts. This comparative approach helps in understanding how different languages utilize somatic components in their phraseology, shedding light on both shared human experiences and unique cultural perspectives.

Cross-linguistic studies, like Maalej and Yu, have examined similarities and differences in somatic phraseologisms across diverse language families, while historical linguists have investigated the evolution of these expressions over time, tracing changes in form and meaning. The latter even proposed their own diachronic classification, categorizing somatic phraseologisms as, a) archaic b) contemporary c) neologistic (Langlotz, 2006: 120). Some of them reflect specific cultural or historical contexts, e.g., *"to lose face"* (in English comes from Chinese culture); *"to be caught red-handed"* (originates from old laws about butchering animals).

Somatic phraseologisms often exhibit semantic opacity, meaning their overall meaning can't be directly derived from the meanings of their individual components. For example, the English expression *"to give someone a hand"* doesn't literally mean to provide a body part, but to offer assistance. Basing on SPUs' semantic poperties and considering the degree of idiomacity, Rajendra Singh breaks somatic phraseologisms into:

a) fully idiomatic: the meaning is completely non-literal (e.g., *"to lose face"*);

b) partially idiomatic: some elements retain their literal meaning (e.g., *"to keep an eye on"*);

c) literal: the meaning is more easily inferred (e.g., *"hand in hand"*) (Hamans, 2017: 18–22).

Somatic phraseologisms can vary in their syntactic flexibility. Some are completely fixed (e.g., *"by the skin of one's teeth"*), while others allow for some variation (e.g., *"to give someone a hand/to lend a hand"*). The degree of fixedness often correlates with the level of idiomaticity.

Many somatic phraseologisms are grounded in conceptual metaphors (e.g., *"the body is a container"* in *"to pour one's heart out"*) or metonymies (e.g., *"hand"* standing for the whole person in *"all hands-on deck"*) (Antonio Barcelona, 2000: 58).

These classifications demonstrate the multifaceted nature of somatic phraseologisms, and the various approaches scholars have taken to understand and categorize them.

Analyzing semantic and structural features of SPUs, Ukrainian linguist Olena Levchenko notes that somatic phraseologisms often have similar structures in Ukrainian and English, but may differ in their semantic content. For example, Ukrainian *«мати голову на плечах»* (literally: to have a head on one's shoulders) and English *"to have a good head on one's shoulders"* (Levchenko, 2019: 47). Both expressions use the same body parts but have slightly different connotations. The Ukrainian version implies general intelligence, while the English one suggests good judgment specifically.

According to N. Skorobahatko, some somatic phraseologisms are culture-specific and may not have direct equivalents in other languages (Skorobahatko, 2021: 65–68). Compare: Ukrainian: *«показати, де раки зимують»* (literally: to show where crayfish hibernate) has no direct equivalent in English, but similar in meaning to "to teach someone a lesson". This Ukrainian expression involves a body part (showing), but the English counterpart does not.

Ukrainian linguists have contributed significantly to the study of phraseology, including somatic phraseologisms. The diversity of approaches proposed by Ukrainian scholars reflects the complexity of somatic phraseologisms and their importance in Ukrainian language and culture. Each classification offers unique insights into how body-related concepts are integrated into idiomatic expressions and how these expressions function in communication. Vasyl Uzhchenko's classification is based on the degree of somaticity, highlighting the varying degrees of explicitness in somatic references, allowing for a nuanced understanding of how body-related concepts are integrated into phraseology:

a) primary somatic phraseologisms: denote body part names (e.g., *"руки опускаються"*– hands are falling, meaning to lose hope);

b) secondary somatic phraseologisms: use words derived from body part names (e.g., *«безрукий»* – handless, meaning clumsy);

c) tertiary somatic phraseologisms: implicitly refer to body parts without naming them (e.g., *«як без ока»* – like without an eye, meaning indispensable) (Uzchenko, 2007: 87–92).

Mariya Vakuryk categorizes somatic phraseologisms according to their functional-semantic properties: a) descriptive phraseologisms; b) comparative phraseologisms c) evaluative phraseologisms; d) modal phraseologisms. This approach highlights the diverse functions that somatic phraseologisms serve in communication, from describing situations to expressing attitudes and evaluations.

L. Savchenko's classification is particularly valuable for its comprehensive approach to categorizing somatic phraseologisms based on their semantic content and the aspects of human experience they describe. It provides a detailed framework for analyzing how body-part terms are used metaphorically to express a wide range of concepts related to human life and society. Savchenko divides

somatic phraseologisms into several semantic-thematic groups based on the body parts they reference: *бити ноги* – йти кудись даремно; *hand and glove* – працювати разом; *до самих кісток* – цілком, повною мірою; *to be in one's bones* – те, що відчувається на рівні інтуїції; *в'їдатися в печінку* – сильно набриднути; *heart of gold* – добра людина; *кров холоне у жилах* – про почуття сильного страху; *bad blood* – недружні почуття між людьми; *внести у вуха* – проінформувати; *to have one's nose in the air* – зазнаватися (Savchenko, 2011: 78–80).

She further classifies somatic phraseologisms based on their grammatical structure that is preferred in Ukrainian phraseology:

a) Verbal phraseologisms (e.g., *«повісити носа»* – to hang one's nose, meaning to become discouraged);

b) Nominal phraseologisms (e.g., *«світла голова»* – bright head, meaning an intelligent person);

c) Adjectival phraseologisms (e.g., *«з відкритим серцем»* – with an open heart, meaning sincerely);

d) Adverbial phraseologisms (e.g., *«рукою подати»* – to give by hand, meaning very close)

Functional-stylistic categories, such as a) neutral phraseologisms; b) colloquial phraseologisms; c) literary phraseologisms; d) dialectal phraseologisms, acknowledge the diverse contexts in which somatic phraseologisms are used, from everyday conversation to literary works. They underscore the role of these expressions in different registers of language use.

L. Savchenko's classification of somatic phraseologisms is a robust framework that offers detailed insights into the structure, function, and usage of idiomatic expressions involving body parts. Its strengths lie in its precision, semantic depth, and pragmatic relevance, making it a valuable tool for linguists, language educators, and cultural researchers. However, like any classification system, it faces challenges related to overlap, the dynamic nature of language, and the need for continual updates. Enhancing this framework with cognitive and psychological perspectives could further deepen our understanding of somatic phraseologisms in the Ukrainian language.

When analysing the Dictionary of Phraseology of the Ukrainian Language compiled by V. Bilonozhenko, the presence of 43 somatic lexemes-components of phraseological units of the Ukrainian language was determined, namely:

брова, долоня, голова, горло, груди, живіт, зуб, кишки, коліно, кров, кулак, лікоть, лице, лоб, мізинець, мозок, ніготь, ніс, око, п'ята, палець, печінка, плече, плоть, пузо, ребро, рука, серце, шия, шкіра, спина, тіло, ухо, вічі, волосина/волос, чоло, щока, хребет, язик (Bilonozhenko, 1993: 3–234).

In comparison, the English-Ukrainian Phrasebook compiled by K. Barantsev contains 59 somatic lexemes-components of phraseological units of the English language:

ankle, arm, back, belly, blood, body, brain, cheek, chest, chin, ear, elbow, eye, eyebrow, eyelash, face, finger, fist, flesh, foot, forehead, hair, hand, head, heart, heel, hip, jaw, joint, kidney, knee, knuckle, lap, leg, limb, lip, liver, lung, moustache, mouth, muscles, nail, neck, nose, palm, rib, shoulder, skeleton, skin, skull, spine, stomach, thigh, throat, thumb, toe, tongue, tooth, wrist.

This quantitative difference depends on several factors. Firstly, it may be related to the specifics of each language, i.e. to which body organs are more important in metaphorical use. In addition, the number of somatic lexemes identified so far as part of phraseological units may differ depending on how widely and in detail somatic phraseological units have been studied in each language. The main reason for the difference is the degree of detail of the studies and the way they are recorded in dictionaries.

The quantitative analysis (t-tests, correlation and regression analysis) of 522 English phraseological units and 471 Ukrainian ones with a somatic component, showed that the largest group consists of phraseological units with the component *hand/рука* (73/61) and *eye/око* (63/58). The number of phraseological units with *head/голова* (57/56) and *heart/серце* (56/38) was lower, but still noticeable and predominant. They are followed by phraseological units with *ear/вухо* (24/27) and *foot/нога* (25/24). The smallest share is made up of phraseological units with the components *nose/нос* (20/22), *tongue/*

язик (23/24) and *mouth/рот* (12/11). The percentages of frequency of use of somatic components in phraseological units in both languages are very similar. The analysis has shown which components are the most common and which have the least number of phraseological units.

Referring to the Academic Explanatory Dictionary of the Ukrainian Language in 11 volumes (SUM-11) and the Cambridge Dictionary we can consider in more detail the semantic interpretation of the most commonly used somatisms in English and Ukrainian.

Among the collected material, SPUs with somatism *hand/рука* are the largest group of units: *"to keep one's head"* (stay calm); *"to be head over heels"* (deeply in love); *"to have a good head on one's shoulders"* (be intelligent and sensible) or *«голова варить»* (literally: head is cooking; meaning: to be smart); *«морочити голову»* (to confuse someone, to bother); *«голова йде обертом»* (head is spinning; feeling dizzy or overwhelmed). This can be explained by the variety of functions performed by the hand in everyday life, from physical functionality to symbolic use. The following values are recorded in the sources used:

1) each of the two upper limbs of a person from the shoulder joint to the tips of the fingers;
2) each of the human upper limbs as an instrument of activity, labour;
3) the manner of writing, handwriting;
4) labour force, workers;
5) a person who is related to what is being discussed;
6) a symbol of power, dominance.

Thus, in many cultures, *hand* is considered an important symbol that can represent power, human activity, support, friendship, etc. Such symbolic meanings are often used in phraseological expressions.

When it comes to HEAD, the idea of human activity usually arises: *"to lend a hand"* (to help); *"to have the upper hand"* (to have an advantage); *"to be caught red-handed"* (to be caught in the act). In the traditions of the Ukrainian people, HEAD has a symbolic meaning associated with the importance of this part of the body, supremacy, intellectual development of a person, and is seen as the centre of vitality, the seat of the soul and intellect: *«мати руку»* (to have a hand; to have connections or influence); *«опустити руки»* (to lower one's hands; to give up); *«прикласти руку»* (to apply one's hand; to contribute to something).

Thus, the semantic structure of the lexeme HEAD includes the following meanings:

1) the upper part of the body, including the brain, eyes, mouth, etc;
2) the mind and thoughts themselves;
3) the leader of a group of people;
4) the top/front of something – unique to the English language.

Different cultures may have different ideas about the meaning of the head, but in general, its symbolism is associated with intelligence, thoughts and mental activity. The presence of a 'head' indicates the presence of positive qualities, while its absence can be assessed as a negative trait.

Among the collected material, phraseological units with EYE somatism constitute perhaps the most numerous group in terms of the number of units. This is due to the fact that approximately 90% of all information is received by a person through the organs of vision. These often relate to perception, attention, or emotions: *"to keep an eye on"* (to watch carefully) (CD, 2018: 12); *"in the blink of an eye"* (very quickly) (CD, 2018: 12); *"to see eye to eye"* (to agree) (CD, 2018: 12) or Ukrainian *«око за око»* (an eye for an eye) (FSUM, 1993: 65); *«мати гостре око»* (to have a sharp eye; to be observant) (FSUM, 1993: 65); *«очі розбігаються»* (eyes are running apart; to be overwhelmed by choices) (FSUM, 1993: 65). The eyes are the expressions of the human inner world, the intermediary conductor that connects the human soul with its external reality. According to dictionaries, the following values of this component are recorded:

1) the organ of sight in humans, all vertebrates and some invertebrates;
2) a glance (figuratively);

3) the ability to see, vision;

4) care, nurturing;

5) a dark spot on a potato or similar part of a plant from which a new stem and leaves will grow;

6) a hole in a needle through which you thread a thread – typical for English; interestingly, the Ukrainian word for this concept is '*вухо*'.

Heart-related phraseologisms often express emotions, especially love, courage, or sincerity. Compare the English somatisms *"to have a heart of gold"* (to be very kind) (CD, 2018: 23); *"to break someone's heart"* (to cause emotional pain) (CD, 2018: 12); *"to wear one's heart on one's sleeve"* (to show emotions openly)(ibidem, 346) with Ukrainian *«від щирого серця»* (from a sincere heart; sincerely) (FSUM, 1993: 34); *«серце не камінь»* (the heart isn't stone; expressing sympathy) (FSUM, 1993: 65); *«кам'яне серце»* (heart of stone; being cruel or unfeeling) (FSUM, 1993: 65).

Research by Ukrainian linguist O. Selivanova suggests that the prevalence of these groups is similar in both languages, with head, eye, and hand-related phraseologisms being the most common. However, there are some differences. According to O. Selivanova, Ukrainian tends to have more phraseologisms related to internal organs (e.g., liver, kidneys) than English: *«сидіти в печінках»* to sit in the liver; to annoy greatly), while English has more phraseologisms related to fingers and toes as separate from hands and feet: *"to be all thumbs"* (to be clumsy) (Selivanova, 2018: 46–54). Besides, Ukrainian often uses diminutive forms in somatic phraseologisms, which is less common in English: *«прикусити язичка»* (to bite one's little tongue; to stop talking) (ibidem, 48). The prevalence of certain body parts in these expressions often correlates with their perceived importance in cognitive, emotional, and social functions.

Conclusions. Thus, given the information provided, we can conclude that the meanings of the lexemes-components of the SPUs vary depending on the context and linguistic tradition. The semantic meaning of somatic lexemes is mainly related to their physical and symbolic functions that they perform in the human body and everyday life. Ukrainian and English can use different lexemes to denote the same concept.

All the examined SPUs are divided into the following phraseological semantic groups: mental and physical states; character traits and behaviour; external and psychological characteristics; mental abilities (perception, transmission, receipt, reproduction of information).

The semantic and grammatical analysis of all the selected phrases shows that the most numerous semantic and grammatical category is verbal SPUs – 68% (675), followed by substantive SPUs – 16% (158), adjectival SPUs – 12% (119) and adverbial SPUs – 4% (41).

This fact can be interpreted in such a way that Ukrainian and English prefer verbs as the main means of expressing action and process, what is happening in the text. This, in turn, indicates the dynamism and activity of the speech of native speakers of these languages.

The analysis of the systemic relations of the SPUs revealed many examples of variation (*to keep one's lips tight/tongue still; вітер у голові свистить/грає*), synonymy (*to be head over heels – to have butterflies in one's stomach; набрати води в рот – язика проковтнути*), antonymy (*to flap one's mouth – to have one's lips sealed; зарубати на носі – викинути з голови*) and polysemy (*about one's ears* – коли щось не вдається або той, що завдає клопоту; *колоти очі* – викликати роздратування або соромити когось).

Most of the studied SPUs, according to the semantic classification, belong to phraseological unities and phraseological combinations that are part of the lexicon with somonymous and splanchnonymous meanings.

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CURRENT ISSUES IN LANGUAGE ASSESSMENT AND LANGUAGE ASSESSMENT RESEARCH AND ITS IMPLICATION

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Abstract. Language is an abstract phenomenon, making its assessment inherently complex. This complexity is amplified by the increasing global demands for high proficiency in language abilities and the accountability pressures placed on language educators. This paper explores the multifaceted challenges in the field of language assessment in the 21st century, highlighting issues such as the need for effective classroom assessments, the training of language teachers, and the reliability and validity of teacher-based assessments. Additionally, it addresses emerging challenges due to globalization and the accountability of educational institutions in preparing students for multilingual workplaces.

Key words: assessment, research, current issues, globalization, challenges.

Introduction. Language, by its very nature, is an abstract phenomenon, and this abstraction contributes to the complexities associated with its assessment. As the field of language assessment evolves, it faces both longstanding challenges and new ones emerging from the educational, economic, and social contexts of the 21st century. The increasing demands for high language proficiency among students and professionals, coupled with the need for accountability in language education, necessitate a thorough examination of current assessment practices. This paper aims to highlight the ongoing and emerging challenges in language assessment, emphasizing the importance of developing effective assessment tools and training educators to meet these demands.

Language is a highly abstract phenomenon, and this inherent abstraction adds to its complexity, especially when it comes to assessment. The more abstract a concept is, the more challenging it becomes to measure. This is evident in the broad field of language assessment, where several persistent issues have been identified. While many challenges have been addressed through extensive research, new challenges continue to emerge as the field advances. These challenges span educational, economic, and social contexts, making the field vibrant and exciting for those dedicated to it.

Numerous studies have addressed various issues in language assessment, yet gaps remain.

Such as, the ability of language is of which nature? How can we be assured of the interpretations of those who are taking tests? To what degree we can assure the validity of assessment held for the specific purpose?

Some new challenge has also aroused I this vast field of language assessment form increased universal demand for those people who possess a very good levels in language ability. These demands come from two primary sources: students learning in a language that is not their first and the globalization of workplaces requiring bilingual or multilingual employees.

There is also one emerging demand in this field which is accountability of the language teachers in language teaching along with the increasing demand from the high-level users of language. Government, from local schools to school districts to state and nation, needs such educational institutions and such teachers which should make themselves accountable for the levels of language ability attained by learners of languages, about the resources which are given to them of the money, time, space and human as well. And that government should demand from universities, colleges and schools to produce such employees whose language ability is polished and sufficient for them to perform their duties in bilingual or multilingual workplaces. Such demands of accountability will bolster

the normal interest of teachers and schools and will provide the students with such instructions which will be in according and beneficial for boosting the learning of their students. In all such situations, the tools for collecting information that will inform us about decisions both accountability decisions and instructional decisions are language assessments.

The increasing number of the language learners in schools is creating great challenges in high stake accountability assessment as well as for classroom language assessment. The challenge in classroom language assessment is that how we will practically use or apply the knowledge that we have learned. For that firstly, we will have to develop such kind of assessments which will fulfill the purposes of instruction and learning. Secondly, we will have to train all the teachers who are teaching in language learning classrooms. While the challenge for accountability assessments is that how we will apply the knowledge which as a language tester we have? For this we will have to form such kind of assessment which will not only assess the achievements of students in the language of instructions but also in several other areas such as science and math but the language of assessment should be different from the native language of test taker. Additionally, language tests are increasingly used to determine political asylum eligibility for immigrants, adding another layer of complexity.

According to the review of related literature recent challenges in language assessment include:

1) The importance and function of assessment in language classrooms,
2) The training of language teachers, and
3) Issues in teacher-based assessments.

Classroom assessment. Estimating the number of students studying different languages globally reveals a figure nearing 1–2 billion (Graddol, 1997, 2006).Teachers spend significant time on assessments, with ESL teachers dedicating 25% and school teachers 40% of their time to this task. Classroom language assessment engages testers with assessing young learners and understanding the role of assessment in language classrooms.

Those who tests language are highly becoming engaged with the two aspects of classroom language assessment one is the assessment of language learners who are young and another is to find the function and importance of assessment in classrooms of language. Two special issue in the assessment of young language learner can be found in two different journals *Language Testing*, edited by Rea-Dickins, and in a special issue of the journal *Language Assessment Quarterly* edited by Brindley (2007).

We can discuss the function and role of assessment in classroom through two perspectives one is formative and other is summative assessment. Formative assessment is assessment within the process of learning and summative assessment held at the end of learning process. Large number of researchers in the field of language testing the tension between measures in summative assessment at one side and teacher-based classroom assessment on another hand. They have also presented their arguments on the high emphasis on the teacher-based classroom assessment (e.g., Brindley, 1998; Leung, 2004; Leung & Mohan, 2004; Leung & Rea-Dickins, 2007).

Vygotsky's concept of "dynamic assessment" is also relevant, suggesting that formative assessments can be enhanced through dynamic principles (Lantolf & Poehner, 2004, 2011). Lantolf and Poehner (2004) also gave their suggestion that formative assessment can be modified and reconceptualized within the dynamic assessment's principles.

Training of language classroom teachers in language assessment. Research on teachers' beliefs about assessment and their practices is extensive, but studies on teacher training in language assessment are limited. Building teacher capacity in language assessment is crucial. Brown and Bailey (2008) highlight the need for more research on teacher training programs in language assessment.

Existing literature addresses two areas: determining teachers' knowledge about language assessment and evaluating training programs for teachers. Given the high demand for proficient teachers and the need for effective training programs, more research is necessary to address these challenges.

Along with the high demand of teachers who are proficient in assessment and also the huge need to train teachers in the field of language assessment it also needs something extra in area of educational measurement not just to find about the knowledge of teachers about assessment but also to launch such programs which will train teachers about language assessment. Almost all the articles in the field conclude that very less is known so far and there is need of more research in it and addressing these issues will really be a great challenge for researchers.

Issues in Teacher-Based Assessment. Teacher-based assessments face several issues. Rea-Dickins (2007) points out that evaluation criteria are central to debates about teacher-based assessment. Researchers like Leung (2004a, 2004b) and Teasdale and Leung (2000) argue for reinterpreting validity and reliability in classroom assessments, while others like Clapham (2000) emphasize traditional test criteria.

Reliability and validity are problematic in alternative assessment methodologies. Tasks given to students are often not cross-checked, marking criteria may not be useful, and raters are rarely trained to give consistent marks. These issues highlight the complexity of measuring teachers' knowledge and the need for comprehensive training.

Conclusions. The field of language assessment is marked by its abstract nature and the complexities associated with measuring language abilities. As global demands for language proficiency increase and accountability pressures on educational institutions grow, the challenges in language assessment become more pronounced. Addressing these challenges requires developing effective assessment tools, training educators, and ensuring the reliability and validity of teacher-based assessments. Continued research and innovation in this field are essential to meet the evolving needs of language learners and educators in the 21st century.

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IMPROVEMENT OF THE EVACUATION PROCEDURE FOR CHILDREN UNDER MARTIAL LAW IN THE COURSE OF STATE POLICY IMPLEMENTATION IN THE FIELD OF MAINTENANCE AND RAISING OF ORPHANS AND CHILDREN DEPRIVED OF PARENTAL CARE

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Abstract. The article examines the ways of improving the procedure for organising the evacuation of children under martial law in the course of implementation of the State policy in the field of maintenance and raising of orphans and children deprived of parental care. The changes in the regulatory framework and organisational provision for the transfer of children of the mentioned category within Ukraine and also abroad introduced by the regulatory acts of the Cabinet of Ministers of Ukraine since the beginning of the military invasion of Ukraine by the Russian Federation have been analysed. The article highlights the problems which experts and scientists emphasise the need to solve, in particular, the safe evacuation of orphans and children deprived of parental care from the areas where hostilities are taking place, and also focuses on possible ways to improve the relevant organisational procedures with a view to ensuring effective protection of children and observance of their rights guaranteed by the Law of Ukraine.

Key words: state policy, children's rights, defence, evacuation, orphans, children deprived of parental care.

Introduction. With the beginning of the full-scale military invasion of Ukraine by the Russian Federation, it turned out that many institutions and persons responsible for the destiny of orphans and children deprived of parental care were not prepared for the organised and safe evacuation of children from the hostilities. The reason for this was, primarily, the absence of a unified and focused, pre-formulated state policy on this important issue. Priority actions have been and continue to be taken in the course of child rescue activities. It is therefore of particular importance to analyse and systematise the problems that arise in the course of these activities and to identify effective ways to overcome them.

Analyse recent research and publications. Various aspects of the implementation of the State policy in the field of maintenance and raising of orphans and children deprived of parental care are researched in the works of domestic experts, including: Kyrychenko T., Tverdokhlib E., Zaborovskyi V., Hrabovska H. However, no comprehensive study of this issue, taking into account the conditions of martial law, has been conducted.

Basic theoretical and practical provision. Orphanhood as a social phenomenon exists in every society: there have always been, are and will be children who are deprived of their parents for various reasons, and their growth is carried out either in another family or in institutions specially created for this purpose. However, today the problem of social orphanhood is particularly urgent. As 98% of orphans are social orphans, and only 2% are biological orphans. The reasons that cause children to be left without parental care and upbringing are different, but the result is the only one – the child is deprived of the constitutional right to family upbringing, so in many ways the future fate of orphans depends on the attitude of both society and the State to this problem (Cherneta, 2012: 245).

The events of 24 February 2022 are still the most tragic page in the modern history of our young country. Terrible circumstances of irresistible force have caused a rapid increase the number of children deprived of parental and/or legal care.

Ukraine faces the third wave of mass orphanhood and homelessness, which began to emerge in the 1990s (Komar, 2022: 187).

Many children have not received orphan status or even don't have any information about their parents and location where they can be, or have lost contact with their parents and/or legal guardians. All of them need immediate solution to the issue of shelter and further placement in safe environment.

In such a difficult time for our country, it is extremely important to ensure the safety of children as one of the highest values of society and the State.

In this context, child safety is the main factor determining the security of the nation, and thus the national security of the country. The priority of ensuring the safety of the child is conditioned by the real processes currently taking place in Ukrainian society, which indicate the necessity of protecting the child from various threats (Maksymova, 2022: 90).

According to Hrabovska H., and Lysiuk A., the rights protection of orphans and children deprived of parental care during wartime is an important and urgent issue in Ukraine. Children deprived of parental care become highly vulnerable in the context of military conflicts. Ensuring their proper protection and well-being is an important task for all citizens and government agencies (Hrabovska, Lysiuk, 2023).

Despite the extremely difficult conditions of martial law imposed throughout Ukraine, the Government is making every effort to ensure the respect and realisation of the constitutional rights of the child, to ensure their protection, and to fulfil its obligations under the Constitution of Ukraine regarding security guarantees and the priority of family upbringing. In this context, it was important to establish the Coordination Headquarters for the Protection of Children's Rights under Martial Law in accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 302 of 17.03.2022 (Cabinet of Ministers of Ukraine, No. 302 of 01.03.2022).

It should be noted that due to the introduction of martial law in Ukraine from 24.02.2022, the Procedure for the implementation by guardianship and custody authorities of activities related to the protection of children's rights, approved by the Cabinet of Ministers of Ukraine No. 866 of 24.09.2008 (Cabinet of Ministers of Ukraine, No. 866 of 24.09.2008), has undergone certain changes regarding the specifics of the placement of children left without parental care, including children separated from their families, orphans, and children deprived of parental care. Thus, by Resolution of the Cabinet of Ministers of Ukraine dated March 22, 2022, No. 349, a number of resolutions of the Cabinet of Ministers of Ukraine were changed to simplify the procedure for adopting children in family-based care.

The procedure for placing a child in a patronage family during martial law was also simplified in accordance with the Resolution of the Cabinet of Ministers dated May 05, 2022, No. 581 "On Amendments to the Procedure for the Formation and Functioning of a Foster Care Family, Adoption, and Stay of a Child in a Foster Care Family" (Cabinet of Ministers of Ukraine, No. 581 of 10.05.2022).

Thus, the state regulated a simpler and faster procedure for the placement of children left without parental care in various forms of family-based care under martial law.

The experts of the Partnership "For Every Child" prepared an analytical report in February-June 2022 to fulfil the tasks of the project "Monitoring the needs and support of children in war" with the support of the UN Children's Fund UNICEF (Report 1 Children and War in Ukraine). The subject of the monitoring was the state of safety and the level of satisfaction of the basic needs of children of the target group during the war. The monitoring found that as of 01.07.2022, 1320 family-type children's homes and 3035 foster families continued to work, the number of which decreased by 14 over six months. These families are home to 15072 children. The increasing number of children in these families is mainly due to the rising number of children deprived of parental care during the war and their

temporary placement in existing family-type children's homes and foster families. Since April 2022, project experts and regional coordinators working in 25 regions of Ukraine, in cooperation with the children's services of regional military administrations, have mainly formed a database of families of guardians/caregivers, their location during the war, and started work on identifying the basic needs of children in care. The location of 33043 families of guardians/carers with 45314 children was identified during the war on 01.07.2022.

In this regard, the simplified procedure for the temporary placement of children in existing family-based forms of placement of children deprived of parental care, foster families, family-type children's homes, as well as actual fostering, when concerned citizens are ready to accept and provide shelter to a child in difficult circumstances, have become, of course, extremely necessary actions to ensure the maintenance of children in family-based care even during the war.

It should be noted that the adoption procedure, which is different in legal nature and has other legal consequences for the child and his/her adoptive parents, has not been simplified to ensure unconditional respect the rights of children and their safety. Adoption procedures were temporarily interrupted during the period of temporary inability of electronic state registers to function and the corresponding special conditions in the work of judicial institutions, but now, according to the Unified Register of Court Decisions, work in this area has been resumed.

However, the longer the war continues, the more new challenges and problems arise, in particular, those related to the evacuation of children from the hostilities zone.

Back in 2013, the Civil Defence Code of Ukraine (with further amendments) was adopted (The Parliament of Ukraine, 2012), which regulates relations related to the defence of the people, territories, environment and property from emergencies, fires and other hazardous events, response to them, functioning of the unified state civil defence system, and defines the powers of the Cabinet of Ministers of Ukraine, ministries, other central executive authorities, state authorities that are not part of the system of central executive authorities, the Council of Ministers of Ukraine, and the Council of Ministers of Ukraine.

This Code contains a system of general norms that require timely and effective specification to ensure that all civil defence subjects specified in Article 6 of the Code (central executive authorities, other state authorities, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations, local self-government bodies, business entities, and public organisations) promptly take coordinated actions to realize the relevant national policy direction on providing effective assistance to the population in case of emergencies and disasters.

Article 33 of the Civil Defence Code of Ukraine provides for the implementation of evacuation actions at the state, regional, local or facility level, including, in particular, evacuation planning, identification of safe areas suitable for the accommodation of evacuated population and property, organisation of notification of business entities' managers and the population about the start of evacuation, training of the population in evacuation actions, etc.

In other words, the relevant subjects at all levels had to take systematic and well-coordinated organisational actions in this way.

However, in the first weeks and months after the start of Russia's full-scale military invasion of Ukraine, this process was spontaneous to some extent, and over the time the state began to take systematic measures to organise it.

According to experts (The Government Introduced Mandatory Evacuation of Children Along with Their Parents Who Are in Combat Zones (Analysis), the legal mechanisms of influence on parents who did not want to evacuate their children as of the beginning of hostilities cannot be called effective: removal of the child from the parents without deprivation of parental rights (Article 170 of the Family Code of Ukraine); bringing to administrative (Article 184 of the Code of Administrative Offences) or criminal liability (Article 166 of the Criminal Code of Ukraine) for failure to fulfil their obligations.

This is due to the fact that the relevant procedures often require significant time and the participation of certain persons and authorities (prosecutor, guardianship and custody authority, court), which is difficult to ensure in the war zone when the situation requires a prompt response.

For this reason, Resolution of the Cabinet of Ministers of Ukraine No. 209 of 07.03.2023 (Cabinet of Ministers of Ukraine, No. 209 of 07.03.2023) provides for the forced evacuation of children together with their parents or other legal representatives in areas where hostilities are taking place.

The Cabinet of Ministers of Ukraine, in its resolution dated August 23, 2022, No. 940 improved the evacuation mechanism, in particular, it provided that in the event of mandatory evacuation in case of a threat or occurrence of an emergency, during a state of emergency or martial law in Ukraine or in certain areas of Ukraine, the National Social Service, based on information from local state administrations, local self-government bodies on the available adoptive families, family-type orphanages, foster care families, institutions, in which there is possible a non-stop presence of children, determines adoptive families, family-type children's homes, families of foster carers, institutions to which orphans, children deprived of parental care, children left without parental care will be evacuated, taking into account their age and health (Cabinet of Ministers of Ukraine, No. 940 of 23.08.2022).

The Cabinet of Ministers of Ukraine, in its resolution dated June 01, 2023, No. 546 approved the Procedure for the temporary relocation (evacuation) of children and persons residing or enrolled in institutions of various types, forms of property and subordination for a round-the-clock stay, and their return to the place of permanent residence (stay), and in case of travelling outside Ukraine – to Ukraine (Cabinet of Ministers of Ukraine, No. 546 of 01.06.2023), which, in particular, stipulates that during martial law, the temporary relocation (evacuation) of children and persons who stay in institutions around the clock is mandatory, located at a distance of less than 2 kilometres from business entities that are important for the national economy and defence of the state, assigned to the relevant categories of civil protection (of particular importance, first or second), and/or less than 100 kilometres from the administrative border between the temporarily occupied territory and another territory of Ukraine where there are no hostilities, the line of combat, or less than 50 kilometres from the state border of Ukraine with the Russian Federation, the Republic of Belarus.

In other words, the government has defined the territorial limits of temporary relocation (evacuation), although it hasn't defined the notion of "safe areas".

Despite the complexity of this issue (given that the whole of Ukraine is currently suffering from enemy missile and drone strikes), we believe that this concept should be given a legislative definition in order to create a clear algorithm of actions for the relocation of children.

In addition, an effective mechanism of organisational cooperation should be established in each case – between the territorial community from which children are evacuated and the one to which they arrive.

With regard to the removal of children abroad, on the one hand, this measure certainly protects them from the risks to their lives associated with hostilities and long-range shelling.

At the same time, all parties involved don't always agree to the transfer of children outside Ukraine.

For example, in case No. 461/2098/22, a mother who was unable to fulfil her parental responsibilities due to a long-term illness (which resulted in her minor child being granted the status of a child deprived of parental care and placed in the Child Support Centre at the Prosvita School of the Lviv City Council, but the mother was not deprived of her parental rights) applied to the court. The plaintiff stated that after the introduction of martial law in Ukraine, her minor child was taken to Switzerland without her permission and without a court decision, and requested a decision to return the child from abroad, referring to the fact that Lviv is a centre for receiving refugees from all over Ukraine, is the most favourable political, economic and cultural centre where there are no hostilities. However, the decision of the Halytskyi District Court of Lviv of 25 January 2023, upheld by the decision of the Lviv Court of Appeal of 02 May 2023 and the decision of the Supreme Court of 27 September 2023

(Supreme Court of Ukraine) dismissed the claim on the grounds that the border crossing was legal and that the return of the child during the hostilities would not be in his or her best interests, as it posed a threat to his or her life. The court decisions also noted the mother's guilty behaviour in evading the upbringing of the child and in deliberately neglecting her parental responsibilities.

Of course, in each case, the guardianship should make the most appropriate decision based on the wishes of the child, but there should be effective mechanisms to ensure the protection of the rights of children abroad.

As rightly noted, control over travel abroad and subsequent return to Ukraine in the current circumstances requires constant close attention from ministries and agencies, public and international organisations. Such challenges require a comprehensive solution with the involvement of both state authorities and representatives of civil society (Kyrychenko and Tverdokhlib, 2022: 57).

Thus, in Ukraine, the guardians are chosen by the guardianship and trusteeship authorities, while in the European Union, this is done exclusively by the court – this problem has been repeatedly drawn to the attention of the Ukrainian Parliament Commissioner for Human Rights, emphasising the need for legislative regulation of this issue.

It is therefore necessary to harmonise the relevant rules of domestic legislation with European law, conclude international agreements on this issue, etc.

In addition, it is necessary to take into account the numerous cases (currently, according to the Office of the Ukrainian Parliamentary Commissioner for Human Rights, about 240) when children in Western countries were taken away from their parents or guardians by local special services for reasons that would not raise any questions in Ukraine (talking to a child in a high voice or vice versa, lethargy and drowsiness, which gave rise to suspicion of drug use, etc.). In order to prevent such situations, it is necessary to carefully study the legislation on this issue in each of the countries to which children are evacuated from Ukraine and provide qualified legal assistance to the persons who care for them.

Hrabovska H., and Lysiuk A. (Hrabovska & Lysiuk) underline that it is necessary to establish a system of coordination between state bodies, public organisations and international organisations, to create programmes and projects focused on protecting the rights of orphans and children deprived of parental care in the case of hostilities, including information and psychological support. It is also necessary to involve public and international organisations that can provide financial and technical support (Hrabovska, and Lysiuk, 2023: 4).

And, of course, from the first days of our children's stay abroad, there was an urgent necessity to determine the reasons and organisational possibilities for their return to Ukraine.

The Cabinet of Ministers of Ukraine, in its resolution dated July 7, 2022, No. 794, addressed certain issues regarding the return of children who have been temporarily displaced (evacuated) outside Ukraine for the purpose of obtaining temporary protection during the state of war in Ukraine. In particular, it was established that in cases where administrative or judicial bodies of the host country make decisions, or if there are other circumstances that prevent the legal representatives, duly authorized by the competent authorities of Ukraine, from fulfilling their functions to protect the rights of children, the diplomatic missions of Ukraine abroad, based on a decision by the executive body of the city, town, or village council, district, or the Kyiv City State Administration, or the regional military administration/National Social Service of Ukraine, will take measures to protect the rights and represent the interests of these children until they can be returned to their legal representatives, who are appointed in accordance with Ukrainian legislation, or transferred to an authorized person for their return to Ukraine; based on a decision by the executive body of the city, town, or village council, the district or the Kyiv City State Administration, or the regional military administration/National Social Service of Ukraine regarding the return of displaced (evacuated) children who are citizens of Ukraine and the appointment of an authorized person to ensure their return to Ukraine and act as their

legal representative during the return process, including if necessary to obtain documents that verify the identity and confirm the citizenship of the child from the diplomatic mission of Ukraine abroad, preparations for the documentation and organization of the children's return to Ukraine are carried out.

By the order of the Ministry of Social Policy of Ukraine, the Ministry for Reintegration of Temporarily Occupied Territories of Ukraine, and the Ministry of Internal Affairs of Ukraine dated August 9, 2023, No. 274-H/215/651 "On Certain Issues of Returning Temporarily Displaced (Evacuated) Children and Individuals to Their Place of Permanent Residence, and in the case of leaving Ukraine, back to Ukraine," a Plan for the return of children and individuals temporarily displaced (evacuated) from institutions has been approved, along with a Report on the condition and safety of the institution's buildings, and the availability of conditions for the stay of children and individuals residing in or enrolled in institutions of various types, ownership forms, and subordination for round-the-clock residence.

However, despite the measures taken by the state, there remains a whole range of legal and organizational issues that also require resolution.

A separate large-scale problem, which is also drawing the attention of public figures and scholars, including Zaborovskyi V.V. and Zaborovska S.V. (Zaborovskyi & Zaborovska, 2023), is the issue of the forced deportation of Ukrainian children, a significant portion of whom are orphans, to the territory of the Russian Federation and their subsequent adoption by its citizens. The deportation of Ukrainian children is yet another cynical military crime committed by the Russian Federation against humanity, violating all possible international acts related to the protection of children's rights (in particular, Article 11 of the Convention on the Rights of the Child imposes an obligation to take measures to combat the illegal transfer and non-return of children from abroad).

Conclusions. After analyzing various aspects of the implementation of state policy regarding the care and upbringing of orphans and children deprived of parental care under martial law, we can conclude that further steps are necessary in this direction, particularly concerning the improvement of the procedures for organizing the evacuation of children both within Ukraine and abroad, combating their illegal transfer, and ensuring their return. Among the priority tasks is the establishment of a clear and balanced interaction at all levels of entities involved in the implementation of state policy (in accordance with Article 33 of the Civil Protection Code of Ukraine) and those involved in the state policy for the protection of children deprived of parental care, with the aim of ensuring reliable protection of the rights of every child.

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THE FORMATION OF PUBLIC OPINION ON THE NEED TO INCREASE CITIZEN PARTICIPATION WITH WEB 2.0 TOOLS

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Abstract. Citizen participation is an essential component of modern democratic public administration. However, it is not provided automatically but requires efforts from both public authorities and citizens themselves. The formation of public opinion on the need for citizen participation contributes to the unification of these efforts on both sides. In the context of the development of the information society, public opinion can and should be formed with Web 2.0 tools and technologies, primarily social media, which have a significant impact on the formation of public opinion in modern societies. The purpose of this article is to explore the possibility of forming public opinion on the need to increase citizen participation using social advertising on social media as a Web 2.0 tool. To achieve this, three research tasks were solved: to determine the essential features of public opinion; to consider the features of analysis and formation of public opinion; to consider the use of social advertising as a Web 2.0 tool for forming public opinion. A separate section of the article is devoted to each of the tasks. Based on the results of the study, several conclusions are drawn. The authors propose a mechanism for shaping public opinion on the need to increase the level of citizen participation, which includes the following components: identification of social groups for further interaction; monitoring of the social mood of these groups; tracking and analysis of social information targeted at these groups; studying public opinion rooted in certain social groups through establishing communication with them; analysis of public opinion in terms of its contribution to increasing the level of citizen participation; application of Web 2.0 tools to identify and analyse public opinion.

Key words: citizen participation, public opinion, governance, public authorities, social media, social advertising, digital technologies.

Introduction. Citizen participation is an integral and important component of modern public administration in democratic states. However, the desire to increase the level of participation alone is not enough – it is necessary to form the appropriate public opinion that would, on the one hand, encourage citizens to participate in public governance, and, on the other hand, put pressure on public authorities to provide broad opportunities for such participation. That is why we have devoted this article to the formation of the public opinion in question.

The democratic path of development of Ukrainian society has naturally led to an increase in the number and diversity of entities interested in establishing effective interaction with members of the public and various social groups. This has also become true for public authorities, although this aspect of their activities is probably more difficult for them than for other types of organisations.

There are two main reasons for this. Firstly, as some authors note (Ates, 2005), the public administration system in the 21st century has objectively become so complicated that ordinary citizens are unable to understand it, and sometimes have no idea where and to whom they should address their problem, which causes public apathy and general frustration of citizens, a sense of helplessness before the state and public servants representing it at all levels. Many citizens do not understand what is being done and why, or to what extent the actions and decisions of public authorities contribute to the realisation of their interests, which leads to distrust and, consequently, a negative attitude towards these organisations. Of course, the public authorities themselves are largely to blame for this, as they forget the principle that not only should the authorities work effectively, but all citizens should be convinced that they work effectively (Clarke, 2014).

The second reason is related to the negative image of public authority employees that is ingrained in the public perception. Unfortunately, in Ukraine the words «bureaucracy» and «officialdom» have always carried a certain negative connotation, and the general perception of the work of public authorities by the majority of the population is characterised by such concepts as «corruption», «personal interests», and «bias». It should be acknowledged that there were good reasons for this, as historically the bureaucracy in Ukraine has in many ways surpassed M. Weber's ideal bureaucracy, bringing many bureaucratic principles to the point of absurdity. For our citizens, who for many years have not had the opportunity to participate in the governance of the state, the bureaucracy has always been an alien force «detached from the people», engaged exclusively in solving its own problems. Therefore, the current public authorities in Ukraine face not only today's problems but also the legacy of a negative image, that has been around since time immemorial and strengthened during the socialist era, which should undoubtedly be taken into account when building a system of public relations to engage citizens in public administration. To solve this problem, it is advisable to use new channels of interaction between public authorities and citizens, in particular, social networks based on Web 2.0 technologies.

Purpose of the study. The purpose of this article is to consider the possibility of forming public opinion on the need to increase citizen participation using social advertising on social networks as a Web 2.0 tool. To achive this goal we should solve three research tasks: 1) to determine the essential features of public opinion; 2) to consider the features of analysis and formation of public opinion; and 3) to consider the use of social advertising as a Web 2.0 tool for forming public opinion.

Results and discussion. The formation of public opinion is an indicator of the importance and significance of an issue for the group, the group's inclusion in a certain system of relations, the breadth (or narrowness) of its public interests, and the level of development (underdevelopment) of the group itself. That is why it is impossible to increase the level of public participation without a shaped public opinion on the need for citizens to take an active part in public administration.

Public opinion has a value-regulatory, practical, and effective character, which is directly reflected in the behaviour and activities of individual social groups and society as a whole. In relation to the group, it performs several vital functions: informing and advising its members on a particular issue (problem), controlling their actions and behaviour, determining the position and acceptable (desirable) ways of solving the problem, forms of participation in a particular type of activity (Salmanov, 2013).

Public opinion contributes to the formation of the group’s cohesion and, in certain conditions (which is important!), to the stability of society as a whole. In a modified form, these functions of public opinion are also realised in relation to the external environment of the group (e.g., other social groups, state institutions, etc.). Accordingly, by analysing the state of public opinion, public authorities can obtain information on the attitude of different groups of the population toward them,

the acceptability of decisions and actions of these organisations for citizens, receive proposals for their improvement and identify the most constructive forms of cooperation with citizens. At the same time, by shaping public opinion in a certain direction with public relations (PR) mechanisms, public authorities can establish effective interaction with relevant social groups. However, three important aspects related to the phenomenon of public opinion should be taken into account: its formation, its relationship with social mood, and social information (Kandahura, 2010). Let us dwell on them in more detail.

While recognising the great importance of identifying public opinion for public authorities, it should be noted that it is often difficult to do so, since public opinion is not an arithmetic sum of statements recorded in one way or another. Public opinion is a fairly mature organic product of public life, a collective opinion that emerges in the process and as a result of a very complex social communication – public discussion (Afonin, 2006). If the society does not have a set of conditions necessary for its emergence, namely: the public that perceives itself as a subject of social behaviour; flows of free and accessible information on the subject of discussion; developed interest of the public in this information; their ability to articulate their position; a wide network of trouble-free channels of interpersonal and intergroup communication, then this product will be absent. In this sense, public opinion does not exist everywhere, i.e. not in all social environments, and not always, i.e. not on every occasion that deserves attention and is of interest to researchers (Ossovskyi, 1999).

There are several main factors that complicate the process of forming public opinion of Ukrainian citizens, its analysis, and correct interpretation of its results, especially now in the context of the Russian-Ukrainian war. These reasons include the following:

– the majority of the population's lack of understanding of what is happening in the country, the loss of basic guidelines in life and, as a result, extreme emotional excitement, instability of reactions and assessments, a tendency to wobble from one side to the other, dependence of statements on many random, including latent, factors hidden from the researcher;

– significant differentiation of lifestyles, including cultural and regional factors, and, as a result, a sharp pluralism of positions that arises at the non-standard intersections of many socio-demographic backgrounds and is difficult to classify;

– excessive fatigue from an extensive number of daily worries and, as a result, loss of trust not only in the existing government but also in the institutions of power as such, widespread socio-political absenteeism, extreme forms of exclusion from various political processes, including the processes of forming and expressing public opinion;

– a pronounced internal contradiction of views associated with orientations toward a significant number of new values with a strong commitment to most of the old ones, and, as a result, an unprecedented mosaic of consciousness;

– the obvious increase in the mass consciousness of many pre- and non-rational, including outright irrational, forms of its existence and expression, which do not coincide with the public opinion itself and therefore not only should not be identified as such but also require special ways of analysis.

Along with the social preconditions that complicate (or facilitate) the process of forming public opinion, there are also natural ones, stipulated by the complexity of this phenomenon itself and the presence of stages of its formation: from the emergence of the first opinions in a group to clarifying the essence of the issue (problem). In this regard, researchers have to study both mature, crystallised public opinion and its newly-emerging forms, while the status of public opinion directly depends on the level of its maturity (Ossovskyi, 1999). It should be noted, however, that the effective and practical nature of public opinion does not usually manifest itself, but requires certain organisational forms – institutions and organisations that, relying on the support of the public opinion, are able to conduct a long and regular dialogue with the authorities. Outside of these forms, the power of public opinion can be manifested mainly in individual spontaneous protests.

The second aspect noted by many researchers of the phenomenon of public opinion is its relationship with social attitudes, which are a real form of behaviour of social groups, acting as a form of validity of expression of social consciousness in the process of its transformation into a social force (Ossovskyi, 1999). It can be said that public opinion is a crystallisation of social mood in a certain period of time. At the same time, social mood has several essential features.

First, it has an integrating character, combining the influence of both objective and subjective factors, thus forming a certain fusion of emotions, feelings, mindsets, value orientations, and attitudes, which, at the same time, is not their sum total – it is a fundamentally new quality of public consciousness, which can be used to judge it with a high degree of reliability and certainty.

Secondly, social mood more definitely and more clearly and specifically reflects previous social experience, «digests» it, comparing the past with the present and drawing conclusions for the future. Moreover, in this case, experience acts not as a «well of wisdom» that is created and stored just in case, but as a tool that directly affects the nature of social mood.

Thirdly, social mood is the immediate, actualised real consciousness that governs people's behaviour at a given moment in time. At the same time, even though the mood may be undulating and various problems may come to the fore at any given moment, it generally has a longer lifespan than public opinion, which is often fleeting.

Fourthly, social mood is that element of actual public consciousness that embodies practical readiness for action and is an immediate precursor and even a component of behaviour. While not all elements of social consciousness (awareness, knowledge, opinions, etc.) are characterized by an active beginning, social mood is the component of people's behaviour that can directly define their real intentions, their attitude to the world around them, and the processes taking place in it.

And finally, fifthly, social mood is also a background that «colours» people's lives, shows with a high degree of probability the direction of their behaviour, and helps to predict the possibility of strengthening positive and weakening negative aspects of public consciousness.

The third aspect is related to the fact that information, especially social information, plays an important role in the mechanism of forming both social mood and public opinion (although any information always has a certain social colouring, as it reflects the processes of material and spiritual life). Social information can be viewed as a set of knowledge, information, data, and messages that are generated and reproduced in society and used by individuals, groups, organisations and various social institutions to regulate social interaction (Afonin, 2006). Moreover, the main «producer» of this information is the state, so public authorities, by creating appropriate communication channels and filling them with relevant content, can significantly influence the formation of both social mood and public opinion, including for the purpose of effective interaction with certain social groups and citizens. The following points should be taken into account.

Firstly, modern mass communication relations involve interaction between two subjects – a communicator and communicants, in which each participant in this process, carrying out its specific activity, also longs for the activity of its partner. Only in this case will it be possible to establish effective interaction with communicators, which should be understood as the communicator achieving their goal at the lowest possible cost. However, to establish a dialogue relationship or achieve the goal of their activity, communicators need to take into account the needs, interests, motives, attitudes, and corresponding characteristics of communicators. In other words, in order to form a new public opinion, it is necessary to know the old one.

And, secondly, mass communication activities related to the consumption, use, and production of mass information, with its total prevalence and accessibility, become a necessary condition and means of practically any social activity, but this happens only when the content and form of mass information changes in accordance with the information interests and needs of people. Satisfaction of the information needs of communicators should be considered as a goal-means of the communicator to achieve other, in this case managerial, goals.

The nature and content of information needs are deeply connected with all the diversity of human activity. They should be viewed as the need for messages of a certain content and form that people need to orientate themselves in the environment, clarify their worldview, choose a mode of behaviour and resolve problems, to achieve internal balance and coherence with the social environment (Norris, 2001). Without satisfaction of these needs, purposeful rational human activity is impossible, so the degree of development of information needs and their satisfaction are closely related to human social activity, acting, as well as other needs, as its causative agent.

At the same time, the communicator must also satisfy the information needs of communicants because if they are not satisfied with messages transmitted through certain channels, the communicators either seek the necessary information in other channels, which the communicator may not be in control of, or suppress the need for this kind of information and, consequently, their activity in this area, which leads to the impossibility of establishing a dialogue. Moreover, when satisfying information needs, it is advisable to satisfy the thematic interests of communicators, which are a subjective reflection and expression of information needs and depend on the content of the information offered and on situational socio-psychological factors (such as popularity, topicality, prestige of certain topics, etc.), since not all information needs are realised by communicators and expressed in their communication behaviour.

As noted above, the formation of a new public opinion should be preceded by an analysis of its existing state, which should begin with the identification of interested groups and then priority ones, i.e. groups that, due to their size (voters, consumers) and influence (opinion leaders), can have the greatest impact on the organisation's activities. At the same time, there is always a temptation to identify priority groups by the simplest and most tangible socio-demographic characteristics: gender, age, place of residence, occupation, etc. Sometimes this simple approach is enough to identify priority groups, but more often it is necessary to identify additional characteristics related to the values, lifestyle, and worldview of the groups.

Many PR specialists distinguish eight categories of consumers (Afonin, 2006):

– «fulfilled» consumers are successful people with high self-esteem, ready for change, whose lives are rich and varied;

– «doers» and «believers» who are focused on their principles. The difference between them is that the «doers» are practical and choose quality products with a longer service life, while the «believers», having a more modest approach and level of education, prefer old, traditional brands;

– «achievers» and «aspirants» who in their choice are guided by their status. The «achievers» tend to make purchases that can be used by people in their circle to judge their success. «Aspiring» consumers have limited funds but want to look stylish and can sometimes behave impulsively;

– «experienced» and «makers» are action-oriented and want to demonstrate their influence. The «experienced» are usually young, disregard comfort and authority, and tend to spend money on entertainment and clothing. By contrast, the «makers» are more traditional and conservative, and are rarely impressed by things that have no practical use;

– «accepters» are so poor and have such a low level of education that they usually focus on basic needs.

Even though this classification was originally defined for consumers of goods and services in the private sector, it can, with certain conditions, be applied to citizens in their interaction with public authorities, in the sense that it helps to identify different styles of behaviour of citizens towards these organisations based on their consumer patterns. For example, the «fulfilled» and the «experienced» are more likely than others to welcome various innovations and are willing to incur additional costs to save their time (if the service provided allows for such a possibility). The «achievers» and «aspirants» will demand increased attention and seek to bypass the «regular order» of service provision. The «doers» and «makers» are focused on «everything being done properly» and «the usual way». The most demanding consumers will be from among the «believers».

It is obvious that identifying groups based on behavioural and consciousness characteristics that may only partially overlap with socio-demographic parameters (or may not overlap at all) requires serious analytical work. In addition, it is necessary to take into account the fact that any typology of priority groups is not suitable for all cases, so the analysis of priority groups should be «tied» to the problem and analysis of the general situation at a certain point in time.

It is but natural that the group(s) in question can only be identified from among those that actually exist. From the point of view of public relations activities, a social group can be considered as existing only if it is ready for active communication on the issue, which in turn implies that:

– the group recognises the existence of such an important problem that its members need additional information to shape an attitude to it;

– an acknowledgement of external constraints on the possibilities of solving the problem and, at the same time, the group's ability to influence its solution to some extent, for which the group members need additional information to develop an action plan;

– the existence of the condition of involvement, i.e. involvement in the problem, interest in a particular solution. The more involved the group members are in the problem, the more likely they are to discuss it and seek additional information on the problem (Isin, 2007).

Therefore, any study of public opinion with the aim of analysing it, correcting it or forming a new opinion should begin with identifying whether the three components that characterise a social group as being communicatively active are present. If the group is not ready for active communication exchange on the issue of interest, and does not feel the need for it, obviously, any message addressed to it is doomed to failure, no matter what communication channels are used and how efficient they are.

Based on the above, we propose a mechanism for shaping public opinion on the need to increase the level of citizen participation, which includes the following components: identification of social groups for further interaction; monitoring social mood of these groups; tracking and analysing social information that reaches these groups; if possible, shaping a certain part of it; studying public opinion that is predominant among certain social groups by establishing communication with them; analysing public opinion from the point of view of its contribution to increasing the level of citizen participation; applying Web 2.0 tools to certain social groups to correct existing or form new public opinion.

In the last decade, many researchers have proposed the use of Web 2.0, especially social networks, to shape public opinion and increase the level of citizen participation (Kavanaugh, 2012; Bonson, 2012; Molinari, 2009). However, such a tool as social advertising is overlooked. Social advertising has proven itself quite well in the «offline» world to form the necessary public opinion, so, in our opinion, it should be actively used in social networks, considering social advertising in this case as a Web 2.0 tool.

One of the key functions of governance, including state governance or public administration, is motivation, and social advertising is primarily related to motivation. Moreover, the implementation of the motivation function in public administration is twofold: first, as a tool for the internal organisation of the administration process, and second, as a tool for managing the external environment. As an internal influence tool, it is exercised in staff management of certain labour groups. From the point of view of implementing external influences, motivation is a process aimed at inducing the object of management to take certain actions necessary to achieve the goals of the subject of management.

In this sense, motivation is close to incentives, which act as an external influence in relation to a certain citizen or social group, the purpose of which is to provide the object of management with certain benefits in exchange for acceptable forms and patterns of behaviour (Manzhola, 2007). In any case, motives serve as the basis for the implementation of certain actions and acquire the character of a personal necessity for the individual. The process of motivation from the point of view of the object of management implies the satisfaction of certain needs of the individual (which have their own structure). Thus, in the process of implementing the motivation function, the subject of management

should reach certain established structures of consciousness of certain social groups and encourage them to perform certain social acts in such a way that their implementation would be an internally conscious and personally acceptable action for the object of motivation. Based on this, it can be noted that there may be a certain lag between the influence of the subject of management and the actions of the object of management, since a conscious change in social practices mostly takes time. In this sense, social advertising is the most appropriate form of implementing the function of external motivation for public authorities.

The famous American researcher E. Aronson noted that social advertising is not advertising of a specific product, but a certain «attitude to the world», which may be manifested mainly in the long term (Aronson, 2001). It can be noted that social advertising is «atypical», as it is known that advertising is created to encourage a person to take some action, for example, to buy a product. The purpose of social advertising is to change the public's attitude to a problem – to citizen participation in our case. In addition, unlike commercial advertising, the information contained in social advertising is usually not new. On the contrary, the more the recipient of social advertising is aware of the topic of the social message, the more keenly he or she reacts to it, and thus the more effective the advertising campaign is.

Thus, the subject of social advertising is an idea that should have a certain social value. Therefore, such advertising can be targeted at both the broadest audience concerned with universal issues and a narrow category of the population, certain social groups. If we consider social advertising as a Web 2.0 tool (i.e. advertising through social networks), we will be talking about the latter case.

The demand for social advertising is constantly growing, which is explained by the following factors (Aronson, 2001): 1) the increasing complexity of the tasks being solved in the public sphere; 2) the lack of competition, since the state is mainly engaged in social problems (although the role of non-governmental organisations has been growing recently). Undoubtedly, these factors are also present in Ukraine, but government agencies do not attach due importance to them, not considering it necessary to fund social advertising campaigns. However, the experience of many countries proves that social advertising is an effective means of solving social problems. As noted above, such advertising changes people's attitudes to everyday reality, and then their behaviour changes.

It should be noted that, despite a significant number of illustrative examples, some experts believe that it is impossible to determine the effectiveness of social advertising. For example, E. Aronson notes that it is difficult to assess the effectiveness of social advertising because it does not have a specific measurable effect (Aronson, 2001). It is difficult to agree with this, especially considering that based on the accumulated practical experience, it is possible to clearly define the indicators of effective social advertising, according to which it is such if:

– it is a channel of practice-oriented communication between the society and representatives of the public interest, and makes people think;

– it is positive – not «against», but «for», including for the absence of something, for example, anti-drugs;

– it has a «human face» – the focus is not on the object but on the person;

– it is based on socially approved norms and actions, values and stereotypes;

– it does not provoke contradictions between different social groups; on the contrary, messages in social advertising unite and strengthen ties between them;

– it indicates conditions and ways for direct participation of citizens in positive social processes;

– it creates not an immediate and one-time action, but a sustainable and often prolonged socially significant behaviour.

Thus, effective social advertising, in addition to its direct purpose, can bring additional benefits, such as the transmission of positive values that contribute to the humanisation of society, and the involvement of citizens in participation (which is what we are interested in in this paper), which helps them to develop a position of «civic responsibility».

The positive effect of social advertising on the public consciousness should be sought primarily in psychological aspects. Social advertising is characterised by such criteria of psychological effectiveness as memorability, attractiveness, informativeness, motivation, and, especially, emotionality. It is emotionality, which determines the attitude to the object of advertised information (sympathy, antipathy, neutrality, contradiction), that should, in our opinion, be considered a key aspect in this type of advertising. Putting forward this thesis, we base it, firstly, on the fact that any advertising materials always evoke unconscious emotional images, i.e. an advertising product is not only information, it is also several emotionally intense minutes that a person personally experiences at the moment of its «consumption»; and, secondly, on the findings of psychologists that people have a very stable emotional memory (working on the principle of «pleasant – unpleasant», «liked – disliked»), and emotional memory has a much stronger impact on human behaviour than other types of memory.

Thus, a social advertising campaign should form such a chain: «problem – idea – advertising implementation of the idea – emotional impact on the consumer – emotional memorisation – change of value orientations – behaviour, actions». This raises an important question about which of the known emotions (love, joy, happiness, surprise, sadness, suffering, fear, anger, rage, disgust, contempt, guilt, etc.) should be evoked in the addressee. Here, first of all, it is necessary to determine the «polarity» of the emotion: it should be positive or negative, bearing in mind that positive emotions stimulate the addressee to achieve a goal, and negative emotions – to avoid objects that cause unpleasant states. After that, you can choose a specific emotion that will be incorporated directly into the advertising product. In our case, we can suggest relying on such a positive emotion as the joy of gaining increased opportunities to influence public life.

If emotionality is the first «pillar» of social advertising, then suggestion should be considered as the second «pillar», which can be seen as a process of influencing the consciousness of the addressees, whereby it changes without external coercion (Aronson, 2015). That is, the essence of suggestion is to influence a person's feelings, and through them, their mind and will. This subsequently leads to a change in the addressees' behavioural model in the desired direction. Suggestion is carried out using many well-known and well-described methods and techniques, and the effect of indoctrination is particularly strong when what is being indoctrinated generally meets the needs and interests of the addressees. And that is why the use of social networks, which people use voluntarily in accordance with their interests, is the best channel for promoting social advertising.

Naturally, when dealing with a group of recipients, it should be borne in mind that different people have different degrees of suggestibility, susceptibility to suggestion, and subjective readiness to experience the impact of suggestion and obey it. Nevertheless, experts have identified several situational factors of suggestibility that are, generally speaking, common to all (Aronson, 2015): certain mental states (relaxation or, conversely, strong emotional arousal, stress); low level of awareness and competence in relation to the information being suggested; high degree of importance of the information being suggested; uncertainty of the addressee's own position; lack of time.

Many of these factors are inherent in Ukrainian citizens who are currently living in conditions of uncertainty caused by the war, which aggravates stress; and when it comes to information coming from government agencies, it is undoubtedly significant, but at the same time, most citizens have a low level of awareness of it. Based on this, it can be concluded that Ukrainian citizens are quite suggestible in terms of the influence from government agencies, which, of course, should be used in social advertising campaigns. When developing an advertising concept, it is also necessary to take into account the dual task of social advertising: on the one hand, it informs the public (or certain target groups) about certain social problems, and on the other hand, it calls for their solution.

Conclusions. Thus, a social media advertising campaign should include two components: 1) a high-quality advertising product (or several products) that would evoke certain emotions and influence the target audience; 2) an educational component in the form of special information messages aimed at rational thinking of the recipients.

In addition, social advertising as a Web 2.0 tool requires choosing the best social media promotion channels. To form public opinion on the need to increase the level of citizen participation, we suggest using accounts of public authorities, as well as information bots that send information to citizens about the provision of various public and municipal services.

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THEORY AND CHRONOLOGY OF HISTORY

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NEW FINDINGS OF THE CHALCOLITHIC PERIOD IN NAKHCHIVAN

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Abstract. In 2010–2018, newly discovered archaeological monuments in Sirabçay and Gahabçay basins provided archaeological materials of great importance for the dating of the Chalcolithic period. During the research conducted around Sirab, it was established that some of the newly recorded monuments belong to the middle stage of the Chalcolithic period. Ubaid and Dalma Tepe type ceramics were discovered in Uçan Ağıl, Uzunoba and Bülovkaya settlements.It was established that the settlements of Azerbaijan located in the south of Aras mainly used Zengezur obsidian. The population of the settlements located inSirabçay and Gahabçay Valley also mainly used Zengezur obsidian. This is one of the facts confirming the connection between these monuments.

The new Chalcolithic monuments of Sirabçay and Gahabçay Valley also made it possible to determine the direction of relations with Mesopotamia and the Urmia Basin. At present, it can be said that one direction of relations with the Urmia basin was Nakhchivanchay and Sirabçay Valley through Kültepeof Julfa. On the other hand, based on the researches, it can be said that the Chalcolithic culture found in the archaeological monuments located in the Şerur region or in the Sirabçay and Gahabçay valleys developed in interaction with the countries of the Middle East.

Key words: ceramics, chalcolithic, archaeological monuments, settlements, obsidian.

Introduction. The influence of Ubaid culture has clearly manifested itself in a number of monuments of Azerbaijan and Nakhchivan. On the other hand, it cannot be said that the Chalcolithic culture of Azerbaijan, including Nakhchivan, was brought from southern cultural centers, including Mesopotamia.

During the archaeological investigations carried out in Nakhchivan in recent years, new monuments and many ceramic products have been discovered. Ceramics found in the Chalcolithic monuments of Nakhchivan can be divided into two groups. The first group includes ceramics made of clay tempered with straw and bakedin yellow or red. As mentioned above, this type of ceramics is distributed over a large area, starting from the middle reaches of the Aras River and ending with the Caspian Sea, including the Kura-Aras lowland and the Urmia Region. A group of monuments where this type of ceramics is widespread in Nakhchivan are in the Sirabçay Basin. Ceramic product with straw mixture is also known from the Neolithic layer of Kültepe I (Habibullayev, 1959, pp. 57–58). In shape, bake and color, they were identical to the ceramic product of the Chalcolithic era.

The ceramics of the Sirabçay Basin are somewhat different from the Chalcolithic ceramics of OvçularTepe in terms of technological features. Based on the research, it can already be said that a certain part of the archaeological monuments of Sirabçay and Gahabçay valleys, especially Uçan Ağıl and Uzunoba ceramics, belong to the stage before Ovçular Tepe

Main part. It should be noted that the ceramic products of the newly discovered monuments around Sirab are similar in technological and morphological features to Kültepe I. But the ceramic product differs in certain properties. Studies show that most of these monuments were seasonal, with little or no use of comb-shaped ornament in ceramic products. Some samples of the comb-

shaped ornament found in the Sirabçay Valley are similar to ceramic products of the early stage of the Chalcolithic period. This allows you to date a group of newly discovered monuments by the early and middle stage of the Chalcolithic period (Seyidov, 2010, p. 81). However, most of the monuments located in the Sirabçay Valley are typical for the end of the Chalcolithic period. The priority in the dating of ceramic products was given to the results of carbon analyzes. The analysis of coal samples taken from the Uçan Ağılshowed that it dates back to the first half of the fifth millennium BC.

Based on research, it can be said that the traditions in the production of straw-mixed ceramics, which began back in the Neolithic period, continued until the late Chalcolithic. Consistency in pottery production is also evident in stone and bone tools. Undoubtedly, in the late Chalcolithic, the range of ceramic products increased in comparison with previous periods, but traditionalism is clearly traced in the technology and color of the wares.

Painted ceramics belonging to the Chalcolithic period were found in Alikomektepe in the Muğan plain, Goy Tepe in the Urmiye basin, Yanık Tepe, Kültepe near Julfa (Stephan, 1984, p. 23) and other monuments.

The ceramic ware found in the Muğan plain is mainly with light yellow slip, but chestnut and cherry tones are also found. Some examples of painted ceramics found in Muğan and Mil plain are patterned with wavy lines, the top of which is turned down, and the angles drawn inside each other. The designs mainly extend downwards from the painted band around the rim of the bowls. This type of ornament motif is characteristic of Halaf and Ubaid culture. Alikomektepe is characterized by the patterning method with angles drawn into each other. But at the same time, there is also a grid-shaped and arch-shaped ornament. Painted ceramics embroidered on this motif are not found in northwestern Iraq and Iran. I.H.Narimanov compared the painted ceramics of Alikomektepe with Halafwares, especially the painted ceramics of the Tepe-Quran dating back to the VI millennium BC.

Thus, based on comparative studies, we can say that the ceramics of the Sirabçay valley, engraved on red slip, belonging to the early stage of the Chalcolithic period, continued the Late Neolithic traditions.

Studies show that painted ceramics of the Chalcolithic period were widespread in the territory of Azerbaijan. As is known, this type of ceramics was also characteristic of the Haji-Firuz settlement. The ceramic product found in Kültepe of Julfa is similar to the painted ceramics of Ubaid culture. According to J.Kroll, Azerbaijan is characterized by the inclusion of Ubaid traditions in the monuments of the Urmia Basin in the late Chalcolithic period, despite the presence of specific cultural traditions in the Neolithic and Chalcolithic periods (Stephan, 1990, p. 71). This type of ceramics was also found in Barujtepe.

One of the bowl-shaped vessels embroidered in Halaf-Ubaid style was discovered in Shortapa settlement located near Ibadulla village of Şerur region. This bowl is patterned with nested angles in brown. The patterns are separated by a wide strip drawn around the rim of the bowl. This type of patterning is typical for Halaf-Ubaid ceramics.

According to research, it can be said that a large part of the painted ceramics found in the Chalcolithic monuments of Nakhchivan was a product of local production. A lot of painted ceramic products were also found in Halaj settlement located in Şerur region. One group of Halaj painted ceramics is characteristic of the last phase of the Neolithic period, while others are characteristic of the Chalcolithic period. They can be divided into three groups. The ceramic product included in the first group was embroidered with red and black lines directly on the red pottery of the wares. All of them are made of clay tempered with straw and are unpolished. Some of them also contain large sand admixture. The waresembroidered in this way in the Sirabçay Valley are known from the Yeni Yol monument.

The ceramic product included in the second group is made of clay tempered with straw. Patterns are drawn on the polished surface of the wares. Some wares are embroidered with brown lines. Some ceramic product made of clay without admixture, painted red and polished well. Some are unpolished.

The wares included in the third group differ in their pattern. Soot or antimony was used in their patterning. These containers were made of clay tempered with straw and baked in yellow. This type of ceramics mainly dates back to the late Chalcolithic. The painted ceramic product of the late Chalcolithic period was also discovered inOvçular Tepe Some of them were embroidered with lines drawn directly on the pottery of the wares, while others were embroidered with lines drawn on the polished surface. Some of these dishes discovered from Khalaj and Ovçular Tepe were decorated with buta.

Examination of the painted ceramics found in Nakhchivan shows that at least two of their variants belong to local production. The red painted ceramic ware with slip was most likely made by local craftsmen, imitating imported goods. However, during the investigations carried out in Ovçular Tepe, a number of imported goods were also found. Undoubtedly, these facts confirm the development of cultural relations between the Ubaid tribes and the tribes living in Nakhchivan. Painted ceramics with red slip as well as wares found in Uçan Ağıl and Uzunoba settlements located in Sirabçay Basin were mainly slipped with red color and embroidered with black color. Analysis of the remains of coal taken from the settlements of Uçan Ağıland Uzunoba indicated that this type of ceramics appeared in the first half of the fifth millennium BC. The analysis of some coal samples taken from Ovçular Tepe also belonged to the middle of the fifth millennium BC.

Based on the research, it can be said that the influence of Halaf-Ubaidstyle ceramic products is also evident in Nakhchivan. Ubaid-type painted ceramics found in Çolpantepe in Eastern Anatolia (Marro, 2007, p. 80, plate I, 1) show that the influence of Ubaid culture spread far beyond the Urmia basin.

As mentioned above, the Chalcolithic monuments of the Sirabçay Valley are characterized by ceramics with an admixture of straw of red and yellow colors. In addition, along with red ceramics, yellow, brown and black ceramics are also found here. Nakhchivan's red slipped ceramic can be divided into two groups according to its technological features. Ceramics included in the first group were made of clay tempered with straw, but they were without a pattern. Ceramics belonging to the second group, unlike this, were patterned with black and sometimes brown color. Some examples of red slipped pottery were well polished but not embroidered.

Among the Chalcolithic ceramics of the Sirabçay valley, bowl-type wares with a hole on the edge of the rim are predominant. This type of bowls with holes in the edge of the rim was discovered from Neolithic monuments of Anatolia and the lower layers of Kültepe I. During the research conducted in the Sirabçay valley, it was possible to determine the characteristics of the technique of making holes in Neolithic and Chalcolithicwares. It has been known that in the Neolithic period, after the clay pots were baked, a hole was made in their body with a drill. These holes sometimes served to repair wares, although they were decorative. One of the jar type wares discovered by O.H.Habibullayev in Kültepe Iis remarkable from this point of view. The entire body of this warewas surrounded by circular holes. Undoubtedly, these types of holes were not decorative.

Studies show that the ceramics of Nakhchivan are similar to the ceramics of the Urmia Basin and eastern Anatolia. Close similarities of Nakhchivan ceramics are also known from Urmia Basin and eastern Anatolia. But ceramics with red slip are more similar to Azerbaijani monuments. Ceramics found in Ovçular Tepe are similar to those found in Norşuntepe. However, as is known, the ceramics of Norşuntepe are brown, while the ceramics of Nakhchivan monuments are red. This type of ceramics is common in Yank Tepe, Goy Tepe and other monuments of Azerbaijan. Red-colored ceramics are a common distinctive feature of the southern regions of Azerbaijan and Nakhchivan. Ceramics with red slip are also widespread in the eastern regions of the Urmia Basin. According to I.H.Narimanov, red ceramics were the product of local production.

Studies show that since the Neolithic period, ceramics with a mixture of straw were produced in Nakhchivan. This is confirmed by research conducted in Kültepe I. It should be noted that mainly red and yellow ceramics were common in Nakhchivan. However, gray, brown and black ceramics have also been found.

Red-colored ceramics tempered with straw were produced in Nakhchivan until the late Chalcolithic period. However, in the late Chalcolithic, the range of ceramic products increased significantly.

As is known, ceramic products embroidered with a comb-shaped tool were widely spread in Azerbaijani monuments, including Nakhchivan in the late Chalcolithic period. However, there are very few comb-like ornaments in the ceramics of Sirab monuments. The study of ceramic products of Sirabçay Valley monuments shows that the comb-shaped ornament appeared at an early stage of the Chalcolithic period. This type of ornament from the beginning of the Chalcolithic period is distinguished by its neater and finer patterns. It is possible to see that the comb-like ornament became untidy in the late Chalcolithic period in the example of Ovçular Tepe.

Conclusions. The discovery of seasonal settlements near Sirab indicates the development of semi-nomadic cattle breeding in the middle and late stages of the Chalcolithic period. The ceramic product found in these monuments does not differ from the ceramics of Kültepe I in terms of technological and morphological features. This allows you to determine the sequence in the manufacture of a ceramic product. Studies show that the painted ceramics of Kültepe I appeared under the influence of Southern cultures, especially Halaf culture. The occurrence of painted vessels in the Chalcolithic monuments of Azerbaijan has been associated by researchers with Mesopotamian cultures. Some researchers linked this event with the migration of a certain group of population from Mesopotamia to the north, including to Azerbaijan. It is possible that painted ceramics were brought from the South by the migration of a certain population group. However, this does not mean that the ancient agricultural cultures of Azerbaijan were brought from other regions. First of all, it should be noted that local traditions have existed here since the Neolithic era. The discovery of painted ceramics from the Neolithic layer of Kültepe I confirms this. On the other hand, this area was inhabited starting from the Paleolithic period. In Nakhchivan, as in Eastern Anatolian monuments, the production of painted wares was not widespread and differed in texture. It can be said that relations with Northern Mesopotamia and the influence of these cultures on the North became possible as a result of economic and cultural ties. However, the study of the faunal remains found in Ovçular Tepe suggests that migration processes also exist. In our opinion, these migrations were related to economic and cultural relations.

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TOPICAL SCIENTIFIC ISSUES

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MYTHS OF ACADEMIC (MIS)CONDUCT AND INTEGRITY

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This article critically examines common myths surrounding academic integrity, addressing oversimplified narratives that limit understanding of its complexity. By drawing upon recent research and evidence-based practices, the article aims to provide a nuanced perspective on the realities of academic misconduct, explore the multifaceted nature of ethical challenges in academia, and highlight the shared responsibilities of stakeholders in promoting a culture of integrity. The analysis debunks myths such as the assumption that plagiarism is the sole form of misconduct, that technology primarily facilitates cheating, and that academic integrity violations are limited to students. Instead, it underscores the breadth of academic misconduct, the dual role of technology as both a challenge and a tool for fostering integrity, and the pivotal influence of faculty and institutional practices on student behavior. The discussion also emphasizes the importance of inclusive academic integrity policies, which account for cultural and systemic factors, and the need for proactive approaches such as education, clear communication, and ongoing stakeholder collaboration to address misconduct effectively. This study highlights the dynamic nature of academic integrity, which is evolving with technological advancements and diverse educational practices. It identifies gaps in current approaches, such as inconsistent faculty engagement and inadequate attention to systemic inequities, and proposes future research directions. These include exploring the intersection of academic integrity with equity and inclusion, evaluating the long-term efficacy of interventions, and addressing emerging challenges such as the ethical use of generative AI. By fostering informed and evidence-based dialogue, the article aims to contribute to developing strategies that uphold ethical standards and support the academic community in adapting to an ever-changing educational landscape.

Key words: Academic integrity, academia, myths, reality.

Introduction. Academic integrity is a cornerstone of higher education, fostering a culture of honesty, trust, and ethical scholarship. However, misconceptions about academic misconduct abound, often hindering effective prevention and intervention efforts. This article critically examines common myths surrounding academic integrity, drawing upon existing research and best practices. By debunking these myths and highlighting the realities of academic misconduct, we aim to foster a more nuanced understanding of this complex issue and inform the development of more effective strategies for promoting ethical behavior within the academic community.

The prevailing discourse on academic integrity is often dominated by narratives that oversimplify the issue. For example, the myth that plagiarism is the sole form of academic misconduct neglects the diverse ethical challenges faced by students, faculty, and researchers today. Similarly, the assumption that technology primarily facilitates cheating overlooks the potential of technology to enhance academic integrity through tools like plagiarism detection software and online resources.

This article will explore a range of common myths, including misconceptions about the prevalence and nature of academic misconduct, the role of technology, the effectiveness of different interventions, and the responsibilities of various stakeholders. By critically examining these myths and presenting evidence-based realities, we aim to contribute to a more informed and nuanced understanding of academic integrity and inform the development of more effective strategies for promoting ethical conduct within higher education.

Analysis of recent research and publications. Academic integrity is a critical component of higher education, encompassing the ethical standards and principles that govern academic conduct. Despite its importance, numerous myths surround the concept, leading to misunderstandings and misapplications of integrity policies (Gueirrisi, 2020; Macfarlane, 2020).

Academic integrity is a commitment to honesty, trust, fairness, respect, and responsibility in scholarly work (Marais, 2022). It serves as the foundation for trust and credibility within academic communities, influencing educational outcomes and professional conduct in the workforce (Manullang et al., 2022). However, the perception of academic integrity often leans towards a negative portrayal, emphasizing violations such as plagiarism and cheating rather than fostering a positive understanding of ethical scholarship (Dodonova et al., 2024).

One prevalent myth is that academic dishonesty is a modern phenomenon exacerbated by technological advancements. However, research indicates that cheating and dishonesty have existed throughout history, albeit in different forms (Stoesz, 2022). The rise of online education has indeed introduced new challenges, but it has also provided opportunities for innovative assessment methods that can enhance academic integrity (Jha et al., 2021). Another common misconception is that academic integrity issues primarily concern students. In reality, faculty and institutional practices significantly influence the academic integrity landscape. Studies show that many professors do not systematically teach about academic integrity, often leaving students without adequate guidance on ethical academic practices (Peters et al., 2019; Ransome & Newton, 2017). This lack of instruction can confuse students regarding what constitutes academic misconduct (Löfström et al., 2014).

Effective academic integrity policies are essential for promoting ethical behavior in educational settings. However, students poorly understand many policies, leading to unintentional violations (Stoesz, 2022). Research suggests that policies should emphasize the values of academic integrity and provide clear guidance on the consequences of misconduct, avoiding a punitive approach that fosters a climate of fear (Stoesz, 2022; Bretag et al., 2011). Moreover, the teaching of academic integrity is often inconsistent. Faculty members may feel unqualified to teach these principles or may not see it as their responsibility (Miron et al., 2021). This inconsistency can result in a fragmented understanding of academic integrity among students, who may be aware of extreme examples of dishonesty but lack the skills to navigate more nuanced situations (Simón et al., 2014).

Cultural differences also play a significant role in perceptions of academic integrity. For instance, Indigenous perspectives on academic integrity challenge Western-centric notions, emphasizing relationality and community over individualistic approaches to knowledge (Lindstrom, 2022; Pratt & Gladue, 2022). This observation highlights the need for a more inclusive definition of academic integrity that recognizes diverse epistemologies and practices. Furthermore, issues of equity, diversity, and inclusion are increasingly relevant in discussions about academic integrity. Research indicates that certain student groups, including international students and students of color, may face disproportionate scrutiny regarding academic misconduct (Eaton, 2022). Addressing these disparities is crucial for creating a fair and just academic environment.

The myths surrounding academic integrity often obscure the complex realities students and institutions face. By addressing these misconceptions and emphasizing the shared responsibility of students and faculty, educational institutions can foster a culture of integrity that benefits all stakeholders. Ongoing education, clear and transparent policies, and an inclusive approach to academic integrity are essential for promoting ethical scholarship in higher education.

The aim of the article. This article aims to create a list of myths about academic integrity and their debunking.

Results and discussion. In this section, myths about academic integrity are divided into three groups.

General issues.

Myth: academic integrity violations and academic misconduct are only about plagiarism.

Reality: academic misconduct encompasses a wide range of behaviors, including fabrication of data, falsification of research, unauthorized collaboration, self-plagiarism, improper use of intellectual property, etc.

Myth: academic integrity is only about preventing cheating.

Reality: a broader perspective emphasizes fostering a culture of ethical scholarship, promoting honest and responsible research practices, and supporting students in developing their intellectual potential.

Myth: plagiarism is the only serious form of academic misconduct.

Reality: data fabrication, research falsification, and unauthorized collaboration are equally serious forms of academic misconduct with significant consequences.

Myth: self-plagiarism is not a serious issue.

Reality: reusing your work without proper citation is a form of plagiarism and can have academic consequences.

Myth: changing a few words in a copied text is not plagiarism.

Reality: paraphrasing without proper attribution is still plagiarism.

Myth: citing sources in a bibliography is enough to avoid plagiarism.

Reality: proper in-text citation and quotation practices are required to give credit where it's due.

Myth: citations are only needed for direct quotes.

Reality: all borrowed ideas, paraphrased content, and data require proper attribution.

Myth: lack of scientific novelty, practical significance, and low quality of written work is a violation of academic integrity

Reality: if the work is completed without violating academic integrity, then its quality, the presence or absence of scientific novelty, and practical significance are determined by the expert community.

Myth: punishment is the most effective way to address academic misconduct.

Reality: a more effective approach focuses on prevention through education, awareness campaigns, and creating a supportive learning environment.

Myth: academic integrity only applies to written work.

Reality: academic integrity applies to all forms of scholarly work, including presentations, performances, and research data.

Myth: technologies make it easier to cheat.

Reality: technologies can present challenges, but they also offer tools and strategies for detecting and preventing academic misconduct, such as content uniqueness-checking software, online proctoring systems, and digital watermarking.

Myth: using GenAI tools always constitutes cheating.

Reality: using these tools is permissible when aligned with institutional guidelines and when they do not involve deception or dishonesty.

Myth: using similarity or uniqueness-checking software (often called "anti-plagiarism" programs or plagiarism checkers) guarantees that plagiarism will be detected.

Reality: while similarity-checking software is useful for identifying potential plagiarism, it does not catch instances of dishonesty. Only experts must still apply their judgment when interpreting similarity reports.

Myth: academic integrity is only relevant in formal academic settings.

Reality: the principles of academic integrity extend beyond the classroom and are essential for personal and professional success in all areas of life.

Myth: academic integrity is only relevant during assessments.

Reality: academic integrity extends beyond exams and assignments; it encompasses all aspects of academic life, including research practices, collaboration, and professional conduct.

Myth: all forms of assessment are equally prone to cheating.

Reality: certain assessment types may be more susceptible to dishonesty than others.

Myth: academic integrity violations are easily detectable.

Reality: many violations go unnoticed due to the subtlety of some forms of cheating, such as collaboration on assignments, the use of unauthorized resources, fabrication, or falsification.

Myth: addressing academic dishonesty is a one-time effort.

Reality: maintaining a culture of academic integrity requires ongoing effort, including regular reviews and updates of policies, continuing education and training, and continuous evaluation of the effectiveness of academic integrity initiatives.

Myth: academic integrity is only relevant to traditional academic disciplines and F2F learning

Reality: the principles of academic integrity apply to all fields of study and professional programs, online learning, and distance education.

Myth: online learning promotes academic dishonesty.

Reality: while online environments can present unique challenges, they also offer opportunities for innovative assessment methods to enhance integrity. The effectiveness of online learning in maintaining academic integrity depends on the design of the courses and assessments.

Myth: academic integrity is a static concept that does not evolve.

Reality: academic integrity is a dynamic concept that evolves with changes in technology and educational practices.

Myth: academic integrity is less important in specific fields.

Reality: academic integrity is crucial across all academic disciplines.

Myth: academic integrity isn't essential for fields outside of academics.

Reality: academic integrity is foundational to professional success and ethical behavior in any field.

Myth: the consequences of academic dishonesty are minor.

Reality: academic dishonesty can have severe repercussions, including expulsion, loss of reputation, and long-term impacts on career opportunities.

Myth: minor violations don't matter.
Reality: even minor infractions can impact learning outcomes and institutional culture.

Myth: academic integrity is a personal choice that does not affect others.
Reality: violations of academic integrity can undermine the value of degrees and the reputation of institutions, affecting all stakeholders.

Myth: reporting someone else's dishonesty is betraying them.
Reality: reporting dishonesty helps maintain a fair academic environment and upholds the value of academic achievements.

Policy.

Myth: addressing academic integrity is the university's sole responsibility.
Reality: collaboration with external stakeholders, such as parents and community members, is crucial for creating a broader societal understanding of the importance of academic integrity.

Myth: academic integrity policies are just formalities.
Reality: effective academic integrity policies are essential for fostering a culture of honesty and accountability. They provide clear guidelines for acceptable behavior and outline the consequences of violations.

Myth: academic integrity policies are universal.
Reality: academic integrity policies and practices vary by institution, culture, and area of knowledge.

Myth: academic integrity policies are primarily intended to punish violators.
Reality: the primary goal of academic integrity policies is to promote ethical behavior, provide guidance, and create a supportive academic environment.

Myth: zero-tolerance policies are most effective.
Reality: educational approaches and prevention strategies often work better than punitive measures.

Myth: no further action is needed once an institution has an academic integrity policy.
Reality: policies must be actively enforced and regularly reviewed to ensure they remain effective and relevant to current challenges in academia.

Myth: academic integrity policies should be overly complex and restrictive.
Reality: clear and concise policies that are easy to understand and apply are more effective than overly complex ones.

Myth: academic integrity policies stifle creativity.
Reality: clear guidelines promote original thinking and innovation.

Myth: Honor Codes eliminate academic dishonesty.
Reality: Honor Codes can promote a culture of integrity but are not foolproof. Their effectiveness depends on the commitment of all stakeholders in academia to uphold the principles outlined in the Honor Codes.

Stakeholders in academia.

Myth: all stakeholders in academia are aware of and understand the consequences of academic misconduct.

Reality: many stakeholders in academia may not fully understand the severity of the consequences of academic misconduct, such as disciplinary action, academic probation, or even expulsion.

Myth: all students are inherently dishonest.

Reality: many students adhere to academic integrity principles and implement academic integrity practices, and the perception of widespread dishonesty can undermine genuine efforts to promote ethical behavior. Also, students who engage in academic misconduct may face personal challenges, academic pressures, or lack a clear understanding of ethical expectations.

Myth: academic integrity principles only apply to students and are solely the responsibility of students.

Reality: academic integrity principles apply to everyone involved in the academic process and require a collective effort from all stakeholders, including students, faculty, staff, researchers, administrators, and the institution. Institutions are responsible for clearly communicating and explaining academic integrity policies to students.

Myth: faculty are uniformly strict about academic integrity.

Reality: faculty attitudes toward academic integrity can vary widely. Some may adopt a more lenient approach, while others may impose harsh penalties, leading to inconsistencies in enforcement that can confuse students.

Myth: once caught, stakeholders in academia always repeat violations.

Reality: many stakeholders in academia learn from their mistakes when given proper support and education.

Myth: group work eliminates integrity concerns.

Reality: collaborative work still requires clear guidelines and individual accountability.

Myth: if I don't get caught, it's not cheating.

Reality: cheating is defined by the act itself, not by the likelihood of being caught. Engaging in dishonest practices undermines the educational process and can have serious consequences if discovered.

Myth: cheating is more common among international students.

Reality: stereotypes about international students being more prone to cheating are unfounded. Academic integrity issues affect all student demographics, and many international students are committed to upholding ethical standards.

Myth: sharing answers with a classmate isn't cheating if they're struggling.

Reality: sharing answers is a form of cheating and undermines the learning process for both students.

Conclusions and prospects for further research. The analysis reveals a significant gap between the perceived realities and the complexities surrounding academic integrity. Many prevalent myths perpetuate misconceptions about the nature and scope of academic misconduct, leading to ineffective responses and potentially exacerbating the issue. The myth that academic integrity solely concerns students, for instance, overlooks the crucial role of faculty, staff, and the institution in fostering

an ethical environment. Similarly, the assumption that plagiarism is the only form of academic misconduct can close our eyes to other serious violations like data fabrication and research falsification.

Furthermore, the analysis highlights the need for a nuanced understanding of the factors contributing to academic misconduct. While some may attribute it solely to individual dishonesty, research suggests that various factors, including pressure to succeed, lack of understanding of ethical guidelines, and personal challenges, can influence student behavior. Recognizing these complexities is crucial for developing effective interventions that address the root causes of academic misconduct.

The role of technology in academic integrity is another critical aspect. While technology can facilitate cheating, it also offers valuable tools for promoting and maintaining academic integrity. Plagiarism detection software, online proctoring systems, and digital learning platforms can be leveraged to support ethical practices and enhance the learning experience. However, using these technologies responsibly and ethically is crucial, ensuring that they do not inadvertently create barriers to learning or exacerbate existing inequalities.

The findings of this analysis open several directions for further research. Future studies should explore the intersection of academic integrity with equity, diversity, and inclusion issues, focusing on how systemic barriers influence perceptions and practices of ethical behavior. Additionally, longitudinal research is needed to evaluate the long-term effectiveness of educational interventions, policy implementations, and technological tools in promoting academic integrity. Investigating the role of faculty training and institutional support in fostering consistent teaching of ethical principles would also provide valuable insights.

Moreover, as academic integrity is a dynamic concept that evolves alongside technological and pedagogical advancements, ongoing research must address emerging challenges, such as the ethical use of generative artificial intelligence tools in academic contexts. Examining how institutions can strike a balance between leveraging technology and maintaining the authenticity of the learning experience will be critical in shaping the future of academic integrity.

In conclusion, fostering a culture of academic integrity requires a multifaceted and collaborative approach that recognizes the diverse challenges faced by academic communities. By addressing prevailing myths, acknowledging systemic inequities, and leveraging evidence-based strategies, institutions can create environments that prevent misconduct and promote ethical behavior as a cornerstone of academic and professional success. Continued research and dialogue on this subject are essential for ensuring the relevance and effectiveness of academic integrity practices in an ever-changing educational landscape.

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